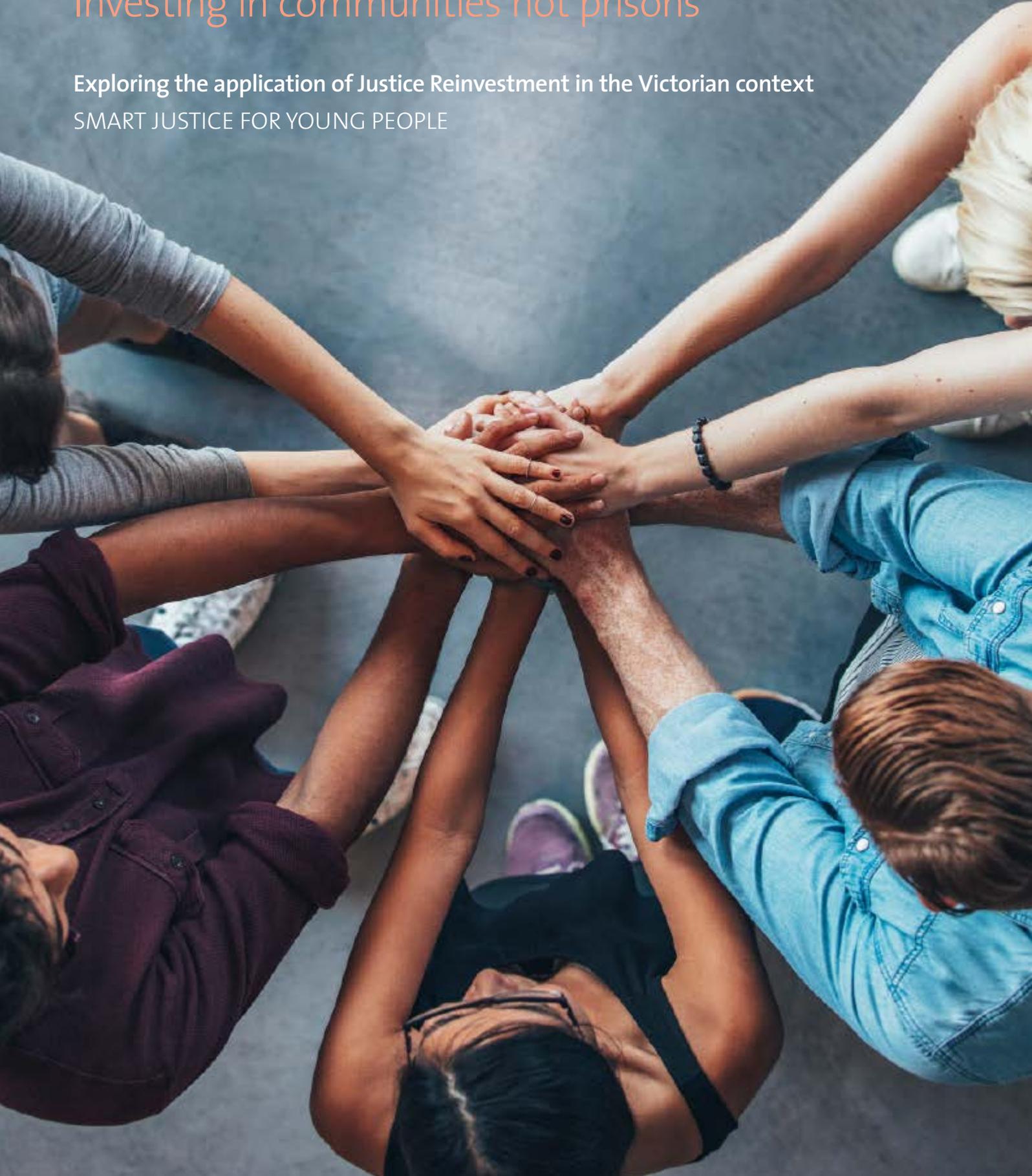




# Investing in communities not prisons

Exploring the application of Justice Reinvestment in the Victorian context  
SMART JUSTICE FOR YOUNG PEOPLE



# Acknowledgements & thanks



**YOUTHLAW**  
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# Introduction

## BUILDING THE CASE FOR YOUTH JUSTICE REINVESTMENT IN VICTORIA

The Victorian youth justice advocacy coalition, Smart Justice for Young People (SJ4YP),<sup>1</sup> is leading the *Building the Case for Youth Justice Reinvestment in Victoria* project which is investigating the potential of justice reinvestment as an alternate approach to justice and crime prevention in Victoria.

SJ4YP is the youth specific arm of Smart Justice, led by the Federation of Community Legal Centres. SJ4YP brings together more than 40 legal, youth, health, welfare and community organisations. SJ4YP promotes evidence-based youth justice approaches, informed by experiences of young people, which will benefit young people and the community.

The project is funded until June 2018 through Youthlaw and the grants program of the Victorian Legal Services Board and Commissioner. This project is focused on working with government and community to develop a shared understanding of justice reinvestment, a way forward to realise the longer-term ambition of a justice reinvestment approach, and to build community and government readiness for justice reinvestment approaches in Victoria.

Developed initially in the United States, justice reinvestment seeks to transform approaches to the criminal justice system by redirecting funding away from prisons and youth detention and towards community-based initiatives that address the root causes of crime.

The project aims to:

- Raise awareness of the need to intervene early to prevent crime rather than invest at the crisis end of the system through prisons and juvenile detention.
- Foster understanding within communities about how and why to work within a justice reinvestment framework.
- Work with state and local government to shift to policies and long-term funding of programs that adopt a justice reinvestment approach for young people.

The project is exploring the suitability of adopting a justice reinvestment framework to reduce the rate of contact young people have with the justice system in Victoria.

As the following chapters show, it comes at a time of significant challenge in the youth justice system in Victoria, due to changes in offending behaviour and system failures.

### *Investing in communities not prisons: report*

The project has developed information and resources housed at the Justice Reinvestment Clearing House. The Clearing House is a starting point for communities, individuals and organisations wanting to know more about justice reinvestment and to help them explore what, why and how to do justice reinvestment.

This report – *Investing in communities not prisons: Exploring the application of Justice Reinvestment in the Victorian context* – represents the next phase of this project.

It aims to strengthen understanding of a justice reinvestment approach and discuss what its application could be for Victoria. It also seeks to inform government and communities on local application potential through information and analysis of justice reinvestment initiatives and principles in operation internationally and elsewhere in Australia.

While Victoria does not have a justice reinvestment program or pilot, it has significant policy development, investment and work underway that have features of a justice reinvestment approach. Many of these community initiatives (including child protection programs, enhanced child health care, development services and programs to keep at risk young people engaged in school) do not necessarily have justice reform as a stated focus or outcome. They are, however, making a difference in addressing underlying causes of crime and will inevitably contribute to a reduction in the number of young people coming into contact with the criminal justice system and to making communities stronger and safer.

This report investigates and reports on many of those initiatives and also on recent policy and directions that put evidence-based efforts at risk. The final chapter makes findings and recommendations aimed at shifting policy and outcomes in Victoria through a take-up of justice reinvestment.

<sup>1</sup> See Smart Justice for Young People, Welcome to Smart Justice for Young People <[http://www.smartjustice.org.au/cb\\_pages/index\\_sj4yp.php](http://www.smartjustice.org.au/cb_pages/index_sj4yp.php)>.

# Executive summary

Over several decades Victoria has taken a rehabilitative response to youth crime which has been widely acclaimed by other Australian jurisdictions for preventing offending and diverting children and young people away from the youth justice system.

As a result, rates of youth offending in Victoria have been decreasing since 2010, as have numbers of young people in detention. Victoria also has the lowest rate of children and young people under justice supervision in Australia. While young Aboriginal and Torres Strait Islander people are significantly over-represented in the system in Victoria, they are nowhere near national rates.

However, the state's youth justice system has been under strain in recent years and is currently seen by some sections of politics and the media as in 'crisis' and in need of 'tough on crime' policies that seek to abandon what the evidence tells us are strengths in the system.

In fact, evidence and experience examined for this project tells us that much of the strain in the system is due to a lack of investment, lack of coherent vision and operating model, poor infrastructure, staff shortages, limited skills to deal with complex and changing offending behaviour and a failure to address underlying social factors.

This report looks to propose solutions to those issues that strengthen our youth justice system, community safety and the prospects for young people caught up in offending. It explores the concept and experiences of justice reinvestment in Australia and internationally, including many jurisdictions that faced similar issues and challenges with youth justice as Victoria now is, but looked to different responses.

Justice reinvestment is a transformative approach to the criminal justice system that redirects money away from incarcerating people in prisons and youth detention and towards community-based initiatives aimed at addressing the root causes of crime.

Key to this approach is tackling disadvantage and the causes of offending at a local level, stopping crime and reducing reoffending and, over time, reducing expenditure on courts and prisons so it can be redirected to disadvantaged communities.

This is vital for Victoria, where children and young people involved in youth justice most often come from communities experiencing entrenched intergenerational disadvantage. Important local research has found that young people from the lowest socioeconomic areas in Victoria are six times more likely to be under supervision than those from the highest. One quarter of those on remand come from just 2.6 per cent of Victoria's postcodes. The Victorian Ombudsman confirmed in a 2015 report that this disadvantage follows into the adult prison system.

Justice reinvestment originated in the United States, in states like Texas, Kansas and North Carolina which realised they could no longer afford, financially and socially, to continue with 'lock 'em up' responses to youth crime. It delivered significant improvements and has spread, in varying modes, to the United Kingdom, New Zealand and Australia.

While interest in and support for justice reinvestment in Australia ranges from a Senate inquiry to innovative projects underway in New South Wales (in Cowra and Bourke), Victoria has yet to pilot a justice investment approach.

It is fair to say that many existing Victorian programs feature justice reinvestment style features, and there is support for and commitment to the various principles underpinning justice reinvestment within the Victorian Government.

However there is less understanding of how justice approaches should interact with other social policy and programs. As a result, investment that could head off the challenges that Victoria is facing is programmatic rather than systematic and not linked up.

This report looks at the experiences of justice reinvestment internationally and in Australia, as well as Victorian case studies that model justice reinvestment principles. The findings and recommendations below are drawn from stakeholder interviews and case study interviews conducted throughout the project from October 2015 to November 2016.

We heard consistently that communities need substantial time to bring around such change and reform. Projects need to be looked at as long term investments – that is, 10-20 year cycles rather than within an election cycle or as one-offs.

Former Maryborough Shire Council CEO Mark Johnson captured that imperative, describing Go Goldfields, one of the more enduring projects we investigated, as *"a 15 year overnight success story"*.

Another important insight is that regional communities have a dynamic way of working in partnership on these issues that urban communities can readily learn from.

This report makes six overarching recommendations to the Victorian Government to commit to and invest in justice reinvestment as an approach to improve Victoria's youth justice outcomes.

These recommendations should be read in complement with some of the key findings from a number of other significant Victorian reports that have recently investigated the state's youth justice system, including the *Youth Justice Review and Strategy: Meeting needs and reducing offending*, conducted by former Corrections Commissioner Penny Armytage and Professor James Ogloff – the first comprehensive independent review of Victoria's youth justice system in over 16 years.

The overwhelming evidence from these report are telling Victoria not to adopt a punitive approach to youth justice, but to acknowledge the deep problems with the system itself and the complex issues the lead to offending and reoffending by young people.

This report specifically calls on the Victorian Government to develop a whole-of-government, whole-of-community, coordinated long-term youth crime prevention strategy. The strategy would:

- link up reform and investment underway across justice, crime prevention, family support, child protection, health, education and community development portfolios
- promote government working with community in an integrated, long-term and coordinated way
- involve all layers of government, business and community sectors, reflecting shared responsibility and joint commitment to resolve entrenched social problems
- articulate where youth justice and crime prevention fits in terms of addressing the web of disadvantage and how it links to other reforms and investment in areas including education, child protection and health.

It calls also on Victoria to work with the Commonwealth Government to invest in a justice reinvestment pilot as per recommendations of the Senate's Legal and Constitutional Affairs References Committee. It outlines the need for any such programs to support communities with the resources, authority and skills needed to address underlying issues and apply innovative approaches to funding, and it emphasises the crucial need for access to relevant, targeted data, which too often remains hidden or unscrutinised in government departments.

And, while emphasising the need for long-term approaches, the report offers four shorter-term 'circuit breakers' to help build the momentum of a justice reinvestment pilot:

- Invest in programs that increase school attendance and learning outcomes to prevent first time offending.
- Take immediate steps to improve access to bail in the community for young people to significantly cut numbers on remand in youth detention.
- Tackle serious, violent, high volume offending by a small number of young people through intensive, targeted, assertive outreach and case management by specialist staff, including a focus on family work, re-engagement with education and employment, and addressing alcohol and other drug use and mental illness.
- Wrap support around young people when they exit from youth detention or prison to address core issues behind offending and recidivism, for example to get their children into childcare, link to local sports clubs, address health and wellbeing issues.

## SUMMARY OF RECOMMENDATIONS

1. The Victorian Government develops a 10 year, whole-of-system, whole-of-community crime prevention plan that adopts a justice reinvestment approach.

That the strategic plan:

- a) includes a framework that articulates its vision, focus and priorities in relation to youth justice reforms and investment (up to 25 year olds).
- b) takes a justice reinvestment approach which articulates where youth justice and crime prevention fit in terms of addressing the web of disadvantage and how they link to other reforms and investment in areas including education, family support, child protection and health.
- c) develops a coordinated, long-term (10 year) strategy across government that builds on work already being done, and articulates how departments will work together to implement the strategy.
  - i) promotes government working with community in an integrated, long-term and coordinated way
  - ii) involves all layers of government, business and community sectors, reflecting shared responsibility and joint commitment to resolve entrenched social problems.

2. The Victorian Government sets up a justice reinvestment fund and commit to flexible and longer-term investment models and strategies to tackle the causes of crime.

That the program:

- a) prioritises investment in place-based, community-led early intervention solutions that prevent offending behaviour and promote community safety
- b) acknowledges and invests in developing the skills required for challenging change facilitation work
- c) understands and accepts that a justice reinvestment approach requires upfront investment with savings realised in the longer term
- d) makes available broad funding sources for communities to access, including corporate and philanthropic sources where appropriate.

3. The Victorian Government establish Victorian place-based justice reinvestment pilots (as recommended by the Victorian Ombudsman and the Senate Legal and Constitutional Affairs References Committee).

That the pilots:

- a) identify those communities that are most appropriate for a pilot – via analysis of data about disadvantage, rates of youth offending and recidivism, and levels of community readiness
- b) identify the key local drivers of crime and develops local options that address these
- c) consider priority areas for justice reinvestment projects, being:
  - ï local initiatives to prevent first time offending such as programs that increase school attendance/learning outcomes
  - ï measures to keep young people in their community on bail
  - ï local and place-based investment to tackle serious, violent, high volume offending
  - ï local youth specific support to help young people successfully transition from custody back into community life and therefore reduce recidivism.
4. The Victorian Government supports Victorian communities with the resources and authority needed to ready themselves for a justice reinvestment approach, including program funding that factors in community engagement and relationship development work.

That such support:

- a) factors in 12-18 months lead-in work in grants to prepare the community for project delivery, and include community engagement and relationship development deliverables in funding agreements
- b) develops a youth centred engagement model which engages young people who have direct experience with the youth justice system (and/or experiencing disadvantage) to help inform projects.
5. The Victorian Government improves community access and technical support to utilise data (to assist with planning and monitoring of place based approaches), address data gaps and develop a centralised data strategy and statewide data sharing platform.
6. The Victorian Government develops a tool of measurement and conduct longitudinal evaluation (10-15 years) to measure how justice reinvestment approaches are working.



## The Victorian youth justice context

Victoria is widely recognised as a leader in youth justice, with consistently low levels of youth crime and young people on sentence compared to other Australian jurisdictions.

Aspects of its youth justice system have served Victoria well in terms of preventing offending and in diverting children away from the youth justice system.

However, the state's youth justice system has been under strain in recent years due to a lack of investment, lack of coherent vision and operating model, poor infrastructure, staff shortages and limited planning and programs to deal with complex and changing offending behaviour.

As a result, the system faces considerable challenges including a small group of children and young people involved in serious and violent offending, high numbers of children held in detention unsentenced on remand, and capacity and expertise to run its youth justice facilities safely and effectively.

In response to these challenges and concerns there is increasing 'tough on crime' rhetoric and inflated community concerns that are driving the state towards more punitive options. These are putting at risk the largely rehabilitative response and significant strengths in the Victorian youth justice system.

### *Trends in youth offending, sentencing and detention*

Most youth offending is episodic and transitory with the majority of young people 'growing out' of offending behaviour as they mature. Rates of offending often peak in late adolescence and decline in early adulthood years

Since 2010, rates of youth offending in Victoria have mostly been decreasing, as have numbers of young people in detention. Victoria also has the lowest rate of children under justice supervision in Australia.<sup>2</sup>

<sup>2</sup> Paul Sutherland and Melanie Millsteed, Downward trend in the number of young offenders, 2006 to 2015, Crime Statistics Agency, Victoria, Number 1, March 2016 <[https://www.crimestatistics.vic.gov.au/sites/default/files/embridge\\_cache/emshare/original/public/2016/05/b7/c7dfd6ae9/201603010\\_final\\_in\\_facts.pdf](https://www.crimestatistics.vic.gov.au/sites/default/files/embridge_cache/emshare/original/public/2016/05/b7/c7dfd6ae9/201603010_final_in_facts.pdf)>.

### The trends show that:

- The proportion of incidents committed by alleged offenders under the age of 25 has fallen from 52 per cent of all incidents recorded in 2007-2008 to 40 per cent by 2015-2016. The decline was most notable for 10-14 and 15-19 year olds, dropping from 13 per cent to 6 per cent and from 24 per cent to 16 per cent respectively.<sup>3</sup>
- In 2015-2016 Victoria experienced a four per cent drop in the number of offenders under 25, led by a five per cent drop in the number of 15-19 year old offenders,<sup>4</sup> despite an overall 12 per cent rise in offences in Victoria in the year ending September 2016.<sup>5</sup>
- The number of cases of Victorian young people being sentenced in the Children's Court fell by 43 per cent from 2010 to 2015 (inclusive)<sup>6</sup> with only 3 per cent of those receiving a sentence of detention.<sup>7</sup>
- In 2015-2016, Victoria continued to have the lowest rate of young people aged 10-17 under supervision on an average day compared to all other states and territories; Victoria's rates of young people under community-based supervision and in detention were also the lowest.<sup>8</sup>

### Serious and repeat offending

Over recent years the Victorian community has expressed concern about young offenders, especially those who commit violent or serious crimes such as assault, motor vehicle theft, robbery or burglary.

There is undeniably a cohort of serious and repeat youth offenders who are currently presenting significant challenges to police, government, and youth detention facility management.

Victoria Police estimates a small cohort of somewhere between 350 and 500 young offenders are involved in serious crimes such as violent assault, motor vehicle theft, home robberies or burglaries, with many networked via social media and escalating into serious offending as their first offences.

Contrary to much public opinion, the Victorian Government's independent Crime Statistics Agency reports that the number of first-time young offenders recorded for very serious offences has remained stable over the past five years. It reported this year that there is no evidence of recent increases in the number of assaults, sexual assaults, burglaries, aggravated robberies or motor vehicle thefts recorded for first-time young offenders in Victoria.<sup>9</sup>

A 2016 report by the Sentencing Advisory Council examines prior offending and reoffending by the 5,385 young people sentenced in the Children's Court in 2008-09. The 5,385 young offenders were sentenced for 97,482 charges over the 11-year study period (from 1 July 2004 to 30 June 2015).<sup>10</sup>

The younger a child was at their first sentence, the more likely they were to reoffend (with any offence), to reoffend violently, to continue offending into the adult criminal jurisdiction, and to be imprisoned in an adult prison before their 22nd birthday.

The six-year reoffending rate of offenders who were first sentenced at 10-12 years old (86 per cent) was nearly three times that of those who were first sentenced at 19-20 years old (33 per cent). And we know for young people under 25 years tracking into the adult prison system that their overall re-offending rate (53%) of is significantly higher than that of older prisoners (44%).

More light is shed on those statistics from a 2016 Crime Statistics Agency report which also shows that the vast majority of young people offending commit a small proportion of crimes and a small group commit a disproportionately high number of crimes.<sup>11</sup>

According to this report, the bottom 'low frequency' group represents nearly 89 per cent of offenders responsible for 37.5 per cent of all offences, with an average of two offences each.

The top 'high frequency' group represents 1.6 per cent of young offenders responsible for 24 per cent of all criminal incidents. From their 10th birthdays to the day before they turned 18, this group committed an average of 76.5 offences each. The biggest risk factors for 10-17 year olds falling into the high frequency group were that they were male and growing up in low-income suburbs, with young Aboriginal and Torres Strait Islander people being over-represented at almost 15 per cent of the total number.

3 Melanie Millsted and Paul Sutherland, 'In Fact – How has youth crime in Victoria changed over 10 years?', *In Fact* No 3, Crime Statistics Agency, Victoria, July 2016 <[https://www.crimestatistics.vic.gov.au/sites/default/files/embridge\\_cache/emshare/original/public/2016/07/5f/06b914686/20160706\\_in\\_fact3.pdf](https://www.crimestatistics.vic.gov.au/sites/default/files/embridge_cache/emshare/original/public/2016/07/5f/06b914686/20160706_in_fact3.pdf)>.

4 Crime Statistics Agency, *Latest crime statistics: Year ending 30 September 2016*, Victorian State Government, September 2016 <<https://www.crimestatistics.vic.gov.au/crime-statistics/latest-crime-data/year-ending-30-september-2016>>.

5 Ibid.

6 Sentencing Advisory Council, *Sentencing children in Victoria: Data update report*, Victorian State Government, July 2016 <<https://www.sentencingcouncil.vic.gov.au/publications/sentencing-children-victoria-data-update-report>>.

7 Ibid.

8 Australian Institute of Health and Welfare, *Youth justice in Australia 2015-16*, bulletin no 139, Canberra, March 2017 <<http://www.aihw.gov.au/publication-detail/?id=60129558624>>.

9 Crime Statistics Agency, *Are more first-time young offenders being recorded for serious crimes than in the past?*, Victorian State Government, July 2017 <<https://www.crimestatistics.vic.gov.au/research-and-evaluation/publications/youth-crime/are-more-first-time-young-offenders-being-recorded>>.

10 Felicity Stewart, Zsombor Bathy and Geoff Fisher, *Reoffending by children and young people in Victoria*, Sentencing Advisory Council of Victoria, December 2016 <[https://www.sentencingcouncil.vic.gov.au/sites/default/files/publication-documents/Reoffending\\_by\\_Children\\_and\\_Young\\_People\\_in\\_Victoria.pdf](https://www.sentencingcouncil.vic.gov.au/sites/default/files/publication-documents/Reoffending_by_Children_and_Young_People_in_Victoria.pdf)>.

11 Paul Sutherland & Melanie Millsted, *Patterns of recorded offending behaviour amongst young Victorians*, Crime Statistics Agency, Victorian State Government, Number 6, 2016.

### Pressure at Parkville and Malmsbury youth centres

There have been a number of violent incidents in youth justice facilities recently in Victoria. Damage inflicted during such incidents to the Melbourne Youth Justice Centre (known as Parkville) in December 2016 led to the transfer of young people to the Grevillea unit of the adult Barwon Prison. In January 2017, 15 young people broke out from the Malmsbury Youth Justice Centre.

A vital factor behind those incidents is the significant increase in children and young people in youth justice facilities in Victoria who are unsentenced on remand.<sup>12</sup> This is putting enormous strain on custodial services and frustrating the young people who cannot access most custodial services while on remand.

A snapshot of statistics shows:

- There is an unacceptably high rate (up to 80 per cent) of children and young people held on remand in Parkville while they wait for their trial.
- The number of young people remanded has almost doubled in five years, from 115 in the first quarter of 2010 to 210 in the first quarter of 2016.<sup>13</sup>
- On 10 January 2017, 190 young people were detained across all youth justice facilities (including 18-20 year olds on dual track sentences) – 91 on remand and 99 sentenced.
- Since 2012-13, only about 20 per cent of those remanded have been sentenced to custody.<sup>14</sup>

Young people on remand have been removed from any support networks or educational engagement they may have had. They live with great uncertainty and frustration as regards their future. For those young people with complex cognitive or developmental needs, a long period of time between their offence and the legal outcome can serve to diminish their sense of responsibility and minimise their understanding of how their behaviour has affected others and themselves

Being held on remand is associated with negative results for young people, including disruptive and harmful behaviours. They become frustrated, bored and often angry. The Youth Parole Board has observed *'custodial progress reports to the Board show a pattern of unsettled behaviour on remand but improved, more compliant behaviour after and on sentence.'*<sup>15</sup>

More needs to be done to reduce the number of children in remand and help young people on bail to stay in the community, connected to education, employment and family life.

In early 2017 the Victorian Ombudsman published the *Report on youth justice facilities at the Grevillea unit of Barwon Prison, Malmsbury and Parkville* which intended to give Parliament and the public a window into the actual state of affairs within Victoria's youth justice facilities.

A major theme that emerged in the report was that extended lockdowns of young people contribute to the tension that leads to disturbances. The Ombudsman said:

*"It is evident that this is affected by a toxic combination of staff shortages and increasing overcrowding. It is predictable that a regime of lockdowns for young people will create unrest, and equally predictable that more lockdowns will follow that unrest."*<sup>16</sup>

This theme is also investigated and reported on by the Commission for Children and Young People. The report<sup>17</sup> describes how children and young people in Victoria's youth justice centres are subjected to unacceptable levels of isolation and are routinely "locked down" due to staffing issues. Its findings point to long-standing issues of understaffing, poor transparency and extensive use of restrictive practices.

### Risks in punitive responses

Growing incidence of serious, violent crimes like motor vehicle theft, home robberies or burglaries, warrants special urgent attention and action. However an escalation of alarmist rhetoric from sections of politics and the media is of great concern and is putting at risk not just the strengths in our justice system, but the prospects for many young people and community safety.

Since disturbances at the Moomba festival in Melbourne in March 2016, references to the 'Apex Gang' have spiralled. It has become the 'go to' term for journalists, commentators and politicians to link, often with little or no evidence, a series of criminal acts involving burglary, assault, car-jacking and home invasions to the so-called 'Apex Gang'.<sup>18</sup>

Despite clear police exhortations that the criminal activity is not centred around any particular ethnicity, the term 'Apex Gang' has been racialised, by persistent association with African and Islander young people and, particularly, those of South Sudanese descent.<sup>19</sup>

It is unhelpful that some media outlets and segments of the community are effectively locating the problems within these communities, rather than in the barriers they face in mainstream Australian culture, institutions or service systems.

12 Youth Parole Board, *Annual Report 2015-16*, Department of Health and Human Services, Victorian State Government, 2016, p14 < [http://www.parliament.vic.gov.au/file\\_uploads/Youth\\_Parole\\_Board\\_Annual\\_Report\\_2015-16\\_L2jN9RxM.pdf](http://www.parliament.vic.gov.au/file_uploads/Youth_Parole_Board_Annual_Report_2015-16_L2jN9RxM.pdf) >.

13 Paul Coghlan, *Bail Review: First advice to the Victorian Government*, Victorian State Government, April 2017, < <https://engage.vic.gov.au/application/files/9814/9419/7926/Coghlan-report-1.pdf> >.

14 Department of Health and Human Services, Client Relationship Information System data provided to the Victorian Ombudsman on 18 January 2017.

15 Youth Parole Board, op. cit.

16 Victorian Ombudsman, *Report on youth justice facilities at the Grevillea unit of Barwon Prison, Malmsbury and Parkville*, State of Victoria, February 2017 <<https://www.ombudsman.vic.gov.au/getattachment/c688of35-3cf3-4237-b463-9be28db448c8>>.

17 Commission for Children and Young People, *Same four walls: Inquiry into the use of isolation, separation and lockdowns in the Victorian youth justice system*, State of Victoria, March 2017 <<https://ccyp.vic.gov.au/assets/Publications-inquiries/The-Same-Four-Walls1.pdf>>

18 Anthony Kelly, *The media, 'Apex Gang' and coded racism*, Flemington & Kensington Community Legal Centre, 28 January 2017 <<http://www.policeaccountability.org.au/racial-profiling/apex-gang-and-coded-racism/>>.

19 Chanel Kinniburgh, 'Apex gang has been 'contained' but youth violence is increasing, police say', *Herald Sun*, 12 April 2017 <<http://www.heraldsun.com.au/news/law-order/apex-gang-has-been-contained-but-youth-violence-is-increasing-police-say/news-story/20010eb2fbefbfbef93fdo3fbc63d7a>>.

Police, government and the community are working on how to respond to this serious offending. The evidence, including that documented in this report from Australia and internationally, tells us that the State Government needs to:

- further investigate and tackle what is behind serious and repeat youth offending
- commit significant funding to develop intensive, targeted and multidisciplinary interventions.

As Victoria Police Assistant Commissioner Andrew Crisp has said:

*“Whilst no-nonsense policing and tougher sentencing might provide a greater sense of short-term justice for the community, it does not address the broader, underpinning issues which are driving this increase in offending.*

*“It is critical we understand that better, so that we can break the cycle of lifetime offending and imprisonment. Every criminal that is rehabilitated is one less person committing robberies, assaults and burglaries on innocent people. This is how we will make our community safe into the future.”<sup>20</sup>*

Other jurisdictions have responded to similar challenges by seeking to address both the causes of crime, including the impact of trauma on many young people, particularly those from culturally and linguistically diverse backgrounds and Aboriginal and Torres Strait Islander backgrounds, and the nature and scope of detention.

However in recent times Victoria has largely responded with punitive measures such as:

- The transfer of children and young people from Parkville to the adult Barwon Prison, a move successfully challenged in Supreme Court by the Human Rights Law Centre.
- The transfer of statutory supervision of children in the criminal justice system and youth justice facilities from the Department of Health and Human Services (DHHS) to the Department of Justice and Regulation, which is responsible for adult prisons.
- The introduction of 40 Corrections staff with weapons (spray and batons) to supervise young offenders.
- The announcement of a new ‘super max’ high security 224 bed youth justice facility.

Collectively these measures abandon important aspects of Victoria’s specialist system for youth offenders that have served the state well in diverting young people from offending and promoting rehabilitation, including its unique ‘dual track’ system which allows adult courts to sentence young offenders (aged under 21 years) to serve custodial sentences in youth detention instead of adult prison. Dual track is intended to prevent vulnerable young people from entering the adult prison system at an early age.<sup>21</sup>

In response to these issues and challenges, the Victorian Government in 2016 commissioned a review of its youth support, youth diversion and youth justice services fulfilling a 2014 election commitment.

Released in July 2017, the *Youth Justice Review and Strategy: Meeting needs and reducing offending*,<sup>22</sup> conducted by former Corrections Commissioner Penny Armytage and Professor James Ogloff, is the first comprehensive independent review of Victoria’s youth justice system in over 16 years.

The Review’s 126 recommendations, that have received in principle support from the Victorian Government, present an opportunity to address many of the current challenges in the youth justice system, including responses to specific serious offending behaviours.

The Review recommends the establishment of legislation and a strategic plan providing an overarching policy framework for the development of a contemporary youth justice program and accompanying service delivery model that focuses on addressing criminogenic needs.

It reinforces the findings of this report that there is no short-term quick fix to the serious problems affecting youth justice, which have their origins not only in ageing and inadequate infrastructure, staffing shortages, and an overly punitive culture, but in the complex interplay of health and human services, education and the justice system.

As this report outlines in its recommendations, implementation of the Review’s new Youth Justice Strategy should respond to the needs of vulnerable groups of young people into the future, drawing on opportunities across portfolios such as mental health, child protection and housing.

The Review highlights the need to establish strong investment that is attached to full continuum of community based intervention with a dedicated focus on early intervention, assessment and advice, community supervision, and transition and support.<sup>23</sup>

In this context there have been calls in Victoria at senior policy and justice levels to explore justice reinvestment as an alternative, long-term criminal justice approach and to learn lessons from other jurisdictions.

<sup>20</sup> Bianca Hall and Richard Willingham, ‘Victoria Police says only rehabilitating young criminals will make state safer’, *The Age* (online), 17 November 2016 <<http://www.theage.com.au/victoria/victoria-police-say-only-rehabilitating-young-criminals-will-make-state-safer-20161117-gsrqcc.html>>.

<sup>21</sup> Sentencing Advisory Council, *Sentencing young people*, Victorian State Government, <<https://www.sentencingcouncil.vic.gov.au/about-sentencing/sentencing-young-people>>.

<sup>22</sup> Penny Armytage and James Ogloff, *Youth Justice Review and Strategy: Meeting needs and reducing offending*, Victorian State Government, July 2017 <<http://www.justice.vic.gov.au/home/justice+system/youth+justice/youth+justice+review+and+strategy+meeting+needs+and+reducing+offending#breadcrumbs>>.

<sup>23</sup> Ibid, Recommendation 7.1.

In 2015 Victorian Ombudsman Deborah Glass recommended that the Department of Justice and Regulation:

*“Using justice reinvestment methodology, pilot and evaluate local approaches to crime prevention and community safety in disadvantaged Victorian communities with the aim of reducing reoffending and increasing community safety.”<sup>24</sup>*

Victoria’s Deputy Chief Magistrate Jelena Popovic also called in 2016 for Victoria to rethink its responses to criminal behaviour, by taking a longer-term approach to law and order. She has encouraged decision makers to learn from other jurisdictions that are trialling justice reinvestment measures.<sup>25</sup>

Liana Buchanan, Victoria’s Principal Commissioner for Children and Young People, Andrew Jackomos, Commissioner for Aboriginal Children and Young People, and Bruce Aitkinson, Member for Eastern Metropolitan and President of the Legislative Council also have indicated support for this approach in an explanatory video about justice reinvestment: *Justice Reinvestment – What is it?* produced by Smart Justice for Young People.<sup>26</sup>

As this report will outline, justice reinvestment provides an overarching common-sense approach to the issues currently challenging the Victorian government. It involves investing in disadvantaged communities to identify, develop and implement local evidence-based, tailored responses for young people at various points in the criminal justice system, such as:

- intervention at the earliest possible point for young people at ‘high risk’ of engaging in criminal behaviour
- diversion or rehabilitation for those young people starting to come into contact the system or returning to their local families, schools and communities
- intensive therapeutic and trauma-informed interventions for those young people committing serious repeat offending.

Justice reinvestment promotes greater local place-based investment over the longer term that is more likely to have a real and sustainable impact on the complex social issues underpinning youth crime. But it also has the flexibility and responsiveness to support communities to identify and deliver “quick wins” as well as long-term positive outcomes.

## WHAT IS JUSTICE REINVESTMENT?

Justice reinvestment is a transformative approach to the criminal justice system that redirects money away from incarcerating people in prisons and towards community-based initiatives aimed at addressing the root causes of crime.

Key to this approach is tackling disadvantage and the causes of offending at a local level, stopping crime in the first place (or reducing reoffending) and over time reducing expenditure on courts and prisons so monies can be redirected to disadvantaged communities.

Justice reinvestment is often described as a place-based process that is applied to a particular geographic location and involves an understanding of the crime reduction and community strengthening impacts of programs and supports that are provided in the same location as the people who need them.

Adopting a place-based justice reinvestment approach means investing in communities and supporting them to develop and implement their own local, place-based solutions to address economic and social risk factors underlying the causes of crime, rather than investing more in expanding prison capacity. The focus is on more prevention and less detention: preventing young people entering the criminal justice system in the first place.

It often involves looking at crucial points in the justice system, for example arrest, bail and remand, where a change to that part of the justice system could reduce future contacts with the justice system.

In time these approaches will help reduce the number of children at risk of offending and becoming adult offenders or prisoners, save public funds spent on the criminal justice system and prisons, and strengthen public safety and social cohesion over the long term for future generations.

24 Victorian Ombudsman, 2015, op. cit., recommendation 2.

25 Bianca Hall, ‘Deputy Chief Magistrate calls for Victoria to rethink crime’, *The Age* (online), 24 August 2016 <<http://www.theage.com.au/victoria/deputy-chief-magistrate-jelena-popovic-calls-for-victoria-to-rethink-crime-20160823-gqysu3.html>>.

26 <<https://www.youtube.com/watch?v=QcoNxp1szUo>>.

### Principles of justice reinvestment

- An understanding of the complex social, health, wellbeing and personal issues that may contribute to the risk of a young person engaging in criminal behaviour.
- A primary focus on working as early as possible on a child's health and support needs, and at critical points of their life to reduce the level of risk factors and enhance protective factors, thereby preventing criminal behaviour and diverting children away from contact with the criminal justice system.
- Localised and placed-based or targeted to a specific community or demographic.
- Genuine partnership between local government, government departments, business, philanthropy, community leaders and community organisations.
- A commitment to community-led planning and implementation of solutions
- Meaningful engagement and inclusion of views/perspectives from community members, families, children and young people.
- Reliance on evidence and data to assist community to identify and tackle their own challenges, and monitor and evaluate the impact of their initiatives.
- A commitment and long-term investment by government and funders, allowing time and resources for this approach to be effective.<sup>27</sup>

Justice reinvestment is underpinned by the following starting points:

- The evidence shows that imprisoning people fails to achieve intended outcomes in terms of rehabilitation, deterrence, or improvements in community safety.
- A significant proportion of prisoners and offenders come from, and return to, a small number of disadvantaged communities.<sup>28</sup> Therefore, locally driven approaches will be essential to justice reinvestment.
- Alongside community-led implementation of solutions, the use of data, mapping and economic modelling to drive evidence based initiatives will lead to more effective outcomes.<sup>29</sup>

### How does justice reinvestment work?

Justice reinvestment involves local stakeholders collaborating across their community to identify the local drivers of crime. They then develop and implement new programs that reinvest resources – both in the community and within the justice system to address these drivers. This delivers a more cost beneficial impact on public safety.<sup>30</sup>

The essential steps in the justice reinvestment approach are:

- Justice mapping – analysis of the prison population and public spending in communities which have high rates of crime and imprisonment of their citizens (identifying how much money can be saved across the justice system in the longer term by reducing prison population numbers).
- Options for change – provision of options to policymakers for the generation of savings and increases in public safety.
- Actions – implementation of options, quantification of savings and reinvestment in targeted high-risk communities.
- Evaluation – measurement of impacts, evaluation and effective implementation.

Justice reinvestment can create a smarter, more cost-effective approach to improving criminal justice outcomes by:

- reducing crime
- improving public safety
- improving people's life chances
- strengthening communities.

Justice reinvestment is:

- evidence based
- focused on reducing the causes rather than the consequences of crime
- focused on reducing the costs of crime
- commonly place-based
- an integrated cross-government approach supported by a centralised oversight body
- a crime prevention and crime reduction policy response
- cost effective
- targeted to increasing community safety
- targeted to reducing offending and imprisonment.

Justice Reinvestment IS NOT:

- short-term
- top-down
- one size fits all
- the responsibility of a single government department
- one specific program
- only diversion
- only early intervention
- only case management.

27 Youthlaw, Justice Reinvestment: Clearing House and resources, Victoria, <<http://youthlaw.asn.au/campaigns-advocacy/justice-reinvestment-home/>>.

28 Attorney-General's Department, *Justice Reinvestment*, South Australian Government <<http://www.agd.sa.gov.au/initiatives/more-our-initiatives/justice-reinvestment>>.

29 Australian Red Cross, *Rethinking Justice: Vulnerability Report 2016*, 2016, p18 <<http://www.redcross.org.au/files/VulnerabilityReport2016.pdf>>.

30 Nancy G La Vigne et al, *Justice Reinvestment at the local level: Planning and implementation guide*, second edition., Urban Institute Justice Policy Center, US, 2013 <<http://www.urban.org/sites/default/files/publication/24076/412930-Justice-Reinvestment-at-the-Local-Level-Planning-and-Implementation-Guide-Second-Edition.PDF>>.

## WHY FOCUS ON YOUNG PEOPLE?

Research and experience tells us that the likelihood of offending by a child or young person is influenced by their background, life experience and where they live.

Children are generally subject to a system of criminal justice that is separate from the adult system. This is premised on a child's unique capacity to be rehabilitated and the accepted science that explains how the adolescent brain makes children think and act differently to adults.

Young people's brains undergo substantial change and development, impacting on their decision-making ability, judgement and self-control.<sup>31</sup> The brain continues to develop until at least the early to mid-20s.<sup>32</sup> Developmental changes mean that young people have increased risk-taking behaviour, are more susceptible to peer influence and are predisposed to exercise poor impulse control and judgement. This developmental immaturity is often exacerbated in children who have experienced abuse or neglect.

Most youth offending is episodic and transitory with the majority of young people 'growing out' of offending behaviour as they mature. Rates of offending often peak in late adolescence and decline in early adulthood years. Because of this, responses to youth offending require appropriate responses and interventions. With the right support, most young people grow out of offending as they mature.<sup>33</sup>

A 2016 report by the Sentencing Advisory Council<sup>34</sup> focused on a study group of 5,385 children sentenced in the Children's Court in 2008-9. It highlighted that:

- The younger a person was at their first supervised sentence (either community-based or detention), the more likely they were to return to sentenced youth justice supervision.
- Of the 145 children who received their first sentence between the ages of 10-12 years, 86 per cent reoffended (62 per cent with offences against the person) and 75 per cent graduated to the adult system.
- Of the study group, those with no prior offences were 50 per cent likely to reoffend, while those with six or more priors were 91 per cent more likely to reoffend.<sup>35</sup>

A justice reinvestment approach encourages communities to intervene early in the lives of their young people and address multiple drivers of crime, including economic and social disadvantage and various recognised 'risk factors' for offending behaviour such as family violence and breakdown, substance abuse, disengagement from school or work and family dislocation, child abuse, trauma and neglect, and mental illness and intellectual disabilities.

### *Demographics of children and young people offending*

Many children and young people who get caught up in the Victorian criminal justice system are among the state's most disadvantaged and vulnerable. Many live in the poorest parts of Victoria, have left school early, live in the out of home care system, and a highly disproportionate number are Aboriginal children.

The likelihood is that many of these children have been exposed to and suffered trauma, abuse, neglect, violence, racism, family dysfunction, and low socio-economic conditions.

Some 41 per cent of young people subject to youth detention in 2014-15 were also involved in child protection in the same year.<sup>36</sup>

Young people from areas of lowest socio-economic status were 7 times as likely as those from areas of highest socio-economic status to be under supervision in Victoria.<sup>37</sup>

As outlined in Jesuit Social Services' Thinking Outside: Alternatives to remand for children research report, 25 per cent of young people placed in custodial remand in Victoria between 2008-2010 came from only 2.1 per cent of the state's postcodes, and children aged 10-17 years who were living in the lowest socio-economic areas were almost three times as likely to be in detention on an average day as those from the higher socio-economic status.<sup>38</sup>

31 Kelly Richards, 'What makes juvenile offenders different from adult offenders?', *Trends & Issues in Crime and Criminal Justice no. 409*, Australian Institute of Criminology, February 2011 <[http://www.aic.gov.au/media\\_library/publications/tandi\\_pdf/tandi409.pdf](http://www.aic.gov.au/media_library/publications/tandi_pdf/tandi409.pdf)>.

32 Judith Edersheim, Gene Beresin and Steven Schlozman, *Are teenagers responsible?*, The Massachusetts General Hospital Center for Law, Brain and Behaviour, September 2013 <<http://brainsonline.com/are-teenagers-responsible/>>.

33 Kelly Richards, *op. cit.*

34 Sentencing Advisory Council, *Reoffending by children and young people in Victoria*, State of Victoria, 2016 <<https://www.sentencingcouncil.vic.gov.au/publications/reoffending-children-and-young-people-victoria>>.

35 *Ibid.*

36 Australian Institute of Health and Welfare, *Young people in Child Protection and under Youth Justice Supervision 2014-2015*, Canberra, 2016 <<http://www.aihw.gov.au/publication-detail/?id=60129557329>>.

37 Australian Institute of Health and Welfare, *Remoteness, socioeconomic status and youth justice supervision: 2013-14*, Canberra, 2015, p2 <<http://www.aihw.gov.au/WorkArea/DownloadAsset.aspx?id=60129552595>>.

38 Jesuit Social Services, *Thinking Outside: Alternatives to remand for children, research report*, Victoria, 2013, p17 <[http://js.org.au/wp-content/uploads/2015/10/Thinking\\_Outside\\_Research\\_Report\\_-\\_Final\\_amend\\_15052013.pdf](http://js.org.au/wp-content/uploads/2015/10/Thinking_Outside_Research_Report_-_Final_amend_15052013.pdf)>.

### Aboriginal and Torres Strait Islander young people

Aboriginal and Torres Strait Islander young people have a long history of over-representation in both the youth and adult justice systems in Australia. While it is not as significant as the national rate, there is dramatic over-representation also in Victoria:

- Young Aboriginal and Torres Strait Islander people constitute only 2 per cent of the state's population aged 10–17, but made up 18 per cent of those under supervision on an average day in 2015–16 (compared to 48 per cent nationally).
- An Aboriginal or Torres Strait Islander young person aged 10–17 in Victoria was 13 times as likely as a non-Indigenous young person to be under youth justice supervision on an average day in 2015–16 (nationally 17 times as likely).<sup>39</sup>
- Aboriginal and Torres Strait Islander people make up 0.7 per cent of Victoria's population, yet represent nearly 8 per cent of the adult prison population.<sup>40</sup>
- Victoria has the smallest proportion of Aboriginal and Torres Strait Islander prisoners of any state or territory (535 prisoners or 8 per cent of the prison total). Nevertheless, their numbers in prison have grown 147 per cent since 2006.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

The Department of Health and Human Services (then responsible for juvenile detention in Victoria) conducted a snapshot survey of 176 young people (167 males and nine females) who were held in custody in Victoria on sentence and remand on 7 October 2015. The results showed:

- 45 per cent had been subject to a previous child protection order
- 19 per cent were subject to a current child protection order
- 63 per cent were victims of abuse, trauma or neglect
- 62 per cent had previously been suspended or expelled from school
- 30 per cent presented with mental health issues
- 24 per cent presented with issues concerning their intellectual functioning
- 66 per cent had a history of both alcohol and drug misuse
- 38 per cent had a family history of parental or sibling imprisonment
- 10 per cent were homeless with no fixed address or residing in insecure housing prior to custody.<sup>41</sup>

This disadvantage follows into the adult system. The 2015 Victorian Ombudsman's report into Victoria's prisons<sup>42</sup> confirmed that high numbers of prisoners are characterised by entrenched and overlapping disadvantage prior to admission. The Ombudsman relied on research commissioned by Jesuit Social Services and Catholic Social Services<sup>43</sup> to highlight the deep-seated disadvantage experienced by many in the adult prison system, where:

- One quarter of Victoria's prisoners come from just two per cent of the state's postcodes and half from just six per cent of postcodes.
- At the time they entered the prison system, 35 per cent of prisoners were homeless and more than 50 per cent were unemployed.
- 85 per cent of prisoners had not completed high school at the time they entered prison.
- Only around five to seven per cent of Victorian prisoners aged 20–24 over the last decade had completed Year 12 or equivalent, compared to the 89 per cent for all Victorians of that age group.

39 Australian Institute of Health and Welfare, March 2017, op. cit.; Australian Institute of Health and Welfare, *Victoria: Youth justice supervision in 2015–2016*, fact sheet no 81, Canberra, 2016 <<http://www.aihw.gov.au/WorkArea/DownloadAsset.aspx?id=60129559068>>.

40 Australian Bureau of Statistics, *Prisoners in Australia 2014*, Category Number 4517.0, Canberra, 2014 <<http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4517.0~2014~Main%20Features~Victoria~10016>>.

41 Youth Parole Board, op. cit.

42 Victorian Ombudsman, 2015, op. cit.

43 Tony Vinson and Margot Rawsthorne, *Dropping off the Edge 2015: Persistent communal disadvantage in Australia*, Jesuit Social Services/Catholic Social Services, Melbourne, 2015 <<https://dote.org.au/findings/full-report/>>.

The Dropping off the Edge report found that those living in the three per cent most disadvantaged postcodes in Victoria are:<sup>44</sup>

- three times more likely to be experiencing long-term unemployment
- three times more likely to have been exposed to child maltreatment
- 2.5 times more likely to have a lower level of education
- twice as likely to have criminal convictions.

## RISK AND PROTECTIVE FACTORS ASSOCIATED WITH CRIME

Extensive research shows that a number of factors greatly increase the risk of young people becoming involved in crime. Similarly, protective factors are positive influences that can keep people from becoming involved in crime.

These risk and protective factors relate to personal characteristics and other family, peer, community and broader society influences. Risk factors include difficulties in school such as suspension, truancy and low educational attainment, homelessness or unstable accommodation, substance abuse, unemployment, poverty, family breakdown and disruption, negative peer association, poor personal and social skills, limited leisure and recreation opportunities, and mental health issues.

In contrast, some examples of protective factors are social cohesion, strong cultural identity, strong commitment to school, good parental supervision and high levels of community engagement.

The more risk factors present in a person’s life, and the greater the absence of protective factors, the greater the risk of involvement in crime.

Developmental science shows that young brains continue developing until age 25, which provides a window of opportunity to influence behaviours and attitudes and address risk and protective factors.

Studies have found that intervening early in a young person’s life and promoting healthy development have the greatest potential to lower crime rates and foster pro-social attitudes.

International research shows that early intervention is critical to preventing youth offending.<sup>45</sup> As a Victoria Police spokeswoman was quoted in the media:

*“That’s why police and our government and community partners are focused on both early intervention and supporting those who have had exposure to the justice system to stay engaged with education, employment and the community in order to improve their life outcomes.”<sup>46</sup>*

44 Ibid

45 Nadia Boni, *Youth and serious crime: Directions for Australasian researchers into the New Millennium*, Paper presented at the Children and Crime: Victims and Offenders Conference convened by the Australian Institute of Criminology, Brisbane, 17-18 June 1999 <[http://www.aic.gov.au/media\\_library/conferences/children/boni.pdf](http://www.aic.gov.au/media_library/conferences/children/boni.pdf)>.

46 Bianca Hall, ‘Fraction of young offenders behind most crimes’, *The Age* (online), 15 September 2016 <<http://www.theage.com.au/victoria/fraction-of-young-offenders-behind-most-crimes-20160914-grgms8.html>>.

	RISK FACTORS	PROTECTIVE FACTORS
FAMILY FACTORS	<ul style="list-style-type: none"> <li>Poor parental supervision</li> <li>Harsh/punitive and erratic parental discipline</li> <li>Family conflict and violence</li> <li>Broken homes</li> <li>Early child-bearing (risk factor for child)</li> <li>Frequent changing of parental figures</li> <li>Physical, sexual or emotional abuse as a child</li> </ul>	<ul style="list-style-type: none"> <li>Healthy prenatal and early childhood development</li> <li>Good parental supervision</li> <li>Attachment to parents</li> <li>Positive adult role models, coaches and mentors</li> <li>Parent and peer disapproval of antisocial behaviour</li> <li>Low levels of family adversity</li> </ul>
SOCIAL FACTORS	<ul style="list-style-type: none"> <li>Low family income</li> <li>Poor housing</li> <li>Negative peer influences</li> <li>Living in an urban area</li> <li>Characteristics of surrounding neighbourhood:                             <ul style="list-style-type: none"> <li>• concentrated economic disadvantage</li> <li>• high crime</li> <li>• residential instability</li> <li>• low levels of informal social control and social cohesion</li> <li>• unemployment</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Equal socio-economic status</li> <li>Presence of pro-social friends</li> <li>High levels of community engagement</li> <li>Strong social supports</li> <li>Participation in community groups</li> <li>Volunteerism</li> <li>Ability to access services and support</li> <li>Stable housing</li> <li>Steady employment</li> </ul>

Source: David P Farrington, Rolf Loeber and Maria M Ttofi, ‘Risk and protective factors for offending’, in Brandon C Welsh and David P Farrington (eds), *The Oxford Handbook of Crime Prevention*, Oxford University Press, 2012, pp 46-69..

# International perspectives

## INTERNATIONAL EXPERIENCES OF JUSTICE REINVESTMENT

Justice reinvestment was conceived in the United States in an attempt to address increases in the rates of incarceration and the large costs associated with them. Since the initial implementation in the US, justice reinvestment policies have been adopted in the United Kingdom, New Zealand and Europe. These overseas examples demonstrate the potential benefits of justice reinvestment in Australia, and illustrate how these policies could be implemented.

### UNITED STATES

In a bid to address one of the highest imprisonment rates in the world and the associated costs,<sup>47</sup> 27 states across the US have implemented justice reinvestment policies.<sup>48</sup> These states have been assisted by the Council of State Governments Justice Center<sup>49</sup> (Justice Center), a national non-profit organisation which serves policymakers through data-driven and evidence-based practices, and by the US Bureau of Justice Assistance for the Justice Reinvestment Initiative.<sup>50</sup> These organisations work to fund, coordinate and assess local US justice reinvestment efforts.<sup>51</sup> The case studies below demonstrate how justice reinvestment approaches have been adopted in a wide range of contexts.<sup>52</sup>

### Texas

In 2007, Texas was experiencing increasing pressure on its prison system. The state's prison population had already exceeded capacity by 3,000 people and was projected to grow by 14 per cent by 2011.<sup>53</sup> Plans were made to build additional prisons and rent emergency detention spaces, costing over \$600 million.

In a bid to address these numbers the Justice Center provided state policymakers with an analysis that identified the factors contributing to the growth of the prison population. It found that:

- five counties in Texas accounted for more than half of the prison population<sup>54</sup>
- from 1997-2006 the number of probation revocations to prison increased by 18 per cent, despite a 3 per cent decline in the total number of people under community supervision
- reductions in funding for community-based substance abuse and mental health services led to a shortfall of treatment beds, with more than 2,000 people awaiting space in various treatment programs or facilities
- the percentage of people approved for parole remained lower than suggested by the Texas Parole Board's guidelines which, if followed, may have seen an additional 2,252 individuals released in 2005.<sup>55</sup>

47 Roy Walmsley, *World Prison Population List 11<sup>th</sup> Edition*, Institute for Criminal Policy Research/Birkbeck University of London, UK, 2015, <[http://www.icpr.org.uk/media/41356/world\\_prison\\_population\\_list\\_11th\\_edition.pdf](http://www.icpr.org.uk/media/41356/world_prison_population_list_11th_edition.pdf)>.

48 Tammy Solonec, *Justice Reinvestment – What difference could it make in WA?*, 2014 Sir Ronald Wilson Lecture to the Law Society of Western Australia <<https://www.lawsocietywa.asn.au/wp-content/uploads/2015/09/2014-SRWL-Paper-Final.pdf>>.

49 Council of State Governments Justice Center, *About the CSG Justice Center*, United States, 2017 <<http://csgjusticecenter.org/about-jc/>>.

50 Nancy G LaVigne et al, *Justice Reinvestment Initiative State Assessment Report*, Urban Institute and Bureau of Justice Assistance, 2014, US, p6.

51 Ibid.

52 Council of State Governments Justice Center, *Lessons from the States: Reducing recidivism and curbing Corrections costs through justice reinvestment*, US, 2011, p56 <[https://www.bja.gov/Publications/CSG\\_JusticeReinvestmentSummitReport.pdf](https://www.bja.gov/Publications/CSG_JusticeReinvestmentSummitReport.pdf)>.

53 Senate Legal and Constitutional Affairs Reference Committee, *Value of a justice reinvestment approach to criminal justice in Australia*, Commonwealth of Australia, June 2013, p50 <[http://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Legal\\_and\\_Constitutional\\_Affairs/Completed\\_inquiries/2010-13/justicereinvestment/report/index](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Completed_inquiries/2010-13/justicereinvestment/report/index)>.

54 Ibid.

55 Ibid p57.

In response to the Justice Center's research, justice reinvestment legislation was introduced that:

- increased funding for substance abuse and mental health facilities
- implemented the Nurse-Family Partnerships Program which paired nurses with low income mothers during their child's infancy
- increased funding for half way houses to ensure adequate supervision for parolees.<sup>56</sup>

According to the Justice Center, justice reinvestment in Texas resulted in \$1.5 billion in construction savings and \$340 million in annual averted operations costs.<sup>57</sup> On top of this:

- recidivism declined by 29 per cent from 2006-2009<sup>58</sup>
- the prison population decreased by 1,125 inmates between 2008-2010,<sup>59</sup> despite previous projections it would grow by 5,141 in that time.<sup>60</sup>

### **Youth justice reinvestment in Texas**

In 2007 a series of scandals came to light involving state run juvenile correctional facilities in Texas. It was found that there had been system-wide physical and sexual abuse of youth in correctional facilities.<sup>61</sup> Investigations into these facilities also found that the conditions of the facilities were poor, despite annual public investment of, on average, \$69,455 per incarcerated young person.<sup>62</sup> Policymakers also questioned why so many young people were being sent to facilities in remote locations, so far away from home.

To address these issues, state politicians enacted a number of reforms designed to improve conditions inside state-run secure facilities and to reduce the number of young people housed in them. Legislation was introduced that supported a movement away from reliance on cruel confinement policies towards the use of community-based programs. The state increased funding for local juvenile probation by approximately 38 per cent,<sup>63</sup> diverting most young offenders into local county-run programs instead of sending them to rural corrections facilities.<sup>64</sup>

The state legislature also passed a number of reforms that:

- prohibited detention of young people who committed misdemeanours in state-run secure juvenile facilities<sup>65</sup>
- dramatically reduced the number of young people in state-run secure facilities by facilitating better transitions of young offenders back to the community and encouraging corrections officers to release young offenders earlier<sup>66</sup>
- established a grant program providing counties with financial incentives to decrease the rate at which they committed young people to state-run correctional facilities.<sup>67</sup>

These policies resulted in:

- lower rearrest rates<sup>68</sup>
- lower youth incarceration rates – the average daily population in state-run juvenile correctional facilities dropped by more than 2,800 young people,<sup>69</sup> representing a 65 per cent reduction<sup>70</sup>
- funding savings of almost \$90 million a year by closing eight state-run youth prisons.<sup>71</sup>

These reforms demonstrated that keeping young people in their communities, rather than in prisons, produced better outcomes for young people and the community.<sup>72</sup>

56 Ibid.

57 Marshall Clement, Matthew Schwarz and Michael Thompson, *The National Summit on Justice Reinvestment and public safety: Addressing recidivism, crime, and corrections spending*, Council of State Governments Justice Center, US, 2011, p1.

58 Senate Legal and Constitutional Affairs Reference Committee, op. cit.

59 Ibid.

60 Ibid.

61 RG Ratcliffe and Lisa Sandburg, 'TYC board ousted; abuse scandal grows', *Houston Chronicle*, Houston, US, 15 March 2007 <<http://www.chron.com/news/article/TYC-board-ousted-abuse-scandal-grows-1829226.php>>; Mike Ward, 'Governor's office received detailed reports alleging sex scandal', *Austin American Statesman*, Austin, US, March 23, 2007.

62 Legislative Budget Board, *Criminal Justice Uniform Cost Report: Fiscal Years 2006–2008*, Texas, 2009 <[http://www.lbb.state.tx.us/Documents/Publications/Policy\\_Report/Criminal%20Justice%20Uniform%20Cost%20Reports2006-2008.pdf](http://www.lbb.state.tx.us/Documents/Publications/Policy_Report/Criminal%20Justice%20Uniform%20Cost%20Reports2006-2008.pdf)>.

63 Tony Fabelo et al, 'Closer to Home: An analysis of the state and local impact of the Texas juvenile justice reforms', Council of State Governments Justice Center and Public Policy Research Institute, US, p16 <<https://csgjusticecenter.org/wp-content/uploads/2015/01/texas-juvenile-justice-reform-closer-to-home.pdf>>.

64 Chuck Lindell, 'Study praises Texas juvenile-justice reforms', *Austin American Statesman*, Austin, US, 29 January 2015 <<http://www.mystatesman.com/news/study-praises-texas-juvenile-justice-reforms/1UiDaUpmchvof4yDo6Uy8M/>>.

65 Senate Bill 103, 83rd Reg. Session, Texas, US, 2007.

66 Tony Fabelo et al, op. cit.

67 Ibid.

68 Texas Criminal Justice Coalition, *Unfinished Business: Deepening the gains in Texas juvenile justice reform*, US, May 2015 <<http://publicpolicycenter.texas.gov/wp-content/uploads/2014/12/TCJC-Unfinished-Business-Executive-Summary.pdf>>.

69 Ibid.

70 Ibid.

71 Chuck Lindell, op. cit.

72 Texas Criminal Justice Coalition, op. cit.

## Kansas

In 2006, Kansas politicians examined the effects that harsher prison sentences were having on the criminal justice system and explored potential alternatives.<sup>73</sup> It was found that the prison population in Kansas was likely to increase by 22 per cent over the decade to 2016,<sup>74</sup> at a cost to the state of nearly \$500 million.<sup>75</sup> It was also found that:

- probation and parole revocations accounted for 65 per cent of prison admissions, consuming 27 per cent of prison capacity and costing taxpayers \$53 million annually<sup>76</sup>
- 90 per cent of revocations were for conditions violations, with alcohol or drug use accounting for 32 per cent of parole revocations
- 58 per cent of people revoked on probation supervision demonstrated a need for substance abuse or mental health treatment<sup>77</sup>
- most people were released from prison without participating in programs that could reduce their risk of reoffending, including half of those in need of substance abuse treatment and 72 per cent of those needing vocational education.<sup>78</sup>

In response to these findings Kansas lawmakers approved a legislative package that:

- established grants to fund local community corrections programs designed to reduce parole revocations
- established a program to increase the number of people who successfully complete educational, vocational, and treatment programs prior to release
- restored time credits for good behaviour for nonviolent offenders.<sup>79</sup>

These programs resulted in the prison population increasing by just 10 people, instead of the projected 700 between 2007-2010.<sup>80</sup> Additionally, the period from 2006-2010 saw a 16 per cent decrease in the number of probationers revoked to prison for violations<sup>81</sup> and a 34 per cent decrease in the number of parolees revoked to prison for violations.<sup>82</sup> These programs were defunded in 2010 due to the Global Financial Crisis, resulting in increased incarceration rates.<sup>83</sup>

## North Carolina

In 2010, North Carolina's prison population was projected to grow by 10 per cent by 2020. At the time, probation revocations accounted for more than half of prison admissions, and only about 15 per cent of people released from prison were supervised. From 2010-2011, the Justice Center worked with North Carolina state leaders to develop data-driven policy options designed to reduce corrections spending and increase public safety.<sup>84</sup> This work culminated in the North Carolina legislature passing the Justice Reinvestment Act that:

- required mandatory supervisions for everyone convicted of felonies upon release from prison
- provided substance use treatment, cognitive behavioural services, and other evidence-based programming to people on supervision who had the greatest need for treatment and were at the highest risk of reoffending.<sup>85</sup>

These policies resulted in:

- a 10 per cent decrease in crime from 2010-2014<sup>86</sup>
- closure of 11 small prisons<sup>87</sup>
- a 9.6 per cent drop in the prison population and a 67 per cent drop in the number of prison admissions due to probation revocations from 2011-2015<sup>88</sup>
- a significant increase in the number of people receiving post-release supervision after leaving prison, from 16 per cent in 2011 to 75 per cent in 2015.<sup>89</sup>

Budget savings are projected to have been an estimated \$560 million over six years.<sup>90</sup> Savings to date are reported to have been reinvested in 175 additional probation and parole officers, as well as increased cognitive behavioural interventions and substance abuse treatments.<sup>91</sup>

73 Marshall Clement et al, op. cit.

74 Kansas Sentencing Commission, *Fiscal Year 2007: Adult inmate prison population projections*, Kansas, US, 2006.

75 Council of State Governments Justice Center, *Justice Reinvestment State Brief: Kansas*, 2007.

76 Tony Fabelo, *Tough and Smart: Opportunities for Kansas policymakers to reduce crime and spending*, Council of State Governments Justice Center, US, December 12, 2006 <[https://csgjusticecenter.org/wp-content/uploads/2012/12/ks\\_policy\\_forum\\_one\\_pager.pdf](https://csgjusticecenter.org/wp-content/uploads/2012/12/ks_policy_forum_one_pager.pdf)>.

77 Fred Osher, *Kansas' opportunity to improve public safety through effective treatment*, presentation for the Council of State Governments Justice Center, US, 5 February, 2007 <[http://www.pewtrusts.org/~/media/legacy/uploadedfiles/pes\\_assets/2007/ks20tough2oand2osmart2oslideshow1pdf.pdf](http://www.pewtrusts.org/~/media/legacy/uploadedfiles/pes_assets/2007/ks20tough2oand2osmart2oslideshow1pdf.pdf)>.

78 Ibid.

79 Kansas Legislature, *An Act Concerning the Department of Corrections*, Senate Bill 14, Kansas Legislature, US, enacted 2007.

80 Senate Legal and Constitutional Affairs Reference Committee, op. cit.

81 Kansas Sentencing Commission, *Fiscal Year 2011: Adult inmate prison population projections*, US, 2010.

82 Marshall Clement et al, op. cit. p61.

83 Senate Legal and Constitutional Affairs Reference Committee, op. cit.

84 Council of State Governments Justice Center, *Justice Reinvestment*, 2017 <<https://csgjusticecenter.org/jr/>>; Bureau of Justice Assistance, *Justice Reinvestment Initiative*, US, 2017 <[https://www.bja.gov/programs/justicereinvestment/jri\\_sites.html](https://www.bja.gov/programs/justicereinvestment/jri_sites.html)>.

85 Council of State Governments Justice Center, op. cit.

86 Council of State Governments Justice Center, *Justice reinvestment performance measures: North Carolina*, US, 20 May 2016 <<https://csgjusticecenter.org/jr/north-carolina/posts/justice-reinvestment-performance-measures/>>.

87 Ibid.

88 Ibid.

89 Ibid.

90 Ibid.

91 Council of State Governments Justice Center, 2017, op. cit.

## Washington DC

On a 2017 visit to Australia, the former Director of Juvenile Corrections in Washington DC Vincent Schiraldi reported that authorities in Washington DC had been incarcerating young people in an expensive prison system rife with endemic abuse.<sup>92</sup> He detailed how inmates had been regularly beaten or sexually abused by staff, young people were placed in solitary confinement cells for so long that they urinated or defecated in them and drugs were so easy to get that young people who walked into the system clean would likely test positive within a matter of weeks. Many young people were leaving the system in worse health than when they came in, resulting in high recidivism rates and high costs to the community.<sup>93</sup>

Reports found that juvenile incarceration made adult imprisonment more likely, and locking up low-risk youth actually increased their recidivism.<sup>94</sup>

In 2005, Washington DC adopted policies focused on breaking the cycle of crime. Large juvenile detention centres were shut down, and the savings funnelled into community-based programs to keep young offenders out of the system.<sup>95</sup> Incarceration of young offenders would only be recommended by probation officers when young people were high-risk and offending was serious. Young offenders were instead recommended for the new programs made possible by the funding funnelled through to the community. On top of this Department of Justice staff members were subject to improved discipline procedures and more rigorous oversight (including performance reviews and drug tests).<sup>96</sup>

From 2005-2010, Washington DC was able to reduce the number of incarcerated young people and to replace an overcrowded 208 bed facility with a 60 bed facility that is now often underutilised.<sup>97</sup>

## New York

Focusing on breaking the cycle of youth crime and ending the 'imprisonment binge',<sup>98</sup> New York has also begun to change its approach to youth justice. One measure is the establishment of specialised young adult courts by the New York City's Federal Courts.<sup>99</sup> The Brooklyn Young Adult Court was launched in May 2016 to expand the use of alternatives to incarceration and diversion for young people aged 16-24 years who have been charged with misdemeanours.<sup>100</sup>

New York is planning special young adult units within jails and probation departments have similarly begun creating specialised young adult caseloads.<sup>101</sup>

In 2016 New York introduced a screening tool that ensured low and medium-risk young people were provided with an alternative to detention while their cases were pending. Additionally, the number of young people in juvenile detention was reduced by two-thirds owing to community programs.<sup>102</sup> These measures have been reported to have helped lead to the closure of 23 juvenile facilities in New York.<sup>103</sup>

The New York City's 2012 Close to Home legislation proposed to house all young people sentenced in the Family Court in locations closer to their communities. The aim is to minimise the dislocation of young people from their families while building positive connections between young people and their communities.<sup>104</sup> This has led to a 53 per cent drop in the number of young people placed in custody and a halving of juvenile arrests in the city.<sup>105</sup>

A bill due to go before the New York State Senate in 2017 (at the time of writing this report) will establish a \$US10 million Justice Reinvestment Fund and program to provide not-for-profits and faith-based organisations with funding aimed at improving certain communities.<sup>106</sup> The legislation proposes to coordinate the efforts of state and local criminal justice agencies with not-for-profits, faith-based organisations and family support programs to facilitate re-entry of prisoners into communities. It ultimately seeks to reduce crime and recidivism rates through these initiatives.<sup>107</sup>

92 Vincent Schiraldi, 'Australia could alleviate its youth justice crisis by importing the right ideas from the US', *The Conversation*, Australia, 24 March 2017 <<https://theconversation.com/australia-could-alleviate-its-youth-justice-crisis-by-importing-the-right-ideas-from-the-us-74535>>.

93 Vincent Schiraldi, 'Why we need to shut down Juvie', *The Marshall Project* (online), 22 December 2015 <<https://www.themarshallproject.org/2015/12/22/why-we-need-to-shut-down-juvie#.Gu5sSJECU>>.

94 Ibid.

95 Farrah Tomazin, 'Former US juvenile jails chief urges approach to teen crime', *The Age*, Melbourne, 18 March 2017 <<http://www.theage.com.au/victoria/former-us-juvenile-jails-chief-urges-andrews-to-rethink-approach-to-teen-crime-20170318-gvt24j.html>>.

96 Vincent Schiraldi, 'What mass incarceration looks like for juveniles', *New York Times*, 10 November 2015 <[https://www.nytimes.com/2015/11/11/opinion/what-mass-incarceration-looks-like-for-juveniles.html?\\_r=0](https://www.nytimes.com/2015/11/11/opinion/what-mass-incarceration-looks-like-for-juveniles.html?_r=0)>.

97 Ibid.

98 Ibid.

99 Vincent Schiraldi, 'Why we need to change the way we handle justice for young people', *Huffington Post* (online), 24 March 2016 <[http://www.huffingtonpost.com/vincent-n-schiraldi/why-we-need-to-change-the\\_b\\_9525302.html](http://www.huffingtonpost.com/vincent-n-schiraldi/why-we-need-to-change-the_b_9525302.html)>.

100 Avni Majithia-Sejpal, *Youth Justice takes two steps forward in New York City*, Harvard Kennedy School of Government, undated <<https://www.hks.harvard.edu/programs/criminaljustice/research-publications/incarceration-socialcontext-consequences/young-adult-justice/developments-in-young-adult-justice/youth-justice-takes-two-steps-forward-in-new-york-city>>; Center for Court Innovation, *Brooklyn Young Adult Court*, <<http://www.courtinnovation.org/project/brooklyn-young-adult-court>>.

101 Ibid.

102 Ibid.

103 Farrah Tomazin, op. cit.

104 OCFs Offices of Close to Home Oversight and System Improvement and Strategic Planning and Policy Development, *Close to Home – Year One Overview*, New York State Office of Children and Family Services (OCFS), US, 2013, p2 <[http://ocfs.ny.gov/main/rehab/close\\_to\\_home/CTH%20Year%201%2003%2011%2014.pdf](http://ocfs.ny.gov/main/rehab/close_to_home/CTH%20Year%201%2003%2011%2014.pdf)>.

105 Vincent Schiraldi, 2015, op. cit.

106 New York State Senate, *Assembly Bill A3277*, January 2017 <<https://www.nysenate.gov/legislation/bills/2017/A2913>>.

107 TrackBill, NY-51323, <<https://trackbill.com/bill/ny-51323-establishes-the-new-york-state-justice-reinvestment-fund-and-program-to-provide-not-for-profit-and-faith-based-entities-with-funding-to-improve-certain-communities-appropriation/400351/>>.

## UNITED KINGDOM

The United Kingdom has also adopted justice reinvestment policies in order to address growing prison populations and expenditure. In 2010 the Justice Committee of the House of Commons published its report *Cutting Crime: the case for justice reinvestment*. The Report outlined a 'blueprint' for justice reinvestment in the UK. It emphasised the use of geographical mapping to increase funding to 'priority' and 'at risk' communities.<sup>108</sup> The Report also highlighted the importance of delegating funds directly to communities under a 'communities in control scheme'.<sup>109</sup>

Following the report, pilot programs were set up around the UK, with a focus on youth incarceration. The *Youth Justice Reinvestment Custody Pathfinder* was one example, providing incentives to local authorities to reduce custody rates for 10-17 year olds.

The program was funded upfront, giving authorities the flexibility to create their own strategies to reach targets. But if the targets were not met, a 'clawback' provision meant that funds would have to be paid back.

The pilot ran for two years from 2011-2013, with four sites selected (two dropped out after one year). Approaches ranged from the use of community packages, custody case reviews, intensive supervision, and diversion from arrest. Both sites exceeded their targets, reporting up to a 40 per cent reduction in custody beds in the second year.<sup>110</sup>

## NEW ZEALAND

Although New Zealand has not adopted a specific justice reinvestment approach, its 10-year *Youth Crime Action Plan*<sup>111</sup> provides an interesting and relevant approach to reducing youth offending rates, with a focus on the over-representation of Maori people in the justice system.

The New Zealand Justice and Courts Minister reported in early 2015 that the number of young people (aged 10-16 years) appearing in court had more than halved since 2007.<sup>112</sup>

Similar to justice reinvestment policies, the program has intended to have a 'genuine partnership with communities' by involving Maori communities, frontline practitioners and schools, to allow 20 communities across New Zealand to develop their own solutions to youth offending problems.<sup>113</sup>

With an innovation fund of \$400,000 the program aims to reduce escalation by implementing informal interventions, warnings, family group conferences and diversion programs.<sup>114</sup>

The Youth Courts in New Zealand have also implemented solution-focused court practices.<sup>115</sup>

<sup>108</sup> House of Commons Justice Committee, *Cutting crime: the case for justice reinvestment*, United Kingdom, 2009 <<https://www.publications.parliament.uk/pa/cm200910/cmselect/cmjust/94/9402.htm>>.

<sup>109</sup> Ibid.

<sup>110</sup> Ministry of Justice, *Youth Justice Reinvestment Custody Pathfinder: final process evaluation report*, United Kingdom, 2015 <<https://www.gov.uk/government/publications/youth-justice-reinvestment-custody-pathfinder-final-report>>.

<sup>111</sup> New Zealand Ministry of Justice, *Youth Crime Action Plan 2013-2023* <<https://www.justice.govt.nz/assets/Documents/Publications/YCAP-full-report.pdf>>.

<sup>112</sup> New Zealand Justice and Courts Minister, 'Lowest number of youth in court in 20 years', *Media Release*, 24 March 2015 <[http://beehive.govt.nz/release/lowest-number-youth-court-20-years?utm\\_source=feedburner&utm\\_medium=email&utm\\_campaign=Feed%3A+beehive.govt.nz%2Fportfolio%2Fcourts+%28Courts+-+beehive.govt.nz%29](http://beehive.govt.nz/release/lowest-number-youth-court-20-years?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+beehive.govt.nz%2Fportfolio%2Fcourts+%28Courts+-+beehive.govt.nz%29)>.

<sup>113</sup> New Zealand Associate Justice Minister, 'Action Plan the next step forward for youth justice', *Media Release*, 31 October 2013 <<http://www.beehive.govt.nz/release/action-plan-next-step-forward-youth-justice>>.

<sup>114</sup> Ibid.

<sup>115</sup> New Zealand Bar, *At the Bar*, (December 2016, 10 <[https://www.nzbar.org.nz/sites/default/files/uploaded-content/field\\_f\\_content\\_file/at\\_the\\_bar\\_december\\_2016.pdf](https://www.nzbar.org.nz/sites/default/files/uploaded-content/field_f_content_file/at_the_bar_december_2016.pdf)>.



## Justice reinvestment across Australia

In recent years in Australia, there has been keen interest in justice reinvestment, as demonstrated in a dedicated Senate report and recommendations, federal political party policies, justice reinvestment research reports and programs, campaigns, strategy development and pilots in some states and territories.

## SENATE INQUIRY

In 2012, the Senate's Legal and Constitutional Affairs References Committee held an inquiry into justice reinvestment to investigate drivers behind imprisonment, economic costs of imprisonment, the methodology of justice reinvestment and alternatives to detention. The Senate Committee's June 2013 final report, *Value of a justice reinvestment approach to criminal justice in Australia*,<sup>116</sup> made the following key recommendations:

- The Commonwealth should take a leading role in identifying data needed to implement justice reinvestment and commit to sharing data with justice reinvestment initiatives.
- The Commonwealth should consider a justice reinvestment clearinghouse to compile, disseminate and promote research and program evaluations in all communities.
- The Commonwealth should adopt a leadership role in support of justice reinvestment implementation.
- The Commonwealth should commit to a trial of justice reinvestment in conjunction with relative states and territories with at least one trial in a remote Indigenous community.
- The Commonwealth should provide funding for the trials.
- Trials should be based on rigorous justice mapping and robust evaluation process with involvement of local communities.
- There should be a central coordinating body responsible for identifying relevant data, developing options for initiatives, assisting with justice mapping and evaluating programs and savings.

## POLITICAL PARTY POLICIES

The Australian Labor Party and the Australian Greens have both released justice reinvestment policies. The Greens' *Smarter, Safer, Stronger: Justice Reinvestment for Australia*<sup>117</sup> plan is to adopt a justice reinvestment approach as a more effective approach to criminal justice, to reduce the number of people in prison and to save related costs to the community and individuals. Part of the Greens' plan is to invest in establishing a National Centre for Justice Reinvestment and a grants program.

Labor's *Closing the Gap justice targets for safer, stronger communities*<sup>118</sup> 2016 election policy document outlines a national approach to work with the Council of Australian Governments (COAG) to introduce justice targets to reduce rates of Indigenous incarceration through the Closing the Gap framework. The ALP policy for a justice reinvestment strategy plans to introduce three new launch sites for justice reinvestment projects in a major city, regional town, and remote community and will fund a long-term study into the effects of the Justice Reinvestment project currently underway in Bourke in New South Wales.

## RESEARCH & CAMPAIGNS

### *Australian Justice Reinvestment Project*

The *Australian Justice Reinvestment Project*<sup>119</sup> (AJR Project) is a research project running out of the University of New South Wales. The project was funded by the Australian Research Council, with a focus on investigating the characteristics of justice reinvestment. It examines justice reinvestment programs in other countries, place-based approaches, their effect on entrenched disadvantage, and how such a program could work in Australia.<sup>120</sup>

### *National Justice Coalition – Change the Record campaign*

The *Change the Record* campaign<sup>121</sup> is a coalition of leading Aboriginal and Torres Strait Islander, community and human rights organisations – referred to as the National Justice Coalition.

Its two overarching goals are to:

- close the gap in rates of imprisonment for Aboriginal and Torres Strait Islander people by 2040
- cut the disproportionate rates of violence experienced by Aboriginal and Torres Strait Islander people, especially women and children, to at least close the gap by 2040.

In the last ten years there has been an 88 per cent increase in the number of Aboriginal and Torres Strait Islander people in prison. Their over-representation is extreme: Aboriginal and Torres Strait Islander people make up two per cent of the mainstream population, yet 27 per cent of the prison population and are 13 times more likely to be detained, or 24 times more likely as juveniles.

The National Justice Coalition promotes a new approach to justice which focuses on addressing the underlying causes of Aboriginal and Torres Strait Islander imprisonment rates, to build safer communities while reducing costs.

<sup>116</sup> Senate Legal and Constitutional Affairs Reference Committee, op. cit.

<sup>117</sup> Australian Greens, *Smarter Safer Stronger: Justice Reinvestment for Australia*, 2013 <[https://greens.org.au/sites/greens.org.au/files/Justice\\_Reinvestment\\_Initiative.pdf](https://greens.org.au/sites/greens.org.au/files/Justice_Reinvestment_Initiative.pdf)>.

<sup>118</sup> Australian Labor Party, *Closing the Gap: Justice targets for safer, stronger communities*, 2017 <<http://www.alp.org.au/closingthegapjusticetargets>>.

<sup>119</sup> Australian Justice Reinvestment Project Research Team, *Australian Justice Reinvestment Project*, 2013 <<http://justicereinvestment.unsw.edu.au/node/10>>.

<sup>120</sup> Australian Justice Reinvestment Project, *About the Justice Reinvestment Project*, 2013, Australian Justice Reinvestment <<http://justicereinvestment.unsw.edu.au/node/4>>.

<sup>121</sup> National Justice Coalition, *Change the Record*, Sydney, 2015 <<https://changetherecord.org.au/>>.

Its *Smarter Justice, Safer Communities – Blueprint for Change*<sup>122</sup> report, calls on all levels of government to work with Aboriginal and Torres Strait Islander communities to design and invest in holistic early intervention, prevention and diversion strategies.

These are smarter, evidence-based and more cost-effective solutions that increase safety, address the root causes of violence against women and children, cut re-offending and imprisonment rates, and build stronger communities.

The campaign has a number of key principles for reform:

- Invest in communities, not prisons.
- Local communities have the answers.
- Recognise the driving factors of imprisonment.
- Focus on safety.
- Services, not sentences.
- Community policing, not policing the community.
- Smarter sentencing.
- Eliminate unnecessary imprisonment.
- Adopt community justice approaches.
- Young people don't belong in prison.
- Rehabilitation, not just punishment.
- Reintegration not recidivism.

### **Just Reinvest NSW**

Just Reinvest NSW<sup>123</sup> is an independent, non-profit association, auspiced by the Aboriginal Legal Service (NSW/ACT) Ltd, which has been working since 2012 to reduce incarceration rates for Aboriginal and Torres Strait Islander children and young people.

More than 20 organisations are now actively engaged in Just Reinvest NSW as members or sponsors, with additional individuals and organisations providing in-kind or volunteer support.

In 2014 Just Reinvest NSW began implementing one of the first justice reinvestment trials in Australia in the small remote community of Bourke in north-west New South Wales. Two positions based in Bourke are assisted through funding by the Vincent Fairfax Family Foundation, the Dusseldorp Forum and St Vincent de Paul Society Foundation.

Just Reinvest NSW's 2015 election policy document<sup>124</sup> highlights the reasons why a justice reinvestment approach should be adopted by the NSW criminal justice system and how this will make communities safer. A *Law Society Journal* article<sup>125</sup> recently examined the successes of justice reinvestment in Bourke, with a focus on the story of a local resident who has been able avoid prison as a result, while the ABC's *Four Corners* program also covered the Bourke trial in 2016.<sup>126</sup> See below for more extensive information on the Bourke trial.

122 National Justice Coalition, *What's needed*, 2015 <<https://changetherecord.org.au/solutions/>>; National Justice Coalition, *Policy Framework – Blueprint for Change*, 2015 <<https://changetherecord.org.au/blueprint-for-change/>>.

123 Just Reinvest NSW, *Welcome to Just Reinvest NSW*, 2016 <<http://www.justreinvest.org.au/>>.

124 Just Reinvest NSW, *Creating a Just NSW: Thinking differently for safer communities*, 2015 <<http://www.justreinvest.org.au/wp-content/uploads/2016/02/2015-Election-Policy-Doc-Final-1.pdf>>.

125 Kate Allman, 'Breaking the prison cycle', *Law Society Journal*, August 2016 <<http://www.justreinvest.org.au/wp-content/uploads/2016/08/LSJ08.pdf>>.

126 ABC, 'Backing Bourke', *Four Corners*, 20 September 2016 <<http://www.abc.net.au/4corners/stories/2016/09/19/4539321.htm>>.

## Community Is Everything

Researchers from Amnesty International Australia's *Community Is Everything*<sup>127</sup> campaign have been investigating Australia's high rate of Indigenous youth incarceration. Its report, *A Brighter Tomorrow: Keeping Indigenous kids in the community and out of detention*<sup>128</sup>, details how the Australian Government can reduce the numbers of young Indigenous people incarcerated across the country.

The report calls for a justice reinvestment approach that includes both early intervention and community responses to address the underlying causes of crime and achieve long-term change. Amnesty's researchers have identified many effective solutions led by Aboriginal and Torres Strait Islander communities, groups and people to keep young Indigenous people in communities for a "brighter tomorrow". Some of the practical programs include drivers' education to help young people avoid traffic offences and programs that allow young Aboriginal and Torres Strait Islander people to reconnect with their community and country.

The report calls on Australia to comply with its international legal obligations and provide ongoing federal funding to these successful Indigenous-led initiatives.

## Rethinking Justice

Australian Red Cross produced the *Rethinking Justice: Vulnerability Report 2016*<sup>129</sup> that calls for a radical shift from all Australian governments to put justice reinvestment at the centre of justice policy, and redirect funds away from imprisonment and into community crime prevention.

The report highlights the inhumane effects of growing imprisonment rates and the failure of current approaches to reduce crime. It highlights a number of justice reinvestment programs being adopted by local communities throughout Australia and examines what is required for the successful implementation of justice reinvestment schemes.

## PLACE-BASED JUSTICE REINVESTMENT PROJECTS AND PILOTS

### Bourke, New South Wales

The most evolved justice reinvestment pilot program in Australia is the *Maraguka Initiative*, in the remote New South Wales town of Bourke.

Since 2012, Just Reinvest NSW has worked with the Bourke Aboriginal Community Working Party (BAWP) to address challenges facing young people in the community, particularly around offending and incarceration, while creating alternate pathways for young people.<sup>130</sup>

In Bourke, young Aboriginal people make up 2 per cent of the local population but represent half of the youth prison population.<sup>131</sup> Of the 223 young Aboriginal people living in Bourke in 2012, one in five were on remand or had been sentenced, not including those on bail or non-custodial sentencing. In 2012, the annual cost of incarcerating those 47 young people was \$2.2 million,<sup>132</sup> with each prisoner costing \$230,000.<sup>133</sup>

Service mapping showed there were 50 organisations servicing the community and 40 police.<sup>134</sup> The majority of crimes committed by young people in Bourke are driving offences, property offences and breaches of bail. Just a 20 per cent reduction in youth incarceration would save the NSW Government an estimated \$500,000 a year.<sup>135</sup> Bourke was seen to be 'ready for justice reinvestment' and approached Just Reinvest NSW about a trial. The project has diverse and committed community involvement, including residents, organisations, services and government departments.<sup>136</sup> A forum was held in May 2013 where 60 community members addressed proposals for how initiatives could be implemented to suit the town's needs.

127 Amnesty International, *Indigenous Justice*, 2017, Amnesty International <<https://www.amnesty.org.au/campaigns/indigenous-justice/>>.

128 Amnesty International, *A Brighter Tomorrow: Keeping Indigenous kids in the community and out of detention in Australia*, 2015 <[https://static.amnesty.org.au/wp-content/uploads/2016/09/A\\_brighter\\_future\\_National\\_report.pdf](https://static.amnesty.org.au/wp-content/uploads/2016/09/A_brighter_future_National_report.pdf)>.

129 Australian Red Cross, *Rethinking Justice: Vulnerability Report 2016*, 2016 <<http://www.redcross.org.au/files/VulnerabilityReport2016.pdf>>.

130 Just Reinvest NSW, *Justice Reinvestment in Bourke Briefing Paper*, NSW, 2013 <[http://www.justreinvest.org.au/wp-content/uploads/2016/02/Justice-Reinvestment-in-Bourke\\_Briefing-paper-Aug-2013.pdf](http://www.justreinvest.org.au/wp-content/uploads/2016/02/Justice-Reinvestment-in-Bourke_Briefing-paper-Aug-2013.pdf)>.

131 Bourke Justice Reinvestment, *Maraguka and Justice Reinvestment*, NSW, 2015 <<http://youthlaw.asn.au/wp-content/uploads/2016/07/bourke-justice-reinvestment-update-2.pdf>>.

132 Just Reinvest NSW, 2013, op. cit.

133 Bourke Justice Reinvestment, 2015, op. cit.

134 Just Reinvest NSW, 2013, op. cit.

135 Ibid.

136 Ibid.

Bourke is applying a ‘collective impact’<sup>137</sup> approach which involves:

- A whole-of-community and whole-of-government common agenda to solve social problems to reduce youth crime and increase community safety through a coordinated joint plan of action.
- Shared measures for change based on real-time data.
- A common approach, based on best evidence, for creating change in shared measures and developing the will and capacity 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.

Three initial circuit breakers are being implemented in the community:

- Initiatives will be put in place to address issues in regard to bail, sentencing and the *Youth Offenders Act*. This will include increased use of warnings, engagement of the Magistrates Court around alternative options, community based sentencing and increased use of Youth Justice Conference youth workers.
- Warrants clinics will be introduced to allow facilities where those issued with a warrant can meet with a lawyer, community corrections office, and Youth Off the Streets (YOTS) representatives who will assist with court applications.
- Drivers’ programs, education programs and assistance to young people trying to obtain their licence will be promoted to address the prevalence of automobile theft and driving offences.<sup>138</sup>

Just Reinvest NSW has identified a number of challenges to date, including collecting data from government departments and non-government organisations and working within existing frameworks and alongside current government initiatives while supporting the community to set its own agenda for change. Just Reinvest and the Maranguka Initiative have produced a number of resources outlining their process and achievements to date.<sup>139</sup>

### **Cowra, New South Wales**

The *Reducing Incarceration using Justice Reinvestment*<sup>140</sup> exploratory case study is being led by Dr Jill Guthrie from the National Centre for Indigenous Studies at the Australian National University. It is focused on the New South Wales regional town of Cowra, where 7 per cent of the population is Aboriginal.<sup>141</sup>

The research is being guided by a Research Reference Group which represents the Cowra Shire Council, Cowra Aboriginal Land Council, NSW Children’s Court, as well as key Australian and international academics. The research project focuses on engaging the Cowra community in conversation about what enables young people to lead meaningful lives in Cowra, and what the cost of prevention versus punitive responses are to criminal justice issues.

### **Katherine, Northern Territory**

The North Australian Aboriginal Justice Agency (NAAJA) and Northern Territory Council of Social Service (NTCOSS) received funding from the Northern Territory Law Society to explore using a justice reinvestment framework to address offending by and incarceration of young Aboriginal people (10-17 years) in Katherine.

Katherine was selected as a suitable pilot site based primarily on the level of youth offending and disproportionate incarceration.

The project aims to look closely at justice reinvestment’s potential to tackle broader social issues impacting Aboriginal people – not only because they underpin offending but as they also feed into continuing Aboriginal disadvantage and social exclusion.

The project will consider the costs associated with incarcerating recidivist offenders for whom earlier less punitive intervention may have had a positive impact. The pilot has produced a preliminary *Report on Initial Community Consultations*.<sup>142</sup>

137 Just Reinvest NSW, *Collective Impact*, NSW, 2017 <<http://www.justreinvest.org.au/collective-impact/>>.

138 Bourke Justice Reinvestment, *Maranguka and Justice Reinvestment*, NSW, February 2015 <<http://youthlaw.asn.au/wp-content/uploads/2016/07/bourke-justice-reinvestment-update-2.pdf>>.

139 Just Reinvest NSW, 2017, op. cit.; Bourke Justice Reinvestment, 2015, op. cit.; Australian Human Rights Commission, 4.2 *Justice Reinvestment in Australia: Five years on*, 2014 in *Social Justice and Native Title Report* <<http://www.humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/publications/social-justice-and-nati-o->>; Kerry Graham, *Maranguka’s Justice Reinvestment Initiative for Bourke*, 9 November 2016 presentation to Smart Justice for Young People <<https://prezi.com/0ioiymyrfhax/marangukas-justice-reinvestment-initiative-for-bourke/>>.

140 National Centre for Indigenous Studies, *Reducing incarceration using Justice Reinvestment: an exploratory case study*, Australian National University, Canberra, 2017 <<http://ncis.anu.edu.au/cowra/>>.

141 Jill Guthrie, Fleur Adcock and Phyll Dance, *Exploring the feasibility of Justice Reinvestment in the Australian Capital Territory: Workshop report*, Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra, 2011 <[https://ncis.anu.edu.au/lib/doc/JR\\_workshop\\_report\\_nov2011.pdf](https://ncis.anu.edu.au/lib/doc/JR_workshop_report_nov2011.pdf)>.

142 Fiona Allison, *Justice Reinvestment in Katherine: Report on initial community consultations*, James Cook University, Cairns, 2016, <[http://s3-ap-southeast-2.amazonaws.com/os-data-2/tci-jcu-edu-au/documents/jrkatherine\\_final\\_report.pdf](http://s3-ap-southeast-2.amazonaws.com/os-data-2/tci-jcu-edu-au/documents/jrkatherine_final_report.pdf)>.

### South Australia

The South Australian Attorney General's Department has committed to establishing justice reinvestment trials in two locations.<sup>143</sup> In July and August 2015, the Department began consultation with community members, service providers, government, non-government organisations and others about what a trial justice reinvestment project could look like for metropolitan Port Adelaide.

While not one of the two formal trials, the Australian Red Cross is facilitating engagement with Aboriginal communities in and around the remote town of Ceduna on justice issues for Aboriginal people living in the area. In its *Vulnerability Report 2016*<sup>144</sup> the Red Cross stated that the next phase involves developing a community-owned justice action plan to address the causes of crime in Ceduna. This initiative is linked to the *South Australian Justice Reinvestment Working Party*, which is working with the SA Government on justice reinvestment policy. The engagement commenced in February 2015 and is funded by the Ian Potter Foundation and Collier Charitable Fund.

### Australian Capital Territory

The 2014-15 ACT budget committed to a Justice Reinvestment Strategy,<sup>145</sup> which covers the development of a whole-of-government justice reinvestment approach aimed at reducing recidivism and diverting offenders and those at risk of becoming offenders from the justice system.

The development of the Strategy involves the Justice and Community Safety Directorate (JACS) working closely with a range of government and community stakeholders, over a four year period (2014-18), to identify drivers of crime and criminal justice costs and then develop and implement new ways of reinvesting scarce resources – both in the community and within the prison system – in a way that results in a more cost-effective impact on public safety.

The Justice Reinvestment Strategy supports the Parliamentary commitment to reducing recidivism by 25 per cent by 2025.

The ACT's approach to justice reinvestment is multi-faceted, with the Strategy having identified a series of existing government programs that appear most promising as a means of preventing crime and recidivism. Three approaches for justice reinvestment have been developed in the ACT:

1. Place-based: this approach involves understanding the crime reduction and community strengthening impacts of programs and supports that are provided in the same location as the people who need them. An example of this pathway is the High Density Housing Program on Ainslie Avenue
2. Point in the system: looking at crucial points in the justice system, for example arrest, bail and remand, where a change could reduce a person's future contact with the justice system. An example is undertaking restorative justice as a diversion or post-sentence.
3. Cohort: focusing efforts on a particular group (such as parolees, persistent offenders or high and complex needs families) who are in constant contact with the justice system and targeting services and support to that group. An example is the ACT Corrective Services Extended Throughcare models of prisoner support.

The first ACT justice reinvestment trial is called Yarrabi Bamirr, Ngunnawal language for Walk Tall, which was co-designed with Aboriginal and Torres Strait Islander service providers and community groups. The \$926,000 program involves using a family-centric service support model with Aboriginal and Torres Strait Islander families to improve life outcomes and reduce or prevent contact with the justice system. An evaluation framework is being developed by the Australian National University and commenced in April 2017.

Ten Aboriginal families in Canberra are the focus of a trial which the ACT government hopes will cut the number of Indigenous people in courts and jail. The 12-month trial will let families join social workers to design plans addressing their health, housing, education and employment needs to reduce the territory's offending rates.<sup>146</sup>

<sup>143</sup> Attorney General's Department, *Justice Reinvestment*, South Australian Government, Adelaide, 2017 <<http://www.agd.sa.gov.au/initiatives/more-our-initiatives/justice-reinvestment>>.

<sup>144</sup> Australian Red Cross, 2016, op. cit.

<sup>145</sup> Justice and Community Safety Directorate, *Justice Reinvestment Strategy*, ACT Government, Canberra, 2017 <<http://www.justice.act.gov.au/page/view/3829/title/justice-reinvestment-strategy>>.

<sup>146</sup> Doug Dingwall, 'Govt adopts justice trial to reduce offending rate among Indigenous people', *Canberra Times*, 25 April 2017 <<http://www.canberratimes.com.au/act-news/govt-adopts-justice-trial-to-reduce-offending-rate-among-indigenous-people-20170425-gvrvb1.html>>.

The second ACT trial is a 12 month Bail Support trial designed to reduce the number of Aboriginal and Torres Strait Islander people on remand and reduce the amount of time spent on remand.

An ACT Justice System Costing Model is being developed to understand the costs of the current ACT adult and youth justice system from the point of apprehension to post-sentence to establish a baseline cost.

### Western Australia

There are currently no justice reinvestment projects operating in Western Australia. However the discussion paper, *A Social Reinvestment approach in Western Australia*,<sup>147</sup> was prepared for the Western Australia Partnership Forum, to examine issues prevalent in the Western Australian justice system. These issues include increasing incarceration rates and costs, higher crime, and the disproportionate rate of imprisonment of Aboriginal and Torres Strait Islander people.

The paper explores existing alternative approaches that have successfully combated these issues and the use of what it calls a Social Reinvestment approach in Western Australia, which aligns closely with the aims and strategies of justice reinvestment. It outlines a Social Reinvestment Model as based on three complementary approaches:

- healthy families
- safe communities
- more effective use of the justice system.

The paper has a particular focus on reducing youth and Aboriginal and Torres Strait Islander offending. It notes that social and economic disadvantage is the main cause of offending and that those living in the most disadvantaged areas of Western Australia are eight times more likely to spend time in prison. The paper is particularly critical of mandatory sentencing in Western Australia.

The Social Reinvestment WA campaign has called for the development of a supportive and informed community, a cross party political commitment to justice and where Aboriginal people represent no more than 3 per cent of the prison population or their population equivalent.

This campaign overview sets out why social reinvestment is needed, its reform and policy targets and provides a comparative analysis of justice reinvestment projects around the world. The overview is a suitable resource for others thinking about developing and implementing their own justice reinvestment policies.

### Queensland

While Queensland is yet to adopt a justice reinvestment approach, some initial research has been conducted into its potential benefits. A paper, *Cost effectiveness analysis of a 'justice reinvestment' approach to Queensland's youth justice services*,<sup>148</sup> was prepared on behalf of the Pro Bono Centre within the School of Law at the University of Queensland, and provides an economic evaluation of youth justice reinvestment in Queensland.

The paper estimates that a 'business as usual' approach to corrective services, youth justice services and community services through 2015-2030 would cost \$8.7 billion. It argues that an upfront investment of \$10 million over four years and a focus on justice reinvestment could save up to \$263 million in the same timeframe.

### Workshop on justice reinvestment in Indigenous communities

A 2015 workshop<sup>149</sup> organised by the Human Rights Law Centre and the Australian Justice Reinvestment Project brought together key people involved in justice reinvestment projects in Indigenous communities to share their experiences and discuss the challenges they have faced. The workshop aimed to have a practical focus and to support communities in their practical implementation of justice reinvestment projects. This workshop report provides summaries of the key issues discussed and questions relating to community engagement, funding models and the role of the government. An important intention was to develop a strategy about how to best support existing and future initiatives.

147 Madeleine Smith, Dimuna Phiri and Sophie Stewart, *A Social Reinvestment approach in Western Australia*, 2016 <<http://youthlaw.asn.au/wp-content/uploads/2016/07/Social-Reinvestment-Discussion-paper-WA-Partnership-Forum.pdf>>.

148 Alexandra Bratanova and Jackie Robinson, *Cost effectiveness analysis of a "justice reinvestment" approach to Queensland's youth justice services*, School of Economics, University of Queensland, 2015 <<http://www.uq.edu.au/economics/abstract/537.pdf>>.

149 Human Rights Law Centre and University of New South Wales Law, *Workshop on practical implementation of Justice Reinvestment projects in Indigenous communities*, Law and Justice Foundation of New South Wales, 2015 <[http://www.lawfoundation.net.au/ljf/site/templates/grants/\\$file/Justice\\_Reinvestment\\_workshop\\_final\\_report.pdf](http://www.lawfoundation.net.au/ljf/site/templates/grants/$file/Justice_Reinvestment_workshop_final_report.pdf)>.

## RELATED PLACE-BASED CHILD WELLBEING PROJECTS

There are many other projects operating across Australia that do not call themselves justice reinvestment projects or explicitly focus on crime prevention or justice reform, yet are making a difference in supporting communities to promote children's wellbeing and address underlying causes of crime. Their work will inevitably contribute to a reduction in the number of young people coming into contact with the criminal justice system.

Many of these programs are captured in the *Snapshot* report<sup>150</sup> by the Centre for Community Child Health at the Murdoch Children's Research Institute and Royal Children's Hospital in Melbourne. The report provides an overview of the policies and actors supporting place-based approaches to improve children's outcomes. The report outlines key policies, leading practice, contributing research and strategic coordination of organisations and initiatives, and lists key organisations which support planning, implementation and research into place-based approaches to improve children's outcomes.

### *Communities for Children*

Introduced in 2004 (as part of the Australian Government's Stronger Families and Communities Strategy) Communities for Children (CfC)<sup>151</sup> is Australia's longest surviving nationally funded place-based initiative and has gone through a series of iterations. In 2008 CfC became part of the Family Support Program. It is a national place based program for children and families in 52 disadvantaged areas and is designed to enhance the development of children experiencing disadvantage.

Victorian sites are:

- Frankston.
- Cardinia Shire (CfC Plus) Anglicare.
- Greater Shepparton.<sup>152</sup>

While CfC services are universal, priority is given to families with risk factors. Aimed now at 0–12 year olds, its objectives are to improve the health and wellbeing of families and the development of young children. The program pays special attention to:

- supporting parents to care for their children before and after birth and throughout the early years
- providing access to high-quality early learning opportunities in the years before school
- working with local schools to assist children and families with their ongoing engagement with school.

### *Opportunity Child*

The national Opportunity Child<sup>153</sup> initiative aims to reduce childhood vulnerability through a community-based collaborative approach to the education and development of children. Opportunity Child emphasises a local approach and a move towards prevention and early intervention to improve child wellbeing. One of its goals is to build a \$30 million capital fund that leverages contributions from community, philanthropy, corporate and government.

Opportunity Child is a collective of eight leading partner communities from across Australia, who are leaders in place-based research and service delivery, and practice in early childhood, and philanthropy, and a wider learning network.

<sup>150</sup> Centre for Community Child Health, *A snapshot of place-based activity promoting children's wellbeing*, Murdoch Children's Research Institute, Melbourne, 2014 <[http://www.rch.org.au/uploadedFiles/Main/Content/ccch/CCCH\\_Collaborate\\_for\\_Children\\_Report\\_Snapshot\\_Nov2014.pdf](http://www.rch.org.au/uploadedFiles/Main/Content/ccch/CCCH_Collaborate_for_Children_Report_Snapshot_Nov2014.pdf)>.

<sup>151</sup> Department of Social Services, *Families and Children*, Australian Government, Canberra, 2014 <<https://www.dss.gov.au/our-responsibilities/families-and-children/programs-services/family-support-program/family-and-children-services>>.

<sup>152</sup> Communities for Children Greater Shepparton, *About Us*, <<http://www.sheppartoncfc.com.au/>>.

<sup>153</sup> Opportunity Child, 2017 <<http://opportunitychild.com.au/>>; Maggie Lanham, *Game changer for Child Opportunity: A bold new approach to transform vulnerable children's lives from cradle to career*, ten20 Foundation and ARACY, May 2016 <<https://www.aracy.org.au/documents/item/188>>; Opportunity Child, *Opportunity Child brochure*, 2016 <<http://opportunitychild.com.au/wp-content/uploads/2016/05/Opportunity-Child-brochure.pdf>>.

# The Victorian context

## JUSTICE REINVESTMENT APPROACHES IN VICTORIA

As outlined above, while Victoria has not committed to a justice reinvestment pilot, there is significant policy development, investment in and work going on in Victorian communities that have features of a justice reinvestment approach that could be integrated and built on to strengthen communities and reduce youth offending.

The Victorian Government has committed to a range of early intervention and crime prevention programs and initiatives that aim to address the causes of and risk factors behind youth offending including disadvantage, difficult family environments, disengagement with school, child abuse and neglect, homelessness, and alienation from community.

Some of these initiatives include:

- place-based targeted youth crime prevention grants and other crime prevention grants
- the Empower Youth initiative which supports vulnerable young people who are at risk of disengagement
- Navigator and Lookout Centres programs that are both targeted at engaging vulnerable children in mainstream education.

## COMMUNITY CRIME PREVENTION

The current approach to community crime prevention in Victoria is centred in the Community Crime Prevention Unit (CCPU) within the Police and Corrections Division of the Victorian Government's Department of Justice and Regulation. The CCPU is responsible for managing the government's Community Crime Prevention Program (CCPP), which provides grant funding to local government and communities to address local crime issues. It has also recently introduced directed grants.

The CCPU's key strategic priorities include the following:

- building knowledge and a shared understanding across government and community about crime prevention and effective responses
- strengthening partnerships at a local, state and national level in relation to crime prevention
- supporting the implementation of effective crime prevention solutions at both a local and state level
- analysing and reviewing crime prevention initiatives, particularly those funded through the grant programs, to inform future practice.

The mainstay of the CCPP is the competitive grants program, which provides funding for local government and community organisations to develop and deliver community crime prevention programs.

The Victorian Government's current crime prevention plan includes new and expanded grants to assist local communities to target the underlying causes of crime and address new and emerging crime trends. Its Community Safety Statement 2017 was released in December 2016 and includes \$8.5 million in Youth Crime Prevention grants in 2016-2017 to focus on positive initiatives that engage with young Victorians in preventing crime and criminal behaviour.

While not adopting the language of justice reinvestment, the grants program increasingly adopts justice reinvestment objectives, including:

- genuine community partnerships
- local or place-based projects which work with and for a specific community or demographic, especially those of high disadvantage and/or those with high crime or incarceration rates
- community engagement with a focus on strengthening communities and building social capital to change local social conditions that influence offending
- use of local evidence and data to assist communities to identify and tackle their own challenges, develop their own solutions and monitor and evaluate the impact of their initiatives
- long-term investment and commitment by government and funders, allowing time and resources for this approach to be effective.

In his 2015 review of the CCPP, Parliamentary Secretary for Justice, Ben Carroll MP, noted:

*“During the course of my review I found there is increasing emphasis on the importance of targeting social disadvantage as one of the causal factors of crime. Recent reports from the Jesuit Social Services (Dropping off the Edge 2015: Persistent Communal Disadvantage in Australia) and the Victorian Ombudsman (Investigation into the Rehabilitation and Reintegration of Prisoners in Victoria) confirmed that hotspots of disadvantage within Victoria can be linked to offending behaviour. Effective measures to address this and other causal factors will require not just whole of government responses, but the active engagement of local communities. There is an opportunity to build on this momentum through supporting community capacity to identify existing and emerging needs and to develop and deliver effective local crime prevention responses.”<sup>154</sup>*

### Place-Based Targeted Grants

Following the release of the CCPP Review there was an injection of investment into place-based targeted crime prevention grants program.

*“Place-based crime prevention uses existing community knowledge about crime problems to identify and develop appropriate crime prevention approaches. These approaches target the causal factors of crime such as social disadvantage by investing in social capital. By empowering the community to build social cohesiveness, place-based crime prevention also contributes to overall community health and wellbeing.”<sup>155</sup>*

The Place-Based Targeted Grants program supports locally-based partnership projects to reduce the risks of crime and increase community safety in nominated areas experiencing high rates of crime and disadvantage.

Recognising that the capacity to address risk and build protective factors for crime extends beyond the Justice portfolio, the program has an emphasis on collaboration and leveraging contributions from across government and community agencies.

Its place-based approach encourages local organisations to find areas of overlap and opportunities for collaboration, leading to the development of a set of strategies and activities preventing or reducing the incidence of crime within local communities.

The objectives of the Place-Based Targeted Grants Program are to:

- promote the development and delivery of integrated crime prevention initiatives as part of a strategic approach to increase community safety in particular local communities
- support local communities to develop collaborative approaches to reducing the likelihood of crime in areas with high rates of crime and disadvantage
- build capacity and capability in local communities to apply problem-solving approaches to develop tailored, evidence-based crime prevention initiatives.

The program focused on addressing the recent spike of a relatively small group of young people committing multiple offences, by providing intensive targeted services for those already engaged in the criminal justice system as well as for young people identified as being at ‘high risk’ of engaging in criminal behaviour in the near future.

A multi-pronged approach to the program has been adopted, including:

- directed Youth Grants and Koori Youth Grants
- competitive Youth Crime Prevention Grants.<sup>156</sup>The 2016-17 State Budget committed \$19.4 million in funding over two years to help target the root causes of crime, including \$10 million for new place-based initiatives that support partnerships and build community capacity to leverage existing services and deliver initiatives that:
- target young people aged 10-24 years, including those already engaged in the criminal justice system
- focus on Aboriginal and Torres Strait Islander (ATSI) represented in Victoria’s youth justice system
- address the underlying risk factors for young people becoming involved in crime
- support crime prevention initiatives in hotspots of crime and disadvantage
- support local partnerships, build community capacity, and leverage existing services and programs to fill identified gaps in supports for known recidivist young offenders and those at risk of becoming involved in the criminal justice system.

Taken together, these components aim to address the recent spike in recidivist youth crime, as well as address issues for young people at risk of being the next wave of offenders, by supporting evidence-based initiatives across targeted locations in Victoria.

<sup>154</sup> Parliamentary Secretary for Justice, Community Crime Prevention Program Review Report, Department of Justice and Regulation, Victorian Government, 2016 <<https://www.crimeprevention.vic.gov.au/news-and-events/community-crime-prevention-program-review-report-released/>>.

<sup>155</sup> Ibid.

<sup>156</sup> See Community Crime Prevention, Youth Crime Prevention Grants <<http://www.crimeprevention.vic.gov.au/home/our+grants/youth+grants/>>.

### *Directed Youth Grants*

Over 2017-18, \$6.5 million is being allocated to address issues for young offenders as well as young people at risk of offending in eight Victorian metropolitan and regional locations – Hume, Wyndham, Ballarat, Geelong, Frankston, Casey, Latrobe, and Greater Dandenong – where high frequency young offenders reside and that are also experiencing high crime and disadvantage.

Local community partnership consortia with appropriate capacity and experience in targeted priority locations will be funded with a substantial sum (at least \$700,000 each). This will be used to implement and evaluate evidence-based targeted initiatives that leverage existing programs and services to work intensively with target individuals to address the root causes behind their involvement in high frequency offending, and prevent other at-risk young people from engaging with the criminal justice system.

Initiatives may include engaging at-risk young people and linking them with existing education, training or employment services; supporting their wellbeing and promoting pro-social behaviour and personal resilience; and re-connecting them with their communities.

Initial funding will be provided over two years, with an expectation that projects will be sustainable beyond this period. If a partnership is able to leverage additional funds or in-kind support, the government will match this contribution ‘dollar for dollar’ (up to an additional \$100,000) to support the project’s continuation into a third year.

The Community Crime Prevention Unit (CCPU) has used data from the Crime Statistics Agency, Department of Health and Human Services (DHHS), and the Department of Justice and Regulation to identify locations with high numbers of recidivist young offenders.

CCPU will work with Victoria’s Department of Economic Development, Jobs, Transport and Resources, Department of Education and Training, DHHS Youth Justice Service, Department of Premier and Cabinet, Magistrates’ and Children’s Courts and Victoria Police to identify the common factors that underpin the offending of these young people, and the established, experienced partnerships and existing initiatives in target locations that could be leveraged through partnership grants.

CCPU will collaborate with organisations and agencies in each selected location to negotiate a plan and funding agreement for local partnership consortia to deliver an initiative (or series of initiatives) to address identified risk and protective factors associated with preventing youth crime.

### *Directed Koori Youth Grants*

\$1.5m from the 2016-17 Victorian Budget is allocated between the nine Regional Aboriginal Justice Advisory Committees (\$165,000 each), and will be managed by Department of Justice and Regulation’s Koori Justice Unit. These directed grants recognise that Aboriginal and Torres Strait Islander young people have disproportionately high rates of disadvantage resulting in significant over-representation in the criminal justice system, and acknowledge the need for culturally specific interventions.

### *Competitive Youth Crime Prevention Grants 2016-18*

These competitive grants (\$2 million over two years) will fund communities with between \$100,000-\$200,000 for partnership initiatives that address the risks and protective factors associated with youth offending in their community and support vulnerable young people (10-24 years) with a particular focus on Koori and culturally and linguistically diverse young people.

These grants are open to communities that are experiencing crime and disadvantage and that have not been selected for intensive support under the Directed Grants stream. Ten locations with high numbers of youth offenders have been prioritised: Mildura, Horsham, Brimbank, Melton, Bendigo, Cardinia, Shepparton, Wodonga, Darebin and East Gippsland.

The focus is on building sustainable partnerships, proposing evidence-based solutions that include young people, and working across government to ensure funded projects complement existing programs.

### *Pilot Place-Based Targeted Grants 2015-16*

Previously \$2.2 million was allocated to pilot Place-Based grants, allocated in 2015-16, to projects in 11 locally-based partnership projects. Project were funded for two years up to \$200,000 and launched in September 2015.

These earlier grants have a broader focus on vulnerable members of community, including young people, Aboriginal and Torres Strait Islander people and culturally and linguistically diverse communities. Similarly these projects are working to reduce the risks of crime and increase community safety in nominated areas experiencing high rates of crime and disadvantage, and to help communities address issues of unemployment and youth disengagement and improve social cohesion.

# Linking Laverton Project

## PLACE-BASED CRIME PREVENTION GRANT IN WEST METROPOLITAN REGION

Laverton is a culturally diverse area of high disadvantage, with low levels of education or training attainment experienced by the whole community. Young people in Laverton are particularly vulnerable and the circumstances affecting them are symptomatic of the effects of long-term disadvantage. Of significant concern to the Laverton community are the high rates of unemployment, disengagement from education, training and employment opportunities, financial stress, homelessness and a lack of stable housing, offending behaviour, and low community participation by culturally diverse, disadvantaged and disengaged young people.

Young people are not getting access locally to the variety of support services they need, which are mostly located instead in the nearby growth corridor of Werribee. The area of Laverton lacks a 'coordinated response', which compounds a culture of youth disengagement and crime. There is no dedicated youth specific agency or role to coordinate activities aimed at addressing issues related to antisocial and offending behaviour.

The Linking Laverton project aims to answer the question: *What are the best and locally relevant practices and activities for the youth sector to address issues related to offending behaviour with young people?*

The project aims to promote greater access to and integration of the service system and adequate services by establishing a sustainable youth specific network in the region. The project has recruited a dedicated youth worker (Pathways Coordinator) and established the Young People in Laverton Network that links up 12 local services in the Hobson Bay City Council area.

Over two years, clear pathways will be developed to enable young people in Laverton to positively engage with local health and wellbeing, welfare, education/training and leadership mentoring supports services and programs. The aim is to improve educational and employment outcomes for highly disengaged young people and reduce their risk of participating in crime.

Linking Laverton will engage 52 young people (previously disengaged) and support them to build skills in managing behaviours, communication and consequential thinking within the context of three sport, recreation and life skills programs:

- *Food Angels program* – 9 weeks x 8 participants per year (16 total): learning opportunities in food security, literacy, numeracy, budgeting and health education, plus social component.
- *Football Program* – 22 weeks x 10 participants per year (20 total): behaviour modification learning opportunities; respectful relationship training; peer led impulse control support: coach from Victoria Police.
- *Young Men's Group (mentoring)* – 10 weeks x 8 per year (16 total): access to positive male role models from the local community with a focus on positive communication/behaviour modification, impact awareness (of self) and bonding experiences with mentors.

Over the long term, the program aims to provide pathways, life skills, positive mentors, and social connections that help young people to navigate their way from disadvantage and disengagement to community connection.

### Communities That Care

Another primary crime prevention program supported by the Victorian Government that has justice reinvestment features is Communities That Care, which received funding in the 2016-17 Budget to extend it to three new sites in Victoria.

Parliamentary Secretary for Justice, Ben Carroll, has expressed strong support for the program:

*“Communities That Care provides a framework that builds community capacity to identify local needs and empowers communities to identify appropriate evidence-based responses.”<sup>157</sup>*

The Communities That Care program<sup>158</sup> is a primary prevention initiative targeting risk and protective factors for young people, including harmful substance use, low academic achievement, early school leaving, sexual risk-taking, and violence.

A national program and adapted for Australia from a program devised in the United States, Communities That Care (Australia) Ltd is a not for profit training and consulting company with the objective of implementing, evaluating and disseminating strategies for building community prevention capacity in Australia. It was set up in Australia under a joint initiative of the Women’s and Children’s Health Network and the Rotary Club of Melbourne, with funding also provided by the Victorian Health Promotion Foundation (Vic Health) and a number of philanthropic organisations.<sup>159</sup>

There are a number of Communities That Care resources<sup>160</sup> that provide background information and guidelines for implementation, describe how the program can assist in implementing evidence-based prevention strategies, and address challenges faced in implementing effective community-wide prevention services.

The vision is to promote the healthy development of children and young people through long-term community planning to prevent health and social problems. It is a whole-of-community approach to promoting the healthy development of children and young people by coordinating a single local planning forum to address causal factors of crime in young people.

Under the programs, communities are engaged to develop a risk profile that guides a coordinated community response and leads to an action plan and measures to build local capacity to implement local priorities.

Principal goals of the program are to:

- support and strengthen families
- promote school commitment and success
- encourage healthy and responsible behaviour
- achieve a safer, more cohesive community.

Key features of the Communities That Care five year cycle include:

- Engage community and community support (from local council).
- Assess what is happening in the community and develop a risk profile via surveys of all year 7, 9 & 11 students in the relevant local government areas.
- Feedback results into a community structure that brings together cross sector workers and community members and guides the community’s response.
- Develop an action plan to respond to the social risk profile.
- Build capacity of these communities to implement the action plan.
- Repeat the cycle every 5 years and accumulate data sets to track youth trends over time.

<sup>157</sup> Parliamentary Secretary for Justice, 2016, op. cit.

<sup>158</sup> See Communities That Care <<http://www.communitiesthatcare.net/>>.

<sup>159</sup> Sandy Cahir, Liz Davies, Paul Deany, Cecily Tange, John Toumbourou, Joanne Williams, Raelene Rosicka, *Introducing Communities That Care: Helping communities build better futures for children and young people*, Communities That Care, Victoria, 2003 <[http://www.communitiesthatcare.org.au/sites/default/files/files/images/introducing\\_communities\\_that\\_care.pdf](http://www.communitiesthatcare.org.au/sites/default/files/files/images/introducing_communities_that_care.pdf)>.

<sup>160</sup> Ibid :Communities That Care, *The Communities That Care Youth Survey*, 2016 <[http://www.rch.org.au/uploadedFiles/Main/Content/ctc/Communities\\_That\\_Care\\_Youth\\_Survey.pdf](http://www.rch.org.au/uploadedFiles/Main/Content/ctc/Communities_That_Care_Youth_Survey.pdf)> Rachel Smith and John Toumbourou, *Implementing effective prevention in Australian communities using Communities That Care*, 2016 <<http://youthlaw.asn.au/wp-content/uploads/2016/07/Implementing-Effective-Prevention-in-Australian-Communities-Using-CTC-2.pdf>> Cameron Price, *Communities That Care Warrnambool – Prevention is possible: community profile and action plan to improve the healthy development of children and young people*, Brophy Family and Youth Services, Warrnambool, 2016 <<http://youthlaw.asn.au/wp-content/uploads/2016/07/Communities-That-Care-Warrnambool.pdf>> Communities that Care, *Guide to Australian Prevention Strategies*, 2012 <<http://youthlaw.asn.au/wp-content/uploads/2016/07/CTC-Guide-to-Australian-Prevention-Strategies.pdf>>.

# Mornington Communities That Care

In 1999 a statewide survey found the Mornington Peninsula Shire had high levels of youth related health and social problems compared to other municipalities and one of the highest rates of youth substance use and related problems in Victoria.

Although there were a number of services offering assistance to young people, at that time there was no systematic response.

A few key people within the Shire Council saw the value in the Communities That Care (CTC) process and the potential impact it could have on young people's health and wellbeing and wider community safety and wellbeing.

In 2002, Shire Council received six years of state funding to pilot the CTC process across the Mornington Peninsula Shire, covering 41 townships over 740 square kilometres and including approximately 150,000 residents. CTC Mornington Peninsula is broken into six Local Area Groups (LAGs) which have Communities That Care staff and coalitions representing young people, interested residents, community organisations and non-government agencies.

Morning Peninsula Shire has fully funded the CTC program since 2008, and it forms an important part of the council's Youth Services Strategy. Its Youth Services Team is the lead agency for the program, but it heavily relies on strong partnerships for aspects of program governance and coordination.

The program has completed three full cycles (5 years per cycle) – 2002, 2007 and 2012 – and currently has three sets of data for tracking youth trends over that period. As outlined above, youth surveys are completed by secondary school students and local consultations then identify priority risk factors for action.

Reducing alcohol and other drug related harm was a CTC Mornington Peninsula wide priority from 2007-2012. In 2010, the first edition of the Committees That Care Mornington Peninsula Parents' Alcohol and Other Drug Resource Booklet was launched after 14 local secondary schools worked together to make one available to the parents of every Year 7 student.

Follow up surveys in 2007 and 2012 revealed reductions in the targeted youth behaviours (e.g. underage binge drinking and cannabis use) and risk factors.

Communities That Care oversees and facilitates the administration of the longitudinal Healthy Schools Neighbourhood School Survey and identifies the risks faced by young people across the site. Every five years it measures the prevalence estimates for a series of problem behaviours such as substance use, sexual activity, depressive symptoms, anti-social behaviour, bullying and exercise and diet indicators amongst secondary school students in the region.

Since 2002, Communities That Care has been effectively adapted in three 'pioneer' Australian communities, including the Mornington Peninsula Shire in Victoria.

Student surveys demonstrated that risk factors were reduced, protective factors enhanced and health and social problems reduced as part of the implementation of actions plans. The work of the pioneer communities has yielded valuable lessons for improving the future implementation of the Communities That Care process in Australia.

Given the strong evidence base and the findings from the Mornington Peninsula Shire, in 2014 Victoria's Community Crime Prevention Program began funding Communities That Care in five pilot sites: East Gippsland, Geelong, Bendigo, Cardinia and Warrnambool. The sites were chosen based on high rates of social and economic disadvantage.

Other Victorian sites have adopted the Communities That Care approach, via alternate community funding. These self-funded sites include City of Knox (2014), Myrtleford (2009), Yarra (2015), and Mornington Peninsula (from 2008).

## *Aboriginal Justice Agreement, RAJACs & Community Grants*

Through the Victorian Aboriginal Justice Agreement (AJA), the Victorian Government supports local community-based projects to address the ongoing issue of Koori over-representation within all levels of the criminal justice system.

The Regional Justice Plans developed by the Regional Aboriginal Justice Advisory Committee (RAJAC) Network are a core initiative of the AJA and are the primary mechanism for community input into the AJA ongoing development, implementation and review. There are nine RAJACs: Barwon South West, Grampians, Hume, Loddon Mallee, Gippsland and Northern, Western, Southern and Eastern Metropolitan.

RAJACs identify suitable projects to participate in the competitive funding process, in line with the priorities identified in their respective RAJAC Regional Justice Plans.

The Government invests in two streams of community grants: Community Initiatives Program (CIP) and Frontline Youth Initiatives (Frontline).

The Frontline and CIP grants support the delivery of the AJA against its objectives of:

- promoting healthy and pro-social life activities
- addressing crime prevention and early intervention
- diversion/strengthening alternatives to imprisonment
- reducing re-offending
- reducing victimisation
- ensuring responsive and inclusive services
- strengthening community justice responses.

### *Community Initiatives Program (CIP)*

CIP provides communities with funding and opportunities to develop pilot initiatives and undertake research that will reduce negative contact between the Koori community and the criminal justice system.

CIP projects:

- increase community participation in the development of culturally appropriate and innovative early intervention programs
- promote cultural strength
- promote reconciliation and partnerships between communities and justice agencies
- assist in research and the identification of community-based best practice initiatives including the planning and development of regional strategic plans and submission proposals.

### *Frontline*

The Frontline project provides communities with opportunities to engage Koori youth (10-24 years) in community-based initiatives that aim to promote healthy and pro-social life activities that reduce the likelihood of future negative contact with the criminal justice system. Frontline funding is for a maximum of three years and projects can include (but are not limited to) those that promote:

- youth leadership
- sporting activities (both individual and team based)
- culture and cultural understanding of healthy lifestyles
- music, arts and performance-based activities
- engagement with education, training or vocational activities
- employment readiness.

# Southern Metropolitan RAJAC & Casey Aboriginal Gathering Place

## CASE STUDY

The City of Casey has the highest Aboriginal population in metropolitan Melbourne and a significant Aboriginal youth population: 45 per cent of Aboriginal and Torres Strait Islander residents of Casey are aged under 17.

Casey's Aboriginal residents face significant socio-economic disadvantage, including poorer health status across most measures, low education levels and high rates of unemployment. Youth unemployment is of serious concern with young people aged 15-24 years particularly vulnerable. Of further concern is the high percentage of young adult offenders under the age of 25 years engaged with Community Correctional Services.

The Casey Aboriginal Gathering Place, located in Doveton, was officially opened in July 2016. It is a partnership of Casey City Council and the local Aboriginal community, funded by the Victorian Department of Health and Human Services.

Casey's Aboriginal community identified that the Gathering Place should be an accessible, "homely" and welcoming place, with room for larger events, an outdoor space, garden and kitchen that responds to the specific cultural, social, and spiritual aspirations of the local Aboriginal people.

The Gathering Place is a dedicated space where Casey's Aboriginal community drop in, engage in programs and activities and connect with services and their community.

It aims to bring together culturally appropriate outreach services, to assist local Aboriginal communities to build on their strengths, knowledge and leadership to improve health and well-being outcomes, and build a strong connection to and sense of pride for culture and community.

It has new forms of community participation with activities that are flexible and driven by the needs and aspirations of the local community, with everything from a cuppa to an Art and Yarn Group for Elders, a men's group, homework group, educational and social programs for young people and a youth school holiday program.

The *Doveton Koori Homework Centre* is run by a City of Casey worker weekly at the Gathering Place, attended by approximately 20 local young Koori people per session, with a weekly meal provided. Local Koori youth are highly vulnerable to the criminal justice system, and it is well known that education is a major protective factor.

# Neighbourhood Justice Centre

Australia's first comprehensive community justice model initiative, the Neighbourhood Justice Centre (NJC), is a community court providing new ways of dealing with crime, safety and disadvantage in inner-Melbourne, by engaging the community in identifying problems and generating solutions.

NJC is premised on community crime prevention – the idea that preventing crime is a community-wide effort – and geared towards improving the social, economic, physical and civic conditions in the City of Yarra, an area characterised by high levels of social disadvantage and high crime rates.

The NJC opened in 2007 and offers a range of justice and social services. It is a venue of the Magistrates' Court of Victoria, with jurisdiction to hear most summary criminal offences, and family violence and personal safety matters involving residents of the City of Yarra. It is also a venue for the Victorian Civil and Administrative Tribunal, hearing mainly residential tenancies and civil matters.

The NJC has a Client Services team that provides assessment, treatment and referral services to people referred through its justice processes, as well as directly to residents of the City of Yarra. Client services include mental health, drug and alcohol, housing, financial counselling education and other support agencies. A variety of justice-related agencies also have staff located at the centre, including Victoria Legal Aid, Fitzroy Legal Service, Community Correctional Services (who supervise offenders living in the City of Yarra), Dispute Settlement Centre of Victoria and Victoria Police.

In this way the NJC serves as a 'gateway' to other forms of human services and to outcomes like housing status, employment and mental health.

Part of its role is to divert people who *might* one day do something criminal away from that choice by strengthening alternatives in the community. NJC emphasises the importance of stable families, good neighbours and friends, and effective community and social groups in providing the foundations for safety in a community, rather than formal systems such as the criminal justice system.<sup>1</sup>

NJC has achieved significant improvements in community order compliance and recidivism. Since its establishment, crime rates in Yarra have fallen, with a 31 per cent decline in total crime, largely as the result of a 40 per cent reduction in property crime. Crime rates have generally fallen in Victoria over the same period (again, largely as the result of reductions in property crime) but the decline in Yarra is greater than that observed in comparable inner urban local government areas (LGAs) or LGAs with high levels of social disadvantage.<sup>2</sup>

As well as working to reduce crime, NJC has had significant impact on community life. It understands that crime and disadvantage are mutually reinforcing. For example, high levels of arrests, convictions and imprisonment can destabilise neighbourhoods that are already disadvantaged, "exacerbating the effects of poverty, broken families, unsupervised youth, and unemployment."

A great example of the innovative community work at the Neighbourhood Justice Centre is the Community Group Conferencing (CGC) process it facilitated in September 2016 to deal with group offending of eight young men involved in the Moomba incidents in March 2016. Three young men participated as part of their diversion plans, and five participated during the pre-sentence stage.

Excluding the convenor, 33 people took part in the CGC: eight young men, each accompanied by a family member, and 17 professionals.

For the young men involved in the incidents, the experience of describing in detail what happened, and hearing how others were affected can be the first step towards them taking responsibility for their actions and *being* 'accountable'. As we understand it, risk factors were reduced, protective factors enhanced and health and social problems reduced.

## OTHER RELEVANT GOVERNMENT EARLY INTERVENTION INITIATIVES AND PROGRAMS

Crime prevention extends beyond a police or justice response and includes family, education, health, and child protection responses that can reduce multiple risk factors.

The focus on early intervention and at-risk young people aligns with other government priorities and activities in Victoria, including the Roadmap for Reform, Education State, and the Royal Commission into Family Violence.

### Royal Commission into Family Violence

In April 2016, the Victorian Government announced a \$572 million statewide funding boost in the 2016–17 State Budget to start delivering on 65 of the most urgent recommendations of the Royal Commission into Family Violence.

Recommendation 37<sup>161</sup> is that the Victorian Government introduce a network of Support and Safety Hubs in each of the state's 17 Department of Health and Human Services regions by 1 July 2018. They will be a visible contact point for victim survivors and will provide the community with access to highly skilled workers who are integrated into the broader social service and justice systems. The Hubs will be contact points for survivors, family, friends and the community to access highly skilled professionals, who will work with them to understand their risks and needs. They will provide clear referral points for police and other services handling cases of family violence.

### Roadmap for Reform

The Victorian Government's *Roadmap for Reform: strong families, safe children*,<sup>162</sup> launched in April 2016, focuses on prevention, early intervention, and creating services that are co-ordinated and work together to better meet the needs of vulnerable families and children.

The Roadmap is designed to create services that work together to meet the needs of vulnerable families and children, forming an important step in the government's long term plan – *Ending family violence: Victoria's Plan for change* – to deliver the recommendations of the Royal Commission into Family Violence, including:

- strengthening communities to better prevent neglect and abuse
- delivering early support to children and families at risk
- keeping more families together through crisis
- securing a better future for children who cannot live at home.

A key submission from the Victorian Council of Social Service (VCOSS) to the Roadmap for Reform discusses the long-term harm for children exposed to abuse and neglect. The submission notes that too often families only begin to engage with the system in times of crisis. It argues that the best ways for government and the community to foster children's healthy development is to invest in prevention and early intervention strategies. Included in this broader goal of intervention is a recommendation for the adoption of a justice reinvestment model.

### Children and Youth Area Partnerships

Children and Youth Area Partnerships (CYAPs) are a Victorian Government initiative for government departments, local government and the community sector to work together to ensure vulnerable children and young people are kept safe from harm and have every opportunity to succeed in life.

This initiative is part of the Victorian Government's system-wide reform agenda to improve outcomes for vulnerable children, young people and their families across the spectrum of services, as outlined in the *Victoria's vulnerable children – Our Shared Responsibility Strategy 2013–2022*.

The CYAPs look to establish new ways of working at the local level to more effectively join up social services at a system level to support better outcomes for vulnerable children, young people and their families.

Eight Area Partnership launch sites have been established across Victoria: Central Highlands, Inner Gippsland, Mallee, Loddon, Outer Eastern Melbourne, Ovens Murray, Southern Melbourne, and Western Melbourne.

Area Partnerships use a collaborative and broad-based model of governance. Steering groups bring together senior representatives in a local area – from state departments (including early childhood, education, health, human services and police), Commonwealth and local governments, the community, health, and education sector organisations, Aboriginal community representatives, and the broader community – who are most able to make a difference for vulnerable children, young people and their families.

The two main priorities are:

- Supporting learning and development of all young people and children.
- Creating safe and supportive communities and environments for children to live free of abuse and neglect.

Local priorities are developed, informed by data and the local experience of those in area partnerships who work across the system. Working Groups are established locally to deliver on identified work priorities and engage with the local community.

The whole-of-government Vulnerable Children's Reform Unit provides central coordination and support, including data reports, planning tools and an evidence-base to guide their Area Partnership activity. It also assists Area Partnerships to identify systemic challenges to bring to the attention of Ministers and departmental secretaries.

In 2016 the Victorian Government announced that the CYAP initiative would be funded across all eight pilot areas until at least 30 June 2019.

161 State of Victoria, *Royal Commission into Family Violence: Summary and recommendations*, Parl Paper No 132 (2014–16), 2016 <<http://www.rcfv.com.au/Report-Recommendations>>.

162 see The Roadmap for Reform, <<http://strongfamiliesafechildren.vic.gov.au/about>>.

# Inner Gippsland CYAP

The Inner Gippsland Children and Youth Area Partnership (CYAP) encompasses Bass Coast Council, Baw Baw Council, Latrobe City Council and South Gippsland Council.

Inner Gippsland CYAP made a commitment to improve the outcomes for children and young people in out-of-home care within this area, where:

- Latrobe City has high youth disengagement, low rate of year 12 completion, and a high number of youth offenders residing in the area.
- Inner Gippsland has one of the highest rates in Victoria of children and young people living in out of home care.
- Outcomes for children and young people in care transitioning into adult life are frequently poor.

An 'Innovation Bootcamp' was held to understand the lived experience of children in out of home care and develop a shared agenda around various streams of work to:

- ensure the voices of children and young people are heard, such as through the development of the *My Views* Booklet to inform care planning, embed consumer voices in practice, and develop an out of home care leadership program
- improve educational outcomes for children and young people in out of home care to ensure all carers are provided with the support, trauma informed training and practice they require to care for the children in their care, through the development of a shared trauma informed practice.

Partners across Inner Gippsland are sharing the responsibility to improve outcomes for children and young people in out of home care. Victoria Police, residential care providers and Child Protection services have come together to develop strategies to reduce the over-representation of young people in out of home care within the criminal justice system. In particular they resolved to address how the practice of adopting formal legal responses to behavioural issues of children in residential care units was a contributor to children's over-exposure to the criminal justice system.

The Residential Care Interface Group was formed in October 2015 (supported by the CYAP Coordinator) to discuss and develop strategies to reduce offending in the residential care service system and to ensure a safe and secure environment for children and carers. Its meetings involve the Department of Health and Human Services (child protection, placement coordination, youth justice, and disability services),

Victoria Police and the residential service providers in Inner Gippsland (Berry Street, Victorian Aboriginal Child Care Agency, Vista Community Support and Wesley).

With no additional funding allocated, the Residential Care Interface Group agreed to develop collaborative responses to incidents that reduce the criminalisation of children and young people in residential units and help ensure the residential units are a safe place for all children, young people and staff.

Some of the measures include:

- A place-based protocol which improves communication and develops a shared understanding of each other's related policies and frameworks.
- Better police response and call out practices.
- A consistent approach to reporting and responding to property damage in residential care units.
- Common trauma informed training developed and delivered across all agencies.
- Guiding principles based on the 2015 report from the Victorian Commissioner for Children and Young People: "...as a good parent would"<sup>3</sup>
- Collective management and support for high risk young people in residential care developed by community service organisations and shared with Victoria Police.
- Consideration between police, courts and the community sector of curfews for youth justice clients.
- Development by community service, child protection and youth justice sectors of a process for when bail breaches should be reported.

## MEASURES OF SUCCESS

- Fewer young people in residential care units being charged by police and a reduction of offences.
- Joint support plans developed by child protection, juvenile justice, police and residential care for high risk young offenders.
- Fewer young people on remand, with police providing advice to assist residential care staff when a young person's behaviour may affect their bail conditions.
- Improved safety for children in residential care.
- More uniform responses and more consistent approaches through the sharing of guidelines across agencies.
- Reduced police call outs to residential units.

### Social Impact Bonds

While Victoria provides support services for young people leaving care, an opportunity exists to develop and assess the effectiveness of innovative service models. This can assist young people in transition into society and avoid contact with the criminal justice system.

Social Impact Bonds (SIBs) involve partnerships between government, service providers and private investors. They are designed to raise private capital for intensive support and preventative programs which address significant and complex issues such as improving outcomes for young people leaving out of home care. They combine risk-sharing, private investment, and innovative service delivery models to provide a return on funds when agreed outcomes are met.

In April 2017, the Victorian Government announced that consortia led by welfare providers Anglicare and Sacred Heart Mission had been invited to develop Victoria's first Social Impact Bonds (SIBs) to reach better outcomes for at-risk teenagers and the long term homeless. Under the youth program, the Anglicare consortium proposed a mix of individualised case management, specialist support, and stable housing to improve outcomes for young people leaving out of home care.<sup>163</sup>

Sacred Heart Mission will provide rapid access to stable housing and intensive case management to support Victorians experiencing chronic homelessness and harmful alcohol and other drug use.

Depending on the intervention and availability of data, outcome or success measures that may be used include:

- reductions in frequency of contact between young people in the cohort group and police, justice and corrective services, relative to a control group
- improved social connection and physical and mental health and well-being
- number of participants transitioning to and participating in education, training and/or employment.

## EDUCATION STATE & EDUCATIONAL ENGAGEMENT

*"The best defence against crime is the power of education and the dignity of work. Therefore the government has invested in work readiness amongst Victorian youth, supporting training, education, employment services and other tools to give these young adults the best opportunities in life".<sup>164</sup>*

The Victorian Government has made significant investment in education for young people via almost \$4 billion in additional funding for early childhood, schools and training to make Victoria 'the Education State'.

One of the targets includes ensuring more students stay in school and breaking the link between disadvantage and outcomes for students.

Additionally, as part of its *Community Safety Statement 2017* the Department of Education and Training is reviewing current suspension and expulsion policy and practice, to ensure children are not being unnecessarily disengaged from education.

In August 2017, the Victorian Ombudsman tabled a report<sup>165</sup> to Parliament which confirmed that a disproportionate number of children expelled from Victorian Government schools have a disability, are in out of home care, or identify as Aboriginal and Torres Strait Islander. Recommendations included additional resources for principals facing the difficult balancing act of supporting children with challenging behaviours while also providing a safe environment for work and study.

<sup>163</sup> Treasurer, 'First Social Impact Bonds For Disadvantaged Victorians', *Media Release*, Victorian Government, 13 April 2017 <<http://www.premier.vic.gov.au/first-social-impact-bonds-for-disadvantaged-victorians/>>.

<sup>164</sup> Parliamentary Secretary for Justice, 2016, op. cit.

<sup>165</sup> Victorian Ombudsman, *Investigation into Victorian Government School Expulsions*, State of Victoria, August 2017, <<https://www.ombudsman.vic.gov.au/getattachment/57d918ec-fe0e-48e0-a55e-87d0262d3c27>>

### LOOKOUT Education Support Centres

The Victorian Government's new LOOKOUT Education Support Centres employ education and allied health staff to give children and young people in out of home care a better chance of doing well in their education. Young people in out of home care tend to move between care settings, and therefore educational settings, so are at high risk of falling through the cracks educationally. They are also less likely than their peers to attend school, engage with education or attain a Year 12 or equivalent qualification, leading to poorer social, academic and life outcomes.

Each of the four LOOKOUT Centres (one in each Department of Education and Training region) are being set up with education experts and support staff to assist and advocate for about 1,500 children and young people in out of home care, through:

- professional development with staff and carers
- advice to schools to support individual students
- challenging enrolment decisions that are not in a student's best interests
- facilitating opportunities for students to participate fully in school life.

### Navigator

The \$8.6 million two-year Navigator pilot is supporting young people aged 12-17 years who are not connected to schools at all or are at risk of disengaging (that is, students who have attended less than 30 per cent of the previous school term).

It will aim to increase the numbers of young people connected to school and engaged in learning and achieving their full potential.

It includes a Department of Education and Training (DET) Disengaged Students Register to track young people leaving school who may need support.

Navigator pilots are operating in eight DET Areas across Victoria: Central Highlands, Western Melbourne, Mallee, Hume Moreland, Goulburn, Ovens Murray, Bayside Peninsula and Southern Melbourne. They are being delivered by community organisations, working closely with local area schools and regional offices.

Key outcome measures will concern:

- re-engagement with the original school, or with another school, flexible learning program or VET provider
- strengthening the young person's social and emotional capability, including language and literacy, career goals and pathways, and problem solving skills
- supporting schools to work more effectively with vulnerable young people to prevent disengagement.

The pilots will draw on evidence from the former Youth Connections program, which found that case management and flexible support were key to getting young people back into education and training.

### The Education Justice Initiative

The Education Justice Initiative (EJI), a partnership between the Children's Court and Parkville College, a specialist Victorian Government School that provides education to students who are, or have been, detained in custody. EJI is funded by the Department of Education and Training (DET) to address educational disadvantage among young people involved in the youth justice system in Victoria.

The aim of the EJI is to connect young people appearing before the Melbourne Children's Court (Criminal Division) or Children's Koori Court to an appropriate, supported education pathway through liaison and advocacy with schools and training providers, and engagement with relevant DET Regional staff. There are also EJI positions in Geelong, Mildura, and Morwell.

Parkville College staff based at the Melbourne Children's Court engage with young people through one of several channels: through direct outreach at the Children's Court, or referral from Youth Justice workers (including the Youth Justice Court Advice Service), Legal Aid, private lawyers at the court, the Koori Court Officer or one of the Magistrates presiding at the court.

A 2015 review of the EJI found that 75 per cent of 68 full clients were successfully re-connected with education, mostly in a new setting, with significant improvements in formal enrolment and attendance at school.<sup>166</sup>

<sup>166</sup> Kitty Te Riele and Karen Rosauer, *Education at the heart of the Children's Court; Evaluation of the Education Justice Initiative Final Report*, Victoria Institute for Education, Diversity and Lifelong Learning, Melbourne, 2015 (2015) <<https://www.vu.edu.au/sites/default/files/victoria-institute/pdfs/Education-at-the-Heart-of-the-Children's-Court-Final-Report-web.pdf>>.

## Doveton College

Doveton College, which opened in January 2012, is a community focused school catering for families and children, prenatal to Year 9. It offers a fully integrated wrap-around service including early learning, family support, maternal and child health and Prep to Year 9 schooling in purpose built learning communities.

It creates a school-community relationship that becomes a tool to identify and address local needs of children.

*The service delivery approach provides an effective and efficient model of intervention for some of Victoria's most vulnerable children...the success of which relies on a continual emphasis on the importance of building relationships and understanding and responding to community need.* June McLoughlin, Doveton College Director, Family & Children's Services

Doveton is a deeply disadvantaged area, with a general absence of stable housing, high rates of unemployment and entrenched intergenerational poverty.

*As a society we are in danger of creating areas of growing disadvantage, with families who struggle, children who fall way behind in their education and parents who find it difficult to connect. One way of making a real difference is to have a central place in areas where the local community has access to a broad range of services (education, health, child safety, family service, etc.), where early assessment, intervention and prevention is available. A school can be such a place.* Julius Colman, Colman Foundation (which provides philanthropic support to Doveton College).

What sets Doveton College apart is its ability to engage families and then, when significant challenges arise, have the support base and skill to re-engage and support families to get back on track and remain connected.

Partnering with leading community agencies who offer much needed services and supports for families and children, the College provides an integrated and non-stigmatising community model for all community members. Each week within the College community space, children and parents have access to an abundance of universal services and regular programs and supports, from Maternal and Child Health visits, playgroup activities, sewing and craft groups to men's health groups, adult English and refugee support, to name a few.

To facilitate the commitment and provision of these services, Doveton College has established a Family and Community Team. This team of three comprises a Community Engagement Coordinator, a Volunteer Coordinator and a Work and Learn Coordinator, who work in sync to ensure parents and carers in particular feel safe, secure and connected to the College and, in the longer term, to the community more broadly.

The engagement, wellbeing and safety of Doveton College children and young people is at the forefront of staff's mind each and every day. There is a strong awareness that many children come from families with complex social and emotional needs and that many are vulnerable and in need of a safe, secure and nurturing environment in which they can grow.

The College has also created an Engagement and Wellbeing Team, supported by a detailed Engagement and Wellbeing Plan to ensure the needs of children are continually monitored and supported in an efficient and timely manner, and that they have access to services and supports from partner agencies and beyond. A database has been developed to complement this, providing a detailed picture of the support being provided and accessed to each child at any point in time.<sup>4</sup>

## VULNERABLE YOUTH

### *Empower Youth Grants*

As part of its Victoria Youth Policy, *Building Stronger Youth Engagement*, the Victorian Government announced in March 2017 it is investing \$4 million over three years to deliver the new Empower Youth program. It will fund local government and community organisations to work with vulnerable young people to strengthen their health and wellbeing, their connection to community, their engagement in education and training and their pathways to employment.

The program targets areas experiencing high socio-economic disadvantage, including areas of high unemployment, increased youth offending, low educational engagement and poor health or mental wellbeing indicators. The eight locations are Ballarat, Brimbank, Casey, Frankston, Greater Geelong, Greater Dandenong, Hume, LaTrobe, Whittlesea and Wyndham.

Each funded organisation will support up to 100 young people in their community every year to develop and deliver individual plans and goals that focus on four elements: community participation, health and wellbeing, education and training, and employment pathways.

For example, Barwon Child, Youth and Family Services will receive \$500,000 in funding over three years to deliver its ImPACT project. This project will work collectively with young people, local communities, businesses, artists and employers to tackle a range of issues facing young people in the City of Geelong.

It will connect disadvantaged young people to education, employment and training opportunities and work with them to identify and achieve their health, career and wellbeing goals.

Other organisations taking part in the program include:

- Centacare Ballarat, which will partner with headspace in Ballarat to improve the health and wellbeing of young people by offering intensive and coordinated health services and the development of career pathways.
- The Islamic Council of Victoria, which will directly engage with young Muslims to develop and deliver programs that help them overcome social, economic and community barriers.
- Victorian Aboriginal Child Care Agency Co-Operative (VACCA), which will provide support for Aboriginal young people to engage with school, family and community, as well as access leadership opportunities.

## EMPLOYMENT AND TRAINING

### *Local Learning and Employment Networks (LLENs)*

31 Local Learning and Employment Networks (LLENs) broker new initiatives and create and support sustainable partnerships between education and training providers, industry, community agencies and family organisations to enhance the participation, engagement, attainment and transition outcomes of young people aged 10-19.

### *Reconnect Program (DET)*

The Reconnect Program supports vulnerable young people who left school early or who are long-term unemployed to prepare for training and work.

Funding of \$14 million has been provided over two years for approved Registered Training Organisations who provide Foundation Skills training, to enable them to provide outreach to disengaged young people aged 15-24, assess their learning and non-learning needs and career goals, develop learning plans, provide support services, arrange workplace experience, and assist their transition into further training and employment.

### *Skills and Jobs Centre (DET)*

Skills and Jobs Centres have been established in metropolitan and regional locations around Victoria as the first port-of-call for students looking to start training, workers needing to re-skill or retrain, and for employers to meet workforce needs.

### *Jobs Victoria Employment Network (JVEN) (Jobs Victoria)*

Through the Jobs Victoria Employment Network (JVEN), the Victorian Government provides additional resources in communities across Victoria to assist unemployed people into work. JVEN funding will provide flexible, responsive assistance to Victorians who have been unemployed for at least six months, or who are at risk of long-term unemployment and lack adequate support.

A high priority will be assistance to disengaged and culturally diverse young people in targeted Melbourne locations.

### *Back to Work – Place-based projects*

The Victorian Government established four pilot place-based, locally led projects to focus and co-ordinate local efforts to improve job prospects for disadvantaged job seekers in Central Goldfields, Shepparton, Brimbank and Dandenong during 2016.

The initiatives received an additional \$10.8 million in the 2017-18 budget and has been renamed Community Revitalisation. Projects continuing in 2017 are targeted at small postcode areas including Dandenong and Doveton, Broadmeadows, Campbellfield and Meadow Heights in the northern metropolitan area.

The projects aim to align all State funded initiatives in a local area – including the new Jobs Victoria Employment Network initiative, with local projects and Commonwealth funded services, including JobActive – to provide the wrap-around holistic support that disadvantaged job seekers need to find and keep a job.

The projects bring together all levels of Government, local businesses and service providers to work together to identify and remove the barriers preventing disadvantaged job seekers finding a job in each location. Government's role is as an enabler of local community.

The particular focus of the projects will depend on the characteristics of the local community. However the overarching aim is to assist disadvantaged job seekers find a job, including:

- Aboriginal and Torres Strait Islander people
- current or recent youth justice clients
- young people in or exiting out of home care
- people exiting the criminal justice system.

## CHILD HEALTH AND DEVELOPMENT

Some other programs promote the well-being and healthy development of children and young people through long-term community initiatives.

### *Communities for Children*

As described earlier in report at page 39.

### *Opportunity Child*

Opportunity Child is a collective impact initiative to substantially improve educational and developmental results for 65,000 children across Australia.

The shared vision for Australia's children is that:

*All young people are loved and safe, have material basics, are healthy, are learning and participating and have a positive sense of identity and culture.*

The evidence-based strategies and common measurement framework outlined in *The Nest* action agenda (Australian Research Alliance for Children and Youth (ARACY)) are drawn on to inform this initiative. *The Nest* action agenda details key evidence-based, preventive-focused priorities to improve child and youth (0-24 years) wellbeing across Australia.

It brings together five national sites including Go Goldfields, Maryborough in Victoria with national partner organisations, corporations and leaders.

It is about collectively identifying the outcomes that communities want to achieve for children and youth, the most effective prevention-focused and evidence-based ways to achieve these, and how to best align collective efforts to achieve them.

# Go Goldfields

In 2010 a group of service leaders, having worked for many years to improve outcomes for local children, young people and families in Central Goldfields Shire, met to discuss how they might do things differently. Their focus was on how to develop and deliver locally relevant responses to social issues that are too complex and too long-term for previous solutions, and improve outcomes for local children, youth and families.

At that time the Shire was the most disadvantaged area in the state and the same old ways of thinking and doing were clearly not working. The Shire had rated 78th or 79th out of 79 shires in Victoria on many health and social indicators, with higher than state average rates of teenage offending, family violence, high youth unemployment, and low Year 10 to 12 retention rates.

Doing things differently meant (amongst other things) sharing decision-making power with community and committing long-term to making positive change happen (even if that takes generations), with measurement of change being a critical component.

They adopted a collective impact approach to bring community members from Central Goldfields Shire together with leaders from services and government agencies to drive this large scale social change.

Central Goldfields Shire performs the significant role of backbone organisation. The Shire holds the vision, seeks and manages resources, while also facilitating community engagement and behind-the-scenes work. It keeps the collaborative process moving along, being implemented by highly skilled Shire staff, which is more about “change facilitation” than project or service coordination.

They developed the following structure:

- The *Go Goldfields Alliance* is a multi-sectorial partnership that acts in a stewardship role for Go Goldfields. It holds the vision and accountability. This alliance has representatives from health, education, training, justice, disability, employment, the arts, community, local government and significant partnership strategies such as the Primary Care Partnership and Local Learning and Employment Network.
- The *Collaborative Table (CT)* is a lead group responsible for overall planning and strategy to meet the community’s desired outcomes.
- The *Action Groups* are responsible for acting on the plans. There are three Action Groups: Children and Families, Youth and Work Readiness, and Family Violence.
- *Expert Reference Groups* are a platform for those who don’t want to be in public groups, but have invaluable experience, insights and expertise to inform group planning and work.

Go Goldfields has managed to attract significant external funding for its collective impact work including the support of Regional Development Victoria (\$2.5 million) and philanthropists (the ten20 Foundation, Opportunity Child and the Sabemo Trust).

The Shire makes a financial contribution of \$150,000 a year which gives the project significant leverage to negotiate with and bring on other partner funders.

The Alliance seeks to build an environment in which:

- Family violence is unacceptable.
- Children are confident, creative, safe and healthy.
- Young people are celebrated as they strive to reach their full potential.
- Everyone is supported to learn, earn and achieve.
- Everyone has a role to play to achieve this: community leaders, people experiencing vulnerability, services, and all levels of government.

Go Goldfields is working to achieve this by:

- Focusing on outcomes.
- Focusing on creating the right conditions for community change.
- Measuring the changes.
- Focusing on prevention and early intervention.
- Reflecting on practices and processes at the intervention end of the continuum.
- Focusing within a place (the Central Goldfields Shire).
- Seeking and exploring strategies and activities that redesign or rethink responses rather than just building more of the same.
- Learning dynamically from the work and spreading that learning throughout Victoria and Australia.
- Local government ‘back-boning’ the work to drive change across government and within the community.

The Go Goldfields Alliance has developed a series of Shire-wide, community-driven approaches to improve social, education and health outcomes for children, youth and families.

Children, youth and families actively participate in the design and development of its work through a range of consultations on issues and possible solutions over the last three years. The Alliance regards the input from these people with ‘lived experience’ in the issues it is seeking to address as invaluable.

The outcomes that the Go Goldfields Alliance hopes to achieve include:

- Lower incidence of notifications to Child Protection services (meaning a reduction in re-notifications and out of home care referrals) involving families from the Central Goldfields Shire.
- Improved communication and literacy skills, opportunities and positive life experiences for children and their families.
- Improved community connectedness for children, youth and families.
- Improving youth connection to appropriate training and education to achieve employment outcomes.

The real success to date is the relationships built amongst service providers, who are now working with common values and goals and, more importantly, fostering a collective responsibility for vulnerable families and children in the Shire.

# Report findings and recommendations

The finding and recommendations below are drawn from stakeholder interviews and case study interviews conducted throughout the project from October 2015 to November 2016.

The project identified and interviewed key stakeholders and documented their level of awareness and support for justice reinvestment to help work out what is required to better support communities to implement this approach.

Interviewees included:

- Julianne Brennan, Director Community Crime Prevention, Department of Justice and Regulation (February 2016)
- Leanne Barnes, Deputy Secretary, Corrections, Health & Crime Prevention, Department of Justice and Regulation (February 2016)
- Louise Falconer, Assistant Director Corrections, Department of Justice and Regulation (February 2016)
- Neil Twist, Director Strategic Planning, Department of Justice and Regulation (February 2016)
- David Murray, Director Service Development, Service Strategy Reform, Department of Justice and Regulation (December 2015)
- Peter Ewer, Executive Director, North West Metropolitan Area, Department of Justice and Regulation (March 2016)
- Amanda Watkinson, Assistant Director, North West Metropolitan Area, Department of Justice and Regulation (March 2016)
- Lisa Moore, Manager Policy Coordination, Koori Justice Unit, Department of Justice and Regulation (November 2015)
- Heather Thompson, former Assistant Director, Youth Justice & Disability Forensic Unit, Department of Health and Human Services (January 2016)
- Mark Stracey, Director of Community Engagement, Department of Health and Human Services (March 2016)
- Kris Acaro, Director of Engagement Inclusion and Support, Department of Education and Training (February 2016)
- Lachlan Tan, Director Vulnerable Children's Reform Unit, Department of Health and Human Services (March 2016)
- Carolyn Atkins, Vulnerable Children's Reform Unit, Department of Health and Human Services (November 2015)
- Kerry Walker, Director Neighbourhood Justice Centre and Hieng Lim, Crime Prevention, Neighbourhood Justice Centre (April 2016)
- Luke Cornelius, Assistant Commissioner, Victoria Police (December 2015)
- Clare Hargraves and Jan Black, Municipal Association of Victoria (December 2015)
- Julie Buxton on behalf of Andrew Jackomos, Commissioner for Aboriginal Children and Young People (December 2015).

The section of this report on *Justice Reinvestment in Victoria* reports on strategies and initiatives that are ‘justice reinvestment like’ across Victoria. Project staff met with representatives from the following Victorian sites demonstrating justice reinvestment principles and discussed their potential as case studies:

- Go Goldfields: Sharon Fraser & Sandra Hamilton (interviewees)
- Inner Gippsland Children and Youth Area Partnership: Rowena Cann & Anna Doganieri (key contacts)
- Mornington Communities That Care: Eliza Anthony & Andrew Joseph (interviewees)
- Northwest Metropolitan Region: Laverton Community Crime Prevention (CCP): Rhonda Collins (key contact)
- Mallee Children and Youth Area Partnership: Karen Moodo (main contact)
- Yarra Communities That Care: Rupert North and Bella Laidlaw (interviewees)
- Myrtleford Communities That Care: Lisa Neville (key contacts)
- Doveton College: Simon Sherlock (interviewee)
- Neighbourhood Justice Centre: Kerry Walker & Hieng Lim (key contacts)
- Doveton Aboriginal Gathering Place: Jarrod Hughes & Emma Thomas (key contacts).

### **Focus on solutions, gaps, future work**

As is described in the *Justice Reinvestment in Victoria* chapter, our interviews confirmed there is support for and commitment to the various principles underpinning justice reinvestment within the Victorian Government, especially the need to focus investment on intervening early.<sup>167</sup>

However there seems to be less understanding of justice reinvestment’s local, community development focus, in terms of how this approach interacts with other universal social policy and programs.

Generally, key Government stakeholders understand the ‘what’ of justice reinvestment, but want to understand the ‘how’, in term of being able to consider shifting current investment in programs towards this approach.

This project aims strengthen understanding in Victoria of how to adopt a justice reinvestment approach and what could work going forward.

This requires promotion of what is happening with initiatives with justice reinvestment features in Victoria and more broadly in Australia: what works, what are the gaps, and what needs to be changed.

There is a real opportunity to learn from this analysis to inform future broad policy and practice change. The worst case scenario for these various programs and initiatives is that they are seen as only one-off demonstration projects.

Thus efforts need to continue to document practice, monitor outcomes, share learnings and debate ways of seeking adjustment of government policy to translate these models.

Beyond the respective outcomes intended for children, families and community, many of the project sites have stressed the importance of influencing broader systemic policy change as a result of their successful implementation of place-based, community-focussed, integrated model of early intervention and prevention.

The findings and recommendations below are aimed at facilitating this conversation, moving it forward and encouraging a take-up of this way of working.

In part it involves examining the nature of the alliance between government and community and exploring what is required from government to support community in terms of:

- data and information required to empower community to tell their own story and work out their own solutions,
- capabilities/skills needed to work in this way, and
- space, levels of flexibility and resources needed for this work.

<sup>167</sup> Smart Justice for Young People, JR Principles:What makes a project a justice reinvestment project?, at <http://youthlaw.asn.au/campaigns-advocacy/justice-reinvestment-home/jr-principles/>

## RECOMMENDATION 1

*The Victorian Government develops a 10 year, whole-of-system, whole of community crime prevention strategic plan that adopts a justice reinvestment approach.*

That the strategic plan:

- includes framework that articulates its vision, focus and priorities in relation to youth justice reforms and investment (up to 25 year olds).
- takes a justice reinvestment approach to youth offending which articulates where youth justice and crime prevention fit in terms of addressing the web of disadvantage, and how they link to other reforms and investment in areas including education, child protection and health.
- develops a coordinated, long-term (10 year) strategy across government that builds on work already being done, and articulates how departments will work together to implement the strategy.
  - promotes government working with community in an integrated, long-term and coordinated way
  - involves all layers of government, business and community sectors, reflecting shared responsibility and joint commitment to resolve entrenched social problems.

## WHOLE-OF-SYSTEM STRATEGY

This report acknowledges there is already significant investment from the Victorian Government, especially in early intervention programs. However, much of this current investment is programmatic rather than systemic and not linked up.

There is an opportunity to expand on this work by developing a whole-of-government, whole-of-community, coordinated long-term youth crime prevention strategy. The strategy would link up and complement portfolio based reform and investment underway across justice, crime prevention, family support, child protection, health, education and community development, and promote government working with community in an integrated and coordinated way.

Infrastructure Victoria's draft 30-year infrastructure strategy<sup>168</sup> acknowledges:

*“Demand in the justice system is driven by a number of factors, but a crucial one is success (or otherwise) of the state’s education, human services and health sectors, which are often conceived of separately... these sectors also have a great opportunity to come together to jointly support people at risk and drive a more preventative approach to crime.” (p109)*

*“...we think that justice service delivery should be integrated more closely with human services and health, to drive a greater focus on prevention.” (p113)*

There are already some good examples of this coordination, including the Neighbourhood Justice Centre (see pxx) and the Safety and Support Hubs (see pxxx) which both seek to provide integrated community services.

This strategy must involve all layers of government, business and community sectors, reflecting shared responsibility and joint commitment to resolve entrenched social problems.

Currently the Community Crime Prevention Unit in the Department of Justice and Regulation administers crime prevention grants, but does not develop overarching crime prevention policy. Rather the current Community Crime Prevention Framework outlines how the government will collaborate with and support and empower councils and communities to design and implement a range of different crime prevention activities and solutions.<sup>169</sup>

The *Youth Justice Review and Strategy: Meeting needs and reducing offending*,<sup>170</sup> completed for the Victorian Government by Penny Armytage and Professor James Ogloff, presents an opportunity to develop a contemporary, forward looking, overarching policy framework or Victorian Youth Justice Strategy, that addresses many of the current and future challenges in youth justice, and is based on expert advice.

It should update and replace the current government policy framework, *A balanced approach to Youth Justice*, that was developed by former Labor Community Services Minister Christine Campbell in 2000.

The Review has recommended that development of a strategic plan that will hopefully:

- enhance the Department of Justice and Regulation's youth support, youth diversion and youth justice services to respond to the needs of vulnerable cohorts into the future
- consider opportunities to strengthen the department's interface and coordination of response across other agencies
- determine the most appropriate connection and alignment with other reform work in portfolios such as mental health, child protection and housing.

<sup>168</sup> Infrastructure Victoria, *Victoria's draft 30-year Infrastructure Strategy*, Victorian Government, October 2016 <<http://www.infrastructurevictoria.com.au/sites/default/files/images/IV%2030%20Year%20Strategy%20WEB%20V2.PDF>>.

<sup>169</sup> Department of Justice, *The Community Crime Prevention Framework*, Victorian Government, 2014 <<https://www.crimeprevention.vic.gov.au/resources/all-resources/the-community-crime-prevention-framework>>.

<sup>170</sup> Penny Armytage and James Ogloff, op. cit.

## RECOMMENDATION 2

*The Victorian Government sets up a justice reinvestment fund and commits to flexible and longer-term investment models and strategies to tackle the causes of crime.*

That the program:

- prioritises investment in place-based, community-led early intervention solutions that prevent offending behaviour and promote community safety
- acknowledges and invests in developing the skills required for challenging change facilitation work
- understands and accepts that a justice reinvestment approach requires upfront investment with savings realised in the longer term
- makes available broad funding sources for communities to access, including corporate and philanthropic sources where appropriate.

## INVESTMENT IN PLACE-BASED APPROACHES

A whole-of-system youth justice strategy must take account of the unique characteristics and circumstances of local communities and be sustained over the long term.

Place-based approaches generally look at developing and delivering locally relevant responses that can have a real and sustainable impact on social issues that are too complex and too long-term for the current service system.

Place-based approaches are ways of developing and delivering local solutions to local problems.<sup>171</sup> They involve investing in disadvantaged communities to identify, develop, implement and drive local, evidence-based, tailored responses to youth crime issues.

Much of Victoria's targeted service system has been designed to support people through crises. It tends to address presenting problems, rather than emerging needs or background issues that cause people to be vulnerable in the first place. Place-based approaches can focus on prevention and early intervention approaches, in addition to crisis services, to help support people and solve issues before problems escalate.<sup>172</sup>

This report shows clearly that children, teenagers and young people involved in youth justice most often come from communities experiencing entrenched intergenerational disadvantage. Young people from the lowest socioeconomic areas are six times more likely to be under supervision than those from the highest socioeconomic areas.<sup>173</sup> One quarter of children and young people on remand come from Victoria's 16 poorest suburbs (2.6 per cent of postcodes).<sup>174</sup>

<sup>171</sup> Victorian Council of Social Service, *Communities taking power: Using place-based approaches to deliver local solutions to poverty and disadvantage*, Melbourne, 2016 <<http://vcoss.org.au/documents/2016/10/VCOSS-Communities-Taking-Power-2016.pdf>>.

<sup>172</sup> *Ibid.*, p8.

<sup>173</sup> Australian Institute of Health and Welfare, *Youth justice in Australia 2014–15, Bulletin 133*, Canberra, April 2016, <<http://www.aihw.gov.au/WorkArea/DownloadAsset.aspx?id=60129554930>>.

<sup>174</sup> Matthew Ericson and Tony Vinson, *Young people on remand in Victoria: Balancing individual and community interests*, Jesuit Social Services, Melbourne, 2010 <[http://jss.org.au/wp-content/uploads/2015/10/Young\\_people\\_in\\_remand\\_in\\_Victoria\\_-\\_Balancing\\_individual\\_and\\_community\\_interests.pdf](http://jss.org.au/wp-content/uploads/2015/10/Young_people_in_remand_in_Victoria_-_Balancing_individual_and_community_interests.pdf)>.



**Place-based approaches for local solutions ... a recipe for success**

Place-based approaches can provide the best recipe for helping communities to deliver local solutions to entrenched poverty and disadvantage.

**First take a few basic ingredients...**

- |   |                                  |
|---|----------------------------------|
| 1. A focus on place                       | 8. Flexible service delivery     |
| 2. Support for groups facing disadvantage | 9. Capacity development          |
| 3. Roles for community and service users  | 10. Backbone funding and support |
| 4. Effective engagement and communication | 11. Outcomes-focused measurement |
| 5. Local decision-making                  | 12. Good governance              |
| 6. Shared vision and joint approach       | 13. Long-term timeframes         |
| 7. Innovation                             |                                  |

**Then get everyone to the table to mix it up using the following method**

**Communities need:**

- An approach that identifies places one place, one plan
- Involvement of people with lived experience of poverty and disadvantage
- Community engagement
- Strengths-based community development
- A focus on prevention and early intervention
- Local economy building
- Resources
- Flexibility
- Time

**Communities organisations can:**

- Use their experience and networks
- Build and facilitate relationships
- Build community engagement
- Take the lead in data collection and sharing
- Advocate for solutions

**Strengthen the long-term view**

- Community organisations need:
- A social innovation fund
- Flexibility

**Governments can:**

- Establish a social innovation fund
- Develop a focus on place
- Consult to develop a shared vision
- Focus on building local economies
- Support workforce training and development
- Carefully consider competitive tendering
- Shift to outcomes measurement through consultation
- Take a long-term view

Source: Victorian Council of Social Service, *Communities taking power: Using place-based approaches to deliver local solutions to poverty and disadvantage*, Melbourne, 2016.

The evidence of best practice in place-based work shows that greater investment over the longer term is more likely to have a real and sustainable impact on the complex social issues underpinning youth crime. However it is important that communities look to deliver 'quick wins' as well as long-term positive outcomes.

The Victorian Government is already heading in this direction. The Government's crime prevention plan, *Community Safety Statement 2017*, includes new and expanded grants to assist local communities to target the underlying causes of crime and address new and emerging crime trends.

The Place-based Youth Grants assist communities to target the underlying causes of crime and address new and emerging crime. Funding announced in the 2016-17 Budget includes \$8 million over two years to address issues for young offenders as well as young people at risk of offending in eight locations (Hume, Wyndham, Ballarat, Geelong, Frankston, Casey, Latrobe, Greater Dandenong), including \$1.5 million targeting Koori young people in nine Regional Aboriginal Justice Advisory Committee (RAJAC) regions. The funds are directed to local community partnerships to identify local needs linked with young people offending in that area and to leverage intensive support initiatives that reduce re-offending and prevent criminal justice engagement.

## UNDERSTANDING AND PROMOTING COMMUNITY-DRIVEN APPROACHES

Feedback received indicated that the Victorian Government had a limited understanding of justice reinvestment's local, community development focus, in terms of how this approach interacts with other universal social policy and programs.

Victoria seems to be more readily adopting the language of a community development justice reinvestment approach as seen in the direct youth crime prevention grants, however in reality the projects are led by agencies and consortia, not community. Additionally the the reality of time pressures and resourcing limitations are likely to result in very limited social capital being built in the community.

It would be instructive for Government to look to collective impact approaches adopted in places like Bourke NSW and in the Central Goldfields region in central Victoria as demonstrations of community-wide, community-driven approaches to improve social, education and health outcomes for children, youth and families, that necessarily underpin a justice reinvestment approach .

## GIVING INITIATIVES THE SPACE, SKILLS, INNOVATION AND FLEXIBILITY TO BE EFFECTIVE

Communities require time, space, innovation and flexibility of support and funding models from government to be able adopt a more systemic local response to social problems, and to be able to move beyond the existing service delivery model.

### *Highly skilled project staff*

Generally the projects highlighted in this report are promoting different ways of thinking and building their capacity to adopt a collective impact model and processes to bring about social change. This 'change facilitation' work is sophisticated, innovative and requires intense, adaptive thinking skills. Some of the project leaders are highly skilled in this work. Representatives on projects should have (or be supported to acquire) the required skills for these projects, not simply join because of their senior position.

### *Longer-term timeframes*

Project staff reported that the time required for effective community-based youth justice work often butts head against the system and operational time-lines.

Sufficient lead time is needed to set up initiatives, build relationships with communities, develop trust between partners, and build capacity within service organisations and community members.

Communities are not able to overcome entrenched disadvantage overnight: a long-term approach is required to address complex problems.

Former Maryborough Shire Council CEO Mark Johnson described Go Goldfields, one of the more long-term, enduring projects we investigated, as "*a 15 year overnight success story*".

This report heard time and time again that communities need substantial time to bring around such change and reform. These project need to be looked at as long term investment (i.e. a 10 to 20 year cycle), rather than within an election cycle, or as a 2 or 3 year project.

The reality emerging from projects in this report is that communities do not start seeing measurable population outcomes until at the 3-5 year mark at the very earliest. Early critical program factors include the maturity of networks and existing partnerships, which takes significant time.

Government can better support place-based approaches by focusing on long-term goals identified by communities over and above political cycles.

## Funding

For many projects and services their ability to deliver place-based, collaborative approaches that respond to community needs has been hampered by current funding and service agreements frameworks.

All case study sites spoke of the need for ongoing funding. Current approaches are funded mainly from various state government programs source or by local government.

Most of the current funding is for 2 or 3 year cycles with funding measurements and indicators that do not necessarily capture the essence of this social change process. The way most projects are measured and their bottom line cost does not provide the full picture and the multiple social return outcomes that flow to the community from these projects.

Case study sites confirmed dedicated and flexible funding is needed to achieve meaningful community change.

Again, take the example of Go Goldfields. The Shire contributes \$150,000 a year (to a \$350,000 per year budget). This contribution gives the project leverage to negotiate with other potential funding partners.

Go Goldfields Alliance secured \$2.5 million over three years in 2012 from Regional Development Victoria (RDV), the lead agency in developing rural and regional Victoria through job creation, infrastructure and new investment.

The beauty of the grant was that RDV stewarded the work with Go Goldfields as a genuine partner, and was flexible, willing for it to respond to emerging needs, and prepared to go on a journey with the Alliance in trying to achieve social change.

It helped considerably that RDV's focus is development, rather than service delivery. RDV also did not in any way micro-manage the project.

RDV currently administers a number of programs<sup>175</sup> designed to:

- support business and industry development
- help new businesses to establish themselves
- assist existing industries to grow and diversify
- build prosperous, stronger regional communities.

Go Alliance also attracted either 3 to 5 year grants from catalytic philanthropists: the tenzo Foundation, Opportunity Child and the Sabemo Trust.

In 2002, Mornington Peninsula Shire Council received six years of state funding to pilot the Communities That Care (CTC) process. The Shire has fully funded the CTC program since 2008, and the program forms an important part of its Youth Services Strategy.

Others have found innovative ways of operating within current funding, for example the Children and Youth Area Partnerships which neither receive nor allocate additional funding of communities but instead look at different ways of working.

Another potential funding source supporting such innovative projects is the Public Sector Innovation Fund which seeks to:

- create opportunities for new partnerships between government and other organisations
- strengthen the innovation capability in the Victorian public sector by facilitating experiential learning
- promote project outcomes and solutions across the public sector to encourage inter-departmental collaboration to solve complex policy challenges
- share the outcomes of projects and propagate new approaches, tools and methodologies (for example, new procurement approaches, new tools to drive behaviour change, and new collaboration platforms) across government, business and community.

<sup>175</sup> Regional Development Victoria, *Community Capacity Building Program Stream* <<https://www.rdvvic.gov.au/programs-and-grants/community-capacity-building>>.

### RECOMMENDATION 3

#### *The Victorian Government establishes Victorian place-based justice reinvestment pilots*

(as recommended by the Victorian Ombudsman and the Senate Legal and Constitutional Affairs References Committee).

That the pilots:

- identify those communities that are most appropriate for a pilot – via analysis of data about disadvantage, rates of youth offending and recidivism, and levels of community readiness
- identify the key local drivers of crime and develops local options that address these
- consider local priority areas for justice reinvestment projects, being:
  - initiatives to prevent first time offending such as programs that increase school attendance/learning outcomes
  - measures to keep young people in their community on bail
  - local and place-based investment to tackle serious, violent, high volume offending
  - local youth specific support to help young people successfully transition from custody back into community life and therefore reduce recidivism.

## A JUSTICE REINVESTMENT PILOT

As described in detail in this report, justice reinvestment approaches are being trialled in Bourke<sup>176</sup> and Cowra<sup>177</sup> in NSW and Ceduna<sup>178</sup> (see more on pages xxx of this report) in South Australia, and ACT,<sup>179</sup> bringing police, government and community together to work up local solutions that cut youth crime, save money and strengthen the community.<sup>180</sup>

The Victorian Government has given in principle support to the following recommendation from the Victorian Ombudsman to the Department of Justice and Regulation:

*Using justice reinvestment methodology, pilot and evaluate local approaches to crime prevention and community safety in disadvantaged Victorian communities with the aim of reducing reoffending and increasing community safety.*<sup>181</sup>

Justice reinvestment is underpinned by a starting point that a significant proportion of prisoners and offenders come from, and return to, a small number of disadvantaged communities.<sup>182</sup> Identifying these communities will inform a potential pilot site. As outlined in detail in this report, a lot of this data analysis work has already been done, including through:

- The *Dropping off the Edge 2015* report<sup>183</sup> – the fourth research project over 15 years showing that a limited number of Victorian postcodes account for a disproportionate level of disadvantage.
- Community Crime Prevention grants (see p xxx) which are relying on data from Victoria Police about where young high volume offenders reside.

## Short term outcomes/circuit breakers

While a longer term approach is being recommended, this is not to say that shorter term, interim results are not important, as these can help build momentum and raise funds. Indeed part of a justice reinvestment approach involves identifying, developing and implementing local evidence-based, tailored responses for young people at various points in the criminal justice system, such as:

- intervention at the earliest possible point for young people at 'high risk' of engaging in criminal behaviour
- diversion or rehabilitation for those young people starting to come into contact with police and the system or returning to their local families, schools and communities
- intensive therapeutic and trauma-informed interventions for those young people committing serious repeat offending.

Justice reinvestment should have the flexibility and responsiveness to support communities to identify and deliver 'quick wins' as well as long-term positive outcomes.

In the Bourke pilot, for example, three initial circuit breakers are being implemented:

- Initiatives are being put in place to address issues in regard to bail, sentencing and the Youth Offenders Act. This will include increased use of warnings, engagement of the Magistrates Court around alternative options, community based sentencing and increased use of Youth Justice Conference youth workers.
- Warrants clinics will be introduced to allow facilities where those issued with a warrant can meet with a lawyer, community corrections office, and (Youth Off The Streets) representatives who will assist with court applications.
- Drivers programs, education programs and assistance to youth trying to obtain their licence will be promoted to address the prevalence of automobile theft and driving offences.<sup>184</sup>

A number of thematic circuit breakers warrant a focus in the Victorian youth justice context, namely:

1. local initiatives to prevent first time offending such as programs that increase school attendance/ learning outcomes
2. measures to keep young people in their community on bail
3. local and place-based investment to tackle serious, violent, high volume offending
4. local youth specific support to help young people successfully transition from custody back into community life and therefore reduce recidivism.

176 Alistair Ferguson and Sarah Hopkins, 'Funding for communities not prisons: The promise of justice reinvestment', *Guardian Australia* (online), 23 February 2017 <[https://www.theguardian.com/australia-news/2017/feb/23/funding-for-communities-not-prisons-the-promise-of-justice-reinvestment?CMP=share\\_btn\\_tw](https://www.theguardian.com/australia-news/2017/feb/23/funding-for-communities-not-prisons-the-promise-of-justice-reinvestment?CMP=share_btn_tw)>.

177 Marie McInerney, 'The small town trying to shift spending from punishment to prevention', *Guardian Australia* (online), 23 February 2017 <<https://www.theguardian.com/australia-news/2017/feb/23/the-small-town-trying-to-shift-spending-from-punishment-to-prevention>>.

178 Melissa Davey, 'Breaking the cycle: Ceduna bid to keep Indigenous youth out of jail', *Guardian Australia* (online), 24 February 2017 <[https://www.theguardian.com/australia-news/2017/feb/24/ceduna-bid-to-keep-indigenous-youth-out-of-jail?utm\\_source=esp&utm\\_medium=Email&utm\\_campaign=GU+Today+AUS+v1++AUS+morning+mail+callout&utm\\_term=214731&subid=10930485&CMP=ema\\_632](https://www.theguardian.com/australia-news/2017/feb/24/ceduna-bid-to-keep-indigenous-youth-out-of-jail?utm_source=esp&utm_medium=Email&utm_campaign=GU+Today+AUS+v1++AUS+morning+mail+callout&utm_term=214731&subid=10930485&CMP=ema_632)>.

179 Calla Wahlquist 'Justice reinvestment to be trialled in ACT to reduce Indigenous incarceration rate', *Guardian Australia* (online), 27 April 2017 <<https://www.theguardian.com/australia-news/2017/apr/27/act-announces-walk-tall-program-to-reduce-indigenous-incarceration-rates>>.

180 See Smart Justice for Young People, *Justice Reinvestment: Clearinghouse and Resources*, Youthlaw, Victoria <<http://youthlaw.asn.au/campaigns-advocacy/justice-reinvestment-home/>>.

181 Victorian Ombudsman, 2015, op. cit., recommendation 2.

182 Attorney-General's Department, *Justice Reinvestment*, South Australian Government <<http://www.agd.sa.gov.au/initiatives/more-our-initiatives/justice-reinvestment>>.

183 Tony Vinson and Margot Rawsthorne, 2015, op. cit.

184 Bourke Justice Reinvestment, *Maranguka and Justice Reinvestment* (February 2015) <<http://youthlaw.asn.au/wp-content/uploads/2016/07/bourke-justice-reinvestment-update-2.pdf>>.

### 1. Preventing first time offending through programs that increase school attendance and engagement

We must prevent and reduce students' exclusion and disengagement from education, in light of the strong link between youth crime and chronic disengagement from school.

This report has highlighted programs that are part of Education State. (at page xxxx)

There are many other different models of support programs that could run in schools in different communities that would assist this cohort of young people. They include doctors, lawyers and youth workers in schools, and restorative justice programs in schools.

Further targeted action is still needed to prevent and reduce the forcible exclusion of students (and other forms of disengagement), and to re-engage these students.

### 2. Keeping young people in the community on bail

Much needs to be done to reduce the number of children in remand and help young people on bail to stay in the community, connected to education, employment and family life. Young people on remand have been removed from support networks, family and educational engagement they may have had in their community, and they access far fewer services in detention than those on sentence, and no therapeutic interventions.

This report examined much evidence that being in custody on remand, even for short periods of time, limits the opportunity for rehabilitation and increases the likelihood of criminal behaviour. Being held on remand is associated with other negative results for young people, including disruptive and harmful behaviours. They are anxious, uncertain, frustrated, bored and often angry. Victoria's Youth Parole Board has observed:

*'Custodial progress reports to the Board show a pattern of unsettled behaviour on remand but improved, more compliant behaviour after and on sentence.'*<sup>185</sup>

Children and young people often cycle through the remand system without any assessment of their needs or referral to services.

Evidence and experience makes clear that the pressure put on the youth justice system, resources and staffing by the high number of young people on remand in Victoria is one factor in the increased tensions and aggressions in Victoria's youth justice centres in recent years.

### 3. Local place-based investment to tackle serious, violent, high volume offending

As stated in this report, Victoria Police estimates there is a small number of young people (around 350-500) engaged or at risk of engaging in serious and violent high volume offending in Victoria. Thorough assessment is needed of this group, along with a focus on what the data and research tells us can work and what is needed to reform aspects of the service systems that are not working effectively or have failed these young people.

While sometimes strict supervision in the community or detention orders may be required for very serious offending, the Government also needs to invest in the development and implementation of intensive, trauma-informed, targeted, assertive outreach and case managed multidisciplinary interventions delivered by highly skilled staff.

These young people need to be offered hope and the chance to build a healthy identity, via after hours support, family work, behavioural change management, re-engagement with education and employment, building social and cultural connections, and addressing issues such as alcohol and other drug use and mental illness.<sup>186</sup>

Greater local place-based investment over the longer term is more likely to have a real and sustainable impact on the complex social issues underpinning youth crime. While the Government has made some initial investment in this space (namely \$8.5 million in place-based youth crime prevention grants), much more is required.

### 4. Local support for young people transitioning from corrections back into community life

The Victorian adult Corrections system does not have resources to deal with volume of young people (18-24 years) now coming through.

Some 70 per cent of the 18-25 year olds exiting adult prison relapse into crime within six and 12 months – representing the biggest at risk group of all age demographics for recidivism. Arguably they are the most criminogenic and socially at need and likely:

- have not passed year 7 or 8 at school
- have been in state care
- have children themselves
- are disengaged from education, work, community etc.

Many of this group are on orders which are heavily conditioned, but may not have appropriate support from the service system.

Workers in the system need maximum flexibility to support these young people in their communities to promote pro social behaviour and address core issues behind offending and recidivism, for example to get their children into childcare, link to local sports clubs, address nutrition issues and sleep disorders etc.

<sup>185</sup> Youth Parole Board, op. cit.

<sup>186</sup> Julie Edwards, 'Dealing with young offenders is difficult, but not impossible', *The Age* (online), 28 November 2016 <<http://www.theage.com.au/comment/dealing-with-young-offenders-is-difficult-but-not-impossible-20161128-g5z2b9r.html>>.

## RECOMMENDATION 4

*The Victorian Government supports Victorian communities with the resources and authority needed to ready themselves for a justice reinvestment approach, including program funding that factors in community engagement and relationship development work.*

That such support:

- factors in 12-18 months lead-in work in grants to prepare the community for project delivery, and include community engagement and relationship development deliverables in funding agreements
- develops a youth centred engagement model which engages young people who have direct experience with the youth justice system (and/or experiencing disadvantage) to help inform projects.

## READY COMMUNITIES FOR JUSTICE REINVESTMENT IN VICTORIA

Critical to a justice reinvestment approach is a requirement to provide support to partnerships about how to engage with community, gather community intelligence and build capacity and readiness of community to lead this work.

Part of the challenge is that currently all of this community engagement work, required as part of a community development approach, is not necessarily recorded in the project plan or as project outcomes. Nor is it properly funded. Most funding bodies (including government) require short term deliverables and are challenged by the nature and long-term benefits of capacity building. It is largely 'invisible work'.

### *Building genuine community partnerships*

A justice reinvestment approach ideally requires genuine partnership between local government, government departments, community leaders and community organisations. Ideally government's role is as an enabler of locally led projects and to take the local learnings back into government to inform flexible policy development.

While the drive behind the work often comes from key local champions who are dedicated and passionate about the vision of the project, it is crucial that representatives of local councils, justice, youth justice, corrections, education, schools, health, child protection, other community organisations, businesses, and Victoria Police partner on these initiatives.

Most sites have been able to get the relevant groups and government departments to commit and sit at the table. However there are barriers, including that:

- The competitive funding environment in the community sector can at times detract from the sector's capacity to work in a coordinated, development approach.
- Projects in a rural setting do not have ready access to some of the larger and influential community sector organisations like the Australian Red Cross, United Way, and the Brotherhood of St Laurence. These sites and projects require facilitated access to such non-government organisations.

This report highlights some projects (e.g. Go Goldfields and Mornington Communities that Care) that are run by local government, arguably the most representative arm of the community.

In some initiatives, such as Children and Youth Area Partnerships (CYAPs), the Victorian Government has proposed a broad-based model of governance structure and orchestrated consortia via steering groups, which arguably takes away from potential community leadership.

### **Meaningful community engagement**

Bringing an authentic community voice and influence to the table is critical to the success of a justice reinvestment approach.

The Victorian case studies in this report demonstrate that achieving meaningful community engagement, which is essential to project success, requires considerable work.

These studies give examples of how difficult and resource-intensive it can be to encourage community engagement. Go Goldfields (page xxx) employs a Shire officer to effectively support the recruitment and sustained engagement of community on the various Action Groups and Expert Reference Groups. This officer leads the development of training packages for community members who want to be involved and supports them to stay at the table.

- In the Mornington Communities That Care program (page xxx), community members contribute to the development of community action and implementation plans. Community members and young people are engaged via extensive community consultation, including community events, school consults and regular community meetings. Community members are involved in the Local Action Group (LAG) process which involves monthly meetings for an 18 month period and occasionally other community events. Community members are involved throughout the whole planning process, in prioritising problem behaviours as well as identifying and targeting a series of risk and protective factors.

This work generally progresses slowly at a developmental stage, yet the progress made toward building relationships and working towards common understandings has been considerable and created a strong and necessary foundation for future success.

As befits a place based approach, different CYAPs are approaching community engagement differently. Some are focusing on mapping and integrating services locally and not looking to be Other CYAPs have created informal alliances within these partnerships, aiming to enhance and extend their work.

Generally it is acknowledged how difficult it is to promote this work being led by the community or those of the community affected by the issues. The Inner Gippsland Children and Youth Area Partnership held an 'Innovation Bootcamp' to understand the lived experience of children in out of home care and developed a shared agenda around four streams of work, including one to ensure the voice of children and young people is heard.

This is an essential informant of a justice reinvestment process. *The Reducing incarceration using Justice Reinvestment* exploratory case study in Cowra in New South Wales (page xxx) is engaging the community in conversation about what enables young people to lead meaningful lives in Cowra, and what the cost of prevention versus punitive responses are to criminal justice issues.

Similarly a research project being conducted by the Koorie Youth Council in 2017, Justice for Koorie Youth (funded by Department of Health and Human Services), is hearing from Aboriginal young people with experience of the justice system in a range of locations around the state. The project aims to inform improved practices and approaches in the justice system relating particularly to Koori youth diversion and reoffending. The project will also have a focus on exploring the potential for strengthening opportunities for young people's voices to be heard within the justice system beyond the life of this project.

### **Creating an authorising environment**

While the various programs investigated for this report cut across a number of funding streams and agreements with different government departments, each site gave feedback of the importance of having an authorising environment to do the work. An authorising environment extends to a commitment from government in writing about how it will free up funding and service agreements, provide a lead person (or champion or 'go to' person) to help accommodate and provide the communities with what they need, including access to data and getting stakeholders to the table.

Some projects have been provided with much of this support. The whole-of-government Vulnerable Children's Reform Unit provides central coordination and support, including data reports, planning tools and an evidence-base to guide its Area Partnership activity. The Unit also assists Area Partnerships in identifying systemic challenges to bring to the attention of Ministers and departmental secretaries.

The Koori Justice Unit is responsible for coordinating the development and delivery of Victoria's Koori justice policies and programs across the Victorian Government and justice system, primarily the Victorian [Aboriginal Justice Agreement](#) (AJA). The unit promotes the partnership of the Koori community and government, by facilitating community engagement initiatives to build strong networks and enable wide participation in the delivery of Koori justice-related policies, programs and initiatives.

The Department of Justice and Regulation's North West Metropolitan Area has a Senior Coordinator Projects Planning & Service Integration Officer, responsible for coordinating and supporting the three Community Crime Prevention grants in that region. Additionally it arranges three-monthly practice forums for representatives of all three funded projects.

From their considerable experience managing place based project, Go Goldfields have proposed the following tasks over a two year timeline for Government to provide community with the necessary authorising environment to do the project work.

## TIMELINE: AUTHORISING ENVIRONMENT

### Today:

- Government commits to discussing and working together with representatives of community on project approaches.

### In three months:

- Government signs-off on the desired community outcomes for the community.
- Government departments commit to discussing policy frameworks/changes relating to children, youth and families with the Collaborative Group before implementation.
- Government and community representatives agree upfront the 'rules of the game' so that the boundaries of action are clear.
- Programs set with work within a 90 day 'test and try' action research structure to learn dynamically and modify work as needed and to stop what is not working.

### Within 6 to 9 months:

- Define shared goals for policy implementation
- Clearly define the level of government oversight that will be exercised in implementing a policy within the community; that is, what is fixed and what is flexible and therefore defining the appetite for divergence.
- Clearly define what capacity local state and commonwealth government actors within the system have.

### Within 12 months:

- Document the conditions required to support the delivery of place-based solutions within a rural setting.

### Within 24 months

- Support organisations to pool/modify use of funding within the catchment relating to a desired community outcome.
- Allocate funding against a policy that is co-designed between government and the collaborative group.
- Government use its levers such as advocacy, funding, pricing and influence to support organisations to align their work to achieve desired community outcomes.

## RECOMMENDATION 5

*The Victorian Government improves community access to and technical support to utilise data (to assist them with planning and monitoring of place-based approaches), address data gaps and develop a centralised data strategy and state-wide data sharing platform.*

## ACCESS TO DATA

The project has investigated data – its ownership, dissemination and uses by community members and other stakeholders. Data, and community access to it, can be both an enabler and barrier to beginning a justice reinvestment project, growing its scope, informing its planning and/or evaluating its impact.

Governments and non government organisations all collect data, however this data is rarely shared or reported at a community level.

Governments should seek to ensure data collected in place-based approaches is publicly available for use by communities. That access starts a narrative that gets people to the table. It assists with looking at the whole picture presented by the data, not just of crime or justice reporting, but also school engagement, mental health and other relevant areas.

Some communities investigated as part of this report have done well centralising this data, while others have struggled.

While broad population level data/indicators (e.g. including from the Australian Bureau of Statistics (ABS) Census results, VicHealth, Department of Education and Training completed year 12 or equivalent and workforce participation rates) is fairly readily available, a number of sites (especially those not funded by government) have difficulty accessing data they need to examine the evidence and the localised context to address a specific issue.

For example the Myrtleford Communities That Care program wanted to study data about the numbers of young people presenting in youth justice in the Alpine Shire. While it could access crime statistics, it found it difficult to drill down sufficiently.

Many community members and workers believe the data is not available, but often it is just not accessible. A useful follow up project from this report would be to scope and clarify what data is available, and ensure that communities have appropriate technical supports to help interpret and utilise the data, as can be provided by the Murdoch Children's Research Institute,<sup>187</sup> and Collaboration for Impact.<sup>188</sup>

It is timely to look at what else can be done in a systemic way, rather than community by community, to help break down the barriers to accessing this data.

### **Examples of good practice with data**

#### *Bourke NSW*

The Bourke community wanted data on the life course of a young person: traversing through from early life (0-4 years), childhood (5-9 years), pre-teens (10-14 years), early teens & late teens (15-19), nearly adulthood (20-24 years) to adulthood. It took nearly a full year to receive all the data they requested from government.

Data sources included:

#### *early life*

- early childhood development (including physical, social, emotional, language and communications domains)
- mothers attending/accessing support programs
- early childhood learning enrolments

#### *education*

- local primary school parent –teacher interviews
- primary school and high school enrolments
- primary school and high school attendance rates by year level
- minimum reading standards
- rate of long suspensions
- year 10-12 retention
- Vet courses: average enrolment and average completion
- TAFE enrolments

#### *employment*

- school training / transition to work
- income & unemployment rates
- job seekers
- outstanding fines (under 25 years)
- Youth Allowance , Newstart

#### *healthcare*

- hospital admissions & top 3 reasons for hospital admissions
- community based health services - reasons for service
- antenatal and early childhood health
- school readiness health assessments

#### *child safety*

- reports of risk of serious harm (incidents)
- children in out of home care

#### *mental health and drugs and alcohol*

- hospital admissions for mental health reasons
- community based drug & alcohol services – occasions of service

#### *other*

- drivers licences
- driver licence suspension

Once they had access to the data, they developed a data report card which they delivered to every household in Bourke and then walked community members through this data. This data enabled conversations from which strategies have emerged and helped the community to decide on the following priorities:

1. early years – 0-5 years
2. 8-18 years
3. role of men, as a parent, to protect and nurture family and community.

This has created growing momentum for more data to be made available to help with better decision-making, with the community now having access to data reports every 3 months.

Just Reinvest has since developed a justice reinvestment calculator to assist people discover data and understand what is happening in their local communities in New South Wales. It provides comparative data on a number of issues that affect the economic, health and social well-being of a community.<sup>189</sup>

#### *Children and Youth Area Partnerships*

The Victorian Governments' Vulnerable Children's Reform Unit is sharing data to various Children and Youth Area Partnerships in ways that has not been possible previously. Cross-government data profiles (across 10 key indicators) have been collected and provided by key departments to the eight trial sites to help them identify and plan around their priorities.

The Unit has an Information Sharing Project that not only looks at broad population data but, for the first time, drills down to locally-based local government area (LGA) disaggregated data.

Some of the data has been made available publically for the first time, but it has not been distributed outside of the partnerships. Data collection has varied depending on what the communities were interested in looking at.

<sup>187</sup> see Murdoch Children's Research Institute, Population Health Studies of Adolescents, Victoria <<https://www.mcri.edu.au/research/themes/population-health/population-health-studies-adolescents>>.

<sup>188</sup> Collaboration for Impact, Collaboration for Impact <<http://www.collaborationforimpact.com/>>.

<sup>189</sup>

FN: Just Reinvest, see: <<http://www.justreinvest.org.au/jr-calculator/>>

However it is still very challenging to collect such data across government, and there is no centralised system or enablers in place for the next government program or Children and Youth Area Partnership site to go through this exercise.

#### *Victoria Police*

Victoria Police have developed an early identification tool which can identify whether a 10 year old child is at risk of offending in two and four years time. It reports the tool as being a 95 per cent accurate predictor of a child's potential future engagement in criminal justice system.

Victoria Police is keen to use this tool in partnership with community groups, especially those involved in Children and Youth Area Partnerships.

Obviously all players need to be very aware of and respectful of privacy implications and be extremely cautious about the risk of stigmatising children and their families, however this information could be most useful in targeting and tailoring resources.

#### *Navigator*

The Navigator program being run by community sector groups across the state is using predictive analytics to identify children disengaging from school.

Additionally data experts, like Federation University, have the extensive skills for getting the evidence to answer community questions. They could develop and then take that functionality to other parts of Victoria. Federation University or other experts could help develop a digital justice portal that provides information to communities that will assist their decision making and bring about practice change.

## ACCOUNTABILITY

There is an enormous amount of data collected across Victoria. Part of government's responsibility is to provide open access to data wherever possible and arrange it in a way that it can be accessed by local communities. While the Victorian Government has committed to making data more readily available, unfortunately there are many cases where government is not being made accountable for barriers that exist to accessing data. One example is difficulty into drilling down into local level numbers of the thousands of Victorian school-aged children (under 17 years) disengaged from schools across the state. Why shouldn't schools and families have access to this data/information at a local level and be able to hold government and the universal service system to account?

## RECOMMENDATION 6

*The Government develop a tool of measurement and conduct longitudinal evaluation (10-15 years) to measure how justice reinvestment approaches are working.*

## EVALUATION AND MEASUREMENT

Data is critical to assess/measure, monitor and bring evidence of the benefits of justice reinvestment work.

The case studies investigated by this project are all aiming to change many issues in the lives of children and families in their communities. If communities are to get this work right they need to be clear what data they should be measuring and how it should be changing so as to know strategies are going well and/or in the right direction.

It is only once communities have established tools of measurement of social return that they can readily secure evidence to support more upfront Treasury investments in such early intervention and prevention, especially when it takes years to see a reduced demand in crisis services.

Go Goldfields does measurement and evaluation via 3-5 year indicators, intermediate indicators (12 months) and short term (90 days). A five-year outcomes-based evaluation framework has been devised that allows for the measurement of both immediate and long-term change over time for the outcome focus areas around children, families and community. This framework depicts the data required to support various impact indicators, the source and frequency of such data if it is available, evidence of who collects the raw data (i.e. teacher-reported, child reported, parent-reported, etc.), and how, where and when such data can be accessed. Many quantitative data sets already exist or can be developed, along with qualitative data to support these indicators.

### (Footnotes)

- 1 Neighbourhood Justice Centre, Reflections on practice: The first six years, Department of Justice, Melbourne, 2013 <<http://assets.justice.vic.gov.au/njc/resources/003dc268-066d-4fd7-abf1-81359b25def6/reflections-on+practice.pdf>>.
- 2 Stuart Ross, Evaluation neighbourhood justice: Measuring and attributing outcomes for a community justice program, Australian Institute of Criminology, Canberra, 2015 <[http://www.aic.gov.au/media\\_library/publications/tandi\\_pdf/tandi499.pdf](http://www.aic.gov.au/media_library/publications/tandi_pdf/tandi499.pdf)>.
- 3 Victorian Commission for Children and Young People, "...as a good parent would..." Inquiry into the adequacy of the provision of residential care services to Victorian children and young people who have been subject to sexual abuse or sexual exploitation whilst residing in residential care, Victoria, 2015 <<https://ccyp.vic.gov.au/assets/Publications-inquiries/as-a-good-parent-would.pdf>>.
- 4 Doveton College, The Journey Continues, 2016, Melbourne, p22 <<http://youthlaw.asn.au/wp-content/uploads/2016/09/Doveton-College-The-Journey-Continues.pdf>>.

