

VICTORIAN GOVERNMENT TACKLES YOUTH CRIME

DIVERSION - A KEY ELEMENT IN JUVENILE CRIME PREVENTION

The National Committee on Violence in its 1990 report asserted that Australia, like the rest of the industrialised nations, has been subjected to spiralling increases in crime rates. Crime levels are responsible for reduction in quality of life primarily because of the financial burden and other costs placed on our society.

In recognition of this, the Juvenile Justice Branch (part of Health and Community Services) in Victoria is addressing problems of long term juvenile offending by successfully diverting young people from the juvenile justice system.

On 25 February 1993, the Victorian Branch of Australian Crime Prevention Council at its regular meeting heard from the Director of Juvenile Justice Branch, Ms. Barbara Spalding, and her deputy, Mr. Vaughan Duggan, on diversionary strategies already operating in Victoria.

In their address, they made the following points:

Over the past decade the participation level in Victoria's juvenile justice (Children's Court) system declined significantly. Large reductions are evident in both, community based and custodial dispositions.

Overall, some 1400 less young people received the higher penalties in 1992 than in 1980. Almost 200 less young people are detained in custodial institutions (Youth Training Centre) at any time than in 1980.

In analysing why the Victorian Juvenile Justice system diverts as many young people as it does, a brief overview of the various levels of diversion that are currently operating in Victoria is necessary.

PRIMARY DIVERSIONARY FACTORS

Primary diversionary factors are those that operate on the cohort group to reduce their chances of entering the juvenile justice system altogether.

When the characteristics of young people who enter the juvenile justice system are considered, particularly their educational and employment status, (which are usually significantly lower than others in their age group) it becomes evident how vital are the existing generic services such as education, accommodation, employment and health. Evaluation reports on two Victorian programmes have highlighted the importance of the accessibility of accommodation (**Inside Out Program**) and employment (**Victorian Employment Access Program**) in diverting young people from the juvenile justice system.

Health and Community Services (HCS) have developed the Victorian Child Protection Service over the past five years to ensure that children and young people receive support and protection. This ensures that more families stay together and that young people are retained in stable lifestyles rather than being subject to behaviour and influences that drive them to risk-taking and inappropriate behaviour that often results in entry to the juvenile justice system.

As a result of a deliberate policy of deinstitutionalisation involving a number of large scale congregate facilities children and young people requiring accommodation and support are assisted in smaller community or home based services.

SECONDARY DIVERSIONARY FACTORS

Approximately 11,000 young people are cautioned by the police (under the Police Cautioning Scheme) in any one year. Given that almost two young people are cautioned compared to every young person who appears in court, this is an important element of the diversionary process.

It is now recognised that by avoiding the court appearance and responding to the cautioning many young people are diverted from more serious offending (of the 10,500 young people cautioned only 285, or 2.7% received a further caution).

Over the past 5 years, with the establishment of systematic statewide court advisory service for the Criminal Division of the Children's Court. HCS has been able to assist the courts with the provision of consistent professional and credible court advice. This provision assists the process of ensuring that the most appropriate and minimal intervention in the young person's life occurs.

Victorian sentencing practices and principles related to children and young persons (encapsulated in C & YP Act 1989) provide a number of key principles to ensure progressive sentencing practices consistent with contemporary community standards. Among others they include:

- Equity of treatment
- Minimum of intervention by State
- Minimum penetration into the Juvenile Justice System
- Maximise rights of individuals/families
- Accountability of workers in contact with young person
- Separation of needs and deeds in court response.

Adherence to these principles in handing down dispositions that are consistent with the offence and the use of custodial sentences as means of absolutely last resort, leads to a clear rationale for diverting young people from the juvenile justice system.

TERTIARY DIVERSIONARY FACTORS

In recent years HCS has committed itself to developing generic and specialist services to assist the rehabilitation of young offenders held in custody in Youth Training Centres. This approach has been taken to address the many needs of those young people who receive a custodial sentence. In order to deliver these services in an individual, systemic and coordinated way, Client Services Planning systems have been introduced and priority needs of young people, such as health (particularly drug and alcohol issues), employment, education, recreation, personal development, community integration and confronting offending behaviour have been addressed.

In Victoria, there are also two post release supervision programmes in operation - parole and supervision of young people who are released from YTC's on remissions.

Parole involves the release of the young person under the supervision of a case worker who provides both supervision and support through the latter part of the sentence. The key feature of parole is not only that young persons complete the full time of their sentence but that they are supported and assisted in their integration through restrictive participation in community life. The Victorian Youth Parole Board estimates that 70-75% of all young people successfully complete their parole.

For those young people on shorter sentences (less than 8 months), a new programme (Inside Out Programme) has been introduced. This programme involves intensive support and assistance to those young people leaving YTC's without the involvement of a parole officer. This programme has intensively supported 55 young offenders during the first 12 months of its existence. Early indications are that none of the programme participants have reappeared before the courts for offences committed after their entry to the programme.

Some of the key features of this programme include:

- Intensive support on release;
- Relationship building with the young person from early in their custodial period;
- Provision of accommodation that has been out of reach in the past;
- Linkages to recreation and leisure activities;
- Linkage to employment and training opportunities.

To minimise recidivism, intensive support and provision of many services are required for those young people leaving custodial facilities. While young people should be encouraged to be independent over time, it is essential because of their vulnerability, marginalisation and capacities that they be supported through this critical period.

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[from presentation and written material provided by Mr. Vaughan Duggan, Assistant Director Juvenile Justice Branch, Health and Community Services]