

# **Juvenile justice services and transition arrangements**

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*a report to the*  
**National Youth Affairs Research Scheme**

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# Executive summary

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## Introduction

- Juvenile justice issues have become increasingly visible on the Australian social agenda over recent years. The focus of this particular study is the relatively small number of young people who are committed to a period of detention in a juvenile justice centre.
- In early 1996, the National Youth Affairs Research Scheme (NYARS) commissioned social research consultants Keys Young (in association with Dr John Howard and Elaine Fishwick) to conduct a study on Juvenile Justice Services and Transition Arrangements. The major objectives of the study were:
  - to identify the range of support services which exist within Australian juvenile secure care systems;
  - to identify what support services exist for young people after they are released from secure care, with particular focus on the services available for young people with special needs;
  - to identify what a comprehensive range of support services within a juvenile secure care system and post-release would comprise; and
  - to identify good practice examples of service provision to young people within juvenile secure care systems and post-release from such systems.
- The brief further specified that the study was to include:
  - an overview of juvenile justice policy of Australian Governments as this relates to the services provided to young people in detention and on release;
  - a review of relevant literature;
  - an examination of the experiences and perceptions of a number of young people (including those with special needs) on a range of issues relating to their transition from detention to the community; and
  - an analysis and documentation of ‘good practice’ examples of service-delivery.

- The methodology for the study comprised four main components:
  - a review of key criminological literature;
  - a survey of all State and Territory juvenile justice authorities, together with a review of relevant documentation supplied by each department/office;
  - in-depth interviews with over 60 key informants nationally, including juvenile justice policy officers, detention centre managers, program coordinators, and staff of community-based services; and
  - in-depth interviews with 30 young people currently in, or recently released from detention.
- The scope of the research was very broad (both in terms of subject matter and geographic coverage). While research material was gathered nationally, particular focus was given to conducting interviews in three States (New South Wales, Western Australia and Victoria) that provided contrasting juvenile detention populations, and also juvenile justice transitional policies and programs.

## Literature review

- A review of key criminological literature reveals the following:
  - very little research on “transitional” programs has been conducted in Australia;
  - the effectiveness of transitional programs cannot be viewed separately from the wider juvenile justice system;
  - the key factors which influence a young person’s moving away from crime are age/maturity, employment, accommodation and maintenance of contact with family and community;
  - the problems faced by young people released from custody must be addressed simultaneously, not in isolation; and
  - a coordinated and collaborative approach to service-provision is necessary to meet the multiple needs of these young offenders.

## Young people in detention in Australia

- On any one day, over 900 young people (ranging from 12 to 21 years) are incarcerated in Australian juvenile correction institutions. Young males and young Aboriginal and Torres Strait Islander people are considerably over-represented, respectively comprising 94% and 32% of young people in detention.
- The number of young people in detention has declined considerably over the last decade. The rate of incarceration (per 100,000 age population) is now half what it was ten years ago for males, and one-sixth the previous figure for females. However, there is evidence to suggest that as a result of the declining numbers, the profile of young people who are now incarcerated presents a greater challenge to service-providers due to the more serious nature of their offending and the multiplicity of their social, psychological and other needs.
- Across the States and Territories of Australia, there is considerable variation in the number and profile of young people in detention. This clearly has implications not only for the varying needs of young people in detention (in terms of such factors as gender, ethnicity, Aboriginality, distance from home and community) but also the nature of the responses or programs that need to be designed to meet these needs. This places certain limits upon the transferability of transitional programs across States and Territories and emphasises the importance of developing strategies to best meet the local needs and service-delivery context.

## The views of young people in custody and post-release

- The personal stories of the young people interviewed for the study painted a very vivid picture of the major issues they face in dealing with incarceration and life after release from custody.
- The ability and/or willingness of young people to participate in programs and supports whilst in detention reflected the quality and content of the programs on offer, the time the young person spent in custody, as well as their motivation and/or confidence. Where good quality, well managed and accessible programs were available,

young people reported personal gains and benefits.

- Problems in managing the transition from custody to the community were particularly acute for young people who had spent several months or longer in detention, who had no family or personal support or who had an alcohol or other drug addiction.
- The period immediately after release was said by many of the young people interviewed to be particularly difficult. If accommodation, family or other personal supports failed or were not available during this time, many of the young people reported returning to crime or drug-taking fairly quickly. The lack of post-release support in some cases was perceived by young people to be in marked contrast to the support that had been available to them whilst in detention.
- Intensive post-release support services and/or community re-integration projects involving continuity in programs and personnel were highly valued by the young people.

## National overview of transitional policies

### Institutional-based programs and supports

- Documentation supplied by juvenile justice authorities indicates that at present there are a wide range of programs and supports available to young people in detention. Listing or naming existing programs and supports was widely regarded as being of limited value, however. The critical questions are whether the program and supports are accessible, appropriately designed and managed, and effective. This assessment proved far more illusive due to the lack of any “objective” or “independent” assessment of their quality or effectiveness, as well as a certain diversity of view amongst those interviewed about what programs and supports are necessary and/or effective with young offenders.
- Notwithstanding these difficulties, certain key elements were identified as being important factors in determining whether or not programs or services in detention were considered appropriate or effective. These included:
  - consumer input into their design;
  - the appointment of program managers within detention centres;
  - the development of a coordinated approach to

- services and supports across detention centres in a particular State or Territory;
- finding means of developing a new “culture” within the custodial institution;
- ensuring programs and supports are of a high; standard, professionally run, and relevant to life in the community; and
- using case-management as the key mechanism for coordinating the programs and supports in line with the young person’s needs.
- The Australasian Juvenile Justice Administrators Quality of Care Standards represents a worthy attempt to obtain national agreement on certain standards of care for juveniles in detention. The challenge now lies in the effective implementation of these standards.

### **Transition and post-release**

- Transition arrangements and policies for the release of young people from custody to the community vary considerably across the States and Territories of Australia.
- The three key areas where Australian juvenile justice authorities differ significantly in relation to transitional policies concern:
  - the general approach to the pre-release phase of the young person’s time in detention
  - the availability of temporary or staged release whereby a young offender is gradually integrated back into the community
  - the level and type of post-release support that is available to young people once they are released from detention.

Most notably in some States, extensive use is made of temporary leave schemes, whilst in others, use of such schemes is extremely limited or practically non-existent. The availability of intensive and/or community-based post-release support schemes is also considerably variable across the country.

- Despite these differing policies and practices, there was widespread agreement amongst those interviewed for this study that a process of gradual transition (through such things as work release, release for study, schooling, family or community visits) was generally the most desirable and effective means of integrating young offenders back into the community.

### **Pre and post-release strategies for special needs groups**

- The report discusses some of the issues involved in providing pre or post release services to young people in custody with “special needs” including:
  - Aboriginal and Torres Strait Islander youth;
  - young women;
  - young people of non-English-speaking background;
  - young people with a disability;
  - young people with an alcohol or other drug problem;
  - young people who are HIV positive;
  - serious repeat offenders, or offenders who have committed a serious offence;
  - young people who live in rural or remote areas; and
  - young people who are homeless.
- Where identified through the survey of juvenile justice authorities and interviews with key informants, “good practice” or “innovative” approaches to meeting these needs during and/or after the period in custody are described.
- As many of the identified strategies are in a fairly early stage in their development, it will be important to monitor their progress and revisit them at a later date to review their effectiveness. It is intended that some of these initiatives will be evaluated, and it would seem important that details of the approaches and the results of the evaluations be widely shared among those working in juvenile justice, including those working in policy, in the community, as those working in custodial institutions.

### **Strategies for change**

- The report concludes with 16 broad “strategies for change” arising out of the results of the study.
- Many of the strategies identified may well be formally in place in certain jurisdictions. As is often the case in difficult areas of social policy, the biggest challenge lies in there being a real commitment (in terms of political will and resources) to implement the strategies, and to turn fine-sounding words and policies into practical realities for the young people concerned.





# 1 Introduction and methodology

## 1.1 Introduction

The National Youth Affairs Research Scheme (NYARS) was established in 1985 by the former Youth Ministers Council (now known as the Ministerial Council for Employment, Education and Training). The Scheme is a cooperative arrangement between the Commonwealth, State and Territory Governments and meets a widely recognised need for youth-specific research. NYARS funds a number of research projects each year in order to contribute to the formulation and assessment of policy and its implementation by Commonwealth, State and Territory Ministers responsible for Youth Affairs. The Scheme is managed by a Steering Committee comprising representatives of all State and Territory Governments, the Commonwealth and the Australian Youth Policy and Action Coalition.

In January 1996, NYARS commissioned consultants Keys Young (in conjunction with Ms Elaine Fishwick and Dr John Howard) to undertake a study on a number of issues relating to young offenders who have been detained in the facilities of a juvenile secure care system (which across the country are variously referred to as juvenile justice centres, juvenile detention centres or youth training centres). This report now presents the results of the research project.

## 1.2 Aim of the study

Juvenile justice issues have become increasingly visible on the Australian social agenda over recent years. In the last decade or so, considerable emphasis has been placed on diverting as many young people as possible from the criminal justice system, and in particular, on reducing the number of young offenders who receive a custodial sentence. Consequently, much of the debate and policy-making, as well as the research that has been undertaken in recent times, has concentrated on diversionary programs and community-based dispositions. Although this development is clearly very important, arguably it has been to the neglect of the relatively small number of young offenders who, for various reasons, are committed to a secure care unit for a period of time. It is these young people who are the focus of this study.

Young people who enter juvenile detention centres often have a broad range of needs, and evidence suggests that certain young people with special needs have particular difficulty in being able to access appropriate services while in custody and upon release. Some of these groups are over-represented among the juvenile detention centre population and also among recidivist offenders. There is a growing recognition that the nature and quality of the support services young people receive while in custody and post-release will

partly influence how well the young person copes with life after release from detention, and whether or not they reoffend. However, the approaches taken by juvenile justice authorities to address these issues can vary both across the States and Territories of Australia, and also within particular States and Territories over time.

The major objectives of this study, as identified in the Brief, are:

- to identify the range of support services which exist within Australian juvenile secure care systems;
- to identify what support services exist for young people after they are released from secure care, with particular focus on the services available for young people with special needs;
- to identify what a comprehensive range of support services within a juvenile secure care system and post-release would comprise; and
- to identify good practice examples of service provision to young people within juvenile secure care systems and post-release from such systems.

The Brief detailed a number of specific areas of study to be addressed by the consultants. These included the following:

- an overview of juvenile justice policy of Australian Governments as this relates to the services provided to young people in detention and on release;
- a review of relevant literature;
- an examination of the experiences and perceptions of a number of young people (including those with special needs) on a range of issues relating to their transition from detention to the community; and
- an analysis and documentation of “good practice” examples of service-delivery.

The Brief further specified that the final report was to make a number of proposals as to how Australian Governments could strengthen the various supports provided to young people while in detention and after release in order to minimise their risk of recidivism and homelessness.

## 1.3 Methodology

There were four main components to the study methodology:

- a literature review;
- a survey of all Australian juvenile justice authorities;
- in-depth interviews with a number of key informants in each State and Territory; and
- in-depth interviews with a number of young people who have had some experience of juvenile detention.

### 1.3.1 Literature review

Literature was sourced from key criminological and general reference libraries including the Australian Institute of Criminology, Sydney University Law

School Library, University of New South Wales Law Library and the State Library of NSW. Searches were conducted of relevant databases and catalogues.

Key informants were asked to suggest any reports relevant to the study and the bibliographies of references obtained were examined for further material of interest.

The Internet was also interrogated for relevant information on transitional programs, and messages outlining the study and requesting directions to pertinent literature were placed on several Internet sites.

### 1.3.2 Survey of Juvenile Justice Authorities

A survey was conducted of all State and Territory juvenile justice authorities to ascertain policies and practices relating to the services and programs provided to young people in detention and upon release.

A letter was written to all Directors of Juvenile Justice (or their equivalents) requesting their participation in the study (see Appendix A). Departments were asked to supply certain background information, as well as details of specific programs or strategies of relevance to the study. Departments were invited to nominate departmental officers who could be contacted for further information and also to identify specific transitional programs or services in their jurisdiction regarded as being examples of “good practice” (see survey form at Appendix B).

All juvenile justice authorities responded to the survey, and many went to considerable effort to supply detailed information, both in writing and in subsequent interviews with departmental officers. (One department’s ability to participate fully in the survey was constrained as a result of major structural changes to juvenile justice occurring at the time the study was being conducted.) This study would not have been possible without their often substantial assistance and the various departments’ willing cooperation is gratefully acknowledged by the consultants. (Nevertheless, it should be noted that the researchers were ultimately very dependent upon juvenile justice authorities to identify key people and programs, and the quality and depth of response varied across jurisdictions.)

The survey was used to obtain information on the following issues:

- the “current state of play” in relation to juvenile justice policy in each State and Territory;
- the types and range of services and programs available in detention;
- the various mechanisms in each State/Territory for the release of young people from detention;
- examples of a range of different pre- and post-release strategies and programs; and
- examples of programs or pre- and post-release strategies specifically targeting various “special needs” groups.

### 1.3.3 Key informant interviews

In-depth interviews were conducted with over 60 key informants across the country. Those interviewed included the following:

- various juvenile justice departmental officers in each State and Territory, such as policy officers, detention centre managers, program coordinators, and staff of community-based services;
- non-government agencies or organisations specifically funded to provide services to young people in detention and/or upon their release;
- academics and researchers in the field;
- youth peak organisations and agencies providing a range of services to young people, including accommodation, advocacy, legal assistance, alcohol and other drug counselling, employment and training;
- organisations assisting Aboriginal and Torres Strait Islander youth; and
- agencies assisting young people of non-English-speaking background.

The interviews were conducted using one of three semi-structured interview schedules depending upon whether the respondent was a juvenile justice policy officer (see Appendix C), a direct service provider (see Appendix D) or a key informant (see Appendix E). This ensured a level of consistency in issue coverage across interviews, while allowing respondents the opportunity to raise matters they considered to be important or relevant. Most interviews were conducted over the telephone, with the respondent having previously been sent a copy of the study Brief together with the relevant interview schedule. A number of interviews were done face-to-face in three field trip locations. All respondents were assured of the confidentiality of their discussions with the researcher.

The interviewees were selected in a number of ways. As indicated previously, each juvenile justice authority was asked to nominate a list of people who could be contacted for interview in relation to their particular area of responsibility. Many of these people were subsequently interviewed, with particular emphasis placed on those involved in providing or developing a program regarded as being good practice. Other respondents were selected using a “snowball” technique whereby contact was initially made with a key organisation (for instance, the State/Territory Youth Council) which was asked to provide the names of a number of organisations or people in their region who had a specific knowledge of pre- and post-release services for young offenders. Given the broad scope of the study (both in terms of the wide range of special needs groups and also the national coverage), there were clearly limits to the number of people and the range of organisations and service providers that could be interviewed within each State and Territory. The research team therefore took the approach of identifying as far

as possible a range of types of interviewees (e.g. those with specific knowledge of the needs of young women in custody, or of young offenders of non-English-speaking background, Aboriginal and Torres Strait Islander youth etc.) across States and Territories, giving somewhat more emphasis to three States with contrasting juvenile justice populations and policies, that is, Victoria, New South Wales and Western Australia (selected in consultation with NYARS).

The purpose of the interviews with key informants was to obtain some assessment of the appropriateness or otherwise of existing programs and services currently available to young people in detention and post-release, and to identify gaps or shortfalls in services and strategies (particularly for special needs groups). The interviews were also used to identify good practice service provision in transition arrangements. This latter component of the research was considered vital in order to move beyond the “on paper” provision of pre- and post-release services and to obtain some evaluative comment on current practices.

### 1.3.4 Interviews with young people

A total of 30 young people were interviewed for the study. All these young people have spent some time in a juvenile detention centre. A number were currently in detention (some for the second or third time) while others were back in the community. The young people were approached for interview via various agencies (including juvenile justice authorities and non-government agencies) which service young offenders. Although the services involved remain anonymous for reasons of confidentiality, their assistance was critical in facilitating this component of the research. All the interviews were conducted face-to-face on a voluntary, anonymous and confidential basis, with formal consent provided where necessary. The young people were assured that the researcher was independent from both government and the service provider. Where considered appropriate by the service provider, the young people were paid \$20 for agreeing to participate in the study. The young people interviewed fell into a range of special needs categories, including:

- young men and young women;
- young people of Aboriginal or Torres Strait Islander descent;
- young people of non-English-speaking background;
- young people with an identified alcohol or other drug problem;
- homeless youth;
- young people with an identified intellectual or psychiatric disability; and
- young people from rural or remote locations.

The age range of the young people interviewed was 14 to 21 years. Some of the young people had been in custody once only, while others had experienced

several periods in custody. The length of time spent in custody ranged from a few days to two years. For those who had completed their custodial sentence, the post-release period varied from four days to three years.

The main purpose of the interviews was to hear directly from the young people their experiences of detention (in particular their experience of the transition from custody back into the community) and about the factors which had contributed either to their reoffending, or to them being able to avoid further contact with the criminal justice system.

The main emphasis of the interviews was therefore to identify and highlight some of the key issues and concerns from the perspective of the young people rather than to obtain any assessment of the effectiveness or otherwise of a particular program or service with which they have had contact.

The interviews with the young people took place in three locations (selected in consultation with NYARS): Perth, Sydney, and Melbourne.

All three locations have detention centres and post-release services and programs of various kinds. However, the approach to pre- and post-release services and transitional arrangements is somewhat different across these three jurisdictions, and the juvenile detention population also varies to a considerable extent. New South Wales has a high number of young people in juvenile detention centres compared to other areas in the country, and the Department of Juvenile Justice is presently examining a number of options for pre- and post-release services. Many of these are currently in developmental or pilot stage. Victoria has a small number of young people in juvenile detention and in recent years has placed considerable emphasis upon community integration policies. In addition, Human Services (which administers juvenile justice in Victoria) has for a number of years specifically funded a number of post-release services and programs to assist young people in making the transition from custody back into the community. In Western Australia, the situation is somewhat different again. The majority of young people in custody there are Aboriginal, many of whom are incarcerated some considerable distance from their home and family supports. The three field locations selected provided contrasting juvenile justice environments and populations.

## 1.4 The study in context

Before proceeding to present the results of the study, it is important to make a number of broad observations about the conduct of this research project:

- *It is apparent that the scope of the study as described in the Brief is very wide*, covering as it does, the full range of services and supports available to juvenile detainees across all States and Territories. In addi-

tion, it addresses issues relating to a wide range of special needs groups, including Aboriginal and Torres Strait Islander youth, young people of non-English-speaking background, homeless youth, and young women. Although all these aspects have been covered in this report, clearly there were limits upon the depth of inquiry in relation to each of these areas in individual States and Territory. While the report cannot be said to cover all supports and programs in existence across the country, it does provide a broad overview of existing programs and supports and highlights particular examples or models which were identified by various informants as being innovative or approaching good practice.

- *The context of program-delivery in juvenile justice is frequently subject to change*. It is well known that juvenile justice policy and practice is a highly politically sensitive area and very responsive to community attitudes and media reporting. There are clearly discernible trends in policy across States and Territories, as well as within States and Territories over time, which can affect the availability and operation of transitional programs. Indeed, transition arrangements are particularly susceptible to change if, for example, a young person reoffends or absconds while on early or temporary release from custody and there is an ensuing outcry in the media. Even though certain transition policies are generally regarded as being good practice, they may be withdrawn or terminated at short notice in the often volatile and changing context of law and order policy and practice.
- *There is a distinct lack of evaluation of existing transition programs and services in Australia*. This is evident in the dearth of evaluation material located through the literature review and also in the inability of many service providers consulted to indicate whether or not their approach or program was successful. The study team acknowledges that any measurement of success in the area of juvenile offending is fraught with difficulties. It is also acknowledged that many programs or services discussed in this report are in developmental stage, or have only been in operation for a relatively short time. Nevertheless, the lack of any systematic attempt to review and assess the effectiveness of programs was notable. Only a minority of juvenile justice authorities appear to place any priority upon evaluation and few appear to have conducted reviews of in-house or external programs or services. A further difficulty is that even where evaluations have been undertaken, the results of these reviews are not always published and are therefore not open to public scrutiny. As a result of the general lack of evaluation material, many people interviewed for this study had difficulty identifying “what works”

in transitional arrangements, or stating whether or not particular services or strategies were achieving their main objectives. Nominated examples of good practice programs were therefore not usually based on any empirical evidence or independent assessment, but often more on a belief that a particular approach was innovative, or that it encompassed certain desirable principles or standards.

- *The needs of young people in custody are many and complex, and are often inter-related.* Focusing on special needs groups of young people in detention is largely an artificial exercise. Typically, a young person in custody will have a range of needs, rather than a single or major defining need. The critical question then becomes how the particular set of support needs of a young person are identified and addressed, and it is in this context that case management and service coordination become so important. For the purpose of this study, however, the study team has focused on describing the particular needs relating to a young offender's Aboriginality, age, gender or ethnicity, and sought to identify strategies that have been developed to address these specific issues.
- *Transition programs cannot be examined in isolation from wider issues concerning juvenile justice policy and the situations which have led to a young person being incarcerated.* Views about the appropriateness or effectiveness of transition programs cannot be divorced from the prevailing juvenile justice policy in a particular State or Territory. Nor can they be separated from the philosophical or professional approach of the program manager or service provider. Opinions about which programs or services are needed and which are appropriate or effective will vary according to these policy or professional frameworks and whether welfare, justice or punishment (or a combination of these approaches) is the dominant guiding principle. Also, the success of a particular program or support has to be seen within the context of the lives of the young people concerned. Young people in detention are often extremely damaged as a result of years of neglect, abuse, and hardship. For many, "doing crime" has become an entrenched pattern of behaviour. Given this background, it is important that expectations about what any particular transition program or service can achieve in a relatively short space of time remain realistic. In other words, there is no

cure or quick fix solution to many of the problems faced by this group of young people.

It is apparent then that this study is addressing some very important but also difficult issues to do with young offenders' incarceration and recidivism. The focus on transition arrangements has to be viewed in the wider context of the complex social issue of juvenile offending.

## 1.5 This report

This report commences with a review of relevant literature and discusses a number of broad juvenile justice issues, before examining the notion of transition and the available evidence relating to the needs of special groups and the success of pre- and post-release strategies and programs. Section Three presents a brief profile of the Australian youth detention centre population. It discusses what is known about the number and characteristics of young people who are detained in juvenile justice institutions, and the implications this has for service delivery. Section Four presents the young person's experience of custody and release back into the community. In an often very moving and powerful way, the words of the young people bring a reality and meaning to the rather technical term "transition". Section Five then provides a national overview of juvenile justice policy relating to pre- and post-release supports and transition arrangements. It describes the broad range of programs and supports available in detention centres, as well as some specific examples of good practice transition programs. Section Six describes issues relating to various special need groups of young people in detention and upon release, including Aboriginal and Torres Strait Islander youth, young people of non-English-speaking background, young women, young people with a disability, homeless youth, youth from rural or remote areas, young people with an alcohol or other drug problem or who are HIV positive, as well as recidivist and serious offenders. Service gaps and shortfalls are identified and, where possible, examples of transitional strategies which are targeted at special needs groups are discussed. Section Seven presents an overview of the research findings and discusses major implications for policy and service delivery. It concludes by making a number of broad recommendations about the provision of service and supports to young people in custody and post-release.



# 2

## Juvenile offenders and transition from custody to the community:

### A Literature Review

*You know as well as I do, very often if you don't get things sorted out while in prison, then it's double hard on release* (Woman prisoner quoted in NACRO 1993c, p.6).

## 2.1 Overview

### 2.1.1 Background

The potentially open-ended nature of the process of transition is such that it posed a number of difficulties when coming to review the literature for this study. Since the rehabilitation of young offenders is one of the dominant guiding principles of juvenile justice today, potentially all aspects of sentencing, custody, pre- and post-release policies and programs could be considered as transitional. In addition, most of the literature accepts that for the majority of young people, maturation is one of the main forces influencing re-offending, with an understanding that as young people get older, they drift out of crime.

In light of the above, this literature review has concentrated on Australian and overseas literature which specifically discusses transition or re-integration/resettlement programs. However, the research into pre- and post-release programs in Australia is limited and can provide no conclusive evidence on what works in terms

of reducing individual recidivism, or in assessing levels of individual rehabilitation. On the whole, research is based on small sample populations, is conducted over a short time span, is concerned with single program evaluation and very rarely seeks out young people's perspectives. Furthermore, rarely does the research acknowledge the structural factors which may affect the success or otherwise of young peoples' transition back into the community. Indeed many of the problems facing young people on entering custody are those they face on release and may be exacerbated by the custodial experience (Youth Advocacy Centre 1993, p.16). Therefore, this literature review has examined these issues where possible, considering the ways in which ethnicity, gender, Aboriginality, age, mental health and disability influence the transition experience and the effectiveness of programs both pre- and post-release.

There is a general dearth of research material which can provide insights into successful ways of reducing criminal behaviour:

*Even with some rather promising results, we are still far from a conclusive answer with respect to what works best, with whom and under what conditions ... Offender treatment research is still in its infancy* (Lösel 1993, p.18; quoted in Roberts 1995, p.233).

In Australia, evaluation of programs for juvenile offenders are rare:

*The single most commonly reported finding is that many programs are never evaluated at all and that numerous opportunities for providing information that would be valued by practitioners and researchers alike is simply lost (McGuire & Priestley 1995, p.22).*

An important outcome of this project should be a recommendation that evaluation of transition programs becomes a matter of course, providing a solid body of research for the future.

Despite the limitations of the literature, it appears that in Australia and overseas the key factors influencing individuals moving away from crime are age/maturity, employment, accommodation and maintenance of contact with family and community. Young people who are Aboriginal, or who have histories of abuse, homelessness, unemployment, or contact with the welfare system face more difficulties in avoiding contact with the criminal justice system.

### **2.1.2 Defining transition**

Transition in the literature is understood as the way in which programs and treatment targeted to young offenders will eventually assist young people to live a positive lifestyle in the community free from crime. Good quality programs are ones which are developed while the young person is in custody, and which include young offenders in decision making and continue, if necessary, after release. To achieve this transition, the literature advocates that young people need to maintain and develop community and family ties while in custody.

Re-integration into the community has been defined in the following terms:

*A process by which community contact – in its many forms and different degrees – is promoted, initiated, supported and monitored. Accomplished through a diverse assortment of methods and steps, re-integrative programs (1) prepare youth for progressively increased responsibility and freedom in the community; (2) facilitate client-community interaction and involvement ;(3) work with both the offender and targeted community support systems (families, peers, schools, employers etc..) on qualities for constructive interaction and offender's successful community adjustment; (4) develop new resources and supports where needed and (5) monitor and test the youths and community on their ability to deal with each other productively (Altschuler 1984 quoted in Schwarz 1990, p.2)*

Programs developed for dealing with transition need to address the range of problems facing young people. These are numerous and include access to employment and training, access to education, finding

accommodation, maintaining links with family and friends, dealing with drug and alcohol problems, mental health problems, dealing with abuse, as well as avoiding re-offending. Young people can also face discrimination and stigma associated with their offences and may become the target of policing. Transition programs need to provide young people with the skills for dealing with these situations focusing on such issues as conflict resolution and personal development.

Post-release programs can take many forms (including parole, day-leave, conditional release orders, camps, all of which may include attendance at drug and alcohol treatment programs where necessary and available), the intention being to provide supervision, treatment or support as the young person gets back into the community:

*Helping young offenders to move on from custody into a law abiding life in the community reduces the human, social and financial cost of crime, and is therefore good social policy (NACRO 1993c, p.3).*

The literature recognises that young people are most vulnerable in the few weeks after they are released. The provision of after-care or supervised release may be considered as one way of addressing the vulnerability of young people at this time, providing practical support and guidance. It can also be considered as a strategy for the close integration of custodial and community treatment, and can sometimes be used as an extended but different sentence form as long as the period of mandatory supervision does not exceed the average sentence for such an offence.

## **2.2 Setting the context for transition programs**

### **2.2.1 Explanations for juvenile crime**

Underpinning the aims and objectives of transition is the idea that programs can address factors disposing an individual towards criminal behaviour. Criminologists and others have spent many years attempting to identify the causes of juvenile crime. The explanations postulated range from structural factors such as unemployment, class, gender, race, disadvantage and deprivation through to pathologising the individual offender as rebellious, unsocialised, delinquent, the product of abuse, etc. No one theoretical explanation can adequately address the complexity of those associations which come together at a particular criminal moment for one individual. A detailed review of this criminological literature is beyond the scope of this study. However, in order to highlight some key points, Cunneen and White's book *Juvenile Justice* (1995), which is arguably the most contemporary Australian account of the range of literature on juvenile justice,



can provide an important supplement to this review.

It is widely acknowledged that the criminalisation of an action for an individual or group of individuals is the result of a social process. It depends on the content of criminal legislation, policing practices, crime detection, the decision of someone to report a crime, the entry and progress of a young person through the criminal justice and court procedures, as well as sentencing options and practices. Formal intervention practices of police and the courts skew our understanding of juvenile crime. However, self-report studies suggest that juvenile crime occurs more frequently across social, gender and ethnic groups than suggested by arrest and court appearance data (Cunneen & White 1995; Gale et al. 1990). The numbers and characteristics of young people in detention and participating in programs is the end product of this social process (Cunneen & White 1995).

There are a number of identifiable features of juvenile offending:

- young people are less likely to be experienced and accomplished criminals;
- young people tend to commit offences in groups, which leads to greater visibility and risk of detention;
- the social dynamics of the offence may lead to easier detection if it is public, gregarious and attention-seeking;
- juvenile crime is often episodic, unplanned, opportunistic, and related to the use of public space in areas like public transport and shopping centres where there is more visibility and surveillance;
- young people tend to commit offences close to where they live. As a result they are more likely to be identified by the victim and reported (Cunneen & White 1995).

Much of the literature also concludes that most juvenile crime is property based and that juveniles tend to be under-represented in more serious offences compared to adult offenders (Youth Justice Coalition 1990; Gale, Naffine & Wundersitz 1993). The less serious nature of most juvenile crime and the range of sentencing options available means that there is a low proportion of offenders who are detained in custody.

### 2.2.2 Features of juvenile justice systems

As has become customary, the features of juvenile justice systems can be conceptualised in terms of two models. These are *welfare* and *justice* which stand at either end of a spectrum, representing the different ways of dealing with young offenders. Cunneen and White (1995) offer an overview of these models. Briefly, *welfare models* concentrate on the rehabilitation of offenders, focusing on the individual's background and life experiences. *Justice models* focus more on the offence itself and issues of due process. The dominance

and/or interplay of these two approaches within juvenile justice systems is often in a state of flux, depending on such factors as the current political climate, community attitudes and on the influence of key players such as the police, the courts, government, community/welfare services and the media.

The welfare and justice models are sometimes seen as being inadequate in that some Australian juvenile justice legislation, policies and programs are underpinned by *punitive* approaches characterised in law and order campaigns. In punitive responses, young people (especially young men) are pathologised and seen only to require discipline and punishment to stop them committing crimes. This leads to a response to juvenile crime which emphasises tough legislation, intensive policing, harsh penalties and custodial regimes such as boot camps and short sharp shock detention programs. Many of these themes are appropriated by political parties and articulated by the media.

Another emerging feature in Australian juvenile justice systems has been identified by Pratt as *corporatism* (1989, summarised in Youth Justice Coalition, 1990). Features of this include:

- emphasis being placed on administrative decision making rather than due process;
- diversion schemes such as community aid panels and cautioning increasingly complement court procedure for selective groups of young people;
- retraining becomes the goal of sentencing;
- inter-agency approaches to dealing with problems are developed;
- experts in juvenile issues emerge; and
- classification of young offenders between hard-core criminals and others.

Ultimately the purpose of intervention becomes the implementation of policy rather than responding to individual needs or respecting the rights of individuals.

Inevitably, transition programs are developed in the context of these different influences in juvenile justice systems. However, the prevailing philosophy may not always be clearly articulated and at any one time or in any one place, transition programs may reflect a *combination* of these influences.

### 2.2.3 Detention as a sentencing option

In Australia the various criminal justice systems have a number of informal and formal ways of dealing with juvenile offenders. These include *diversion from formal adjudication* (formal and informal police cautions, family group conferences, community aid panels), *community corrections* (probation, suspended/deferred sentences, good behaviour bonds, community service orders), and *custodial sentences*. In examining the value of transition programs it is worth re-emphasising that the majority of the literature focuses on the negative effects of detention as a sentencing option.

Over the years there has been a push towards decarceration on the basis that custodial sentences are not particularly effective in deterring offenders from further offending. They are expensive, and non-custodial options usually result in lower rates of recidivism (Youth Justice Coalition 1990; NSW Legislative Council 1992). Detention centres also involve the removal of young people from those social contacts which can positively influence their lives and may:

- hinder the learning of skills necessary for young people to live in the community;
- provide young people with opportunities to join criminal networks and learn offending skills;
- create a stigma which impedes the ability of the young person to gain access to developmental opportunities on release (Moore 1991).

Research in the United Kingdom has shown that young offenders who have been placed in secure institutions have much higher reconviction rates than those who have received community service options even when the seriousness of offences and frequency of offences were similar. Even though some detention centres in the United Kingdom have become harsher, in other areas of the country, intensive supervision in the community has replaced custody for serious offences. Those young offenders deemed at risk of a custodial sentence have received 'project orders'. Research has revealed that the great majority of those offenders committed to alternative custody projects successfully completed their projects and only 15% appeared in court for further offences (NACRO 1993a).

The rationale for the continued use of detention includes deterrence, punishment, rehabilitation, and the protection of the community (Youth Justice Coalition 1990). However, relatively few juvenile offenders are detained and those who are tend to have a number of previous convictions, or have committed a serious offence. Despite the small number of young people in detention, governments tend to spend a disproportionate amount of their budgets on detention (Youth Justice Coalition 1990).

Many commentators have argued that there needs to be a holistic approach in developing juvenile justice systems. It is not possible to deal separately with different aspects of juvenile justice since all parts are closely interconnected. In Broadhurst and Maller's extended study (1990) which looked at two comparative periods over an 11- and 12-year period, the authors concluded that recidivism was not just related to individual characteristics but to broader policy reform.

Policing young people's behaviour can have a major impact on the level of re-integration into the community. Young offenders released from detention may well receive undue police attention. In addition specific pieces of legislation can affect young people's chances of re-integration or recidivism. For example, legislative

reform in New South Wales which gives police the power to move young people on or put them in a place of safety if they are suspected of being about to commit a crime (Children and Young Persons (Parental Responsibility) Act, 1994) can significantly increase young people's contact with the criminal justice system. Legislative reform can also impact on particular social groups, e.g. decriminalising/criminalising drunkenness can affect Aboriginal people's arrest or detention rates (Broadhurst & Maller 1990).

The literature strongly suggests that programs and policies which simply focus on the individual offender will not adequately address juvenile offending:

*Juvenile offending can only be successfully tackled where family, school and neighbourhood problems are addressed simultaneously. This cannot happen in institutions which are remote from the juvenile offender's home nor can it be compensated for by post-release supervision (NACRO 1993a, p.9).*

NACRO advocates an inter-agency approach to dealing with offending where resettlement programs start in detention and combine government, community agencies, police, local employers and family and community members.

## **2.3 Social dimensions of crime and transition programs**

The intersections of life circumstances, i.e. class, ethnicity, Aboriginality, gender, age, mental health, intellectual disability, health, employment status, alcohol, other drug dependence and family circumstances, impact on who a juvenile offender is and how they are treated by the police and juvenile justice systems.

The social characteristics of juvenile offenders and offending patterns increasingly determine the kinds of strategies adopted by governments in dealing with offending and developing programs for young people in detention. There is an increasing recognition of the diversity of young people's needs, although programs are often limited due to cost and lack of resources, including staffing and training.

### **2.3.1 Age**

There is a general agreement in criminological literature that young people grow out of crime, and that it is generally only a small number of young offenders who go on to commit a large number of offences. However as Barga (1993) has pointed out, the research underpinning this assertion has tended to be based on male young offenders and there needs to be more work to ascertain whether this is as true for girls as boys. Research also indicates that for some groups of

Australians such as Aboriginal youth, there is very little opportunity to grow out of crime due to severe disadvantage, racism and overpolicing.

Bearing in mind these reservations, the majority of research has supported the maturation argument. Coumarelos (1994) in her study of juvenile offending found that:

- most young people brought before the Children's Court in NSW do not re-offend – 70% of young people did not reappear in the New South Wales Children's Court;
- only a small percentage of young people who came before the Children's Court a second time went on to re-offend; and
- a small group of re-offenders account for a large number of offences.

Maturation is crucial to the reduction in offending with increasing conformity to social rules. Consequently, transition programs should focus on personal development as part of the maturation process and those life experiences such as employment which ease young people into maturity.

### 2.3.2 Gender

*Research findings based on male samples are generalised as applicable to females. Rarely are such generalisations tested for their applicability to young women generally and more rarely for their applicability to a multitude of diverse sub-groups of young women (Bargen 1994, p.10)*

This is particularly true of Aboriginal young offenders:

*There is still a paucity of empirical data which considers specifically the issues relating to Aboriginal young women – although we know they continue to constitute a large proportion of institutional populations (Cunneen & White 1995, p.162)*

The number of young women in detention has been relatively small compared to young men and, traditionally, little attention has been paid to the specific circumstances of their criminal behaviour and appropriate program development. Bargen (1994, note 69) found that in New South Wales “there are never more than about 25 young women out of a total of around 400 young people in custody”. Traditionally, due to the lack of numbers of girls in custody compared to boys, young women tend to be tacked on to a system that is generally designed for young men, with their needs being marginalised.

Research indicates that most young women in juvenile justice systems have:

- been the victims of sexual and or physical assault at home;
- left home because of assault or other reasons that make it impossible for them to live there; and have

- been more likely than young men to have been wards of the state (Bargen 1994).

The kinds of problems and life circumstances facing young women means that the situation facing them on the outside of an institution is much more frightening than being inside the detention centre. Inside detention they are at least relatively safe and free of responsibilities and dangers of the outside world (Bargen 1994).

Programs and services inside detention centres need to focus on these issues as young women tend to turn the agony of detention in on themselves. This can be manifested in psychological problems, self-mutilation, and depression. In the United Kingdom more than half of all women in custody had mental health problems (NACRO 1993c). Bargen (1994) points out that young women in detention in New South Wales are often violent to themselves, although it is uncommon for Aboriginal young women to self-mutilate. Further, it has been argued that:

*Any problems young women have if they are not dealt with can be made worse due to detention. Self-esteem and self-confidence can be badly damaged or lost altogether and on release young women are even less equipped to deal with the complex problems they face than they were before (NACRO 1993c, p.6).*

Bargen comments that programs which claimed to provide lessons in post-release survival strategies were apparently ineffective, evidenced by the fact that between May 1990 and January 1991, six young women in New South Wales died shortly after leaving juvenile justice custody (1993).

In her review of services for young women in custody, Alder (1993) argues that despite their backgrounds, attitudes to young women offenders compared to young men are less forgiving and that “having been bad on one dimension can affect her reputation and standing as a young woman on a number of dimensions. Most clearly her moral and sexual standing are in question” (p.307).

Alder's review identified that the major frustrations young women had with services was over-protection, their lack of power and that they wanted:

- to be less dependent on services;
- to have the power and resources to influence services;
- a more positive environment within services;
- to secure long-term housing options; and
- increased cultural sensitivity.

Alder argues that these issues are consistent with findings from the United States where young women in juvenile custody said their most pressing need was to find an economic independent means of survival. She further argues that services should aim to:

*Facilitate young women being able to lead safe, secure and independent lives which provide them with a sense of personal worth, and participation in being able to contribute to the society in which they live. Essential to this scenario is economic independence by virtue of paid, meaningful employment and long-term accommodation (Alder 1993, p.306)*

### 2.3.3 Indigenous youth

Most studies conducted on Aboriginal young people's contact with the criminal justice system have focused on policing and contact with the courts. There is little information available about experiences within young offenders' custodial institutions or on transition into the community.

The literature consistently points out, however, the over-representation of Aboriginal and Torres Strait Islander young people in detention (Youth Advocacy Centre 1993; Youth Justice Coalition 1990; Cunneen & White 1995; Royal Commission Into Aboriginal Deaths In Custody 1991). These levels are matched by the over representation of Aboriginal young people in substitute care (Choo 1990).

Gale, Bailey-Harris & Wundersitz (1990) argue that the over-representation is a culmination of their experience throughout the criminal justice system where:

*At every stage within the system where discretion operates and individual decisions must be taken by the various agents of the law, they are substantially more likely than any other group to receive the harsher of the outcomes available ... As a result of being over-represented at each level of the system, Aboriginal youths experience a process of accumulating differential, whereby the degree of disadvantage suffered by them becomes more pronounced as they move deeper into the system (pp.115-116).*

Research into Aboriginal young people's offending has highlighted the interplay of a number of factors which underpins criminal behaviour and contact with the criminal justice system. These include:

- colonial legacy;
- cultural dispossession;
- lack of self-determination;
- social marginalisation;
- long-term impact of institutionalisation;
- educational marginalisation;
- high levels of unemployment;
- higher rates of poverty;
- overpolicing;
- history of police/Aboriginal relations; and
- racism of the criminal justice system.

In a review of the situation facing Aboriginal young people in Western Australia, Beresford and Omaji found that urban Aboriginal youth are especially vulnerable:

*They must face not only the problems confronting all other young people, but also an additional range of*

*problems and pressures. Further, it must be recognised that while Aboriginal young people – like others – may be facing all the complications of a transition to adulthood, they must often do so in the context of a culture which may not view terms such as adolescence the same way as the wider community (Western Australian Task Force on Aboriginal Social Justice, 1994 p.574 quoted in Beresford & Omaji 1996, p.125).*

For Aboriginal community workers interviewed in Beresford and Omaji's study, young people's search for a cultural identity is proving confusing and, without a cultural identity based in tradition, young people are becoming involved in a negative lifestyle involving crime, alcohol and drug abuse. It also found that dislocation and disadvantage leads to increased mental health problems among Aboriginal young people with resulting depression, suicide attempts and stress. In addition, services tend to be culturally inappropriate, are not staffed by Aboriginal people and are therefore under-utilised.

Despite the high numbers of Aboriginal young people in detention Beresford and Omaji argue that their therapeutic needs are not being met in the justice system. Although this is also true of non-Aboriginal people, Beresford and Omaji's research found that particular programs in detention were inadequate since:

*Aboriginal youth do not make full use of programs because of their perceived lack of relevance (Beresford & Omaji 1996, p.117)*

In response to this and the findings of the Royal Commission Into Aboriginal Deaths In Custody (1990) some jurisdictions have introduced cultural and other programs for detainees which are discussed in Section Six of this report.

In some States Aboriginal communities themselves have initiated community based programs for dealing with youth offending. These include use of mentoring, training farms, developing of Aboriginal customary law for young offenders. However, all of these schemes ultimately depend on non-Aboriginal government and non-government agency goodwill, support and funding (Cunneen & White 1995).

Studies of the criminal justice system's treatment of Aboriginal young people have focused on the ways that the system ends up dealing with the overall failure of social and public policies to respond to the needs of Aboriginal people:

*The current practice of imprisoning significant numbers of these young people amounts to a de facto policy of criminalising the disadvantaged (Beresford & Omaji 1996, p.16).*

Provisions for bail, or for designating responsible people to take care of young Aboriginal children which

depend entirely on discretion (Beresford & Omaji 1996) can work to the disadvantage of Aboriginal young people if there are fractured family relationships, and higher levels of disadvantage coupled with prejudicial and discriminatory practices and beliefs of criminal justice personnel.

From this it is clear that improvement in transition programs will only have a limited impact if all the other factors noted above are not addressed simultaneously.

Beresford and Omaji (1996) point out that if Aboriginal young people are released into the community without there being supportive community options or family support, then they are more than likely to re-offend, or to breach the conditions of supervision orders. One participant in their research study commented:

*It is beginning to show that the "revolving doors" will turn quicker than before. We undergo release ceremonies and in a few days or one week the kids are back again. A number of Aboriginal kids who are good, very talented inside have no structures out there to be released into (p.112).*

The high rates of recidivism of Aboriginal young offenders leaving detention centres in Western Australia (in some centres it is two-thirds) and in other States demonstrates clearly how detention is failing to keep young people from re-offending (Standing Committee on Social Issues 1992, quoted in Beresford & Omaji 1996). Beresford and Omaji argue that the incarceration of Aboriginal youth is now becoming a normal part of growing up for juveniles, where Aboriginal young people "grow up in a peer culture in which the experience of remand is common" (p.117).

The issues facing Aboriginal young people in custody come as no surprise. Some States are working with communities to deal with the problems but the available literature paints a gloomy picture of the general situation now and in the near future.

### **2.3.4 Mental health and intellectual disability**

For young people with mental health problems or those with an intellectual disability there are very few community placements which can deal with both offending behaviour and psychiatric or intellectual disability.

For young people with an intellectual disability, the likelihood of being placed in custody is increased due to the perceived lack of other sentencing options. The New South Wales Law Reform Commission (1992) considered that periodic detention, good behaviour bonds and fines could be of limited use for people with an intellectual disability who may not understand

them and lack resources and capacity to comply with them. People with intellectual disability may have less chance to be given bail due to poverty, lack of employment, lack of community and family support and unstable living conditions:

*Few magistrates and judges are willing to release a person into the community if there are doubts as to the success of the placement in protecting the community and also supporting the individual. The Department of Community Services to date does not provide such facilities. People with intellectual disabilities are ending up before the courts because support services are either unable or unwilling to address their high support needs (p.60).*

This study found no literature which discussed what implications this has for transition programs for young people with an intellectual disability in pre- and post-release programs. It is not hard to imagine that people with an intellectual disability face an even more difficult time in re-integrating into communities, and that employment, housing and income security are particularly problematic.

Other research has identified some of the difficulties faced by young offenders with a mental health problem. Podesta and Jones (1993), for example, found that psychiatric services are reluctant to take on young people who are delinquent and/or homeless, because they consider their situation to be the result of drug abuse. Professional demarcation leads to a lack of appropriate comprehensive services. The gaps in services for young offenders with mental health problems means that young people are fed into adult psychiatric programs, remain untreated or have increased contact with the criminal justice system (Hearn 1993). These services are unsuitable for young adolescents and may do more harm than good.

There are a limited number of community-based mental health services available to assist young people. Despite the policies of deinstitutionalisation of mental health facilities, Hearn reported that in Victoria only 2.6% of the mental health budget goes to community support services with very few offering support for young people. Often, existing services are not accessible to young homeless people since they require stable accommodation (Hearn 1993). Likewise those psychiatric services which require family involvement for treatment exclude young people without families. If young people have an appointed guardian, then services are reportedly more willing to take on young people with psychiatric problems. However many community services departments around the country are reluctant to take on the role of guardian for young offenders who are older than 15. This means that those young people find it more difficult to access mental health services (Hearn 1993).

While psychiatric services are available in the private sector, this is clearly not a possibility for young people on low incomes (Hearn 1993). Those young offenders with both an intellectual disability and mental health problems face multiple disadvantage in accessing services since they are trapped between two services and receive help from neither.

### 2.3.5 Homelessness and crime

Although there is a clear link between homelessness and crime, "identifying the specific role that being without secure, decent, affordable accommodation plays in relation to crime is a complex task" (NACRO 1993b, p.3).

Research by McArthy and Hagan (reported in NACRO 1993b) indicated that significantly more young people committed crime after becoming homeless. Many young offenders had histories of unsettled lives, moving around, broken family homes, and were often in need of housing when on probation (NACRO 1993b, p.3). Young homeless people are also more likely to be victims of crime through violent attacks and abuse (Podesta & Jones 1993).

One study conducted in Victoria found that 72% of 200 young homeless people were under some kind of corrective or protective order and 62% had been under a custodial residential order of some kind. In another study of 65 marginal and homeless young people it was found 94% were subject to some form of legal determination, 33% were current or past state wards, 9% were on bail, and 44% had been on a custodial residential order (reported in Podesta & Jones 1993).

Getting into trouble with the law can also lead to problems with maintaining accommodation. Young people without accommodation or in unsettled accommodation are:

- more likely to be remanded into custody rather than receive bail just because they do not have accommodation;
- more likely to receive custodial sentences; and
- less likely to be considered for parole (NACRO 1993b).

A United Kingdom study of young offenders being released from custody found that 28% did not know where they were going to stay, with a further 8% saying they were going to bed and breakfast accommodation, onto the street or to a friend's lounge (Inner London Probation Service 1992):

*Housing is fundamental to achieving a stable settled life, finding employment, being able to build relationships, and to the effective re-integration of individuals into the community. Without access to the personal and community support networks and services that stable housing brings, individuals can become excluded from their community and in these circumstances, the likelihood of becoming involved in crime considerably increases (NACRO 1993b, p.6).*

In Australia, the Human Rights and Equal Opportunity Commission (HREOC) study *Our Homeless Children* (1989) similarly found that there is a lack of affordable rented accommodation for young people, and youth refuges sometimes exclude young offenders with a record of serious offending, or with drug and alcohol abuse histories.

The literature very strongly supports a staged approach to dealing with the accommodation needs of young people released from detention and which offers a range of options for the different needs of young people. Some possible options are:

- returning to family;
- supported accommodation;
- family group homes;
- shared housing;
- refuges;
- private rental market;
- public housing; and
- supported independent living (Youth Advocacy Centre, 1993).

### 2.3.6 Employment

Many program evaluations have highlighted the importance of employment to young offenders' re-integration into the community. As Alder and Read (1992) have pointed out, the availability of employment is the "most likely to be influenced by prevailing social and political policies" (p.83). Alder and Read argue that getting young people into employment and supporting them in employment should be the responsibility of government, local business and local community agencies.

The majority of criminological literature has tended to discuss the importance of unemployment/employment to young *male* offenders. However it is increasingly recognised that it is as important to young *women's* experience of crime and recidivism (Bargen 1994). The marginalisation of young women's employment needs has meant that employment training for young women in detention and on post-release programs has been restricted to traditional occupations. To allow young women to compete in more secure well paid employment, it has been argued that training and work experience should be offered which allows them to move into a range of work (NACRO 1993c). Research has shown that young women's job retention rates are much better if they are placed in non-traditional areas than in unskilled positions (Bacon 1992, in Alder 1993).

Research with young offenders has revealed that they face discrimination from the Commonwealth Employment Service when they are looking for employment which restricts their access to training. Young people have argued that either courses should be arranged while they are in detention centres so that

places are available immediately on release or that employment training should begin in detention centres and then continue in the community (Saville 1993).

Good quality training and work experience while in detention, feeding into community employment options, are seen as the key to meaningful and well paid employment (Youth Action Policy Association 1990). Access to good quality employment programs or training should be an important part of transition programs for young offenders (Read & Alder 1988).

### 2.3.7 Alcohol and other drugs

The Youth Advocacy Centre (1993) study of young people leaving detention in Queensland highlights the fact that alcohol and other drug abuse is an important contributory factor in offending behaviour. The problems of drug-using young offenders are not necessarily different from other young offenders, but may be compounded by alcohol and other drug use (Alder & Read 1992).

There is a limited range of alcohol and other drug programs that young people can use in the community. There have also been criticisms of the programs available in custody. Young offenders in detention interviewed by Howard and Zibert (1990; 1994) felt that youth workers in detention centres were not adequately skilled and qualified in dealing with drug and alcohol problems. Research indicates that at the time of writing there were few programs available in custody, or drug counselling training for staff inside detention centres. It has been argued that young people require youth-specific programs at two levels of drug use, both within the institutions and on re-integration into the community (Alder & Read 1992).

Existing research suggests that alcohol and other drug treatment programs need to be more geared to young people's needs, with *short* programs available for the range of drug habits. Programs also need to be better integrated into the local community and deal with general life problems. Efforts should be made to integrate potentially high risk youth into conventional peer groups. Ideally, treatment programs should be housed in neutral community settings (like recreational centres or schools) and involve large numbers of pro-social peers in the treatment process (Elliott, Huizinga & Ageton 1995, in Alder & Read 1992).

Notwithstanding the importance of drug programs, in a study of young offenders in Victoria, the researchers found that it was the *mix of life circumstances* rather than drug use itself which mainly affected offenders' chances of successfully completing parole after release from custody:

*Thus it appears that there is a range of factors across the lifespan of a young person which affect whether or not they are able to complete their parole. These factors are*

*related to age, the extent of their involvement with the juvenile justice system and finally their present circumstances particularly in terms of employment. The level and type of drug use does not appear to be a major factor affecting whether or not a young person re-offends on parole or breaches the conditions of parole* (Alder & Read 1992, p.65).

The authors stressed that *employment* appeared to be the real key to successful re-integration and argued that it should be stressed in any program initiatives (Alder & Read 1992).

## 2.4 Qualities of transition programs

### 2.4.1 Extending control through welfare

Work undertaken in the United Kingdom demonstrates that supervised release from custody has lower recidivism rates than unsupervised release. Broadhurst and Maller's study of recidivism (1990) found that unconditional release had higher recidivism rates than those released on parole. Home Office research has consistently shown that prisoners released on parole have substantially lower re-offending rates than would be expected if they had been released without parole supervision (NACRO 1993a). However, in the United Kingdom and elsewhere there are concerns that the extension of programs or supervision after a young person is released can be a means of extending control of the young person's life through the pretext of welfare, and without adequate resources and coordination young people could be set up to fail.

Probation schemes that were said to offer good quality post-release supervision in a study by Rungay (1990) in the United Kingdom were characterised by good relations with the institutional staff, and pre-release contact with the offender. However, post-release supervision schemes are reported to often fail due to the failure of probation officers to "encourage" young offenders and the lack of priority given to post-release compared to community-based supervision orders or diversionary schemes (Rungay 1990). It has been argued there needs to be clarity in the purpose of transition programs which continue after release, whether they are voluntary, what penalties they may contain if they are not followed through and if they are distinct from parole, or supervision or are a continuation of a sentence. It is not increased contact which increases the success of transition but the *quality* of that contact (McGuire & Priestley 1995).

### 2.4.2 Do transition programs work?

In the 1970s and 1980s it was fashionable for commentators on the criminal justice system to argue that "nothing works" in relation to intervention in criminal

careers. This was a result of early work which has since been shown to be fundamentally flawed (McGuire & Priestley 1995). The belief that intervention is ineffective, however, still underpins attitudes to juvenile justice despite a wealth of studies which shows that interventions do bring about lowered recidivism rates (see McGuire & Priestley 1995 for a review of these).

The features of successful intervention programs are those which encompass the following:

- risk classification – a matching between offender risk level and degree of intervention;
- criminogenic needs – distinguishing between criminogenic and non-criminogenic needs;
- responsiveness – there is a wide range of styles and options, including participation of clients;
- treatment modality – are multimodal, skills oriented, and use behavioural or cognitive behavioural approaches; and
- program integrity – the aims and objectives of the program are linked to process and are properly resourced (McGuire & Priestley 1995; Lipsey 1995).

The most effective programs have high treatment integrity, are carried out by trained practitioners and are well managed and tightly designed.

Roberts (1995) also argues that for programs to be effective, they need to take into consideration the special needs (discussed in this literature review) of young offenders rather than being generic in nature.

Gauging the effectiveness of programs in reducing recidivism depends heavily on how recidivism is defined. It may be defined as returning to detention for any offence, returning to detention for the same or similar offence, re-arrest or reconviction.

However, success of programs may also be measured without reference to recidivism. For example, reductions in self-mutilation, completion of stages in schooling, securing long-term accommodation or employment may all be measures of the effectiveness of a particular program.

### **2.4.3 Benchmarks for successful transition**

#### ***Coordinated and Collaborative Approach to Service Provision***

The literature emphasises that successful transition programs have to be part of an overall juvenile justice package and that it is ineffective to concentrate solely on the management of programs inside detention centres without looking at juvenile justice as a whole, including sentencing, policing practices, community options and legislation.

Transition programs need to provide continuity between pre- and post-release programs and services. They need to be flexible and adaptable to cater for the high turnover of young people in centres and the variations in the length of their stay (Hubble & Goodlet

1993; Andrews 1996). Programs need to be coordinated so that they are well planned and provide continuity between pre- and post-release support and training and so that the variety of agencies involved in working with the young person can come together (Thorley-Smith 1993). Inter-agency cooperation should also include police/youth liaison teams so that police are aware of issues facing young people released from custody.

The literature is clear in stressing that the diversity of needs of young offenders requires a coordinated and well planned interagency approach for transition programs. No single agency can hope to provide all the services that are required by young offenders:

*Collaborative relationships offer one strategy for building a community concern to help adjudicated youth bridge the gaps between institutional placement and community life* (Cook 1990, p.15).

Collaboration implies that agencies take active steps to plan, organise and implement programs for young offenders. This involves case management and monitoring and should involve interagency agreements that need to address:

- sharing of organisational information on the needs of clients;
- sharing of organisational information in relation to services currently offered to clients;
- identification of the most crucial unmet needs of clients;
- identification of new programs or new linkages between existing programs;
- identification and sharing of resources in order to develop new program configurations;
- planning and implementing of new programs by key staff from organisations holding needed resources; and
- development of long term collaborative relationships to ensure continued efforts (DeBevoise 1986, in Cook 1990).

#### ***Maintaining family contacts***

Maintaining family contacts is also critical to young people's survival in the community (Podesta & Jones 1993). Personal support is a crucial link to non-offending behaviour (Youth Advocacy Centre 1993). In Victoria people are trained to act as mediators between young people and their families to establish and maintain contact and effect reconciliation and reduce homelessness and reduce re-offending (Podesta & Jones 1993).

Programs which provide the sustained support of a significant adult in a shared trusting partnership are also considered to be successful in reducing re-offending (Podesta & Jones 1993).

The United Kingdom National Association for Care and Rehabilitation of Offenders stress the importance



of the continuity of maintaining links between home and the community for all offenders in detention to ease reintegration on release:

*Home leave and temporary release have many benefits. They enable prisoners to adjust better to the outside world, lessening the effects of institutionalisation; to learn valuable skills; to engage in work for the community; to maintain family contact, thereby lessening the risks that relationships will break up (NACRO 1995, pp.2-3).*

Research in the United States suggests that a prisoner without family support is six times more likely to re-offend in the first year than one who has maintained family ties (NACRO 1995). Home leave is one way that this can be maintained. Temporary release also allows detainees to attend courses or training. Home leave and temporary release for those on medium to long-term sentences should be adequately provided for with income support.

Maintaining links can be facilitated by outside agencies both voluntary and statutory, being involved in the detention centres. The involvement reduces isolation and opens up the eyes of the outside world to what is happening to young people in detention (NACRO 1993c).

However, it is recognised that family and community ties are not without their problems and require input. In the United States there is reported to be:

*... increased recognition of the impact of community, peer, and familial factors on the process of re-integration. It is also based on the research suggesting that behavioural, educational, and treatment gains made during confinement or placement are often short lived or are quickly extinguished once a youth returns to his or her community (Schwarz 1990, p.1).*

In recognition of these influences, Schwarz states that transitional programs in the United States are addressing the young offender's situation in the broader context involving a variety of methods. Transition services focus on family involvement in custodial programs, restriction on the use of secure custody and an increase in community-based programs (Schwarz 1995).

### ***Open custody and continuity in service provision***

In her review of transition policy and programs in New Zealand and around Australia, Moore (1991) came to the conclusion that there were a number of common features which were keys to good quality programs. These included the following:

- *casework planning* that began on admission with the involvement of the young people and relevant inter-agency representatives and which covered their time in custody and what would happen on release;

- *open custody* – young offenders would have access to opportunities to participate in outside activities in an attempt to normalise their interaction with the outside world and to begin the process of securing accommodation, employment and financial support;
- *community and family involvement* – involves visits, or participation of members of the community in the life of the detention centre;
- *mainstream educational programs* – this includes basic education, vocational education and personal development through cooperation with the education authority; and
- *staff ratios and training* – more open custody arrangements need higher staff ratios and more experienced and trained staff.

### ***Involvement of young people in decision-making***

The literature also consistently argues that young people need to be involved in making decisions about their transition into the community and the programs that they would be involved in. Saville (1993) argues that from her interviews with young women, programs need to enable young women to make lifestyle changes so they may make their own decisions about employment, housing and other practical opportunities. If they do not have the ability to control their choices, then the young women will only ever feel “safe” inside detention.

*No Place to Be*, a review of the Inside Out project for young men in Victoria, stresses that one of the successes of the project has been the fact that it is voluntary and young people have the choice not to become involved (Waters & Horton 1993). The project focuses on the development of self-responsibility which appears to be one of the key features of many treatment programs.

### ***An example of good practice***

NACRO have developed a sample plan of action for young women which covers the features of a good quality transition program. It could be translated into a general plan of action for all young offenders. The plan of action prescribes the following:

- examine the location of detention centres – to assess how far young people can maintain contacts with families and communities;
- provide more open and relaxed regimes – most young people in custody are not a threat to the public;
- establish resettlement units for young people;
- promote consistent strategies so that good initiatives are common across all centres so that no matter where they are, young people in custody have access to day release, training, support, resettlement programs;
- assist in sorting out immediate problems;

- promote personal responsibility;
- provide information and advice;
- agree upon a release plan with all detainees;
- agree upon a constructive program for remand prisoners;
- provide legal and other advice to remanded youth;
- enable detainees to deal with health issues;
- accommodate differences in youth;
- make more use of temporary release; and
- involve outside agencies in the life of the detention centre (NACRO 1993c).

## 2.5 Summary

In summary, several key points emerge from a review of the literature:

- Very little research on “transitional” programs has been conducted in Australia.
- The effectiveness of transitional programs cannot be viewed separately from the wider juvenile justice system. It is not possible to reduce recidivism by transition programs alone, and programs which focus solely on the individual offender are unlikely to be successful.
- The problems faced by young people released from custody must be addressed simultaneously. Focusing on one aspect of their needs (e.g. alcohol or other drug dependencies) to the detriment of other factors (e.g. accommodation, employment personal supports) are likely to have a very limited

impact on the young person’s life after release from custody.

- The key factors which appear to influence a young person’s moving away from crime are *age/maturity, employment, accommodation and maintenance of contact with family and community*.
- Effective programs are characterised by being well designed and staffed by highly skilled practitioners, with good management and professional supervision.
- No single agency or service can meet the wide range of needs of many young offenders. A coordinated and collaborative approach to service provision (both in the pre-release and post-release phase) is necessary in order to meet their needs.
- “Good practice” transition from institution into the community involves casework planning (which maximises the young people’s opportunity to participate in activities in the community), the involvement of outside agencies in the life of the detention centre, and continuity in service provision from detention centre to the community. Finally, as McGuire and Priestly (1995) have commented, transition programs in the future need to develop:

*... an atmosphere in which program design, delivery and evaluation are seen as natural accompaniments to each other, and for the habit of evaluation to become firmly embedded in the thinking of managers and practitioners alike (p.4).*

# 3 Profile of juveniles in detention

## 3.1 Introduction

Before describing pre-release and post-release policies, programs and practices for young people in detention, it is important to first briefly examine the size and nature of the population currently held in juvenile justice centres throughout Australia. Who are the young people who are committed to juvenile justice custodial facilities? How many young people are in custody at any given time? How many go through the custodial institutions in a given year? How long do they spend in custody? What sorts of offences do they commit and what is their typical offending record?

Unfortunately, the answers to these somewhat basic questions are not easily obtained. Although there has been a significant improvement in the statistical collections of various juvenile justice authorities throughout the country in recent years, there are still major gaps in the available information and also a lack of comparability in data across jurisdictions. The information that is available nationally on this population is therefore somewhat limited. This serves to highlight the observation made earlier in this report that juvenile detention is a neglected area and that little hard data is available particularly when compared with adult corrections data. Nevertheless, by compiling data from various sources, we can begin to build a picture of the numbers and characteristics of young people who are held in juvenile detention centres in Australia.

## 3.2 Demographic profile of young people in detention

The only available *national* statistical data on young people in detention is compiled by the Australian Institute of Criminology. Each year the Institute conducts an annual census of young people in detention. This data provides a “snapshot” of juveniles in detention on a particular date and facilitates the analysis of certain trends over time. (It should be noted, however, that the data is not absolutely comparable due to certain variations in juvenile justice definitions and legislation.)

The latest data, which is based on figures supplied by relevant departments in each State and Territory, relates to the total number of persons in juvenile corrective institutions on 30 June 1994 (Australian Institute of Criminology 1994). Key findings from this survey and other research undertaken by the Australian Institute of Criminology include:

- *On any one day, over 900 young people are incarcerated in Australian juvenile correction institutions.*
- *The age range of the juvenile detention population is considerable, ranging from 12 to 21 years. However the majority of young people in custody (69%) are 15, 16 or 17 years old. Only a minority (12%) are aged under 15. One in five (20%) are 18 years or older. These differences largely reflect variations in*

the definitions of “juvenile” across States and Territories, and differing policies regarding when a juvenile enters the adult system of corrections.

- *Young males constitute the majority of juvenile offenders in detention* (94%), with young women comprising only 6% of the population.
- *Young Aboriginal and Torres Strait Islander people are significantly over-represented in juvenile corrective institutions.* They comprise 32% of all young people in juvenile detention. Their rate of incarceration (per 100,000 age/race population) is 504.8 compared to 23.9 for non-Aboriginal offenders. In other words, they are incarcerated at a rate 21 times that of young non-Aboriginal people.
- *The number of young persons (10–17 years) in juvenile corrective institutions has declined considerably over the last decade or so* (Dagger & Mukherjee 1994). As at 30 June 1981, there were 1,352 persons in juvenile institutions. By 30 June 1992, the population had fallen to 577. The rate of incarceration per 100,000 age population has similarly dramatically declined from 107.15 to 52.14 (for males) and from 23.61 to 3.66 (for females). The substantial decrease in the juvenile custodial population is mainly attributed to the increased efforts by State and Territory authorities to divert young offenders from custodial sentences, and to supply alternative accommodation for remandees and non-offenders (that is State wards or persons on care and protection matters).

Research undertaken by the Australian Institute of Criminology also reveals considerable variation across States and Territories regarding:

- the *number* of young people who are in custody;
- the *rates* of incarceration of young people relative to their numbers in the population;
- the *profiles* of the young people in custody in terms of such factors as age, Aboriginality, etc.

A range of factors influence the number and the characteristics of young people who are held in detention in any particular State or Territory, including demographics, opportunities for crime, policing and court practices, the strength of public opinion and the prevailing juvenile justice policy and legislation. Whatever the reasons, the divergence in the juvenile detained population across States and Territories is quite striking as the following examples illustrate.

New South Wales alone accounts for over half (52%) of all young persons in secure juvenile care institutions. At any one time, it has close to 500 young people in detention. This is in stark contrast to Tasmania or the ACT which at any one time has only a dozen or so young people in custody. Although these differences partly reflect population factors, it is apparent the juvenile offender incarceration rate varies considerably across States and Territories. As at June 1994, the States and Territories with the highest incar-

ceration rates for males aged 10 to 17 years (per 100,000 relevant gender population) were Western Australian (113.3), the Northern Territory (113.2) and New South Wales (101.4) which are notably higher than the rates for Victoria (23.8), Tasmania (30.9) and the ACT (42.4) (Australian Institute of Criminology 1994). The national average is 66.9. States and Territories also vary considerably in the numbers and the proportion of young Aboriginal and Torres Strait Islander people in juvenile corrective institutions (and their rate of incarceration). In the Northern Territory (61.5%), Western Australian (57.1%) and Queensland (52.6%), over half of the juvenile offenders detained are Aboriginal compared with a low 6% in Victoria and 9% in Tasmania. The *incarceration* rates for Aboriginal young offenders (per 100,000 age/race population) also varies from a high 912.4 in Western Australia and 833.9 in New South Wales to 50.5 in Tasmania and 97.3 in the Northern Territory (Australian Institute of Criminology 1994).

Together, these findings serve to highlight the regional variations in the juvenile detention centre populations. This, in turn, clearly has implications for the nature and extent of the needs of juvenile offenders in detention in a particular State or Territory, and the programs and supports they will require.

### 3.3 Reasons for and time spent in detention

The *reasons* why young people are in detention and the length of time they spend in custody is another factor which impinges upon the nature and also the effectiveness of programs and supports required by young people pre- and post-release.

An important point to note is that a large proportion of young people who are in juvenile detention at any given time have not been sentenced. More than one in three (36%) of those persons aged 10 to 17 years in the Australian Institute of Criminology Census conducted in 1994 were on remand, that is, they were awaiting a hearing, an outcome or a penalty. Based on information supplied by juvenile justice authorities for this study, young people on remand can spend one night or many months in custody. The relatively high proportion of young people on remand clearly has a number of implications for service delivery. For the young people concerned, there is uncertainty about if and when they will get released and the length of time they may ultimately spend in detention. This situation may affect not only their ability to plan but also their motivation to participate in courses, and the opportunities they may have to access certain services or programs while in detention.

The large remand population also results in juvenile

justice administrators handling several thousand young people admitted to detention centres, some of whom they will have contact with only very fleetingly. Even these young people who receive a custodial sentence serve on average a period of some three to six months. Clearly this constantly shifting and short-term population presents major challenges to juvenile justice authorities in the management and administration of supports and programs. The relatively short period of time that many young people spend in custody also has implications for the effectiveness of any interventions that occur while the young people are detained.

An examination of the offence categories for which young people have been remanded or sentenced, and their previous offending patterns contribute to our understanding of this population and their needs. Although research on these issues is limited, a recent study of young people in New South Wales juvenile justice centres found that a substantial proportion of young people in detention at any one time have committed either an offence against the person or a robbery, and that the majority have a history of recidivism (Cain 1993). This snapshot study of young people in detention in New South Wales juvenile justice centres as at 13 April 1993 also revealed the following:

- close to half (47.1%) of young people who have been sentenced (on a control order) had committed offences against persons or robberies;
- a number of others were incarcerated in relation to break and enter offences (21.8%), drug offences (7.1%), motor vehicle theft (7%) and other theft offences (5.1%);
- over half (50.6%) of the juveniles in full-time custody and 39.1% of those on remand had at least ten prior proven offences (excluding multiple counts of the same offence). The majority of those sentenced (85%) and of those on remand (82%) had two or more prior proven offences.

There is evidence to suggest that the offence profile of juveniles in custody has become progressively more serious in recent years. Another study by the New South Wales Department of Juvenile Justice revealed a steep increase in the number of juveniles in custody for violent offences in recent years with armed robberies and serious assaults figuring predominantly. Between June 1989 and June 1994, for example, the number of young people who were in custody in New South Wales for offences against the person more than doubled. There would appear to be some differences, however, in the sentenced and the remanded populations. There is evidence to suggest that fewer of the remandees have prior convictions, and that moreover, remandees tend to be younger than those who have been sentenced, with one third below the age of 16 years (Cain 1995).

It is unknown whether offence and reoffending patterns vary from State to State. However, there was broad agreement among those consulted for this study that the population of young people in detention now represent a potentially very difficult group to work with given the nature of their offences and the extent of their recidivism (as well, of course, as the range of social, psychological and other needs they may have). Clearly these factors have important implications for the nature of the programs and supports required by young people while in detention and upon release. As Cain (1995) has observed:

*There is evidence of a trend for increasing numbers of juvenile detainees to have more serious and protracted criminal histories. This may, in part, be the unintended consequence of the principle of diversion. That is, diverting the less serious offender makes those who do enter custody relatively more serious. However, the observed level of entrenchment in criminal activity, the escalation to, or continuation of, aggressive and violent behaviours, and the repeated return to custody of the majority of juveniles serving time, indicate that little that the juvenile justice system has offered in the past in terms of rehabilitative programs has worked, at least for those recidivist offenders (Cain 1995 p.38).*

Similar observations have been made by Howlett (1993) of the Australian Institute of Criminology:

*As institutional populations in most States decline, and those incarcerated are defined as being the most recalcitrant youths ("serious repeat young offenders") young people held in detention facilities are further marginalised. Increasingly, as a minority, their experiences are ignored (p.1).*

### 3.4 Summary

In summary, little national data is available on young people in juvenile detention centres. However, it is apparent that the number of young people in detention has declined significantly over the last decade. It would also seem that the young people who do receive a custodial sentence now represent a significant challenge to service providers due to the nature and extent of their offending and the multiplicity of their social, psychological and other needs.

The fact that major variations exist across States and Territories in the number and characteristics of young people who are in custody clearly has a number of implications for the programs and supports that will be required and the methods of service delivery. As a result, there will clearly be some limitations upon the transferability of particular programs or strategies nationally.



# 4 Making the transition: Young people's experience of being released from custody

## 4.1 Introduction

In all, 30 young people were interviewed in-depth to obtain their views about the supports and programs available to them in custody and post-release. As previously reported (see Section One), the young people interviewed varied widely in terms of age, gender, Aboriginality, ethnicity, disability, time spent in custody and history of offending. The main purpose of the interviews was to hear directly from a range of young people about their experiences of custody and release and about the assistance they need to help with this transitional phase.

## 4.2 Experiences in custody

Young people's views about the time they had spent in custody varied considerably depending upon a wide range of factors including the particular centre they had been detained in and the range and types of supports and programs available to them; the degree of their cultural, physical or psychological isolation from family and other supports; the length of time they had spent in detention and whether or not they had been remanded or sentenced; their age; and most importantly, the type of life they had been living previously "on the outside".

For some young people, the main problem in custody was boredom and the slow passage of time:

*When you are locked up – each day is like a week. It's so tiring. If you could sleep the days would go quicker.* (Young man)

*You are sick of seeing the same people, the same places. The days are so long. You really find it physically tiring, not just mentally tiring. I can imagine if you were in there for six months it would be really hard.* (Young man)

*In my mind, I was totally bored the whole time.* (Young man)

Others emphasised the lack of freedom, and the isolation from friends and family. One young man, who had a mild intellectual disability, said:

*I felt isolated from my parents and my friends. I missed being free.*

A young Aboriginal woman described how she felt in the following terms:

*In here, there's all the rules. Staff open doors you can't. They play God with keys. You get pissed off. It feels like they are taking your breath away. You look forward to contact with your friends when the door opens.*

One young man whose family had migrated to Australia from Vietnam in the early 1980s and who had spent 11 months in detention, said:

*When I was inside, I had no contact with my family. My step-dad, he won't let my mother or brother contact me.*

Another young man of non-English-speaking background who was incarcerated interstate, hundreds of miles from his family and supports, agreed that the isolation was one of the worst aspects of being locked up:

*I only had one contact in three months, and that was with my girlfriend. That's why I escaped on weekend release. The temptation was too great. If I'd been sentenced to do my time in Sydney, I'd have been OK. There would have been no problems. It was just the fact that for three months I had no contacts or visits.*

A heroin dependent young woman similarly described how lonely she felt in custody:

*When I was inside, there was a stage where my family did not want anything to do with me. I had nothing except my clothes, and gaol, and my own morals.*

The importance of personal contacts while in custody was highlighted by another young man:

*In detention you can't have friends ring you or visit you unless you get a special permit. Only family. My mum and dad visited me, and my girlfriend. But my girlfriend needed special permission. But the more people you've got there, the more contact you've got and you feel happy. You do. I've seen blokes in there so hard and they get a visit and they start crying ... I'd like more contact with the outside.*

Several young people said they thought it was unfair to have visits and phone calls withheld as punishment. A few indicated, however, that they didn't like visits, preferring to be left alone.

The young people's experience of programs and supports in detention also varied considerably. A number of young people thought that detention offered them the opportunity of learning and achieving something. Whether or not they took up these opportunities depended on how long they were in detention and whether or not the courses or programs were interesting or accessible (for example, some young people said they couldn't get onto a course because the timetabling did not fit the period they were in detention). In some cases, certain programs (such as 'D & A' counselling) were compulsory.

A number of young people were very enthusiastic about some of the *educational* and/or *vocational* courses they had attended in detention. For some, it was the first opportunity they had had to focus on something and see what they might be capable of. Achieving was said to make them feel good and increased their confidence about the future. "Keeping busy" also helped pass the time while inside. The following comment was made by a young man with a mild intellectual disability who had been in custody for nine months:

*I did a TAFE course. It was good. We done about five weeks of painting, metal work, studying mathematics, English. I learned a lot. Heaps. And I got a certificate out of it. It was very good. I felt proud.*

Several others made similar comments:

*I did a lot of courses inside. I was kept pretty busy, and there was a lot of choice. (Young male)*

*I go to school (college) four days a week. I really enjoy it. I've been getting A's and A pluses. I can see what I can do. I can see my potential. And I get a real buzz out of it. I can do something with my life. I've never done anything like this before. (Young woman)*

*The courses they run in there! You do learning. You get tested and graded, and if the course is completed, we receive a certificate. Also, they have people from businesses come in and say well, here's an opportunity for you to come and see us. I did a painting course for three months. You do all the training. It was good. It gave me a whole bunch of experience. If I applied for a painting and decorating apprenticeship, chances are I would be accepted because I have a basic understanding. I can do that now. (Young male)*

*In detention, I did five courses ... It is just unbelievable. You could never call it doing time. Everyone is just there wanting to help you. (Young male)*

However, young people's positive experiences of education and training in detention were often conditional upon their having a choice of courses, and also that the courses were reality-based, professionally run, and most importantly, formally accredited:

*There is about ten different TAFE courses. You can make anything, and you get taught how to do it. And they've got proper teachers, TAFE teachers, not custodial staff. (Young male)*

Where these factors were lacking, young people's comments tended to be far less positive:

*I wanted to learn something. I wanted to do courses that would help me get a job when I get out. But they did not have much. I wanted to do a management or a secretarial course, or courses with children or the elderly. But there's nothing like that in detention. (Young woman)*

*It was stupid the way they done the course. The way they organised it. Like the hospitality course. If they are going to teach you something, you've got to learn something. But they'd prepared it all for you. You walked in, and all the stuff there was in the dishes already. It's pretty stupid. You're not really learning anything, like reading recipes, or weighing things out. You're just learning how to combine things. That won't help you on the outside. (Young male)*



*In the detention centre, they had school in the centre, but it was just mucking around, playing games on the computer, nothing really serious. (Young male)*

*In detention, I went to school. It was dull. One person goes stupid, everyone goes stupid. You just couldn't get any work done, so you just didn't bother. (Young male)*

A number of young people, however, said they had no interest in doing courses in detention. A lack of motivation was clearly evident among some of these young people, particularly the younger ones:

*In the detention centre, they had school and courses. It was there if you really wanted it. But I didn't get stuck into it. (Young male)*

*I think [doing courses] might have helped, but I didn't take any interest in it. (Young male)*

*I did not do any courses in detention. I didn't really want to. There was no courses I wanted to do. (Young male)*

One young person made some very perceptive comments about the lack of motivation among some young people in detention:

*Everyone has got something they're good at, and once they find it, they're proud of themselves. I'm good at computers. I can type 70 words a minute. Finding what qualities people are really good at is really important. Some Aboriginal people are really good at drawing and art. They can earn thousands of dollars if they keep doing it on the outside. But first you have to find the qualities the person is good at. But most people who are locked up don't know that they're good at anything. (Young male)*

Apart from the educational and vocational programs, the other programs or supports available in detention that were mentioned most frequently by the young people related to an alcohol or other drug problem or to emotional/behavioural issues.

One young woman, currently in custody, said she was on methadone to help with her heroin dependency. Others reported doing "D & A" courses which were usually described as being good or helpful. Some young people said as a result of doing these courses, they had a better understanding of drugs and why they were using them, and what they were doing to their bodies. One young Aboriginal woman said she thought it was important that drug and alcohol counselling in detention was done by Aboriginal counsellors. She said Aboriginal kids wouldn't listen to non-Aboriginal counsellors, and would "muck up". But if the people who were talking to them about drugs and alcohol were their Aunties and Uncles "they are too scared to muck around and pay attention".

Several young people talked about the personal or psychological supports they needed while in detention:

*I need someone to take care of me and to talk to. This is my problem. I hold all my problems inside, and then explode like one big ball. (Young male)*

*There are people inside that you can go to for support, but there are not enough of them. The lady that was meant to help us was too busy, or was organising other things. (Young woman)*

Some young people reported receiving a lot of support from detention centre staff. Many said that the worst time for them was when they were first locked up. One young man said he felt suicidal when he first arrived in detention.

Several young people said they had had help from psychiatrists or psychologists while in detention. Some said they had found this helped with their "anger management", or with "taking the right path" and "being responsible for my own actions". However, one young man who had had a deeply traumatic and tragic life, said the psychologists in the detention centre had "all but given up on me" (for which he took the blame), and that he was sick of psychologists trying to diagnose his illness. He said that talking to psychologists and others about what had happened to him was, he felt, one of the reasons why he "snapped" and went on rampages, damaging property and committing assaults. A victim of rape, he said that he would like to be involved in a male rape victims support group (run by the victims, not psychologists). While there was a victim support group available for girls, there was apparently none available for boys who had been sexually assaulted. The complexity and depth of this young man's problems serve to highlight the need for highly skilled supports for young people in detention, particularly those who have suffered major traumas in their life.

Finally, some positive comments were made by Aboriginal and Torres Strait Islander young people about having Aboriginal juvenile justice officers employed in the detention centres, and Aboriginal-specific programs. The Aboriginal juvenile justice officers were said to talk with the young people about their personal concerns and their family. They were often regarded as mentors by the young people. In one detention centre, weekly Koori meetings were run and special events were organised for NAIDOC day, Aboriginal people also visited the detention centre to meet and talk with the young people and to run various programs. This was described as "excellent", "helps when stressed", and "great" by the young Aboriginal people interviewed.

### **4.3 Being released from custody**

The young people had a wide range of experiences of release from custody. Some had been in custody once,

while others had been in custody many times before. Some had spent many months or over a year in custody before being released. Others had been detained for a relatively short period of time. Making the transition from custody to the community was obviously more of an issue for those young people who had spent longer than a few days or a week or two in detention.

The young people were asked how they felt about being released from custody (particularly after spending several months or more in detention) and whether they had any concerns about life back on the outside. Understandably, many said they “couldn’t wait to get out”. Several said they were hopeful of making a new start. Others expressed fears or anxieties about what would happen to them, and whether they would be able to cope with life outside. Young people with no family contacts, or who had an alcohol or other drug addiction, expressed most concern about life after detention.

Several young people commented about the difficulty they faced in making *behavioural* and *attitudinal* adjustments to life on the outside. While in custody, they had learned or had adapted to certain ways of behaving or talking, which they recognised caused problems for them (e.g. with family, friends, schools, employers) when they were released back in the community.

The following quotes illustrate how this felt for some of the young people concerned:

*At first, [when I got out], like I had to settle down. Cos I think when I was locked up, I went a bit crazy in the head. I was a bit isolated and not being free. And when I got out, it was like, it was pretty tense, because when I was inside I was tense.* (Young male)

*When you are inside, you pick up everybody else’s attitudes and you mix it up with yours – so you all end up with the same attitude. You all talk the same and you all act the same and when you get out you have to get rid of that attitude and get your own attitude back, which is pretty hard.* (Young male)

*I went to New South Wales to live with my father but it didn’t work out. I got expelled from school. I had an argument with the teacher because I had a bit of an attitude because I had just been released from the training centre. I told him I had a problem and I was trying to get back into the rhythm of real life. I said I was on parole and I told the teacher this, that I needed some time to adjust back to school. [This boy had not been to school for five or six years.]* (Young male)

*I have had problems adjusting with my parents. They just do not understand these things ... Like when you are in gaol certain things become a way of life. You become protective of everything, the way you deal with things. I*

*can’t walk down the street and have someone stare at me. If someone walks close to me, I freak out. Or if someone bumps into me. I wouldn’t stand for that inside. I would have to go up to him and say, what? If you are not given the respect it really annoys you. You have to be able to defend yourself. There is a certain type of way you have to live in there. You have to have respect for certain people. They [his family] just found the way I was thinking very difficult to understand. I was very touchy and protective. I would sort of hold all my problems within myself. I was not very communicative. Most of my problems began to build up inside my head. I wouldn’t even go to anyone for help ... It’s like a clash – thinking like this one minute, and then the next minute, when you’re out, you can’t think like that.* (Young male)

Several of the young people with alcohol or other drug problems expressed anxiety about their ability to be able to stay off drugs. Many were clearly very daunted about this task and talked about the considerable effort that would be needed for them to achieve this goal. For many, staying off the drugs literally meant starting a new life, moving to a new area of town away from their former friends, and often being without any family or personal supports. One young woman, who had been out of custody for only one week when she was interviewed, expressed her feelings in the following terms:

*The things you go through just being released like that, it is just incredible. You feel happy and sad. You feel sad ‘cos you wonder if it is going to work out. I am still worried, worried whether I can still stay drug free. How I will cope. How I will go with my family. Whether I will meet people and make friends. Whether I will find people who will like me. How I will go making a whole new life for myself. It’s scary. It’s a question of time. Some days are good. Other days are bad and I just break down and cry. Some days I just can’t get out of bed. Now I have to start worrying where the next meal is going to come from. About things like paying bills. There was nothing like that inside.*

Two other young people expressed similar concerns and talked of the difficulties they faced in resisting peer pressure to return to their old way of life:

*I am sick and tired of gaol and I’ve had enough. You’ve got to look at everything else, like the dope, using smack, doing crime, ending up in gaol. It’s the drugs I am really trying to stop. At the moment I’m on methadone. ... With friends, I’m trying to break the old circle. I’ve got new school friends who I’ve met this year and a couple of people from here. I’m making new friends along the way. I’d like to get a place on my own, just to sort my head out and get myself together. I need to be away from users. I am really trying hard.* (Young woman)

*Last time [I got out] I was back with my friends, doing crime. Same old thing. There was peer pressure to get back on [to heroin]. I've gotta get away from the area.*  
(Young woman)

The lack of stability and certainty in the lives of many of these young people often fuelled their anxiety about being released. Unpleasant as custody was, for some it provided a degree of support and structure to their lives. This was often in marked contrast to their life previously when they had been living on the streets, using drugs or “running wild”. Young people who had few personal or family supports, or who were drug free for the first time in a long time, often talked of their fear of being alone:

*I need family you know. It's amazing how people cope without family ... It was much easier to deal with it in gaol. There I had a guaranteed job. I had a bed. I did not have to worry about anything in gaol. I always got weekly pay and they save money for you – they take 20% out and put it into your account for your release.*  
(Young woman)

*I didn't want to get out really. I was living on the streets before. I had three square meals inside.* (Young male)

Young offenders who were serving quite long sentences expressed similar feelings:

*I'm a bit scared (about leaving). I'm too used to this place (custody). You get institutionalised. I had a friend – she got out after three years. She went crazy, thought no-one gave a shit. It's hard to find friends. You don't expect to have friends anymore. You don't trust anyone.*  
(Young woman)

*I'm really happy (about being released) but I'm really nervous and stressing about it. Just getting out, and not having what I've got now. In detention, there are people there 24 hours a day. Any problems happen outside, I'm not going to have that 24 hours contact. It's really difficult getting out. Not having what you had before. Being locked up, the security and whatever. I'm afraid of going back to gaol. I just don't want to go there any more. I'm just afraid of losing everything I've ever worked hard for.*  
(Young woman)

## 4.4 What helps with transition and post-release

The young people were asked what would help or had helped them make the adjustment from custody to the community and avoid getting into trouble. Various things were identified as being important in helping with the adjustments necessary for them to avoid committing crime or being locked up again.

*Having suitable accommodation* was an immediate

need post-release. Although all juvenile justice authorities would claim that a young person will only be released if they have accommodation to go to, this system appears to fail with some regularity. One young person, for example, who had been remanded for several months, was released immediately following his hearing. He said, “I got released at five o'clock, and Social Security was closed and this place (the youth centre) was closed. I had no money and no where to stay. I slept at the Salvation Army”. In other cases, the accommodation that had been arranged (normally with family) had quickly fallen through as a result of things not working out with relatives. A number of young people ended up being homeless again very quickly. Some ended up living in hotels, youth refuges or other unsuitable accommodation, where, for example, they were living alongside drug-taking youths and were subject to the temptation of their former lifestyle. Any good intentions to start a new life can quickly crumble in the face of these difficulties as the following comments illustrate:

*My intention was to live with my family but they knocked me back. Because that didn't work out my only option was to live in a hotel. It was expensive and I started drinking and taking drugs and I guess I got sick of it all. I needed an opportunity to have cheap accommodation and start to take up opportunities. I just wanted to be on the rails full steam ahead.* (Young male)

*If I had a flat on my own it would be different. But with other people here, there's too much pressure. They say come on let's go and score. Once you're into injections, it's too hard to say no.* (Young male)

*[Last time] I was glad to get out. But I didn't like where they put me – it was a refuge. It was better than there [custody] – but I wasn't from here [Sydney] and it was scary.* (Young woman)

By contrast, having suitable accommodation can provide stability to the young person's life, and can instil a sense of confidence. One young man who returned home to live with his parents said he kept busy by doing some work with his father every day, and helping to pay some of the bills. Another young man who was living in accommodation operated by a youth service which provides both housing and personal support to young offenders, stated:

*They gave me somewhere to live. They helped me out heaps. They gave me accommodation, a bit of security, something I could come home to.*

Another young man with a psychiatric disability who had been assisted by the same service reported:

*They've accommodated me. It's very cheap rent ... It's new for me to learn to cook. We take it in turns to cook.*

*Now I can vacuum, dust and cook. It makes me feel on top of things. It's good to know I can do something like that.*

Having stable, affordable and appropriate accommodation was clearly identified by young people as assisting them “keeping on track” after release from detention.

*Having personal supports* was similarly regarded as being vital to the young people’s ability to cope upon release. The lack of any personal supports, or the break-up of relationships with family members or with boyfriends or girlfriends soon after release, was often the trigger for the young person’s reoffending:

*I was bored. I was not living at home and I was just on my own.* (Young male)

*When I got out, my girlfriend left and then I really lost the plot.* (Young male)

The lack of personal support was particularly acute for those who had no family ties, or who faced the major challenge of staying off drugs or trying to start afresh in a new area, away from family or old friends. The first few days and weeks of release were said to be particularly difficult, when the young people thought they would most likely be tempted to slip back into their old lifestyle. One young woman talked of how alone she felt. She said she had too much time on her own, and that at times she felt pretty desperate:

*On the bad days, I think about the things I've done. The things I haven't done. My sentence. My family. My past. My future. There's some very emotional stuff. I think about how I'm coping. How I'm going to cope – whether I'm going to use my drug of choice. I'm alcohol free – but I'm on pills. First I wanted to stay off, then I got paranoid and then I said, what am I doing? I was off my face. I just couldn't hack it. I was going crazy. Because I'm addicted. Because I'm on my own.*

One young Vietnamese-born male spoke of the lack of support from his community after this release from custody:

*In the Asian community they look at me and say, like, he's worse than dirt. Because Asians are supposed to be a good boy, you get a job, you have a family. But here am I in gaol.*

In contrast, having personal support was seen to make a significant difference to the young person’s ability to cope with life back in the community and their attempts to stay drug free and crime free. Several people interviewed for the study were being assisted by specialist post-release services for young offenders. The young people often spoke very highly of these services, and talked of the support, respect, friendship and opportunities they’d been given since release. Knowing

the workers prior to release and having the workers “stick by you” was considered to be particularly important. For some young people, it was important that the service was able to assist them *right at the point of release*, when they were immediately taken to accommodation that had been arranged previously. Several young people said they’d had contact with the service “inside”, but chose not to use it at the time of release. Significantly, however, when things started to go wrong in their life post-release, some had remembered the service, and then decided to approach them for help:

*They do not judge us for what we've done, and they want to help us because we're young and people need help and they like to give their support.* (Young woman)

*Before I went to gaol I was a nobody. Now people like me and respect me and give me a chance and I get support and friendship and opportunities I never had before. Things people never gave me before.* (Young woman)

*All I had was here. They gave me somewhere to live. They helped me out heaps ... My worker has always stuck by me. It's one of the best things about here. He knows all about me, it's sort of a friend to friend.* (Young male)

*Without them here, I wouldn't be where I am now. If I didn't have them beside me I'd be a walking bomb.* (Young male)

*If it wasn't for him, I probably wouldn't be here right now. I'd be lying in the gutter.* (Young male)

*The worker, she found me accommodation while I was inside. She got me into courses about a week after I got out. It's a help to people like me. I wouldn't have been able to do it on my own. I would have been straight back in after a week. 'Cos that's all I knew how to do was crime.* (Young male)

One young Aboriginal boy talked positively of the support he’d received from an Aboriginal mentor with whom he’d had contact while in detention and continued to see after being released and who “takes me out when I’m feeling stressed”.

Many of the young people interviewed were under some sort of supervised order upon release from detention. The level of support provided by community-based juvenile justice officers reportedly varied. In some cases, contact with the officer was brief, perfunctory and largely limited to a reporting relationship. In other cases the officer had clearly been a source of considerable help (particularly with family problems) to the young person, with some young people regarding their officer more as a support person than a watchdog.

*Getting help to stay off drugs* was a major issue for

many of the young people interviewed. During their drug-free time in custody many had received D&A counselling. They were away from their previous lifestyle and separated from peer pressure to drug take. As previously reported, many were clearly nervous about how they would cope once they were released; staying off drugs was for many, the hardest aspect of life after custody. Several spoke of the support they received from organisations such as NA which had helped them through this time. Others spoke positively of the D & A counselling they had received, particularly when there was some continuity in the service or approach from detention to the community. One young Aboriginal woman, for example, with a serious heroin dependency, stated, "D & A counselling is excellent. It helps me when I'm stressed. I write in a diary, I work through problems. When I get out I will continue going".

*Getting help with work or educational training* was also highlighted as being important, particularly by the older youths. Younger offenders were often more vague about what they wanted to do or expressed little interest in working. It was apparent that sometimes the young people's expectations about finding work and doing certain jobs had been heightened as a result of vocational and/or educational training done while in detention and many young people had formed ideas about what they wanted to do post-release. Getting a job or going to school was seen to be important not only for its own sake, but also, importantly, as a means of "keeping busy". Being occupied by working, studying or even looking for work was often thought to be the best way of keeping out of trouble:

*If I had a job, it would have helped me stay out.* (Young woman)

*I'm keeping myself busy, so I don't think about anything like that.* (Young male)

*I need a job to keep me busy.* (Young male)

Being able to get and keep a job, and earn money, reportedly boosted young people's self-esteem and confidence, reducing the need to resort to crime and increasing their ability to sort things out for themselves:

*If you've got money, you don't have to go out and steal money.* (Young male)

*If I've got no money, I might be tempted to do something.* (Young male)

*They got me a job. It's pretty hard you know, when you've not been working for three years and then, bang, you are working. I'm doing gardening now and it's OK. It builds your confidence up. It helps a lot.* (Young male)

For many young people, however, jobs are hard to come by and the reality of youth unemployment soon becomes apparent upon their release from detention. The DSS and the CES were often said to be "depressing" and "unhelpful" when it was found out that the young person had been in custody. Employers too were said to be reluctant to employ ex-offenders.

*Temporary release programs* were also mentioned by a number of young people as being helpful in making the adjustment back into the community. Several young people commented how hard sudden release from detention could be:

*Sudden release is just hard, and if you don't have parole, it's even worse. You have got no-one ... it's really hard adjusting, getting back into the swing of things. I got back on dope because I couldn't handle the pressure of everything.* (Young woman)

Some of the young people interviewed had had experience of day release, weekend release, work release or study leave and spoke positively of their experiences, although going back into detention again was often difficult. They saw such release opportunities as a chance to have contact with family, to learn how to hold down a job, to study in a non-institutional environment or just to be "normal". It could also make time in detention easier in some ways, by giving them something to look forward to:

*Work release is a good idea because it forces someone into the situation of learning. It gives kids the chance to participate and do a job and just start to learn. A lot of kids haven't really worked. It's the one time in your life you've got a job. It's like normal life. It's better than real life! It's an opportunity to leave the restrictions of the centre. It's also something to look forward to. It's another reason to do your sentence without trouble. Anything is better than being locked up for 24 hours.* (Young male)

*Weekend leave is a good idea because you can see your parents. The outings are good.* (Young male)

*(Work release) gives you the chance to ease your way back into society. Instead of getting out and coming out against a brick wall. It's a bit like having big brother watching over you, making sure you are all right. Without it, I reckon I'd have gone back in.* (Young male – not reoffended in three years)

Several young people clearly found aspects of staged release from detention difficult, however, the main problems being dealing with the restrictions and loss of freedom when the time came to go back into detention, or resisting the temptations on the outside. Two young people admitted to having absconded while on temporary release from custody.

*Maturing and getting older* was another factor which

young people said was important in determining whether or not they would re-offend. A repeated refrain, particularly of some of the older youths, was that they'd "had enough" and were sick of being locked up and sick of their previous lifestyle. Many of the older offenders stressed their main goal was to stay out of detention, although they were less sure of whether they would in fact be able to do so. Several said that the time in detention had given them a breathing space, a chance to think about their life and consider their options for the future. The motivating factors to change included a fear of dying, a fear of being locked up in an adult gaol or just a desire to be "normal". In some cases, it was a desire to continue and build on some of the educational, vocational or personal growth achievements that had occurred in detention:

*I think though finally I have matured a lot. When I was a kid I had so many problems I'd just run away and continually got into more and more trouble and the charges got worse. I have matured now. I've returned to face the charges, confront the charges I ran away from.* (Young male)

*Just to get an apprenticeship that is what I want. I prefer to be independent. All my life I've had people support me and I've relied on people and now I just have to rely on myself. I won't reoffend again. I want to be normal. I want to have friends that can trust me. I want them to be able to leave me in one place without people coming back to see if I'm up to anything.* (Young male)

*Last time I got out all I could think about was how to get another hit when I got out and how much money I could save. I've now started to evaluate my life situation. I don't need to lead this life. I don't want to die young. I don't want to die on the streets. I don't want people to think when I'm dead that I was just a junkie, that I didn't really try.* (Young male)

Getting involved in relationships with girlfriends or boyfriends, and in some cases having a baby or a young child to take care of was another reason the young people said they wanted to go straight:

*What would help me stay out? If I fall pregnant, have a baby and settle down. I'm good with kids. I've been with my boyfriend for six years.* (Young woman)

*I'm trying to find a job and a place to stay. I hope that I'll get a place and get off the drugs. That's the main thing. I'm going to be a father soon. I need to support the baby.* (Young male)

*Keeping out of the way of authorities* particularly the police, was said by a number of young people to be important in helping them through the post-release period. One young person from a rural town had not

returned there because he felt he would be too visible and possibly targeted for attention. Everyone knew he'd been in custody, including the police, and he expected he would get a hard time there. Another young male, of Asian descent, spoke of some of the problems he faced with the police after his release from custody:

*Even just walking down the street cops stop me and search me. It happens all the time especially with my long hair and tattoos. Every suburb I go to because they know I've been in gaol. They search the whole car and strip me down to my jocks in the street. I say, listen, I've just got out, leave me alone. It makes it harder. I'm trying to be straight and they keep hassling me. It makes it harder. You try and start a new life and they come search you in the middle of the street and you're just shopping. It makes you feel like saying I'm going to go and do something, like rob a bank or something.*

## 4.5 Summary

The personal stories of the young people interviewed for this study paint a very vivid picture of some of the issues they face in dealing with their incarceration and life after release. Their needs are many and varied, frequently multi-layered and inter-connected. The programs and supports they require, both in detention and after release, need to reflect the diversity of their experiences.

For a number of the young people interviewed, there is little that is positive about being locked up. They talk of time dragging, boredom, and of the desire to get out as soon as possible. Their experiences seem to partly reflect the particular detention centre in which they were held, the quality and content of courses and programs available, and possibly their age and a lack of motivation or self-confidence. Those young people who are in custody for a relatively short period of time clearly have less opportunity either to participate in programs or to benefit from any longer-term counselling or other sort of intervention. Younger people in particular seem less likely to recognise that they might need some help, or less likely to ask for it.

Their needs for support, however, may still be great, especially if it is the first time they have been in detention.

Although no young person wanted to be locked up, it is clear that some had made some gains in the time they had been in detention in terms of education, vocational training, health, self-awareness and understanding. The programs and supports available in detention clearly made an impact on some of these young people, but the degree to which they were viewed positively depended on a number of factors, including the choice, content, quality and accessibility

of the services on offer, as well as the confidence and motivation of the young person to participate in them. It was clearly evident from the responses of the young people, however, that when programs and supports do work well, they can instil a sense achievement, confidence, self-esteem and hope. For some of the young people concerned who are accustomed to failure, these are new experiences.

Problems in making the transition from custody to the community are particularly acute for young people who have been remanded or sentenced for several months or longer, many of whom are extremely anxious about what will happen to them after their release from custody. They worry about accommodation, money, family relationships, staying drug-free, being lonely, and their ability to cope. These feelings were particularly marked among young people who had no family or close personal relationships to rely on or who had had an alcohol or other drug problem. Having a plan for the outside, and knowing where and who they can go to for help on the outside, can help alleviate some of that anxiety and worry.

The intensive support available inside detention was often seen to be in marked contrast to what could be accessed once they were released.

The period immediately after release was said to be particularly critical. If accommodation, family or other personal supports failed or were not available during this time, many young people seemed to very quickly return to crime or drug-taking. Any gains made while in detention can quickly dissolve if post-release supports are lacking. Where intensive support was available post-release, young people felt they had a better chance of making it, and some indicated they would have reoffended long before had such help not been available. The need of many for help with alcohol or other drug-taking was also clearly evident as was assistance with job seeking and employment. In the view of some of the young people interviewed, "the system" did not give them a chance to stay on track (the system being employers, schools, the police, etc.), and some clearly felt this constituted an additional obstacle they needed to overcome as young ex-offenders.

Importantly, young people who had had experience of community integration programs, and coordinated pre- and post-release services spoke very positively about the benefits of such schemes. Continuity in programs and in personal contacts was clearly identified as being very important in assisting young people through the transitional and post-release phases.





# 5 National overview of programs, supports and transition arrangements

## 5.1 Introduction

This section of the report provides a national overview of juvenile justice policy and practice relating to the provision of supports and programs in custodial facilities and transition arrangements for the release of young offenders into the community. It provides an overview of the range of support services which exist within Australian juvenile detention centres and post-release and, where possible, describes some good practice examples of service delivery to young people in custody and post-release. It also identifies a number of gaps in service delivery.

The purpose of this section of the report is to provide a broad overview of transitional policies, programs and supports. Issues relating to pre- and post-release programs and supports for young people with special needs is discussed in Section Six.

This overview of policies and programs is based on written information supplied by juvenile justice authorities in each State and Territory, and also interviews conducted with departmental officers and others involved in the provision of services to juvenile offenders.

## 5.2 International and national policy context

There are three key documents which provide a policy framework for the provision of services to young people who receive a custodial sentence:

- the United Nations Convention on the Rights of the Child (1989);
- the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (1986); and
- the Australasian Juvenile Justice Administrators Quality of Care Standards (1996).

### 5.2.1 United Nations Convention on the Rights of the Child

Finalised in 1989, this instrument is the most comprehensive statement of principles and standards that exists in relation to children's rights. The Convention contains lengthy articles dealing specifically with juvenile justice, including a number which explicitly refer to the rights of those children who have been deprived of their liberty as a result of being charged or convicted of a criminal offence. The rights of these young people include the following:

- the right to be treated with humanity and respect for their inherent dignity as human beings [37(c)];
- the right to have prompt access to legal and other assistance as well as the right to challenge the legality of the deprivation of liberty and to have prompt adjudication [37(d)];
- the right to be separated from adults unless being together is considered to be in the child's best interest or separation is unnecessary for the child's protection [37(c)];
- the right to maintain contact with their family save in exceptional circumstances [37(c)].

### 5.2.2 United Nations Standard Minimum Rules for the Administration of Juvenile Justice

In 1985, the General Assembly of the United Nations adopted the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (known as the Beijing Rules). The rules serve as a model for United Nations Member States in the treatment of juvenile offenders. The Beijing Rules specifically address a range of issues relating to the treatment of juveniles in institutions. Rule 26 relates to the objectives of institutional treatment:

*26.1 The objective of training and treatment of juveniles placed in institutions is to provide care, protection, education and vocational skills, with a view to assisting them to assume socially constructive and productive roles in society.*

*26.2 Juveniles in institutions shall receive care, protection and all necessary assistance – social, educational, vocational, psychological, medical and physical – that they may require because of their age, sex and personality and in the interest of their wholesome development.*

*26.3 Juveniles in institutions shall be kept separate from adults and shall be detained in a separate institution or in a separate part of an institution also holding adults.*

*26.4 Young female offenders placed in an institution deserve special attention as to their personal needs and problems. They shall by no means receive less care, protection, assistance, treatment and training than young male offenders. Their fair treatment shall be ensured.*

*26.5 In the interest and well-being of the institutionalised juvenile, the parents or guardians shall have a right of access.*

*26.6 Inter-ministerial and inter-departmental cooperation shall be fostered for the purpose of providing adequate academic or, as appropriate, vocational train-*

*ing to institutionalised juveniles, with a view to ensuring that they do not leave the institution at an educational disadvantage.*

The Beijing Rules also refer to a number of community reintegration principles, including frequent and early recourse to conditional release and “semi-institutional” arrangements:

*28.1 Conditional release from an institution shall be used by the appropriate authority to the greatest possible extent, and shall be granted at the earliest possible time.*

*28.2 Juveniles released conditionally from an institution shall be assisted and supervised by an appropriate authority and shall receive full support by the community.*

*29.1 Efforts shall be made to provide semi-institutional arrangements, such as half-way houses, educational homes, day-time training centres and other such appropriate arrangements that may assist juveniles in their proper reintegration into society.*

The commentary on the Rules stresses that the importance of care following a period of institutionalisation “should not be underestimated” and that there is a need for a diverse range of facilities and services designed to meet the needs of young offenders re-entering the community, and to provide guidance and structural support.

The Beijing Rules set a clear international standard for the provision of services to young people in detention and post-release.

### 5.2.3 Australasian Juvenile Justice Administrators Quality of Care Standards

It was only very recently that Australia has made efforts to develop national standards relating to the quality of care of young people in detention. In May 1996, the Australasian Juvenile Justice Administrators Quality of Care Standards was published under the auspices of the Australasian Juvenile Justice Administrators Forum. Five subject areas were chosen for consideration:

- alcohol and other drug services;
- recreation services;
- education, employment and training services;
- health services; and
- mental health services.

The standards were developed following a review of relevant literature and consultation with professionals and customers, and also with reference to a range of conventions and documents including the Beijing Rules and the Royal Commission into Aboriginal Deaths in Custody.

The five broad goals defined in the standards are:

- Young people in detention centres will have access to a comprehensive range of drug and alcohol services, that includes thorough assessment, education and intervention, which aim to reduce substance use problems.
- Young people in detention centres will be able to participate in a broad range of recreational options of both a physical and non-physical nature that enable them to improve their fitness levels and to engage in a broader range of recreational opportunities upon their release into the community.
- The numeracy and literacy levels of young people is to be improved through their involvement in comprehensive education programs and they will have additional competencies to gain employment and/or enrol in further education on release, through participation in vocational programs.
- The health status of young people is maintained and improved during their stay in a detention centre as a result of their access to quality health services and active experience and modelling of healthy lifestyles.
- Young people in detention centres will have access to a comprehensive mental health program assisting of assessment, diagnosis and treatment that identifies and reduces their mental health problems.

Each of these broad goals has one or more defined *community transition* objectives, relating to continuity and/or linking of appropriate services to young people on release from custody.

These Quality of Care Standards clearly represent an important step by juvenile justice authorities to achieve a *consistency of approach* nationally in the treatment of juveniles in detention (in accordance with national and international documents) as well as an acknowledgment of the importance of the transitional and post-release phases in the care of young people who receive a custodial sentence. They provide a broad policy framework and set goals and benchmarks for the standards of care in detention centres across the country. The challenge now, of course, is the effective *implementation* of these standards across jurisdictions and detention centres.

### 5.3 Overview of programs and supports available in detention

Documentation supplied by juvenile justice authorities indicates that at present, a wide range of programs and supports are available to young people in detention. These include:

- alcohol and other drug services and programs;
- educational programs, including schools;
- vocational programs;
- health services and programs;

- recreational programs;
- independent living skills programs;
- arts and crafts;
- cultural programs of various kinds;
- legal services; and
- counselling programs.

Judging by the information provided by service providers, in recent years there has been a considerable expansion in the range and type of programs that are now available to young people in detention.

While it is relatively easy to list the programs and supports that are available to young people in detention, for the following reasons it proved considerably more difficult to arrive at any assessment of their accessibility, appropriateness, quality and effectiveness in meeting the needs of juveniles in custody:

- The range of programs and supports that are available in detention centres vary not only across States and Territories, but also across detention centres within a particular State.
- The number of programs and supports available is considerable. A single detention centre may have as many as 20 or 30 programs or supports operating, including services run by juvenile justice staff and by external agencies. There may be as many as 500 programs nationally.
- It proved very difficult to find commentators able to provide a broad overview of the supports and services available to young people in detention. Typically, people's knowledge is confined to a particular type of service (say alcohol or other drug service), often in relation to a particular detention centre. Their knowledge of programs and supports is therefore fragmented and ad-hoc.
- The lack of knowledge would also seem to reflect a lack of systematic assessment of the needs of young people in custody, particularly in relation to some special needs groups.
- There is very little *evaluation* done of the programs and supports that are available to young people in custody. The reason why there is so little evaluation of programs in custody appears to reflect a lack of priority given to evaluation, a lack of resources or a lack of expertise in conducting evaluations. That many of the current program and supports are in developmental or pilot phase, or have only been in operation for a short period of time, is another reason why there is limited information about their effectiveness.
- Obtaining system-independent assessments of the programs and supports in detention is also problematic. Although many juvenile justice authorities were extremely helpful in providing details of custodial programs and supports, there are clearly some limits upon the information that is available. In-house evaluations of programs are not always

publicly available; the greatest knowledge of programs lies with the people who are running them; few people outside the system are able to comment knowledgeably on what is happening inside detention centres. This makes it very difficult to arrive at any independent or external assessment of institutional-based programs.

- Finally, it was not uncommon to find inconsistent and/or contradictory views about the value and/or appropriateness of particular programs and supports available to young people in detention. Claims by program managers (whether from juvenile justice authorities or non-government agencies) regarding the quality and effectiveness of their programs were sometimes contradicted by other key informants interviewed for this study. Again, the lack of any independent or formal assessments of programs and supports made it impossible to determine the validity of these competing views and statements, and to obtain any sense of the extent to which the rhetoric matched the reality.

Notwithstanding these difficulties, a number of key issues emerged from the consultations which are relevant to the development of a range of programs and supports for young people in detention.

*The first and very obvious point to make is that the programs and supports available in detention need to reflect the population of juvenile offenders who are incarcerated in a given State or Territory.* As previously discussed, both the numbers and the characteristics of the juvenile custodial population varies from State to State, reflecting the prevailing legislation, policy and sentencing practices in operation. The juvenile detention population varies quite considerably in terms of the *age* of the young people held in juvenile correctional institutions, as well as their gender, ethnicity and Aboriginality. The particular *needs* of the juvenile detention population will therefore also vary from State to State.

The fact that Aboriginal and Torres Strait Islander youth comprise the majority of young people in custody in some States and Territories, for example, clearly has considerable implications for the range and type of programs and supports required in these particular jurisdictions. Thus, although a *broadly* consistent approach across States and Territories may be feasible, there will be a need for regional variation in programs and supports to meet the particular needs of the local population. This clearly places some limitations upon the development of a standard or uniform list of supports, programs and services that should be available to young people in detention.

*Second, the size and nature of the custodial facilities and populations in a particular State or Territory clearly has a number of practical implications for the delivery of programs and services.* At one extreme, the smaller States such as Tasmania or the ACT operate one juvenile

detention centre only, which at any one time may hold as few as 12 to 15 young people. At the other extreme is New South Wales, which has ten detention centres, the largest of which holds up to 150 at any one time. Clearly, the States and Territories with low numbers in custody face a number of challenges in delivering a comprehensive system of programs to such a small and typically very diverse (in terms of age and gender) population. In such circumstances, it becomes very questionable whether it is efficient or cost-effective for juvenile justice authorities to provide certain programs or supports in detention centres. As a result, many of the smaller detention centres appear to rely on an individual, case management type approach to the young people in their care, linking them up to existing services or supports in the community, or “buying in” services as required rather than supplying these services and supports directly. The effectiveness of this approach, however, is largely dependent upon the quality of the case management system, the availability of appropriate supports and services in the community and the amount of resources available to purchase external services. In larger detention centres on the other hand, or centres which cater for a particular group of young offenders (say young women, or older young men), it is clearly more practical and cost-effective to run custom-made programs for juvenile detainees.

*A third factor which influences the range and type of programs that are run in particular State or Territory detention centres is the prevailing philosophical approach to the treatment of juvenile offenders.* Western Australia, for example, has a clearly articulated management philosophy of being “tough but fair”. The major philosophical tenets underpinning the management of juvenile justice in that State are encouraging responsible citizenship among juvenile offenders and encouraging family responsibility. Other States, such as Victoria, are closely aligned with a social welfare approach to the treatment of juvenile offenders, with emphasis placed on the provision of a range of social and other supports to assist young offenders achieve independence and reduce recidivism. In other States or in particular institutions (such as Yasmar in New South Wales) there is more emphasis on *therapeutic* interventions for the young people in custody. These examples highlight the fact that there is not necessarily any agreement or consistency in approach nationally regarding the development of programs or supports for young people in detention, or the priority given to particular interventions. The consultations for this research revealed differences in view not only across States and Territories, but also across detention centres and across professional groups (such as mental health professionals, social workers, youth workers). Views also differed between institution-based staff and community-based

juvenile justice staff, between policy officers and the operational staff of juvenile corrections, between juvenile justice departments and other governmental departments, and between government and non-government agencies.

These differences are likely to reflect varying professional perspectives, differing views and beliefs about what causes young people to offend, how personally responsible they are for their actions and how young offenders are best assisted to prevent their reoffending after release from custody. These differing approaches to the problem of juvenile offending will also influence whether or not a particular program or strategy is thought to constitute "good practice".

*Finally, the development and effectiveness of programs and supports for young people in detention has to be seen in the context of these young people's lives and the length of time that they are under the control of juvenile justice authorities.* As previously discussed, the reasons why young people are incarcerated are many and varied. Many of these young people's lives have been characterised by personal or systemic abuse, drug and/or alcohol addiction, poverty, family breakdown, homelessness discrimination and alienation. Some lack the confidence, self-esteem or motivation necessary to actively participate in programs that are offered to them in detention. Many have become entrenched in a pattern of offending and reoffending. There is a need to be realistic about what any single program or service can achieve, in what is often a relatively short period of time, to reduce the likelihood of their reoffending.

The evidence of this research and other studies suggest that if any success is to be achieved with this group of young offenders, then what is required is a coordinated approach to service delivery in detention centres, and a mechanism for ensuring that the range of needs of individual offenders are identified and addressed.

Notwithstanding the difficulties experienced in arriving at a consistent or overall view concerning the programs and supports available to young people in detention, certain key elements were identified as being important factors in determining whether or not programs or services available to young people were considered appropriate or effective:

- *Consumer input.* Asking young people what services or supports they need or want is an essential starting point in the development of programs. It was apparent from the consultations that this does not always occur. A number of jurisdictions reported that they had recently systematically surveyed their detainees to obtain their input into programs and services. However, for some, this was the first time such an exercise had been undertaken in any kind of formal or comprehensive way. Attendance and motivation to participate in programs has report-

edly increased as a result of the young people having a greater say in what was available.

- *The appointment of program managers within detention centres* was also regarded as being an important way of improving the range and quality of the programs provided in a particular detention centre. This has been a relatively recent development in some detention centres, but is thought to have played a major part in enhancing the range and type of programs available to young people. Without such a key position, there is a danger the programs are run on an ad hoc rather than a holistic basis with there being little impetus to respond to the changing needs of the target population and little accountability for the provision of service.
- *Developing a coordinated approach to services and supports across detention centres* was similarly identified as being important, particularly in those States or Territories where a young person may be transferred from one centre to another. Detention centres have traditionally had a fair degree of autonomy regarding the programs and supports that are available. This has reportedly resulted in an *uneven* approach both in terms of the *types* of programs or services available, and in the *quality* of the services across detention centres in a particular State. As a result young people have sometimes been unable to continue on a particular program or course when transferred from one centre to another, with obvious consequences.
- *Developing a new "culture" within the custodial institution* was regarded by many people as being critical to the successful implementation of programs and supports. Unless there is commitment and enthusiasm from staff, programs have little opportunity of working. In some detention centres, progress has been made through employing new staff, conducting extensive staff training and using external service providers. One jurisdiction, for example, has adopted a policy of employing teachers in its detention centre school for a maximum of two years only, in order to maintain enthusiasm, interest and a "customer" focus, and to avoid the burnout and cynicism that can occur if a person is employed in a closed institution for a lengthy period of time. (For a number of the young people interviewed, liking the teacher or the course presenter and obtaining their respect was a major factor in their participating successfully in a program.) In many jurisdictions, however, certain staff are reported to be very resistant to certain programs and services in detention and have placed a number of subtle and not so subtle obstacles in the way of young people accessing them. Examples were provided of young people being taunted or ridiculed for attending a particular course or service, and of programs or ser-

vices being organised to take place in open areas (where numerous interruptions occur). Young people have been denied access to a program as a form of punishment. Some service providers have reported difficulties in being able to physically gain access to a detention centre to run their program, even though they had formal approval from the department.

- *Ensuring that programs are relevant to life outside the detention centre.* Some juvenile justice authorities have made considerable efforts to ensure that the programs available in detention are relevant to the young person's life when they are released. This is particularly important in relation to educational and vocational training courses. Many education and training programs are of limited value to young people if they are not TAFE accredited or in line with courses that are run outside. Those jurisdictions where courses were fully TAFE accredited, and in some cases, run by TAFE, for example, were generally regarded as being the most useful and effective in increasing the job opportunities of young people upon release. (In some cases, however, young people in detention are not eligible for TAFE, and will require a style of course or education which is junior secondary school oriented.)
- *Ensuring that programs and supports are of high quality.* The question of the quality of program and service provision has apparently been problematic in some jurisdictions. Considerable concerns were raised about the quality of the programs and supports (provided both by departmental officers or contracted services) in some areas, which some juvenile justice authorities are reportedly trying to address. In some cases, the shortage of skilled or appropriately qualified people working in detention reflects a lack of expertise, and also a lack of willingness on the part of particular agencies or service providers to work with this clientele.
- *The use of case management as the key mechanism* for coordinating the programs and supports in line with an individual young person's needs was regarded as being critical for the successful integration of services to juveniles in detention. All jurisdictions claim to have some kind of formal case management or case planning system in place, but the evidence from this research suggests that there is some way to go before these processes are operating effectively. Many jurisdictions reported a number of problems in implementing an effective case management system. One of the major difficulties identified was that there is often too much emphasis on assessing the young person and getting a "caseplan" down on paper and much less emphasis on ensuring that action is taken to implement the caseplan. There is a danger that the production

of the caseplan becomes the major outcome of the caseplanning process – with the means becoming the end. The lack of clear lines of responsibility or accountability for undertaking actions specified in the caseplan was another problem identified. If no person is driving the caseplan or the case manager does not have the authority to ensure others involved in the case management process do what they say they will do, the effectiveness of case management is diminished. Lack of transferability of the caseplan across detention centres was another problem identified in some areas. Where there *has* been good management, clear lines of authority and responsibility, and specific tasks and timetables set for action in relation to individual caseplans, case management is said to have worked far better and to the benefit of the young person.

## 5.4 Transition and post-release arrangements

A national review of transition arrangements and policies for the release of young people from custody into the community reveals considerable diversity in approach across States and Territories. There are three key areas where juvenile justice authorities differ significantly in the strategies used to assist juvenile offenders make the transition from custody into the community:

- the approach to the pre-release phase of the young person's time in detention;
- the availability of temporary or staged release whereby a young offender is gradually integrated back into the community; and
- the level and type of post-release support that is available to young people once they are released from detention.

### 5.4.1 Pre-release phase

There appears to be some difference in view across jurisdictions, and among those interviewed for this study, regarding the desirability or otherwise of having a specific pre-release program for young people whose release from custody is imminent. One approach is to view all programs and services available to a young person in custody as being geared towards the young person's release, and therefore it is not necessarily helpful or meaningful to focus on providing any programs specifically designated as "pre-release". Another approach is to rely primarily on case management or case-planning as the major tool for preparing a young person for their release back into the community. Indeed all jurisdictions would argue that this is the key mechanism whereby the young person is prepared for their release. The extent to which this is a *formalised* or effective process, however, varies from State to State,

and depends upon a number of factors, including the conditions under which a young person is released from custody.

Only one or two jurisdictions appear to be currently operating schemes in detention which are specifically designated pre-release programs. A number of jurisdictions say they are contemplating introducing such schemes. Some interest is being shown for example, in establishing “pre-discharge” units within the grounds of existing detention centres. In New South Wales, for example, consideration is being given to establishing a pre-release unit at Yasmar Juvenile Justice Centre. The idea of this proposal is to accommodate juveniles separately from the mainstream during their pre-release period, in an environment which offers them greater responsibility. By assisting the young women to develop practical life skills such as budgeting, food preparation, social and living skills and to minimise the effects of institutionalisation, it is thought that such transitional accommodation (in custody) could be valuable in assisting the young person’s integration back into the community. Other jurisdictions are also considering establishing transitional release units (such as the ACT and Western Australia) but these are not yet operational.

A different form of pre-release program is offered in Victoria, and is widely regarded as being an innovative approach for a particular group of juvenile offenders. The program is called Hand Brake Turn, and was established by the Juvenile Justice branch and the Ministry for Justice in conjunction with Care and Communication Concern. One of its key target groups is young people aged 14 to 17 years who have an extensive history of motor vehicle offences and are about to be released from juvenile detention. The aim of the program is as follows:

- to provide a motor vehicle crime prevention program for young people in the Melbourne metropolitan area;
- to provide young people who have a history of motor vehicle offences with opportunities for training and practical experience in all aspects of motor vehicle repair;
- to increase opportunities for employment;
- to increase awareness of road safety;
- to enhance the participants’ sense of self-worth and access to positive peer support; and
- to reduce the rate of motor vehicle offences among participants.

The Hand Brake Turn project provides young offenders with a structured 15-week training program and assists young people to acquire skills in areas such as:

- auto mechanics;
- car maintenance and detailing;
- auto electrical;

- panel beating;
- spray painting;
- defensive driving skills;
- safe work practices; and
- improved literacy and numeracy skills.

It is planned that the project will be able to be linked to automotive courses run by TAFE, and that course participants will be able to access these training programs either during their participation or after completion of the program. The project is being oversighted by a steering group comprising representatives of RAC Victoria, VACC, Victoria Police, the Legal Aid Commission, TAFE, Windscreens O’Brien, Health and Community Services, the Department of Justice and the Australian Youth Foundation. As such, it is regarded as an excellent example of inter-sectorial and inter-departmental cooperation.

#### **5.4.2 Temporary leave and staged release programs**

The area of transition where jurisdictions differ most from one another concerns the availability of temporary leave or staged release from custody. In some jurisdictions, young people who receive custodial sentences are rarely permitted any form of temporary release from custody. The policy in Western Australia and Queensland, for example, is reported to be very restrictive in this regard. In other jurisdictions, provisions exist for temporary release, such as day release (to attend a job interview or to visit family), work release, study release or weekend release but use of such provisions is reported to be somewhat limited. In other jurisdictions, temporary release from custody is used extensively and is in fact the norm, assuming the young person is considered appropriate and/or eligible for such a program. Clearly, then, there is wide disparity nationally in the openness of custodial sentences for young offenders.

There was considerable agreement among those interviewed for this study that staged release from detention was highly desirable, particularly for young people who have served a relatively long custodial sentence. However, the operation of such schemes was thought to be particularly sensitive to political influences. Thus while they may be available on paper, in reality use of the provisions was sometimes fairly restricted.

The Victorian juvenile justice system appears to use temporary release provisions on a fairly extensive basis compared with other jurisdictions, and claims that its scheme has a very high success rate. The underlying philosophy of the Victorian approach is that rehabilitative goals for young people in detention cannot be achieved solely within a custodial environment. Considerable emphasis is therefore placed upon a com-

munity integration program to assist young people make a *gradual* transition from custody back into the community.

Under Section 256 of the Children and Young Person's Act (1989), young people in Victorian juvenile correctional centres may be granted escorted or unescorted temporary leave while serving their sentence for any of the following purposes:

- to engage in employment;
- to attend an educational or training institution;
- to visit family, relatives or friends;
- to participate in sport, recreation or entertainment in the community;
- to attend a hospital or a medical, dental or psychiatric clinic or like place for receiving treatment or an examination;
- to attend a funeral;
- to accompany members of the police force for a specified purpose;
- to seek employment; or
- to live in any other accommodation specified in the permit.

Comprehensive guidelines are in place to ensure community safety considerations are paramount in the operation of the program. During 1994/95 there was a total of 5,660 temporary leaves granted across Victoria's three detention centres (which is a considerable number considering that at any given time there are only 100 or so young people serving a custodial sentence in a youth training centre and annual admissions to custody on sentence total some 250). According to the Department of Human Services, more than 99% of these temporary leaves were successful.

The perceived benefits of the temporary leave program are that it provides:

- opportunities for progressively increased responsibility;
- structured youth-community interaction;
- involvement in employment or training;
- the development of new resources and supports;
- the maintenance of family linkages;
- the development of living and social skills "in situ", not in the artificial environment of a custodial institution.

The Victorian scheme places particular emphasis on establishing employment and training placements at the pre-release phase. During the last eight weeks of their sentence, suitable young people are allowed to live in the community and attend work or training, returning to the institution every second weekend. During this phase, intensive support and monitoring is provided to the young person by institutional staff, thereby providing continuity in service contact across detention centre boundaries.

The system in Victoria is in marked contrast to some other jurisdictions, where, for example, young

people reported having difficulty even in getting permission to attend job interviews in the community shortly before their release from custody. There was overwhelming agreement among those consulted for this study that the lack of any opportunities for young people to participate in *staged-release* from custody, made both the transition much harder for the young person, and often the task of assisting them more difficult for the service provider.

### 5.4.3 Provision of services post-release

A review of the situation nationally reveals that there are two broad types of post-release programs available to young people after release from custody. There is *statutory post-release support*, which is usually (but not always) provided by the juvenile justice authority and involves formal supervision and/or monitoring of the young person in the community. There is also *non-statutory or voluntary post-release support*, usually provided by a non-government agency. Young people use this form of support on a voluntary basis with the service having no monitoring or supervisory role in relation to the young person's behaviour. There is considerable variation across States and Territories in the availability, range and type of post-release support that is provided to young people, and in the role played by juvenile justice authorities and non-government agencies in the provision of that support.

#### ***Statutory post-release support***

In Victoria, a system of parole operates with young people with sentences over eight months. Under this scheme, young people are granted parole to serve part of their sentence in the community under the supervision of a parole officer. The development of "parole plans" involve an integrated planning approach between custodial and community-based staff, and parole officers provide statutory supervision, assistance and support while the young person is on parole. Parole may be granted subject to certain conditions requiring the young person to attend a program or counselling at the direction of the parole officer. Non-compliance with conditions may result in parole cancellation and a return to custody.

In Western Australia, the majority of young people who receive a custodial sentence are subject to a period of formal supervision by the juvenile justice authority after their release from custody. A system of *Supervised Release* exists whereby, after serving one half of a detention sentence, most juveniles are considered by the Supervised Released Board for release in the community under supervision for the remainder of their sentence. The Board sets conditions for the supervision period and a juvenile justice officer is appointed as the supervising officer. The Supervised Release Board consists of a Chairperson (a judge or retired judge), and



four other members (a police officer, a nominee from the Juvenile Justice Division and two community members representing Aboriginal and non-Aboriginal people). Prior to this system being introduced in Western Australia, juveniles were released from detention unconditionally and without any supervision by juvenile justice authorities.

Several other States and Territories (for example, Queensland, South Australia and Tasmania) have similar sorts of arrangements whereby young offenders are released from custody after having served a specified proportion of their sentence, subject to certain conditions, and to formal supervision and monitoring for the remainder of their sentence.

In a number of other States and Territories, however, the juvenile justice authority has no statutory role to play after the young person is released from custody. In the ACT, for example, there is no system of parole or conditional release. A young person will only receive statutory post-release support if they have a probation order (in conjunction with their custodial sentence). In New South Wales, the situation is somewhat mixed. A young person may serve all their time in custody and be released with no formal monitoring or supervision. Alternatively, they may receive a conditional discharge or supervised release subject, say, to intensive counselling or supervision, or attendance at specific programs. In terms of the availability of *statutory* post-release support, then clearly the situation is quite different across the States and Territories.

The question of the desirability or otherwise of juvenile justice authorities having a mandate to supervise and/or support young people in the community is a matter of some debate. Some of the potential advantages of having a system of statutory post-release support are that the young offenders may have the opportunity to be released from custody early, i.e. before they have served out their sentence in full. Being compelled to report or attend a program as a condition of early release may provide a much needed structure or discipline for the young person when they are first released from detention. A number of young people interviewed for this study spoke of their need to have some rules or framework in their lives in the period immediately following their release to keep them on track and assist their integration back into the community. A number also spoke positively of the support and assistance they received from juvenile justice officers in the community.

On the other hand, statutory post-release arrangements can be used as a means of extending state or social control over the young person's life, arguably intruding further on their liberty. One could also question the effectiveness of strategies which compel young people to undertake programs, rather than rely on their voluntary participation.

Whatever the reasons for or against the use of statutory post-release support, in practice, the nature and intensity of supervision and support provided by juvenile justice officers may be severely limited by a lack of available resources or the large caseloads of the officers concerned. In some jurisdictions (particularly in some States where juvenile justice is administered by Family and Community Services Departments), juvenile offenders may find themselves "competing" with child abuse and other cases for the attention of their caseworkers, and often miss out as a result. In other jurisdictions there are no distinct community-based juvenile justice officers for young offenders. Instead, community-based justice officers serve both adult and juvenile offenders. Again, this is said to be to the detriment of young people. A common refrain of those interviewed was that the degree of support that a juvenile justice officer can provide a young offender after release is often extremely limited by these and other factors, and fall far short of the amount of support a young person may require. In reality, the juvenile justice officer is often playing more of a monitoring role than a support role.

One or two jurisdictions appear to have recognised this problem and have introduced schemes whereby intensive support is provided to certain young offenders after their release from custody. The New South Wales Department of Juvenile Justice, for example, operates a number of Intensive Program Units. The Intensive Program Units are staffed by social workers and psychologists, as well as staff who deal specifically with sex offenders and alcohol and other drug issues. The program is targeted at recidivist offenders, and involves more intensive supervision on a statutory basis (up to three contacts a week) than is normally available from juvenile justice officers in the community. It differs from some of the other programs in that it is also a sentencing option for the court, whereby a young person may spend most or some of their custodial period under intensive community supervision.

In other jurisdictions, the problem of providing statutory post-release support has been addressed by funding non-government agencies to provide intensive post-release support to young offenders on a statutory basis. However, reports of the success of this approach are mixed. Various commentators expressed the view that such arrangements can create conflicts of interest for the agencies concerned, which may lead to major difficulties for the service if not properly managed.

In Queensland, a system of employing Adolescent Resource Workers has been established to provide intensive post-release support (to young offenders). Under this system, individual workers are employed temporarily by the juvenile justice authority, on a contract basis, to provide support to an individual juvenile offender after their release from custody. The operation

of this scheme, however, is dependent on a number of factors, including available resources and the needs of the young person concerned.

### **Voluntary post-release support services**

The second major method of providing post-release support is through voluntary schemes, usually managed by non-government agencies. However, only a small number of States have such schemes in operation. Until recently, only Victoria had any history of funding community-based, post-release support services. More recently, New South Wales and Queensland have funded non-government organisations to provide post-release support, but, with one exception, these have been funded on a pilot basis, and ongoing funding will be dependent upon evaluations of the pilots after one or two years operation. Several States, such as Western Australia, operate community funding programs for crime prevention projects, but the provision of post-release support is usually not the major focus of these services. The lack of independent, community-based post-release support services was regarded by many of those consulted for this study as a major gap in service provision for young offenders.

As previously indicated, Victoria was identified as having the greatest number and the longest history of voluntary post-release support services. The Department of Human Services (Victoria) funds three of these services:

- *Brosnan Centre Youth Services*, which provides accommodation and a range of other support services to 17- to 21-year-old offenders (male and female) released from juvenile detention and prison;
- *The Inside Out Project* (auspiced by Care and Communication Concern) which targets 15- to 17-year-old male offenders;
- *The Next Step Program* (auspiced by Youth for Christ) which targets 15- to 20-year-old females and 10- to 14-year-old female and male offenders at Parkville Youth Residential Centre.

Although commonly referred to as “post-release services”, in fact all three agencies provide a range of institutional, transitional and intensive post-release support services for young offenders leaving juvenile justice centres. Each agency visits the detention centres and develops relationships with the young people while they are in custody. They provide support as the young person prepares for release, and also on their return to the community. These services focus on this clientele exclusively, and do not provide support to at-risk youth or to young people on community-based orders. The level of intensity, frequency of contact and duration of support varies according to the individual needs of each young person, and agencies work closely with the juvenile justice centres and community-based

juvenile justice units to coordinate the services for the young people.

The post-release services are funded to provide a range of services to the young people, including the following:

- intensive personal support;
- regular visits to young people in the juvenile justice centres prior to their release;
- accommodation support (weekend leave, interim and crisis accommodation, and long-term accommodation arrangements);
- information and referral;
- assistance to gain income support;
- employment, education and training placement and follow-up;
- family, community and peer support;
- delivery of or access to recreational options;
- management of health issues, such as alcohol and drug abuse;
- mediation and advocacy services;
- support to specialist and generic services; and
- use of trained volunteers to broaden the range and scope of services available.

There are a number of reasons why this model of post-release support is considered to be an example of good practice:

- The funding of the three services is coordinated to ensure that each agency serves a particular segment of the detained juvenile offender population in the State, and that there is minimum overlap or duplication of services.
- The agencies each service a particular client group, enabling them to develop services and supports tailored to the needs of their clientele.
- The voluntary nature of the support is said to encourage young people's participation in the programs and assist in achieving good outcomes.
- The independence of the agencies from juvenile justice authorities is reportedly very important to some young offenders who fear or distrust juvenile justice workers, or are reluctant to confide in them about certain issues (e.g. reoffending). Relationships of trust between young people and staff said to be more likely to develop in an environment where the agency has no formal role to play in the juvenile justice system.
- Close cooperation between the post-release support services and juvenile justice authorities provides a coordinated approach to service delivery for the young offenders. For example, juvenile justice authorities provide the post-release services with the names of all young people admitted to custody. The system is therefore not dependent on individual or discretionary referrals.
- The provision of a phased model of support, (institutional, preparation for release, transition to the

community, and ongoing support services), is considered to be vital in providing continuity in service delivery, both during and after custody.

Another example of good practice voluntary post-release services identified was in Western Australia, in a project call Worksyde. Worksyde is currently funded by Juvenile Justice as a Crime Prevention Project, but in fact provides significant post-release support to young offenders. It differs from the Victorian model of post-release support in that it focuses on one aspect of support; employment and training. Auspiced by the YMCA, it targets young people between 15 and 18 years who have received a minimum of three court sanctions. The majority of referrals to the service are from Western Australia's two juvenile detention centres. Many of the young people referred to the program have in excess of 100 offence convictions. Typically, they have low self-esteem, under-achievement within the educational system (most young people have not completed Year 9 or 10), a history of family dysfunction, no previous experience in the workforce and long-term involvement with, and dependence on, the youth welfare system. One-third of the young people referred to the service are of Aboriginal and Torres Strait Islander descent.

Each year the service works with approximately 400 young people. In 1995, 198 young people were placed in employment and 149 young people were placed in training.

There are a number of reasons why the Worksyde model is considered to be a good model of practice:

- All young people who are sentenced to institutions are automatically referred to Worksyde rather than referrals being reliant on the discretion of individual workers.
- Young people's participation in the program is voluntary and the service has no statutory role in relation to the young person's release into the community.
- Contact is first made by the service when young people are in custody. A worker from the service visits the young person at the institution to negotiate their participation in the Worksyde program, to conduct a thorough vocational assessment and to establish an ongoing rapport. There is therefore continuity of contact pre- and post-release.
- Young people are placed in employment and/or training upon their release from institutions. In this way, they have a focus when they are released and are less likely to return to their offending lifestyle.
- The service works actively, not only with the young offenders, but with prospective employers, i.e. by liaising with employers it can create employment opportunities for young offenders (rather than just responding to what is available through the CES, for example).

- The service actively monitors and supports young people in their job or training placement until they feel sufficiently confident to manage it themselves.
- The model is thought to have worked particularly well when it employed an Aboriginal worker (previously funded by the Aboriginal Traineeship Scheme) who not only worked with the young offenders, but also with their families to engender support and motivation for the young person's continuing in their job or training placement.

As previously indicated, New South Wales and Queensland juvenile justice authorities have recently provided funding to several non-government agencies to provide post-release support. However, as these projects are targeted at certain special needs groups (non-English-speaking background youth, Aboriginal and Torres Strait Islander youth, and youth from rural or remote regions), they are discussed in the next section of the report on Special Needs.

## 5.5 Summary

This national overview of the programs and support available to young people in custody and post-release reveals an inconsistency in approach, particularly in relation to transitional arrangements in operation in each State and Territory.

Across the States and Territories, it is apparent that there is a wide range of programs and supports available to young people in detention. The recent initiative of the Australasian Juvenile Justice Administrators to develop National Quality of Care Standards represents a positive attempt to achieve a measure of consistency in the programs and supports available to young people in custody across the 24 or so juvenile detention centres in the country and should be commended. The major challenge lies in ensuring that the program and supports in detention are accessible, relevant, effective and of a high quality, provided in a coordinated way to the young people via a system of case management.

Historically, there have been numerous problems in achieving a degree of consistency in approach. Juvenile justice authorities and service providers differ in the emphasis they place upon different types of programs, reflecting their particular philosophical and/or professional beliefs regarding juvenile offenders and juvenile offending. There has been a lack of consistency and lack of coordination in the provision of services and supports across detention centres in some areas, with the result that programs have been run on an ad hoc rather than a holistic basis. Difficulties have also been experienced in introducing major changes in detention centres, due to the prevailing culture among many staff, some of whom have worked in juvenile corrective institutions for many years and are resistant to certain innovations.

The lack of independent evaluation of programs and supports available in detention, has made it very difficult to identify effective and good quality practice.

Although attempts are clearly being made to develop a consistent approach to the provision of services to young people in detention, there continues to be considerable inconsistency nationally in the approach to transitional arrangements.

Most obvious are the different policies regarding temporary release and the provision of post-release support. In some jurisdictions, considerable emphasis is placed upon a gradual transition of the young person into the community, involving extensive use of temporary leave provisions for work release, study, family visits, etc. Such provisions also exist in other jurisdictions, but are used more restrictively. In other jurisdictions, however, such provisions are practically non-existent.

Nevertheless, there was widespread agreement among those interviewed for this study that a process of gradual transition was generally the most desirable and the most effective means of integrating the young person back into the community. The lack of consistency nationally to staged release was seen to reflect political factors, rather than any disagreement about the effectiveness of such an approach. Clearly, political sensitivities vary from State to State. Some governments seem prepared to accept that a small number of young offenders will abscond or offend while on temporary leave from custody, and do not cancel or terminate the transitional program when this occurs. Other governments, however, have been far less pre-

pared to accept such occurrences, and accordingly have restricted or limited the use of temporary release schemes. Good practice transitional arrangements may fall prey to negative media coverage or to a policy agenda which emphasises a law and order rather than a social welfare approach to young offenders.

The nature and availability of post-release supports and services also varies considerably across the country. Some juvenile justice authorities have a mandate to provide post-release support to young offenders, while others have none. Moreover, the effectiveness of those juvenile justice authorities who do provide post-release support is often restricted by the large caseloads and limited resources of the officers concerned. The post-release support needs of young people are considered to be far in excess of what juvenile justice authorities can offer. Many of those consulted commented on the considerable disparity between the supports available to young people in detention, and what was available to them after their release from custody. The absence of post-release services was highlighted as being a major problem in a number of States and Territories.

A few jurisdictions have attempted to address this problem by funding non-government agencies to provide intensive post-release support to young offenders. Although a number of these services are only in developmental or pilot stage, preliminary feedback and the experience of some of the agencies which have been in operation for a few years suggest that, properly run and managed, this approach to post-release support holds considerable promise.

# 6 Pre- and post-release strategies for special needs groups

## 6.1 Introduction

This section of the report discusses some of the issues involved in providing pre- and post-release services to young people who have special needs. As previously noted, any notion of special needs is arguably somewhat artificial, given that most young people in detention have a range of needs of various kinds and complexities, rather than any one defining need. There is clearly value, however, in examining separately some of the particular difficulties or problems faced by young people which, for example, relate to their gender, ethnicity, Aboriginality, etc. The special needs groups which are discussed in more detail include the following:

- Aboriginal and Torres Strait Islander youth;
- young women;
- young people of non-English-speaking background;
- young people with a disability;
- young people with an alcohol or other drug problem;
- young people who are HIV positive;
- serious repeat offenders, or offenders who have committed a serious offence;
- young people who live in rural or remote areas; and
- young people who are homeless.

The extent to which existing pre- and post-release

supports or services would appear to meet these particular needs is examined. Where possible, examples are provided of programs, services or strategies that are attempting to address these issues. Some of the examples discussed have been nominated by those consulted for this study as constituting good practice models. Others are in a fairly early stage of implementation, but are thought to be either innovative or promising in addressing some of the problems identified. Again it should be emphasised that the purpose is to describe examples of different types of approaches to meeting the special needs of juveniles in detention (identified through the survey of juvenile justice authorities and interviews with some 60 key informants) rather than to comprehensively list all strategies currently in existence.

## 6.2 Aboriginal and Torres Strait Islander Youth

### 6.2.1 Special needs

As previously discussed, young people of Aboriginal and Torres Strait Islander descent are grossly over-represented among the juvenile detention population. Nationally, one in three of all young people in juvenile

detention is Aboriginal. In some jurisdictions (the Northern Territory, Western Australia and Queensland), Aboriginal and Torres Strait Islander youth constitute the majority of young offenders in custody. The rate of incarceration of Aboriginal youth is over 20 times that of non-Aboriginal offenders (Australian Institute of Criminology 1994).

Available evidence suggests that the offences committed by Aboriginal offenders who are in custody are no more serious than that of non-Aboriginal offenders. However, Aboriginal young offenders tend to be the most experienced and recidivist of juvenile offenders in custody. They also tend to be somewhat younger than their non-Aboriginal counterparts, particularly among those who are on remand (Cain 1994b).

There are many explanations as to why Aboriginal and Torres Strait Islander youth are so heavily over-represented in juvenile detention centres. Over-policing, differential treatment by the courts, a higher rate of commission of offences, racism, a background of severe economic and social disadvantage, are some of the reasons that have been put forward to explain their over-representation in the custodial population. Whatever the reasons (putting aside, of course, the question of the appropriateness or otherwise of incarceration for Aboriginal youth), the fact that such a high proportion of juveniles in custody are Aboriginal has significant implications for the delivery of culturally appropriate and suitable support services and programs both in detention and post-release.

The necessity of there being close liaison and cooperation between juvenile justice authorities and Aboriginal and Torres Strait Islander organisations was, of course, recognised in the report of the Royal Commission into Aboriginal Deaths in Custody. In relation to the juvenile justice system, the report states:

*That government and Aboriginal organisations recognise that the problems affecting Aboriginal juveniles are so widespread and have such potentially disastrous repercussions for the future that there is an urgent need for governments and Aboriginal organisations to negotiate together to determine strategies designed to reduce the rate at which Aboriginal juveniles are involved in the welfare and criminal justice system and, in particular, to reduce the rate at which Aboriginal juveniles are separated from their families and communities, whether by being declared to be in need of care, detained, imprisoned or otherwise (Royal Commission into Aboriginal Deaths in Custody, Overview and Recommendations 1991, p.45).*

Based on consultations for this study, the special needs of young Aboriginal and Torres Strait Islander youth in detention and upon release are many and varied and need to take account of the following factors:

- the higher rate of recidivism and retrenchment in the juvenile justice system of Aboriginal youth, particularly in the detention population;
- the over-representation of Aboriginal young people in the number of deaths in juvenile custody (reflecting their over-representation in the juvenile detained population);
- potential alienation from a predominantly non-Aboriginal juvenile justice system;
- the relatively young age of Aboriginal youth in detention, in particular among the remand population;
- the potential isolation of many young Aboriginal offenders due to the fact that many are held in detention centres far from their home and therefore from their family and community. The fact that some young Aboriginal people speak English as a second language poses communication difficulties which can exacerbate their feelings of isolation;
- the often fractured and/or transitory nature of family life and supports available to young Aboriginal people;
- lower level of functional literacy among the Aboriginal population;
- the specific health needs of young Aboriginal and Torres Strait Islander people;
- the high profile of Aboriginal people in their community upon release, particularly in smaller communities;
- the fact that, for some Aboriginal juvenile offenders, “doing crime” and “doing time” can confer a certain amount of status upon the young person among their peers; and
- that the circumstances and situations into which young Aboriginal people are released are often extremely difficult. (However in contrast to many non-Aboriginal offenders, family support can be extremely high for the young Aboriginal person upon release.)

### **6.2.2. Pre- and post-release programs and strategies**

The consultations for this study suggests that although cooperation between juvenile justice authorities and Aboriginal organisations in developing programs and strategies for young people in detention and post-release has been high in some States, in other States far less cooperation has been evident. As a result, in some areas the development of specialist programs for young Aboriginal offenders in custody has been slow. Where developments have occurred however, more effort appears to have gone into developing institutional-based programs, rather than post-release supports.

The following are examples of good practice strategies which specifically target the development of

programs and supports for young Aboriginal and Torres Strait Islander youth in custody:

- *Liaison and communication between juvenile justice authorities and Aboriginal and Torres Strait Islander organisations.* The establishment of formal liaison committees is an important means of coordinating and monitoring services and programs for young Aboriginal people in custody. In Victoria, for example, the Department of Human Services has established an Aboriginal Justice Coordinating Committee. This Committee monitors the effectiveness of existing programs and analyses current trends and needs. Members of the Committee include representatives from Victoria Aboriginal Community Services Association Incorporated (VACSAI), Victorian Aboriginal Legal Services (VALS), program coordinators and Koori Justice Project workers from the Department of Human Services, and representatives from Victoria Police.
- *The provision of training in Aboriginal history and culture for juvenile justice authority staff,* to develop a greater awareness and understanding of Aboriginal people, their culture and to identify issues of concern to the Aboriginal community. Such a program has been run in Victoria, for example, with members of Aboriginal organisations taking responsibility for designing and delivering the programs.
- *Development of programs for young Aboriginal and Torres Strait Islander people in detention.* In Queensland, for example, a Community and Culture Integration Program has been designed specifically for young Aboriginal people in detention. The main purpose of the program is to provide a range of supportive activities for young people in detention to assist them during their period of detainment to maintain, develop and/or restore cultural, community and familial links. There are a number of important principles underpinning the program, including that the program responses must:
  - incorporate culturally significant and meaningful components;
  - be determined through consultation with and active participation of local Aboriginal and Torres Strait Islander agencies, communities and families; and
  - maximise the young people's opportunities to access appropriate services and networks upon their release.

The aim of the program is to support the emotional and physical safety and well-being of young people during their periods of detainment (in particular during periods of emotional turmoil or distress); to assist the re-integration of young people into their communities following their release from detention; and also to complement the services of the Division of

Protective Services and Juvenile Justice provided to young people in accordance with support plans developed in preparation for their release.

Although reportedly under-resourced given that so many of the youth in detention are Aboriginal, this program is thought to be important by beginning to break down some of the cultural and other barriers between detention centres and Aboriginal organisations and communities, and increasing the employment of Aboriginal staff working in detention centres.

- *The provision of culturally-specific advocacy and support services in detention by Aboriginal organisations,* including Aboriginal Legal Services, Aboriginal Health Services, Aboriginal Youth Services and Local Aboriginal Land Councils. This strategy appears to be widespread across most States and Territories, but would seem to be less evident in those areas where liaison and cooperation between juvenile justice authorities and Aboriginal organisations is less well developed.
- *The development of an Aboriginal Mentor Scheme* is a strategy that is being developed in Western Australia and in New South Wales. In Western Australia, the employment of a mentor to work on a one-to-one basis with young people in custody is thought to have been a successful means of providing appropriately high levels of support for high risk offenders. There is now a move to expand this model for young Aboriginal offenders whereby contractual arrangements will be entered into with targeted family members to provide the necessary support.

In New South Wales, an Aboriginal Mentor Program is in an early stage of implementation. The program will be piloted on a statewide basis for 12 months, after which it will be evaluated. The aim of the Aboriginal Mentor Program is:

- to provide assistance and support to Aboriginal juvenile offenders;
- to assist young Aboriginal offenders to successfully integrate in the community by encouraging community members to participate in the provision of culturally appropriate services to young Aboriginal people;
- to encourage the active participation of local communities in the support of Aboriginal offenders through the community networking of mentors;
- to empower Aboriginal communities through their involvement in the rehabilitation process of young Aboriginal people; and
- to improve department service provision to Aboriginal juvenile offenders.

Under the program, mentors may be involved both prior to and after a young person's release from a

juvenile justice centre. The Aboriginal mentor's role is to provide support to the young person (e.g. with families, the court, school), to assist clients to find employment, training, education and accommodation and to work closely in liaison with the juvenile justice officer and generally act as a positive role model for the young person.

It is thought that the Aboriginal Mentor Scheme will also address some of the problems faced by young Aboriginal offenders who return to rural or remote areas where there are few if any services (e.g. youth organisations) to whom they can be referred for support or assistance.

- *Working with the families of young Aboriginal people in custody.* In South Australia, a Family Connections Program is being piloted by the Department of Family and Community Services. The program was developed in response to the fact that 50–90% of the young women at the Magill Training Centre are Aboriginal, and that many of them (some as young as 12 years old) had spent up to 50% of the last year in custody. Due to their young age, no agency was providing a program that met the specific needs of these often very young women and their families.

The aims of the Family Connections Program are:

- to improve family functioning by providing practical parenting skills to the care-givers of Aboriginal young offenders in a culturally appropriate manner;
- to develop a greater understanding of their dreaming and how it relates to their family;
- to assist Aboriginal families to take greater responsibility for young offenders; and
- to reduce the number of Aboriginal young offenders in care.

After an initial assessment has been made, families are invited to participate in the program by the Metropolitan Aboriginal Youth Team workers at the Magill Training Centre. A skilled family worker then works intensively with the family, away from their own environment for a period of one or two weeks with the aim of developing new skills relating to the offending young person and creating a family environment which is stable and supportive for the young person. After the intensive work period, the family worker continues to see the family in their own environment once or twice a week, depending upon what is necessary or agreed.

- *Funding post-release support services for Aboriginal young offenders.* A number of juvenile justice authorities are currently funding Aboriginal organisations to run Aboriginal juvenile justice projects. However, many of these projects have a wide brief of crime prevention or diversion. Few examples were found where projects were funded where post-release support was a major component of the services provided.

One exception is the *Aboriginal Young Offender Project* at Ipswich in Queensland which mainly targets Aboriginal and Torres Strait Islander youth and is auspiced by the 'We Care' Aboriginal and Torres Strait Islander Corporation. The objectives of the Ipswich Aboriginal Young Offenders project are:

- to assist Aboriginal young people to comply with and successfully complete their Community Service Probation and Immediate Release Orders;
- to assist in the re-integration of young people back into their communities following their release from detention; and
- to develop suitable Bail Accommodation placements and Conditional Bail options within the Ipswich Aboriginal and Torres Strait Islander community.

This project, which has been funded on a pilot basis, is an initiative of the community Elders in Ipswich in response to the high number of young people from the area who were detained in juvenile justice centres. The community successfully approached the Department of Families, Youth and Community Care for funding. A major aim of the project is to provide culturally-based supervision, work and personal development programs that will enhance the young person's ability to effectively re-integrate back into their community after a period of detention. It is hoped that by involving community Elders in the program, the young people will react positively and benefit from the increased community networks and support.

The service visits young people in custody from Ipswich on a fortnightly basis (most of whom are already known to the service) to maintain the young person's links with the service and with their community. The service assists the young person to make some plans for when they return home, and encourages them to become involved in the program. The project runs cultural camps and health awareness programs, and acts as a resource and referral point for accommodation, employment and training. It also acts as a safe-house for young people who are escaping violence or trouble at home. The young people are encouraged to meet with the Elders at the centre, and to establish some links with their people. The project has also recently started a Parent Support Group for "kids in trouble", in conjunction with the Department of Families, Youth and Community Care and the Aboriginal Islander Child Care Agency. The main aim of the group is to talk in an appropriate way about the problems in families, how parents' behaviour can affect their children and how they can better manage their children's behaviour. Self-esteem and cultural issues are also covered in the



group. The fact that the service's approach is "flexible, firm and creative"; that the staff are older, extremely well-linked into community resources and networks, and have high credibility in the local Aboriginal community are some of the reasons why this project is thought to be very promising.

Another example of targeted post-release support services is the *South Sydney Youth Services Court Support and Post-Release Program*. This service is targeted primarily at 12- to 18-year-old Aboriginal and non-English-speaking background young people who are either at risk of offending, have come into contact with the juvenile justice system or are about to be released from a juvenile justice centre. The service is run by South Sydney Youth Services, a multifunctional streetwork youth service which provides casework and counselling, educational programs, health education, employment and training, small business development as well as a juvenile justice service. The juvenile justice program is directly linked to the other services of the agency as well as dealing specifically with juvenile justice matters.

The Program was initially funded by the Commonwealth Youth Bureau through the Australian Youth Initiatives Grants Program, but since 1992 has been funded by the New South Wales Department of Juvenile Justice. The work undertaken with young people in custody includes:

- maintaining regular contact with young people in the detention centres;
- participating in post-release case plans along with juvenile justice case managers, psychologists, drug and alcohol workers and others;
- conducting joint work with staff from the Aboriginal Resource Service to service the needs of the large number of Aboriginal young women in custody;
- providing post-release support to young offenders in the community on a wide range of matters, including care and protection issues, sexual assault, drug and alcohol problems, accommodation and employment;
- acting as a referral agency to a range of services; and
- developing close working relationships with police and the courts (utilising the services of youth and Aboriginal liaison officers) and also with legal services in the area servicing young offenders.

One of the advantages of this model of post-release support is that the project is community-based, therefore the service knows the young people, their families and the environment, and in turn, they know and trust the service. Being community-based, the staff are also said to be more accessible than juvenile justice officers. The streetwork program of the service is considered to be particularly successful in contacting young people

who traditionally do not use centre-based programs, especially those who are marginalised and lack information about available community supports.

## 6.3 Young women in custody

### 6.3.1 Special needs

Despite the fact that young women are considerably *under-represented* in the juvenile population in custody, for various reasons they are regarded as a special needs category of young people in detention. Young women comprise only 5.6% of persons aged 10 to 17 years in juvenile corrective institutions (Australian Institute of Criminology 1994). The number and proportion of young women being detained in juvenile corrections has declined significantly in the last decade or so. As at 30 June 1992, for example, there were only 42 young women under 20 years old in juvenile institutions in Australia compared to 145 on 30 June 1982 (Dagger & Mukherjee 1994).

The numbers of young women in custody varies considerably across States and Territories. As at 30 June 1994, for example, of the 42 young women in a juvenile correctional institution:

- 18 (43%) were in New South Wales;
- 12 (29%) were in Western Australia;
- the remaining twelve were spread across Queensland (5), Victoria (3), South Australia (2), Tasmania (1) and the ACT (1) (Australian Institute of Criminology 1994).

The major reasons why there are now far fewer young women in custody is the separation of welfare from justice legislation and the elimination of the previous practice of incarcerating young women for care and control matters.

However, recent research conducted in Queensland suggests that the decline in the numbers of young women being detained may have ceased as there has been a notable increase in the average number of young women detained at any one time (Beikoff 1995). Whether this represents a trend is difficult to determine at this stage, particularly given the small number of young women concerned.

Although the number and proportion of young women held in juvenile detention centres at any given time is low, there is some evidence that young women make up a higher proportion of admissions to detention. There is evidence from Queensland, for example, that over half the admissions to custody of young women were for a period of less than a week (Beikoff 1995). There is also evidence from New South Wales that there are high numbers of young women held on remand relative to the numbers of young women serving custodial sentences (Cain 1994b). If these patterns are evident in other States, it is apparent that a

fairly high level of throughput of young women may be occurring, and that the average time they spend in detention is relatively short.

“Snapshot” profiles of young women in custody in New South Wales indicate that the majority (84%) have previously been charged and convicted of violent offences or indictable drug offences, and that half are serving sentences in relation to principal offences of violence (Cain 1994b). (However, it should be noted that census type surveys may tend to overestimate the number of persons serving more serious offences. A longitudinal survey undertaken by Cozens of 469 young women admitted to custody (on remand or sentence) in New South Wales over an 11-month period between 1992 and 1993 indicated that crimes of violence accounted for a relatively small proportion (17%) of those incarcerated, with property or good order offences pre-dominating (quoted in Cuneen & White, 1995).

The special needs of young women in custody identified in this research include the following:

- By virtue of their low numbers and their minority status in detention centres, young women’s interests have often been subsumed by the dominant male culture of correctional institutions. Existing programs or services may have had little relevance to the desires or needs of young women. In competing for places on generic programs, young women have reportedly often come off second best. Until recently there have been low numbers of female staff employed in juvenile institutions, reinforcing the male aspect of the organisational culture. A recent report prepared by the Department of Human Services in Victoria (1995) concluded that:

*Young women in the juvenile justice system are characterised by a structural position of diminished strength and status. This can result in resource and program disadvantage, gender stereotyping which does not properly acknowledge gender specific requirements, and, for younger women, a lack of recognition of the developmental needs of a vulnerable life stage (p.2)*

- Young women in custody have not enjoyed the same access to programs as young men and few programs have been specifically tailored to their needs.
- A practical difficulty in providing programs and support to young women relates to the small numbers of young women in detention at any given time, and the short length of time that many spend in detention. Special programs for young women may not be practical or cost-effective in small detention centres where there are only one or two girls in custody.
- There have been few positive role models for young women in custody and limited staff training on the special needs of young women.
- A large proportion of young women in custody are

said to have been subject to physical and/or sexual abuse or neglect.

- A substantial number of young women in detention are or have been State Wards. It has been reported that girls who are State Wards are forty times more likely to be detained in custody than other girls (Cuneen & White 1995). Figures from Victoria indicate that, at any given time, between 50% and 90% of the female resident population at Parkville Youth Residential Centre are subject to dual protective and corrective orders (Department of Human Services 1995). Data from Queensland suggest that the number of young women on dual orders who are Aboriginal is particularly high, with many of these girls having been in care since childhood (Beikoff 1995). A common complaint across jurisdictions was the difficulties experienced by young women who are State Wards in being able to access basic services upon release from custody, in particular accommodation. Inter-departmental wrangling between juvenile justice and welfare departments as to whose responsibility these young women are upon release from detention was highlighted as a major problem in some areas.
- A large number of young women in custody have an alcohol or other drug problem. It has been estimated that between 80% and 90% of young women in detention have had an alcohol or other drug problem (New South Wales Parliament Standing Committee on Social Issues 1992).
- Young women in custody are likely to have a particular set of health needs relating to pregnancy, parenting, sexually transmitted diseases etc. At any one time, there will be a number of young women in detention who are pregnant or who have young children. Mental health problems too are also a major issue, particularly given the high level of personal or systemic abuse experienced.
- Young women in detention may be more difficult to “manage” than boys. Young women were sometimes reported to be less enthusiastic than young men about certain group activities and as being less responsive to authority. On the other hand, young women could be more open than young men in talking about personal issues and problems while in custody.
- Young women who have served a custodial sentence face particular stigmatisation, which together with the high level of previous drug-taking and a lack of family and parental supports (as State wards), makes the post-release period particularly difficult.

### **6.3.2 Pre- and post release programs**

Two programs were identified which have been specifically designed for young women in custody.

A *Young Women in Custody* Program has been operating in New South Wales for about two years. It is described as a systematic attempt to address the specific inter-related problems of young women in custody within a therapeutic environment. New South Wales has the largest number of young women in juvenile detention of any State or Territory. All the young women in detention in New South Wales are held in a single custodial facility, at Yasmar Juvenile Justice Centre. Although young women admitted to Yasmar can range in age from ten to 18 years (with a small number of young women being older than 18) the average age is 16 years. The Young Women in Custody Program offers a comprehensive program for up to 34 young women on remand or sentence. The program emphasises education and training, alcohol and other drug counselling and health issues. The program also has a Clinical Coordinator and a Psychotherapist.

The services provided include therapeutic intervention, case management and participation in programs designed to address the young women's offending behaviour and assist their reintegration into the community. The philosophy underpinning the Young Women in Custody Program is as follows:

*That the majority of young women in custody have been abused, subjected to discrimination and that systemic issues have impacted upon their lives* (New South Wales Department of Juvenile Justice, unpublished report).

The program has been designed to provide appropriate supports and resources for young women, and to provide opportunities for them to acquire social, living, educational, personal, vocational and recreational skills in accordance with their individual needs and assist their integration into the community. The range of services provided address the individual and special needs of young women. Programs and supports provided in custody address issues such as:

- women's health issues;
- safe sex and sexuality;
- protective behaviours;
- group counselling for young women;
- touch typing;
- home science training;
- art therapy;
- careers education and preparation;
- sexual relationships;
- a parenting program, to increase parenting skills of young women with children; and
- driver education.

To assist the implementation of the Young Women in Custody Program the New South Wales Department of Juvenile Justice introduced a new staffing structure and developed an intensive six week training program for staff. The Department also employed more female

staff and introduced a 12-week cyclic program to cope with the multiple entry and exit points to and from custody.

Similar to many other States and Territories, Victoria has a far smaller number of young women in custody at any given time than New South Wales (around four to ten). All young women in custody in Victoria are held at Parkville Youth Residential Centre, which caters for 10- to 20-year-olds who are on remand or have been sentenced to a youth training centre. The small number of young women in custody together with the range of ages and maturity presents difficulties in providing a sufficient diversity of program options to meet the individual needs of the clients. To address these problems, a pilot Alternative Custodial Program for Young Women is being implemented at the Parkville Youth Residential Centre in Melbourne which aims to allow suitable young women to access a greater range of program options in the community through a temporary leave program. The Department of Human Services in Victoria believes the pilot upholds the spirit of a custodial sentence, but provides a demanding and accountable sanction which enhances young women's reintegration and redresses their disadvantage as a minority group in custody.

The primary target of the program is young women aged 17 to 20 years who have been sentenced to a youth training centre but who are not considered to pose a significant risk to the community. Under the program, young women who have spent a period in custody undergo extensive assessment after which an individual client plan is developed. Upon obtaining approval from the Youth Parole Board, and subject to certain contracted conditions, the young women are then placed in the community. They are accommodated in structured, intensively supervised and separate placements. A statutory team from the Parkville Youth Residential Centre provides intensive support and supervision in the community setting on a 24-hour basis, including help with accessing legal, specialist counselling and other mainstream generic health services in the community. During their community placement, the young women participate in planned education or employment, as well as a range of recreational and sporting activities. The program involves a contractual agreement, daily contact and supervision (including curfews) visits and telephone calls, graduated levels of participation, formal weekly monitoring, participation in agreed educational and recreational activities and attendance at support programs to address the causes of offending behaviour. It is hoped that the establishment of a personal support network will facilitate reintegration of the young women back into the community and diminish the likelihood of their reoffending. The pilot is being monitored by a Steering Committee comprising government and non-

government representatives, and will be subject to an independent evaluation.

## 6.4 Young people of non-English-speaking backgrounds

### 6.4.1 Special needs

It is generally recognised that the ethnic and cultural composition of young people detained in custodial facilities poses significant challenges for the effective and culturally appropriate management of young people in detention.

There is evidence that young people of non-English-speaking background constitute a growing proportion of young people in detention in some jurisdictions. Although the available evidence would suggest that overall, young people of non-English-speaking background are under-represented in the juvenile justice system, certain ethnic groups are over-represented.

Data on the ethnicity of juveniles in detention is limited, but there is evidence that as many as 143 or 29% of juveniles in custody in New South Wales as at June 1995 were of non-English-speaking background (New South Wales Department of Juvenile Justice Information Package, 1994/95) reflecting the considerable cultural diversity of that State.

In recent years there has been growing concern about the over-representation of certain ethnic groups within the juvenile detention population. Most concern has been evident about the significant increase in the number of Indo-Chinese (i.e. Vietnamese, Laotian or Cambodian) young people in New South Wales juvenile justice centres (Graham 1994). As at 13 April 1993, young offenders of Indo-Chinese descent constituted one in every eight (12.7%) of those remanded and 9% of those who had been sentenced to a juvenile detention centre, while comprising only 1.8% of the New South Wales population (Cain 1994b). The Vietnamese population in juvenile detention centres in New South Wales almost doubled between 1991 and 1992 and over a two and a half year period between 1991 and May 1993, 379 young Indo-Chinese people had been held in custody. Similar concerns have been expressed about the number of Indo-Chinese youth in detention in Victoria and in the ACT. There is also evidence to suggest that other non-English-speaking background groups are also over-represented in the population of young people in custody. For instance Lebanese, New Zealand/Maori, and Pacific Island groups (such as Fiji, Samoa, Tonga and other Pacific Islanders) have disproportionately high numbers of youth on remand in New South Wales in comparison with their numbers in the general youth population (Cain 1994b).

Various factors relating to the specific needs of

young people of non-English-speaking background in custody and post-release were identified from the consultation:

- There is a need to recognise the *diversity* of cultural factors both across and *within* particular ethnic groups.
- While certain young people are technically of non-English-speaking background, they may in fact not *identify* with their ethnic group. In other words, it should not be assumed that they identify with their ethnic background, or that they want or prefer ethno-specific workers, programs or services. The young person may identify more with Australian culture or the general youth culture than with their specific ethnic or cultural background.
- Communication problems between young non-English-speaking background offenders and juvenile justice officers can be considerable, due to cultural and/or language barriers.
- Young people from certain ethnic groups may experience considerable alienation or rejection from their family and/or their ethnic community as a result of their offending and incarceration.
- A proportion of young non-English-speaking background people in detention will have refugee backgrounds, and may have previously experienced considerable trauma and/or separation from their family.
- Depending upon the previous experiences of young people of non-English-speaking background, particularly those who are relatively new arrivals and who come from a repressive regime, fear or distrust of authority and of juvenile justice officials and bureaucracy can be considerable.
- Some young offenders of non-English-speaking background can experience extreme isolation and/or racism while in custody, particularly in some of the smaller centres, where they may be the only young person of non-English-speaking background in detention.
- Young people of non-English-speaking background often have very little if any knowledge or understanding of the juvenile justice system, the law, their rights and responsibilities and available services that could assist them.
- Where appropriate and feasible, working with the families of young people of non-English-speaking background is thought to be particularly important.
- There is evidence to suggest that certain young offenders of non-English-speaking background receive above average terms in custody because of the nature of the offences they commit. Indo-Chinese young offenders, for example, have the highest level of drug offences of any group in custody particularly supply and/or trafficking of heroin, or the lesser charge of the possession/use of

heroin resulting in longer sentences (Cain 1994b). Pacific Islander youth tend to have more violent criminal activity, again resulting in longer than average stays in custody for the young people concerned (Cain 1995). This may result in greater transition problems for this group of young offenders.

- Staff at juvenile detention centres have received little or no training in cross-cultural issues, and as a result, may feel ill-equipped to deal with young people of non-English-speaking background in custody. In relation to the provision of professional counselling and mental health services in custody, there is general agreement that service providers need to develop a better understanding of issues in psychiatric or psychological services.

#### 6.4.2 Pre- and post-release programs

The challenge for juvenile justice authorities to provide appropriate programs, supports and services to these young people is not insubstantial. On the basis of consultations undertaken for this research however, it would appear that until very recently, little if any concerted effort has been made to specifically address the issues faced by young people of non-English-speaking background. As a result, few strategies have been developed to address their needs in any comprehensive or coordinated way.

There was general acknowledgment among those consulted for this study that much more work needs to be done to address the specific needs of these young offenders.

New South Wales probably faces the greatest challenge due to it having the largest number of young people of non-English-speaking background in custody of any State. Various strategies have been developed by the New South Wales Department of Juvenile Justice in recent times to increase the supports available to young people of non-English-speaking background in detention, including the following:

- the introduction of cross-cultural training for staff of juvenile institutions;
- the provision of an interpreter service to young people in custody and their families;
- the establishment of English as a second language course in the detention centre school program;
- the production of a series of plain English information comics for juveniles and plain English information pamphlets for families, also available in several community languages;
- use of a neutral volunteer program whereby people of non-English-speaking background visit young people of non-English-speaking background in detention, taking food, organising activities, acting as a link to their family and community on the outside;

- introduction of a program for young women about issues relating to multiculturalism;
- introduction of special programs for young people in custody from the Muslim religion, including recognition of regular prayer periods and Ramadan, provision of culturally appropriate food and arranging for representatives of the Muslim faith to visit centres on a regular basis;
- the introduction of certain identified non-English-speaking background staff positions in detention. (For example, a Vietnamese coordinator has been employed to provide State-wide services for young Vietnamese people in custody, to provide casework assistance and to promote staff awareness of Vietnamese culture. "Identified" positions have also been created in juvenile justice community-based services);
- liaison with psychologists and trainers at the Adult Migrant English Service and the Trans Cultural Mental Health Centre at Cumberland Hospital to develop appropriate programs for departmental psychologists training;
- liaison with TAFE, the New South Wales Department of School Education and the New South Wales Ethnic Affairs Commission and representation on an Education Advisory Committee (non-English-speaking background) to address education and training issues for non-English-speaking background juveniles under departmental control or supervision.

Of particular significance is the recent appointment by the New South Wales Department of Juvenile Justice of a non-English-speaking background project officer to specifically develop and drive the implementation of appropriate programs and services for young offenders of non-English-speaking background. As an important starting point, an extensive consultation process has been conducted by the New South Wales Department of Juvenile Justice to identify gaps in services to non-English-speaking background clients and their families.

Another major strategy that is being developed in some jurisdictions to meet the needs of non-English-speaking background youth in custody and/or post-release is to involve non-English-speaking background community organisations in the delivery of services to non-English-speaking background youths. In most States this seems to be done on an informal or ad hoc basis. However, in some of the larger States (Victoria and New South Wales), non-English-speaking background workers or organisations have been specifically funded to provide this support.

The New South Wales Department of Juvenile Justice has recently funded (on a pilot basis) two community-based agencies to provide culturally appropriate services to assist non-English-speaking background juvenile offenders to reintegrate into their

local communities. The Barnardos Post Release Options Program has been funded following research and consultation with relevant community representatives and consideration of community needs and the interests of the young people concerned. The program focuses on young people who are over-represented in the juvenile justice system (particularly youths from Arabic, Indo-Chinese, Maori and Pacific Islander backgrounds) and targets certain city suburbs. Three workers of appropriate ethnic backgrounds and cross-cultural experience will be employed to provide support, referral and advocacy services to non-English-speaking background young offenders. (Barnardos already employs eight Vietnamese workers within its Inner South-West youth programs.) Each worker works with the client and relevant case workers and also with the family and the local ethnic community to establish support networks for young people prior to and after their release. Also funded by the New South Wales Department of Juvenile Justice is an Indo-Chinese Juvenile Offender Support Program, run under the auspices of Care Force Migrant Services. Based in Cabramatta, this program aims to provide pre- and post-release support to Indo-Chinese young offenders in partnership with the Department of Juvenile Justice. In both programs, juvenile offenders participate voluntarily and the funded services have no statutory responsibilities for monitoring the young person upon their release into the community.

In Victoria, a pilot program, Frankston Links Project, has been funded by the Department of Human Services to address the problem of over-representation of Maori and Pacific Islander young people in the juvenile justice system. The project is being managed by the Southern Region Juvenile Justice Unit with research and consultancy services provided by the Ecumenical Migration Centre. The aim of the project is to develop a program model for working effectively with other ethnic groups in the future.

## **6.5 Young people with a disability**

### **6.5.1 Special needs**

It is immediately apparent that young people in custody who have a physical, psychiatric or intellectual disability have the potential to experience unique difficulties both during and after their period of incarceration. There appears to be a dearth of Australian research material on disability issues within juvenile detention centres, although there is a body of literature on adult institutions, and on juvenile offenders more generally (as opposed to those in detention). This lack of research is compounded by the apparent lack of data collected by juvenile justice authorities on

the numbers and types of disabilities among those who are in detention. It would seem from the consultations for the study, however, that at any one time, a detention centre will have a number of young people with some sort of disability, most commonly a psychiatric disability.

### ***Psychiatric Disability***

It has previously been noted that "little is known about the psychiatric status of adolescents who are remanded in custody" (Kosky, Sawyer & Gowland 1990, p.24). Clearly a number of young people in custody may need or benefit from some kind of psychological treatment or counselling. A number may suffer some kind of mental illness, or suffer from an emotional or behavioural disorder requiring some clinical intervention.

There are a number of indicators available which provide some sense of the extent and nature of the need in this area. Of more concern is the number of deaths in custody, and in particular, to the number of Aboriginal deaths in custody. Figures from the Australian Institute of Criminology indicate that there were nine deaths in juvenile detention between 1980 and the end of 1992, most from self-inflicted actions (Howlett 1993). The length of time the young person had spent in detention prior to their deaths varied from less than five minutes, to just over six months. Those juveniles who faced uncertain periods of detention or were remandees or wards of the State on indeterminate sentences, were found to be at particular risk. The incidence of self-inflicted not-fatal harm in some institutions is reported to be quite high (Kosky & Lawlor 1992). Another concern is the number of young people who commit suicide in the period after release from a detention centre.

One of the few studies that has been undertaken on the psychological health of young people in custody (based on a survey of 78 adolescents at the South Australian Youth Assessment and Remand Centre) found that the prevalence of emotional and behavioural disorders reported by remanded adolescents was very high, in fact four times that reported by adolescents living in the community in Adelaide. This was comparable to that of adolescents referred to the research practitioners' psychiatric clinics (Kosky, Sawyer & Gowland 1990). The young people in custody scored highly on unhappiness and extremely highly on alcohol and drug use, both factors which have been clearly associated with suicide attempts in young people. Whether such findings are indicative of high levels of psychiatric morbidity among the juvenile offenders, or of greater vulnerability among those with a psychiatric disability to detention and to arrest, or indeed as a response to their current predicament (being locked up) seems hardly relevant in terms of their needs for psychological supports in custody. The

study concluded that notwithstanding the dire social and educational problems associated with these young people's histories, there was evidence that an approach targeting young people and their emotional needs and dealing with personal distress was an important or necessary component of successful intervention programs.

Several issues were raised in the consultations for this study in regard to the provision of supports and services to young people with a psychiatric disability:

- There is considerable variability in the quality and comprehensiveness of the psychological assessments that are conducted on young people entering detention.
- In some of the smaller States or juvenile institutions and in rural areas, in particular, there is reportedly a lack of suitably qualified psychiatrists or psychologists who have the relevant experience and motivation to work with this client group. This can result in limited access by young people to appropriate services while in detention, as well as difficulties in their being referred to appropriate services when released from custody.
- The quality and availability of the psychological or psychiatric services provided while in custody is variable and sometimes far from satisfactory. This is not necessarily any reflection upon the quality of the individual practitioners, rather the limitations of the service they are able to provide with the available resources.
- Some juvenile justice authorities have reported difficulties in finding appropriate adolescent residential care for young people with mental health problems upon their release from detention.
- There are clearly a variety of approaches to providing mental health services to juveniles in detention. This partly reflects the particular philosophical, theoretical and/or clinical base of the practitioners or the service in question. It may also reflect the fact that no single psychological approach is likely to be effective with all types of young juvenile offenders. A review by Keogh (1994) of the literature concerning psychological approaches to the treatment of juveniles in detention found that no final conclusions can be drawn about the best approach, and that initially promising approaches have had problems with generalisability and the longevity of effects.

### ***Intellectual Disability***

Little appears to be known about the situation of young people with an intellectual disability incarcerated in juvenile detention centres. Much of the literature on intellectual disability and crime has focused on adult offenders, or on juvenile offenders generally rather than on those in correctional institutions. The limited research on this issue means little is known about the scale of the problem, or the particular

needs of young people with an intellectual disability who receive a custodial sentence.

However, the work of Hayes and Craddock (1992) has significantly advanced the knowledge of some key issues relating to the relationship between intellectual disability and crime. The following conclusions (from a review of the literature) are likely to be of relevance to the current study, even though the major focus is on adult rather than juvenile offenders:

- Various efforts to estimate the prevalence of intellectual disability among the offender population has resulted in widely varying results, often reflecting different definitions of intellectual disability being applied.
- Although research on the prevalence of intellectual disability and juvenile crime is "sporadic and inconsistent", available evidence would suggest that "intellectual disability (or at the very least, educational backwardness) is strongly related to juvenile delinquency particularly among mildly intellectually disabled juveniles" (pp.39-40).
- Intellectually disabled offenders tend to commit quite minor but repeated offences, or a major violent crime. Various factors relating to their overrepresentation in the custodial population include impulsiveness, susceptibility to peer group pressure and lack of success in concealing their crime.
- A high level of recidivism is evident among intellectually disabled offenders and significantly, adult intellectually disabled offenders have frequently been known to have offended as juveniles.

Referring to various studies on intellectual disability in Australian prison populations, Hayes (Hayes & Craddock 1992) reports:

- Studies in Australia have variously estimated the prevalence of intellectual disability among the prison population as being from zero to 13%. Nevertheless the available evidence indicates "that the prevalence of intellectually disabled prisoners in the penal population in Australia is at least three to four times that of the prevalence of intellectually disabled adults in the general population" (p.36).
- Female prisoners have been found to be doubly disadvantaged, as many have a dual diagnosis of intellectual disability and psychiatric, behaviour or emotional disorder (Hayes 1991).
- Higher levels of intellectual disability have been found among the Aboriginal prison population (Hayes 1991).

Whether or not these characteristics hold for the detained juvenile population is unknown, highlighting our lack of knowledge in this area.

Various issues were raised by those interviewed for this study concerning the provision of services to young people with an intellectual disability:

- A major issue relates to the inadequacy in the

systems available to identify young people with an intellectual disability upon admission to a detention centre. It cannot be assumed that the criminal justice system (the courts, and the police, etc.) has previously identified that a young person has a disability. Neither can it be assumed that these young people have previously been identified elsewhere (e.g. with Disability Services) as having an intellectual disability. The major problem in detecting their disability on admission to detention would seem to relate to the use of inadequate or inappropriate assessment tools or protocols and/or the lack of training for staff who are conducting the assessments. Young people with an intellectual disability often develop coping skills and ways to hide their disabilities. Their disability may not always be obvious to staff, particularly when it is borderline. Their behaviour may not be understood, and as a result, they may find themselves in trouble with authorities or with others with whom they are in custody.

- The staff of juvenile detention centres are often not adequately equipped or trained to deal with the behaviour of young people with an intellectual disability.
- One of the problems facing custodial institutions is whether to segregate young people with an intellectual disability and/or provide them with specific programs or instead use normalisation principles whereby these young people are integrated into mainstream custody. Some of those interviewed for this study thought that these young persons' needs are best met through mainstream programs. Others indicated they were unsure whether these young persons' needs were being met, and there was a need to assess the appropriateness and effectiveness of mainstream programs for young people with an intellectual disability.
- Problems have been experienced in the coordination and continuity of programs and services to young people with an intellectual disability *within* the correctional systems, say, if the young person is transferred to another centre or to an adult institution. Information, case-notes and planning may not automatically follow on, and the availability of programs or support may vary across institutions.
- The provision of integrated service to young people with an intellectual disability (thought to be particularly essential in servicing this group) is often difficult to achieve in practice. These young people's needs are reported to often fall between gaps in disability, juvenile justice and psychiatric services. A lack of inter-departmental cooperation or coordination was highlighted as a common problem as was a lack of suitable services or placements in the community.

- The lack of adequate post-release supports and services for young people with an intellectual disability was also said to be problematic, particularly for those young people with a dual diagnosis, an alcohol or other drug problem and little family support. A particular difficulty concerns those young people who have a mild intellectual disability, but are not eligible to be officially registered with disability services due to their borderline status. These young people are seen as being in need of specialist support from disability services, but are ineligible to receive them.

### 6.5.2 Pre- and post-release programs

This study found little evidence of a clearly articulated or coordinated approach to addressing the specific needs of young people with a disability in juvenile detention. In the last two years or so, however, the New South Wales Department of Juvenile Justice has developed an annual Disability Strategic Plan in an attempt to address this issue. By clearly defining goals, outcomes and performance indicators, and designating responsibilities and timetables, it is hoped this strategic planning process will institute a more proactive approach to addressing the needs of young people with a disability. Some of the projects described in the 1995 Disability Strategic Plan include:

- conduct of site audits to assess access facilities at each location;
- integration of the requirements for implementation of the Disability Plan into Executive and Management staff performance appraisal systems;
- implementation of case management principles in the management of juvenile offenders in detention and the community;
- development of policies and protocols for the assessment and case management of intellectually disabled clients;
- appointment of a case manager to every detainee as a part of the case management plan, and a multidisciplinary team to review the health/mental health needs of the detainee;
- conduct of a health assessment of every young person admitted to custody to identify individual needs;
- development of a specialist training course for key staff on intellectual disability; and
- liaison with the Department of School Education regarding the need for employment of teachers with special education qualifications in juvenile justice centre schools.

In relation to specific types of disabilities, a wide range of psychological and/or psychiatric services are operating across detention centres. It is difficult to



determine the relative effectiveness of these programs or to nominate good practice models. However, at least two jurisdictions (Victoria and New South Wales) are known to have undertaken a major review of their mental health services in recent times, and believe that the new structures and systems will considerably improve the provision of these services to young people in detention.

In Victoria, psychologists and other health staff are based at each youth training centre and perform a range of assessment and treatment functions, including primary and secondary consultation, family counselling, parole follow-up and liaison with community psychiatric services. They also provide reports to the Youth Parole Board, participate in client services planning and case referral meetings, provide emergency treatment and conduct individual and group program work, including special programs, e.g. for serious offenders. Young offenders have access to child and adolescent mental health services and private psychiatric services can be purchased on a sessional or consulting basis. The Department of Human Services believe there are a number of advantages to this service structure including:

- specialist resources are used more efficiently and effectively at the local level;
- on site psychological services are available at all juvenile justice centres with direct links with client services planning, so that assessment and treatment are integrated with other plans made with the young person;
- scarce psychiatric consultancy services are accessible on a needs basis;
- new serious offender programs now operate at both community-based and institutional settings;
- funds are available to service rural young offenders through local consultancy arrangements;
- a range of specialist service support projects have been developed including programs on violence prevention, suicide and self-harm and a sex offender treatment program.

New South Wales has also recently restructured its specialist services. The new structure involves:

- centre-based psychologists, who offer assessment and psychological interventions to clients and consultation to staff (the Department employs 12 psychologists in total across the ten detention centres);
- the engagement of psychiatrists on a part-time basis to work in a detention centre with psychologists, staff and clients, as needed on a regular basis;
- the establishment of two Crisis Support Teams, which provide support to juvenile justice centre staff who experience crisis with detainees outside normal business hours. The purpose of the teams (staffed by the centre psychologists on a roster

basis) is to provide assessment and intervention in a crisis of an extreme nature, for example a suicide attempt, a major assault, bizarre or disturbed behaviour;

- the establishment of a number of specialist programs including a Sex Offender Program and a Violent Offenders Program.

The study team found few examples of programs or supports specifically designed to assist the needs of young people with an intellectual disability. This may or may not be problematic, depending upon the particular view held as to whether such young people are best assisted by having specific programs, or by being integrated into the mainstream program and supports available to young people in detention and post-release.

In some States, however, efforts are being made to provide a more systematic and coordinated approach to meeting the needs of young people in custody who have an intellectual disability. The New South Wales Department of Juvenile Justice, for instance, has recently focused on determining more accurately the number of young people in custody with an intellectual disability and identifying their specific needs. It is currently working closely with a leading academic to design an intake/assessment form or tool that will more accurately identify the number of young people in custody with an intellectual disability.

There have also been recent efforts by Victorian juvenile justice and disability services to improve the coordination of services to young offenders with an intellectual disability. A protocol has been developed by Juvenile Justice and Intellectual Disability Services in order to assist managers and workers to work in a more collaborative and effective way for the benefit of young people who require the services of both programs, and to ensure there is effective communication and service coordination. The protocol covers a range of issues including:

- juvenile justice and intellectual disability services referral procedures;
- the establishment of clear roles and responsibilities between workers from the two services, and the assignment of overall case management responsibility;
- procedures for service coordination and handover arrangements where a young person is transferring regions; and
- provision for consultation and coordination of services for the young person while in custody and also upon release into the community.

The introduction of the protocol is to be accompanied by staff training to ensure that both services have an understanding of the philosophies, policies and methods of operation underpinning each program. It is anticipated the implementation of the protocol will

address some of the problems previously experienced in Victoria (and commonly experienced in other States and Territories) regarding the coordination of services to young people with an intellectual disability during the period they are in detention and upon their release back into the community. As with all such documents, however, unless adequate training, supervision and monitoring occurs, little may change in practice. However, the protocol is seen as being a step in the right direction in improving the coordination of services to this particular group of young offenders.

As previously reported, a major problem identified for young offenders with an intellectual disability is the lack of appropriate accommodation and supports available to them post-release. Only one program was identified which has been specifically designed to assist these young offenders during this phase, and that is Perry House, in Melbourne, auspiced by the Brosnan Centre Youth Service and funded through the Department of Human Services Victoria. Perry House provides a 12 month residential and outreach program to registered clients of Intellectual Disability services between the ages of 17 and 21 years who have had contact with the criminal justice system. The aim of the Perry House program is to assist young offenders with an intellectual disability to decrease the frequency of their offending behaviour and increase their range of independent living skills. The program, which is staffed 24 hours a day, assesses the young person's life skills across a range of areas (e.g. education, vocation, recreation, leisure, health, human relations and sexuality, finance, domestic skills etc.). The program works cooperatively with a range of other services to maximise participants' opportunities for learning, etc. Apparently the large majority of young offenders in this program have dual diagnoses, involving intellectual disability as well as a psychiatric disability or a personality disorder, and their offending can be quite serious. The intensive support provided through this program is thought to be necessary to meet the often demanding and complex needs of this particular group of young offenders. Places on the program are very limited, however, with accommodation only being available to four young people at any one time.

## **6.6 Young people with an alcohol or other drug dependency**

### **6.6.1 Special needs**

There is increasing empirical evidence that a large proportion of young offenders, especially those in custody, have a problem with alcohol or other drugs. A survey conducted for the NSW Department of Juvenile Justice (Zibert, Hando & Howard 1994) of almost 300 young people in custody revealed the following:

- the average age at which drug use began was 11, and the average age for beginning illicit drug use was about 13;
- 90% had tried analgesics, nicotine and cough medicines;
- over 90% had tried cannabis;
- 20% had tried narcotics such as heroin;
- 94% had experimented with alcohol;
- 33% had tried psycho-stimulants such as amphetamines;
- 14% had tried cocaine;
- over 20% had been involved in the use of inhalants.

Although much of this may constitute recreational, normal adolescent experimentation, the evidence would suggest that for these young people, their use of drugs is different to that of their non-offending peers. Research by Crundell (1987, 1989) in Victoria, for example (quoted in Alder & Read 1992), found that in comparison to secondary school children, young people in institutions become involved in illicit drug use more rapidly and at an earlier age, and that their use of a range of drugs was both more prevalent and more frequent. There is also concern that the extent of drug use in this population is growing. Alder and Read (1992) report that in the late 1980s the Youth Parole Board in Victoria commented on the marked increase in the numbers of youths subject to "drug conditions" attached to their parole. The Sentencing Committee expressed similar concerns in noting that more young people being admitted to youth training centres had committed drug-related offences. While there continues to be debate on the nature of the relationship between drug use and offending, their association is clearly important. As Alder and Read note:

*Whether or not there is a direct casual relationship between drug use and offending it can be expected that young people who are drug using offenders will have difficulties in reintegration after their release from a youth training institution (p.3).*

### **6.6.2 Pre- and post-release programs and strategies**

As previously reported, all juvenile justice authorities apparently provide alcohol and other drug counselling of some form to young people in detention. However, this research did not identify any particular good practice alcohol or other drug counselling supports or programs to young people in custody or post-release.

In some detention centres, drug and alcohol counselling appears to be provided in-house using employed staff. In other centres, such counselling is provided by external agencies. In certain centres, there would seem to be a mixed approach, with both staff and external agencies providing alcohol and other drug counselling. In some instances, counselling is offered, in the deten-

tion centre. In other instances, the young person attends counselling or groups (such as NA) outside the institution.

An approach to alcohol and other drug education that is favoured in some jurisdictions is peer education. In Victoria, for example, two hundred young people in the juvenile justice system have been trained as peer educators in the Adolescent Peer Education Program, mainly in the area of alcohol and other drugs, and infectious diseases. The peer educators run seminars in juvenile justice centres and in the community. Some view this approach positively as it is believed peer educators have credibility with other young people and can present information on controlled drinking, clean needle use and safe sex to their peer group in an effective way. Other jurisdictions consulted, however, were sometimes less enthusiastic about the value of peer education in these areas as they consider there is some doubt about the effectiveness of this approach with the young people concerned. Again, systematic evaluation may shed some light on the efficiency of peer education in this area.

## **6.7 Young people from rural or remote areas**

### **6.7.1 Special needs**

Young people from rural or remote areas of their State or Territory are likely to experience many of the same problems and issues as their counterparts who live in the metropolitan areas. However their problems may be compounded by their being incarcerated in an institution far from their home, and therefore from their family and community contacts. This can place further stress, anger or guilt on both the young offender and their family (Juvenile Justice Advisory Council of New South Wales 1993). Depending on the size of the State and Territory, and the number and location of the detention centres, a substantial proportion of young people receiving a custodial sentence may in fact be locked up far away from their home. This problem is particularly acute in New South Wales, Queensland, Western Australia and the Northern Territory, where the distances involved would make it extremely difficult for family or friends of young people to visit the detention centre during their period of incarceration.

Young people from rural areas may face a number of problems upon their release from custody including:

- a lack of post-release support services, particularly if there is no juvenile justice office in their area;
- a lack of services for young people in many rural communities, making referral to appropriate accommodation, alcohol and other drug counselling or other services often very difficult;
- the visibility or profile of young offenders who have

been in detention in towns or rural communities may be high, placing them at greater risk of being re-arrested;

- for various reasons a number of young people from the country are not welcome to return to their rural home (e.g. for family reasons) and as a result have to start a new life in a new area where they have few if any existing contacts or supports.

### **6.7.2 Pre- and post-release programs and strategies**

There was almost universal agreement among those consulted that there is a major gap in the provision of pre- and particularly post-release programs and strategies for young people who reside in rural or remote localities.

The major issue for such young people in detention relates to their isolation from their family and community ties. This isolation is also very acute if the young person has offended and been detained interstate.

Various strategies were identified as going some way to addressing the isolation experienced by some young people. Some jurisdictions said they were very flexible regarding the number of telephone calls that a young person could make and/or receive when they have few if any family or other supports able to visit them while in detention. In Western Australia, increasing emphasis is being placed upon involving the young person's family members in major case conferences. At present, family members living in rural areas can participate in this process via a telephone hook-up from a regional juvenile justice office. However, in the near future, all regional juvenile justice offices will be linked to the juvenile detention centres via computer/video, whereby all parties will have visual as well as sound contact. It remains to be seen how young people and their families will respond to this method of communication, and whether or not they will be able to have any private time to interact via the new technology.

The New South Wales Department of Juvenile Justice is currently addressing the problem of isolation of detainees from rural areas via its Family Visits program. Under this scheme, assistance with travel and accommodation is provided to family members where required to enable them to visit the young person while in detention. In addition, the majority of detention centres in New South Wales have facilities where families who travel major distances are able to stay overnight. Where overnight accommodation is not available on or near the grounds, local hotel accommodation is used. This scheme is apparently used quite regularly by the families of young people from rural areas and is thought to be an important way of maintaining family contacts during the young person's period of detention.

In some jurisdictions, where no such scheme exists, or the young person's family is unable or unwilling to visit the young person in custody, mentors have been used to provide a one-to-one contact for the young person while they are in custody. This is thought to have been particularly important for young Aboriginal or Torres Strait Islander offenders for whom the impact of incarceration a long distance from family and community contacts may be particularly acute. Linking young people with local Aboriginal organisations and/or assigning them an Aboriginal mentor to provide personal support and perhaps liaise with family members is another method used to address this particular problem.

Providing post-release support to young people from rural or remote areas is particularly difficult and challenging, especially where there are limited services available and/or the young person has little if any family support. Clearly the numbers of young people released from detention into a particular rural community at any given time may be small. The cost-effectiveness of funding specific post-release services in certain regional areas would be questionable. However, some strategies have been implemented or are currently being developed to address this particular problem.

In Queensland, for instance, the Department of Families, Youth and Community Care has addressed this problem by employing Adolescent Resource Workers. Adolescent Resource Workers are engaged by the Department on a casual basis to provide intensive one-to-one support and assistance to young offenders, particularly those who are high risk or high need on orders or post-release. Under the scheme, young people can receive up to 32 hours of support a week, with the average being somewhere between 10 and 20 hours a week. (The amount of support and the number of young people who receive it is dependent upon available budget and the young person's need and/or desire for support.)

The Adolescent Resource Workers are usually linked to some established professional or organisational base in the young person's community. They undergo standardised induction and training and have regular meetings with regional departmental officers who are responsible for coordinating and supervising the work of the Adolescent Resource Workers. The workers are usually chosen from the same cultural background as the young person with whom they will work. This is thought to have been a successful means of providing post-release support to young offenders of Aboriginal and Torres Strait Islander descent. Although the scheme is not considered to be without some difficulties it is thought to be one practical and flexible means of providing the required levels of post-release support to young people in their local community.

Another approach to servicing the special needs of young people from rural areas has been developed in New South Wales. The Department of Juvenile Justice is about to introduce a funding program for Youth Post Release Support Services where the primary target group is young people in custody who intend to return to the localities of Wollongong, Shellharbour, Orange, Dubbo, Tamworth, Armidale, Newcastle, Central Coast, Wagga, Coffs Harbour, Kempsey and surrounding areas, all areas identified jointly by the Youth Action Policy Association and the Department as being areas of greatest need. The aim of this program is to fund non-government services to "assist young offenders to successfully integrate into their communities through the establishment of several positions to provide information, resources, personal and group support, advocacy and referral services to participants of the project and their families". Workers funded under the scheme are required to establish links with the young person while they are in custody and work at a local level to plan and facilitate the young person's community reintegration. The funding of specific post-release support position in rural areas of high need appears to hold considerable promise in addressing some of the problems identified.

## **6.8 Serious and repeat offenders**

Serious repeat offenders and young people who commit serious offences clearly pose a particular challenge for juvenile justice authorities. Often these young people have a range of complex psycho-social needs and their pattern of offending has become entrenched. In many cases, their family and/or community supports may have all but given up on them. They may thus be particularly isolated and require considerable support both pre- and post-release. A potential difficulty in assisting such young people is a lack of mental health professionals (both inside and outside detention centres) with sufficient expertise in dealing with this particular target group. In some jurisdictions, departmental psychologists are struggling with large caseloads which limits the assistance they can provide to any one young person. Recidivist offenders and young people who commit serious offences are also likely to face particular difficulties in accessing accommodation and employment upon release from detention. They may also be likely to face more significant transitional problems due to the greater likelihood of their having spent a longer period of time in detention.

Failure to provide services or programs for serious or repeat offenders may have consequences not only for the young person and for society in general, but also for the entire juvenile justice system. As Borowski (quoted in Carney 1989, p.34) has commented:

*The problem of the serious juvenile justice offender, may, at some future time, impact on the entire juvenile justice system ... To the extent that the serious crimes committed by a smaller number of [young offenders] becomes the focus of public concern, serious juvenile delinquency may serve as the vanguard issue animating moves towards a more restrictive, regressive and inflexible approach to the problem of juvenile delinquency in general.*

In very recent times, a number of special programs have been developed in some jurisdictions to address the specific needs of young offenders who have committed serious or repeat offences. As yet, none of these approaches have been evaluated, but juvenile justice authorities believe they are a significant step in the right direction to addressing the needs of these young people. The main thrust of these programs is to challenge the young person's offending and assist them to learn how to control and change their offending behaviour.

One such program is the Male Adolescent Program for Positive Sexuality (MAPPS) run by the Department of Human Services in Victoria. This program is Victoria's first to be specifically designed for the assessment and treatment of adolescent males convicted of sexual offences, and draws upon extensive research and treatment undertaken in the United States and Europe over the past decade. The program focuses as far as possible on early intervention before the behaviour becomes chronic and ingrained. The need for early intervention is reflected by research which indicates that approximately 20% of all sex offences are committed by adolescents and that 80% of chronic, recidivist adult sex offenders commenced their sexually abusive behaviours during adolescence (information supplied by the Victorian Department of Human Services).

The program is conducted at Melbourne Juvenile Justice Centre on a weekly basis, and runs for approximately 46 weeks, although not all young offenders will stay in treatment for this length of time.

In the program, emphasis is placed on:

- victim awareness and empathy;
- cognitive restructuring;
- sex and sexuality education;
- social/inter personal skills training;
- fantasy control;
- relapse prevention, and
- coping with change.

Individual and family sessions are conducted where possible and appropriate, and a wide range of therapeutic methods (in terms of transition) are applied throughout the program. Importantly, young people can continue to attend the program after release from custody. The program (which has been running for three years) will soon be subject to an evaluation study

which will run over a two-year period. Overseas research indicates that some 50% of young people attending such programs make substantial changes to their offending behaviour over a longish period, with 25% to 35% changing behaviour for a shorter period of time. There is likely to be a proportion of young offenders, however, who remain resistant to any efforts or assistance to changing their sexual offending patterns. As the Victorian program is dealing with a less serious, less recidivist group of young offenders, it is hoped that the local results may be somewhat higher than those achieved in the overseas studies.

New South Wales, South Australia and Western Australia also run programs specifically designed for young sex offenders. However, the Victorian model is different in that it is a community-based program (which young offenders from detention attend as well as young people on community orders). The program also plays a proactive role in training and acting as a consultant to private practitioners to increase the availability of appropriately qualified and skilled professionals who can work with juvenile justice officers in various regions throughout the State in providing services to young offenders with special psycho-social needs upon release from detention.

A number of jurisdictions are also now developing special programs for violent offenders. In New South Wales, for example, a Violent Offenders Program is being planned for offenders who have a criminal record of two or more offences of a violent nature and who are currently serving a custodial sentence (or are pleading guilty to an offence of a similar nature). The program will be staffed by one Clinical Coordinator and seven counsellors located both in custodial settings and community-based services. The program will offer long-term counselling to the young people together with group work, and where warranted, psycho-neurological testing and psychiatric intervention. Interventions will also include a series of behaviour modification modules that will be streamed according to the young person's age and sex, taking into account the different developmental needs of these groups. Importantly from the point of view of transition, it is intended the program will provide a continuum of care from detention centre to community, to assist with the young person's reintegration into the community.

Some jurisdictions have devised means of providing intensive personal support to young people who are considered to be at high risk of reoffending upon release. As previously mentioned, under the Adolescent Resource Worker scheme in Queensland up to 32 hours of support may be provided on a one-to-one basis in the period following release. In Victoria an approach somewhat similar to that in Queensland has been developed, whereby a service is contracted specifically

to provide a person to work exclusively with an individual high risk or high needs offender for a six-month period following his or her release from detention. As far as can be ascertained, none of these approaches have been systematically evaluated, but they do represent attempts to address the high level support needs of recidivist or serious offenders.

## **6.9 Young people who are HIV positive**

As with some other special needs groups, there seems to be very little known about how many young people entering juvenile detention centres are HIV positive. While there is a growing body of literature on HIV and AIDS in relation to adult prisons, little or no research would appear to have been done within juvenile institutions. Given the life histories of many of these young people, and in particular, the high incidence of illicit drug-taking, it could be expected that a proportion would be HIV positive or at risk of becoming HIV positive, either in the community or in detention. (The prevailing view is it would be very unlikely for a young person in detention to have AIDS.)

Respondents interviewed for this study (including HIV/AIDS organisations) had little knowledge of the specific needs of young people in juvenile detention centres. Apparently most research in this area has been conducted into adult prisons. The particular needs of young offenders in secure care would appear to be an area requiring further research and exploration.

Some of the issues for HIV positive young people in detention identified through the consultations include the following:

- the attitudes and/or behaviour of detention centre staff may be problematic. In the past (and possibly still in the present) there was considerable misinformation about HIV among detention centre staff, highlighting the need for staff training to appropriately manage young people who are HIV positive;
- the reaction of other young offenders may be either negative or helpful;
- young people with HIV may pose a high suicide risk, or may become depressed as the reality of their situation sinks in; and
- young people with HIV have specific health needs, and need to be closely linked to a specialist HIV facility.

## **6.10 Young people who are homeless**

As reported previously in this report (Section Two), there is a clear link between homelessness and crime,

although the precise nature of that link is difficult to determine.

Almost without exception, juvenile justice authorities and non-government agencies talked of significant problems in finding suitable accommodation for homeless young offenders upon their release from custody. The lack of affordable, private accommodation is a major problem, as are the long waiting lists for public housing. Service providers reported that they frequently had to resort to youth refuges, and other form of crisis accommodation, which they regarded as being highly inappropriate. On occasions, even youth refuges, are reported to refuse young offenders with a record of serious offending or alcohol or other drug abuse. Finding accommodation for young people who are State wards was also said to be problematic, with disputes often occurring between Juvenile Justice and Community Service Departments as to whose responsibility it is to house these young people upon their release from custody.

Two non-government services were identified which have attempted to address the problem of young homeless people by providing accommodation together with post-release support and advocacy.

The previously mentioned Brosnan Centre Youth Services in Melbourne receives funding from SAAP to enable it to provide accommodation to young people released from juvenile justice centres or prison. The accommodation includes rooming house style accommodation, leading tenanted suburban homes and independent units with little staff supervision. Accommodation is available in these homes either short, medium or long-term, but most young people stay in the homes for some three to six months while they are given assistance to obtain their own accommodation, either on the private rental market, or through the public housing authority. The provision of stable and affordable accommodation to which the young person can go immediately upon release from custody, together with the availability of personal support if required, is thought to go a long way towards providing a degree of stability and security to young people in the critical weeks and months after their release. To address some of the problems that can occur where ex-offenders are housed together, the Brosnan Centre has deliberately kept the houses small (some may have only one or two young people living in them) and sometimes an adult living in the property (as head tenant). Although it is unlikely that such arrangements will totally avoid the development of such difficulties, in the view of a number of those interviewed, the benefits of this approach can largely outweigh the problems as long as the service is well-managed.

An alternative approach to addressing the accommodation problem of homeless young offenders had

been developed by Care and Communication Concern in Melbourne, which auspices the Inside Out Project. The organisation has developed an Adolescent Community Placement program which provides a range of housing and support options for young people in the Inside Out project. A pool of care givers (from a wide cross-section of the community) is recruited by the agency. They undergo various selection processes and then a training program. The young person due to be released from custody and the care-giver are gradually introduced to each other. The young person may first visit the care giver's home for a meal, then for an overnight stay and then for the weekend. At any time, either the care giver or the young person can refuse the placement without having to give any reason. If both parties agree, then the young person is placed in that accommodation, and receives ongoing outreach support from the agency workers. Inside Out staff also provide support to the care-givers, as required, and are available 24 hours a day via a pager system. Inside Out also reimburses the costs to care-givers, up to \$120 a week. The program has been running for two years but has not been evaluated. While placements do break down, and some young people disappear, this program is an attempt to provide some stability and "a good living experience" for young people who have no home or family to return to after immediately after their release from custody. It also gives the young people something concrete and tangible to look forward to upon release. Again, it is the combination of stable accommodation plus personal support that is regarded as being critical in the first six weeks following the young person's release, when it is considered most likely that the young person will reoffend.

Addressing some of the issues faced by young homeless people (such as independent living skills, budgeting, cooking, health, problem-solving) while they are in detention was considered to be very important in preparation for their release into the community.

## 6.11 Summary

This section has highlighted some of the special needs that certain young offenders will have in custody and post-release. Arguably, all young people in custody have special needs of some kind, and that is important that their needs are identified and acted upon. The broad scope of this study is such that it is difficult to come to firm conclusions about how well or otherwise each of these special needs are being addressed, in particular by juvenile justice authorities throughout the country.

What this study has been able to do, however, is to start to identify and flesh out the dimensions of some of these special needs; and to describe some of the ways in which they are being addressed by juvenile justice authorities. Particular emphasis has been placed on describing the strategies or programs which are considered to be effective or innovative in their approach. However, it is apparent that many, if not most of these programs are in an early stage of development. Few have been in operation for more than two years, and some are yet to be fully implemented. It will be important for juvenile justice authorities to share their experiences of these programs and approaches and also the results of any independent evaluations that are undertaken to assess their effectiveness.





# 7

## Overview of findings and strategies for change

### 7.1 Overview of findings

Several key issues have emerged from this study of juvenile justice services and transitional arrangements in Australia.

#### ***Young people in custody***

- Young people in custody represent a very small proportion of juvenile offenders.
- The numbers of young people who are sentenced to a period of detention has declined significantly over the last decade or so.
- Although the *numbers* of young people in juvenile detention at any one time is relatively small (less than 1,000), their needs are great. Arguably, juveniles in detention represent some of the most socially and economically disadvantaged youth in Australian society. Their lives are often characterised by unemployment, lack of educational achievement, poverty, homelessness, alcohol or other drug abuse, family breakdown, physical, sexual and systemic abuse, as well as poor physical and/or mental health.
- As increasing emphasis is being placed on diversionary programs, young people in detention have become more marginalised. Juveniles in custody (especially the sentenced population) now comprise the most recidivist or the most serious of the juvenile offending population.
- Given the nature and the extent of the problems faced by many young people in detention and the large amount of money that is expended by juvenile justice authorities on juvenile correctional

institutions, it is somewhat surprising to find that little is known about this group of young offenders. They are considerably under-researched in Australian literature compared with other juvenile offenders and with adult prisoners.

#### ***Context of the provision of supports and services to young people in custody***

- Juvenile justice is an area of social policy that is subject to frequent change, often in response to the changing political climate in a particular State or Territory. Consequently, the impetus to improve services or introduce innovative or good practice programs to young people in detention may be limited or constrained by wider law and order concerns or factors. Transitional arrangements are at particular risk given the political sensitivity that can sometimes occur around early or conditional release schemes.
- In any given State or Territory, there can be found a mixture of approaches to the provision of supports or programs to young offenders in custody which variously emphasise punishment, due process, rehabilitation, individual responsibility or social/structural supports. At any given time, one or other of these approaches may dominate in a particular jurisdiction, reflecting the political climate and prevailing views about what causes young people to offend, how responsible they are for their actions, and what sort of programs are considered most likely to stop them reoffending. The programs that currently exist in juvenile detention centres necessarily reflect these different approaches.

- Few programs for young people in custody have been subject to any systematic evaluation. Although a number of jurisdictions appear to be making some efforts to address this situation and plan to evaluate some new programs which have been introduced, few of these evaluations had been undertaken at the time this study was being done. A further concern is that evaluations undertaken by juvenile justice authorities are not always published and are therefore not open to public scrutiny. The general lack of program evaluation material constituted a considerable barrier to this study being able to identify areas of good practice or to assess the extent to which particular programs were achieving any measure of success.
- It is important to note there is little agreement about what constitutes “success” in the context of juvenile offending. Reducing recidivism is arguably a key criterion. However, it is clear from the literature that definitions and measures of recidivism vary. Moreover, it is often argued that judging success by measuring recidivism alone is an overly simplistic way of judging the benefits of particular programs. Given the life histories of some of the young people concerned, the nature and extent of their social and/or economic disadvantage, and the relatively short period of time that many spend in custody or under the supervision of a juvenile justice authority, it is important to be realistic about what any one program or service can achieve. This, however, is not an argument for doing nothing. Research has demonstrated that appropriately designed and managed interventions can and do work for at least a proportion of young offenders.
- It must be recognised that there needs to be some diversity in the provision of programs and supports to young people in detention and post-release across the country. Juvenile justice authorities service quite different populations. The number of young people in detention in each State or Territory varies from as few as 12 to as many as 500. The characteristics of the young people also vary, most notably in terms of age, Aboriginality, gender and ethnicity. *Juvenile justice authorities need to develop programs and supports relevant and appropriate to their population, and to the size, number and location of their custodial institutions.* To some extent this places some limits upon the transferability of particular programs or strategies across States and Territories. Other factors which affect the transferability of programs or strategies across States or Territories include whether or not there is any established history of community-based organisations playing a role in the delivery of programs as well as the availability or otherwise of relevant resources and/or expertise. Some of the smaller States or Territories

may face particular difficulties in this regard.

- Finally, it needs to be recognised that juvenile justice authorities face a particular challenge in providing supports and programs to young people in detention. While the number of young people in custody at any given time is relatively low, the throughput is considerably higher. A significant proportion of young people in detention are on remand, and most young people on sentence will spend only a few months in detention. The constantly shifting population, the widely varying periods of time the young people spend in detention (from a few days to two or more years) together with the degree of uncertainty as to how long any young person will spend in custody means that a well-managed and highly coordinated approach to service delivery is essential if these young people’s needs are to be met.

### ***Programs and supports in detention***

- Across States and Territories, there are a wide range of programs and supports available to young people in detention. According to information received from juvenile justice authorities, most if not all detention centres offer educational, vocational, legal, health, mental health, cultural, recreational and personal supports and programs. In recent times, there appears to have been an expansion of the range of programs available in detention, with a number of new programs having been introduced in the last year or so.
- Although it is relatively easy to compile lists of programs and supports available in detention, it proved much harder to assess the accessibility, appropriateness and quality of these programs and supports. The evidence from this study suggests that historically, there has been considerable variation both across States and Territories and between detention centres within particular States and Territories in the accessibility and quality of the programs available to young people in detention. The recent initiative by the Australasian Juvenile Justice Administrators to develop Quality of Care Standards for young people in custody can be viewed as an acknowledgment that nationally the quality of care in juvenile correctional institutions has been uneven and not always of a sufficiently high standard. The Standards represent a good attempt to achieve a measure of consistency in approach and quality benchmarks nationally. The major challenge now lies in implementing and monitoring the standards that have been set.
- There would appear to be increasing recognition by some juvenile justice authorities of some of the special needs or (more accurately) the *diversity* of needs of certain young people in detention. In

recent times, for example, particular jurisdictions have introduced special programs and supports for young women, serious offenders, young people with mental health problems, young offenders from rural areas, and Aboriginal young people – but these programs are by no means available across all jurisdictions. This report has provided examples of strategies said to be leading the way in current program development for these special needs groups. Many (though not all) of these would appear to be readily transferable to other jurisdictions and merit consideration by juvenile justice authorities.

- With one or two exceptions, far less attention appears to have been given to developing programs and strategies for young people in detention who have an intellectual disability and young people of non-English-speaking background. There appear to be major gaps in services and supports to these groups of young people.
- The key factors identified as being critical to the success of programs and supports offered in custodial institutions include:
  - input by young people in custody;
  - the appointment of program managers within detention centres;
  - the development of a holistic, coordinated approach to services both within and across detention centres in a particular State or Territory;
  - the development of a new “culture” within custodial institutions through staff training, employment of new staff, and the involvement of external agencies and personnel in the delivery of supports and programs;
  - ensuring the programs and supports are professionally run and of high quality, using appropriately trained and skilled personnel;
  - ensuring the programs are culturally appropriate, flexible and involve family and the community where possible;
  - using case management as the key mechanism for assessing the needs of and coordinating the supports and programs for individual young offenders.

### ***Transitional policies***

- Across the country, there is no uniformity in the approach to managing the transition of young offenders from custody to the community. The two areas where there are greatest disparities across States and Territories concern the degree to which young people in custody are permitted to undergo a gradual process of transition, and the nature and extent of post-release support that is available to young people upon their release from detention.

- At one extreme, some juvenile justice authorities have made a clear commitment to a graduated process of transition, through extensive use of day release, work release, study leave and weekend leave. In these jurisdictions, (assuming the young people are deemed eligible and appropriate), the majority of juvenile offenders in detention spend a substantial proportion of their custodial sentence in the community (either on supervised or unsupervised leave) prior to their formal release. At the other extreme, there are jurisdictions where the division between detention centre and release into the community is far more rigid, with there being few if any opportunities for the young person to be released from custody on supervised or unsupervised leave. The policy of a number of other jurisdictions falls somewhere between these two positions.
- Although policy and practice on staged release varies substantially across the country, there is considerable support in the juvenile justice literature, and among the service providers and young people interviewed for this study, for temporary leave programs of various kinds. The perceived value of such programs are that they help break down some of the barriers between institutional and community life, enhance the young person’s family and community ties and increase the opportunities for young people to enter employment, education or training schemes upon release.
- Major differences are also apparent nationally regarding the mechanisms for release from custody (other than temporary release) and the approach to post-release support. Many jurisdictions have a form of early or conditional release from custody, whereby certain young offenders spend part of their sentence in the community, subject to statutory supervision, usually by a juvenile justice officer. In a smaller number of jurisdictions, young people are released into the community at the completion of their sentence, with juvenile justice authorities having no mandate to supervise and/or provide post-release support.
- Opinions of those consulted differed as to whether or not statutory post-release schemes are appropriate or effective. Although it is apparent that some juvenile justice officers are able to provide valuable post-release support to young people, the more common view that emerged from this study is that in practice, such factors as shortage of resources and heavy caseloads severely limit the amount of post-release support that can be provided by juvenile justice workers to young people on an individual basis.
- Recently, a number of juvenile justice authorities have started to fund non-government agencies to

provide post-release support to young people. Some of the perceived advantages of such services are:

- they exclusively focus on the needs of the young offenders who have been in custody (they are not therefore competing with young offenders on community based orders, or adult offenders);
- they are independent from correctional authorities which encourages young people to use the service;
- they are well-attuned to the local community and networks the young person will be released into;
- with the cooperation of juvenile justice authorities, such services can be linked to all young people in detention rather than relying on individual referrals;
- they can provide a truly transitional service by providing institutional, transitional and post-release support to young people;
- properly funded and managed, they can provide the necessary intensive support and 'handholding' which many young people require in the first few weeks or months after their release, which is widely acknowledged to be the time when young people are at the greatest risk of re-offending.

Some of the possible disadvantages of this approach relate to questions regarding accountability, monitoring and quality of service.

- Clearly, not all jurisdictions would have sufficient numbers of young offenders being released from custody into a particular community to warrant funding a specific service. However, the recent approach adopted in some States of funding positions in appropriate community-based organisations or temporarily employing qualified workers to provide post-release support to individual young people on a contract basis appear to have some considerable potential in this regard.
- Notwithstanding these recent developments in some States, the lack of post-release support available to young people upon their release from detention was one of the major service gaps identified by those consulted for this study. Many people pointed to the considerable contrast between the range of supports and services available to young people in institutional care compared to what is available to them after their release from custody.
- Regardless of the particular model of post-release support adopted, there is general agreement that effective transitional programs or strategies require a collaborative and coordinated approach to service delivery, both at the individual case level and at the service system level.
- At the case level, the introduction of individual case management or case planning systems is regarded

as being a vital mechanisms to ensure that young offenders' needs are properly assessed and addressed. All juvenile jurisdictions report having case management systems in place, and while some indicate that has led to improvements in service delivery, many admit that there is some way to go before these systems are working effectively and to the benefit of the young person. It would seem that the reality of case management has yet to match the theory. It is important that juvenile justice authorities monitor their case management and case planning procedures to assess how well they are working and to identify ways in which they can be improved. Formalised case management systems which have clearly delineated roles and responsibilities and lines of authority for team members, and which cross institutional/community boundaries, appear to have met with the greatest degree of success. However, further research is required to determine how case management systems are most effectively implemented.

At the system level too, it is vital that there be a coordinated and collaborative approach to service delivery. In the course of this study, many problems were identified which are best addressed at the system rather than at the individual level. For example, there needs to be close interdepartmental liaison between juvenile justice authorities and the police, health, welfare, education and training bodies, between Federal State Governments, and also between the government and the non-government sector to address the problems commonly experienced by young people upon their release into the community.

Some of the major intersectional problems identified in this study related to:

- the lack of suitable accommodation for young offenders, particularly for young people who are or have been State Wards;
- the lack of appropriate community-based mental health services for young people, and particularly for those who have an alcohol or other drug problem or a dual diagnosis;
- the lack of services for young offenders with an intellectual disability, and the need to clarify roles and responsibilities between disability and juvenile justice authorities regarding the care of these young people;
- difficulties faced in placing young offenders into the school system, with schools and teachers being unwilling or insufficiently trained to deal with some of the problems that can arise while the young person is adjusting into school life; and
- the lack of appropriate alcohol or other drug services available to young people in the community.

- This study revealed a number of areas where collaborative approaches were being developed for example, through the establishment of interdepartmental working parties to examine particular issues relating to the provision of services to young offenders, the development of service protocols, the conduct of formal consultations with relevant members of the community (for example Aboriginal and Torres Strait Islander organisations, or ethnic organisations, business or employer associations). Many of those consulted indicated far more work of this kind is required if transitional and post-release programs are to achieve any measure of success. Furthermore some argue that juvenile justice authorities should advocate on behalf of the young offender to ensure other service providers take responsibility of care where appropriate.

## 7.2 Strategies for change

The following broad strategies for change have been developed arising from the results from this study.

- 1 That young people in detention be provided with a broad range of support services and programs including the following:
  - health (including sexual health, HIV/AIDS, alcohol and other drug counselling)
  - mental health
  - social development
  - education, training and vocation
  - recreation
  - family and personal relationships
- 2 That programs in detention be culturally appropriate and sensitive and developed in association with key community and professional groups and organisations.
- 3 That the programs and supports in detention are provided by appropriately qualified and skilled personnel, including where feasible and appropriate, agencies and professionals external to the institution and juvenile justice.
- 4 That all programs in detention be as relevant as possible to life in the community, and in the case of vocational, training and educational programs, be fully accredited.
- 5 That when developing and evaluating programs and supports, juvenile justice authorities consult with young people in detention regarding their needs and preferences and involve families and communities wherever possible particularly when the young person is Aboriginal.
- 6 That a program manager be appointed to each detention centre, whose specific responsibility it is to develop a coordinated approach to program delivery, to assess changing needs and to monitor implementation of programs.
- 7 That juvenile justice authorities ensure that, as far as is possible, the approach to service delivery between detention centres within a particular State and Territory is consistent, while at the same time responsive to the local needs of the detainees in a given area.
- 8 That steps be taken to monitor and further improve the implementation of systematic assessment, case management systems, ensuring there are clear lines of authority and accountability and that the case-planning process spans both custody and the community and is transferable across regions.
- 9 That steps be taken to undertake a formal needs analysis of “special needs” groups in detention, in particular:
  - young people of Aboriginal and Torres Strait Islander descent;
  - young women;
  - young people of non-English-speaking background; and
  - young people with an intellectual disability or dual diagnosis.
- 10 That all transitional programs including the following components:
  - early assessment and exit planning, and regular review of the plan during the custodial period;
  - participatory planning, involving consultation with the young person. The young person should be informed immediately of their earliest and latest release dates;
  - a development of linkages of the young person to outside institutions be they from government departments or non-government organisations;
  - continuity of care across institution and community, involving wherever possible, continuity in service provider personnel;
  - provision for the staged release of young people into the community via day release, work release, study leave and other temporary release schemes;
  - intensive follow-up or contact with the young people, particularly in the first months following their release, on a voluntary or supervised basis as appropriate involving people who are known to the young person well before their release from custody;
  - a collaborative and coordinated approach to service delivery, involving a partnership between juvenile justice authorities and relevant community organisations and government departments;
  - where a family exists, regular contact is encouraged and supported by juvenile justice authorities, and the families be provided with therapeutic or parenting skills, and assistance with travel and accommodation where necessary;

- where no family exists or family reconciliation is impossible, networks of “significant others” be developed in the community into which the young person will be released;
  - the timing of release should be organised to maximise the potential of the young person to attend appointments, make the necessary contacts, start courses; and
  - the provision of stable, affordable accommodation at home or elsewhere.
- 11 That juvenile justice staff training be further developed and that consideration be given to custodial staff having some experience of working in community settings, and community-based staff some experience of working in institutional settings.
  - 12 That juvenile justice authorities and other appropriate funding bodies give careful consideration to funding non-government agencies and/or positions to provide intensive post-release support to young offenders generally, as well as to young offenders with special needs, in particular Aboriginal young offenders and those who reside in rural areas.
  - 13 That juvenile justice authorities take the lead in developing a “community of concern” for young offenders who have served time in custody, particularly with other governments departments who have a responsibility to provide services to this group of young people.
  - 14 That relevant government and community service providers develop a coordinated, collaborative and cooperative approach to meeting the needs of young people who have been in custody involving open and regular communications, consultations and the establishment of joint working groups or committees to address specific needs or problems.
  - 15 That all significant institutional, transitional and post-release programs have clear goals, objectives, and performance measures and be subject to regular monitoring and formal evaluation.
  - 16 That information about and the results of evaluations of innovative programs or projects, be made publicly available and widely disseminated to encourage debate and enhance knowledge of effective transitional programs.

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# Appendix A

## Letter written to all Directors of Juvenile Justice 25 March 1996

Dear

Re RESEARCH CONSULTANCY ON JUVENILE JUSTICE SERVICES AND TRANSITION  
ARRANGEMENTS

I am writing to seek your participation in a national study on juvenile justice services and transition arrangements. The National Youth Affairs Research Scheme (NYARS) has commissioned research consultants Keys Young to undertake the consultancy. The main objectives of the research study are as follows:

- to identify the range of support services which exists within Australian juvenile secure care systems;
- to identify what support services exist for young people after they are released from secure care, *with particular focus on the services available for young people with special needs*;
- to identify what a comprehensive range of support services within a juvenile secure care system and post release would comprise;
- to identify good practice examples of service provision to young people within juvenile secure care system and post release from such systems.

The outcome of the study will be a report which is published as part of the NYARS series.

A key component of the study is a national overview of juvenile justice policy as it relates to services provided to young people in detention and on release. It is in this regard that I would like to obtain your assistance in providing some factual information about the current situation in your State/Territory.

Attached is a standard list of questions which is being forwarded to all Departments of Juvenile Justice or their equivalents in Australia as part of a national survey. We would be most grateful if you could complete the survey and also supply us with relevant documentation (legislation, juvenile justice policy papers, Business, Corporate or Strategic Plans, Access and Equity Policies or Plans, Annual Reports) which provide further background or more detailed information on particular policies, programs or strategies in place in your jurisdiction. The information supplied will help us map current juvenile justice policy on transitional arrangement nationally. It will also be helpful in identifying transitional services or programs which we may follow up in further detail at a later stage in the study.

We would also like to invite you to nominate one or more persons within your department who would be able to clarify or expand on the information you supply (if required) and whom you think it would be useful or important for us to interview in the second

phase of the study. The second phase of the study will entail in-depth interviews (either in person or by telephone) with policy-makers, service providers and other key informants in order to

- obtain views about the effectiveness of the current transitional arrangements in meeting the needs of young offenders, in particular, those with special needs
- identify the features of any transitional programs or strategies what are regarded as having been particularly successful or innovative
- identify any gaps or inadequacies in the current system, and how these might be addressed.

In addition, it is intended that in three States a number of case studies will be conducted with young offenders to obtain their perspective on the support needed and/or available to assist them with transition into the community.

Should you have any queries regarding this letter or would like to have more background about the study, please do not hesitate to contact me on (02) 9956 7515.

As we are working to a time schedule, I would be most grateful if we could receive your response (including departmental contacts) by 19 April 1996.

Thanking you in anticipation of your assistance with this important study.

Yours sincerely

Alison Wallace  
Associate  
Keys Young

# Appendix B

## Juvenile Justice Authority Survey Form

### Juvenile Justice Services and Transitional Arrangements Survey

(Conducted by Keys Young Research Consultants for the National Youth Affairs Research Scheme)

#### Provision of Support Services pre- and post-release

1. What is the legal and/or policy framework governing the provision of support services and transitional arrangements (pre and post-release) for young people in juvenile justice/detention centres? (if appropriate, please refer to relevant sections of legislation, policy documents etc.)
2. Are there any other government departments or agencies (such as School Education, Health or DEET) which provide pre or post-release support services to young people in juvenile justice/detention centres? If so, which departments, and what services do they deliver?
3. Are there any non-government agencies which provide pre or post-release support services to young offenders? If so, which agencies, and what services do they deliver?

#### Pre-release programs

4. Can you list all pre-release programs or services that are provided to young people in juvenile justice/detention centres in your State/Territory (ie programs which specifically relate to life after the custodial period)?
5. Are there any special pre-release programs, services or strategies which target the particular needs of the following groups:
  - age-specific groups
  - Aboriginal and Torres Strait Islander youth
  - young people of non-English-speaking background
  - girls/young women
  - young people with an intellectual, physical or psychiatric disability
  - young people with an alcohol or other drug dependency
  - young people who are homeless
  - repeat offenders
  - young people who have committed a serious offence and/or been detained for a longer period of time
  - young people who live in rural/remote areas
  - State Wards
  - young people who have become system/detention centre dependent
  - any other special needs groups that you have identified.

If yes, can you provide brief description (and if possible, who provides the service or program).

6. Are there any other support services available to young people while in custody which would assist them after release? (If yes, please provide details.)

### **Post-release programs**

7. Can you list all post-release programs or services that are provided to young people after release from a juvenile justice/detention centre in your State/Territory?

8. Are there any special post-release programs, services or strategies which target the particular needs of the following groups:

- age-specific groups
- Aboriginal and Torres Strait Islander youth
- young people of non-English-speaking background
- girls/young women
- young people with an intellectual, physical or psychiatric disability
- young people with an alcohol or other drug dependency
- young people who are homeless
- repeat offenders
- young people who have committed a serious offence and/or been detained for a longer period of time
- young people who live in rural/remote areas
- State Wards
- young people who have become system/detention centre dependent
- any other special needs groups that you have identified.

If yes, can you provide brief description (and if possible, who provides the service or program).

### **Good practice examples**

9. Can you list those pre or post-release support programs, policies or strategies which you believe are 'good practice' examples of effective or innovative service provision in juvenile justice transitional arrangements? (If possible, please provide contact names and telephone numbers so we can obtain more information direct from the service providers).

THANK YOU FOR YOUR ASSISTANCE

## Interview Schedule for Juvenile Justice Policy Officers

### Juvenile Justice Services and Transitional Arrangements Study Interview Schedule

#### (Juvenile Justice Officers)

1. What is the current 'state of play' in relation to juvenile justice policy/legislation in your State/Territory? If there has been a recent major change in policy, or major changes are currently underway, what is the main thrust of the new/proposed changes?
2. What is the age definition of 'juvenile offender' in your State/Territory? What is the age-range of young people detained in juvenile justice/detention centres?
3. What range of support services are available to young people in juvenile detention centres in your State/Territory? Is there much difference in the support services that are available across juvenile detention centres? How adequate do you think these support services are in meeting the needs of young people while in detention, particularly those with special needs (e.g. Aboriginal and Torres Strait Islander youth; State Wards; young people of non-English-speaking background; young people with an intellectual, physical or psychiatric disability; young people who are homeless; young people with an alcohol or other drug dependency; younger children; repeat offenders or young people who have been detained for a long period of time).
4. Do you have any support services or arrangements in juvenile detention centres which are specifically designated 'pre-release'? If yes, please describe them. If not, do you think there is any need for specific 'pre-release' programs for young people in juvenile detention? Why is that?
5. Are there any support services or pre-release arrangements or strategies which you think are particularly effective in assisting a young person's reintegration into the community? Please describe them.
6. What are the various formal arrangements/mechanisms whereby a juvenile offender is released from a detention centre into the community (e.g. probation, parole etc.)? What is the role of your department in relation to each of these arrangements?
7. What planned post-release support is available under each of these arrangements? In your view, how adequate are the post-release arrangements/services that are currently available,

particularly for young people with special needs? If there are any particular gaps or problems how might these best be addressed, do you think?

8. Are there any post-release support services, programs or strategies which you think are particularly innovative or effective, particularly for young offenders with special needs? Please describe these. How transferable might these be to other parts of Australia, do you think?
9. How coordinated or integrated are the various support services or programs that are provided to juvenile offenders in detention and upon release? If there are any problems or difficulties, how might these best be addressed?
10. What opportunities are there to improve the pre and post release support services for young people in secure care? For those with special needs? Are there any particular problems or difficulties which are currently constraining or limiting the support that can be provided? How might these be addressed?
11. Are there any other comments you would like to make that are relevant to this study?

#### STATISTICS

- Do you have any statistics on the number or proportion of juvenile offenders in your State/Territory who receive a custodial sentence?
- Do you have any figures available on the numbers of young people who will be detained in a juvenile justice centre over the course of a given year? (As opposed to the numbers in detention at a given date).
- Do you have any statistics on
  - average length of time spent in custody
  - recidivism rates?



# Appendix D

## Interview Schedule for Service Providers

### Juvenile Justice Services and transitional arrangements study

#### Service providers interview schedule

1. What pre or post-release services/programs does your organisation provide to young people in juvenile justice/detention centres?
2. Are these targeted at any particular groups of young offenders? If so, which ones? What do you see as their major needs in terms of successfully managing the transition from detention into the community?
3. What are your program/service's major objectives in supporting young offenders in care or on release from detention? How successful do you think you have been in meeting these objectives? What evidence can you provide to support your view?
4. What, if any, sorts of measures do you use to test whether or not your service or approach is working well or achieving results?
5. What features or characteristics of your program do you think are largely responsible for or significantly contribute to positive outcomes for the young people you are assisting? Are there any other factors which are important in this regard (eg. cooperation of other service providers)? How transferable is your approach to elsewhere in this State/Territory or elsewhere in Australia?
6. Are there any factors or circumstances which constrain or limit your service's ability to support or assist young offenders? Those with special needs? If so, what are these difficulties, and how might they be overcome?
7. Thinking more generally about the juvenile justice support services and transitional arrangements in this State/Territory, how adequate or effective do you think they are in meeting the needs of young offenders? The needs of young people with special needs (for example Aboriginal or Torres Strait Islander youth; young people who are homeless or State Wards etc.)? Why do you say this?
8. How coordinated or integrated are the various support services or programs that are provided to juvenile offenders in detention and upon release? Is there any need to improve the coordination or integration of programs or services, or the degree of cooperation or liaison between service providers (eg. various government departments, non-government organisations)? Why do you say this?

9. What aspects of the current support and transitional system seem to be working well? Can you provide evidence or some examples of this?
10. Are there any major gaps or deficiencies in the system? Can you provide evidence or some examples of this? How might this situation be improved?
11. Finally, are there any other comments you would like to make that are relevant to this study?

# Appendix E

## Interview Schedule for Key Informants

### Juvenile Justice Services and transitional arrangements study

#### Interview Schedule

#### (Policy advisors and key informants)

##### **Introduction**

1. What role do you or your organisation play in the juvenile justice system?
2. How familiar are you with the support services and transitional arrangements for young people in detention in this State/Territory?

##### **Pre-release support**

3. Generally speaking, how satisfied are you with the pre-release programs and strategies currently available in justice/detention centres for young offenders (ie those programs which specifically relate to life after the custodial period)? With the other support services that are available to young people in custody? Why do you say this?
4. How well do you think these programs/services meet the needs of young people with special needs (prompt: e.g. younger children; Aboriginal and Torres Strait Islander youth; young people of non-English-speaking background; young people with an intellectual, physical or psychiatric disability; young people who are homeless; State Wards; young people with an alcohol or other drug dependency; repeat offenders or young people who have committed a serious offence, or been in detention for a longer period of time.) Why do you say this? If there are significant gaps and deficiencies, how might these best be addressed?
5. Are there any support or pre-release programs, services or strategies (either generalist or for youth with special needs) available to young people in detention that you think work particularly well? Can you briefly describe them? What are the main features or characteristics of these programs or services that contribute to their effectiveness? Can you provide any evidence that they are, in fact, effective?

##### **Post-release**

6. Generally speaking, how satisfied are you with the post-release programs, services or strategies currently available to young people upon discharge from a juvenile justice or detention centre? Why do you say this?

7. How well do you think these arrangements cater to the needs of young people with special needs (prompt: younger children; Aboriginal and Torres Strait Islander youth; young people of non-English-speaking background; young people with an intellectual, physical or psychiatric disability; young people who are homeless; State Wards; young people with an alcohol or other drug dependency; repeat offenders or young people who have committed a serious offence, or been in detention for a longer period of time.) Why do you say this? If there are significant gaps or deficiencies, how might these best be addressed?
8. Are there any post-release programs, services or strategies (either generalist or for youth with special needs) that you think work particularly well? Can you briefly describe them? What are the main features or characteristics of these programs or services that you think contribute to their effectiveness? Can you provide any evidence that they are, in fact, effective?
9. How coordinated or integrated are the various support services or programs that are provided to juvenile offenders in detention and upon release? Is there any need to improve the coordination or integration of programs or services or cooperation between service providers (e.g. various government departments, non-government organisations)? Why do you say this?

***Future development of services***

10. What opportunities are there to improve the pre and post release and other support services and transitional arrangements for young offenders in secure care? For those with special needs?
11. Are there any particular problems or difficulties which are currently limiting or constraining improvements to juvenile justice services and transitional arrangements generally? For those young offenders with special needs?
12. How transferable would some of the identified examples of 'good practice' be to other parts of this State/Territory or elsewhere in Australia? Why do you say this?
13. Finally, are there any other comments you would like to make that are relevant to this study?