

SOCIAL INCLUSION INITIATIVE

YOUNG OFFENDERS – BREAKING THE CYCLE

A PRELIMINARY ISSUES PAPER

Prepared by
Social Inclusion Unit
Department of the Premier & Cabinet

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This preliminary issues paper incorporates information obtained from a number of sources, including the following:

South Australian Attorney-General's Department
South Australian Department for Correctional Services (SA)
South Australian Office of Crime Statistics and Research
The Australian Institute of Criminology
NSW Bureau of Crime Statistics and Research
National Youth Affairs Research Scheme

This document has been endorsed by the Social Inclusion Board. It is not a statement of Government Policy. Issues and themes are intended to facilitate and promote debate and inform future policy development.

Information in this document is subject to change without notice.

Throughout this paper the term "Aboriginal and Torres Strait Islander" means a person who has identified as being a person of Aboriginal or Torres Strait Islander descent.

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Introduction

In 2003 the Premier sought advice from the Social Inclusion Board (the Board) regarding new and effective ways to prevent and reduce criminal activities by young people. After considering the matter, the Board has recommended that a new Social Inclusion reference be established which focuses in the first instance on young people between the ages of sixteen and twenty who have offended repeatedly, and for whom the risk of further recidivist behaviour is high.

The Social Inclusion approach is very much about forging partnerships across the government, non-government and community sectors. It is about finding new ways to combine the wealth of knowledge, strength and experience which exists across these sectors in order to tackle complex and stubborn social problems. The purpose of this paper is to start the process of gathering this wisdom.

The paper identifies and discusses a number of issues regarding criminal recidivism among young people, and then poses a set of key issues as a suggested basis for the further development of this reference. It will form the basis for initial consultation via a series of focus group sessions which the Social Inclusion Unit will hold in September 2004.

In order to reach as wide an audience as possible, and so as to include people who may not get an opportunity to be part of the focus group process, we are disseminating this paper with a view to getting your thoughts and feedback. In particular:

- **What are your thoughts on the direction that has been suggested by the Board?**
- **Do you think that the key issues which have been identified provide the best foundation for this work?**

We would appreciate your comments in writing, via email or telephone by 4.00pm, 22 September 2004. Contact details are as follows:

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What is meant by taking a social inclusion approach?

Since its inception in 2002, the Social Inclusion Board (the Board) has delivered reports to the Government with recommendations for:

- Responding to the recommendations from the 2002 Drugs Summit.
- Reducing the number of homeless people in South Australia.
- Increasing school retention rates.

As a result of these recommendations, a number of programs and initiatives have been funded that reflect the Social Inclusion approach of working across agencies both within and external to government. This is often referred to as a 'joined-up' approach. Perhaps the best way to demonstrate the concept is by providing an example.

A significant number of people who are arrested and taken into custody by the police are problem users of alcohol and other drugs. Many are intoxicated or are coming off drugs at the time of their arrest. These people are often at increased risk of self harm and deterioration of medical conditions. As part of the Board's response to the Drugs Summit, funding has been allocated for a trial project where nursing staff from the Drug and Alcohol Services Council are situated in the City Watch House. The nurses provide medical assistance where necessary, and also assist people with drug problems by referring them to other health services.

Why take a social inclusion approach to this topic?

The Board would like to stress at the outset that its interest in this area should not be construed as a lack of faith in the extent and quality of work currently being done with young offenders. Dedicated individuals throughout the community work tirelessly with and for these young people in the interests of making a difference. These efforts have been enhanced by innovative methods introduced within the past decade such as family conferencing, specialist Courts, and the Police Drug Diversion Initiative. The Board believes that applying the principles of social inclusion when working to reduce recidivism among young people will add value to our overall response.

Many young people who get caught up in crime have experienced multiple disadvantages for most, if not all of their lives. We know for example that Aboriginal and Torres Strait Islander young people and young people under the guardianship of the Minister are disproportionately represented within the group of young people who offend repeatedly. There is broad consensus among researchers that the best way to 'turn the tide' for members of this group of young people is to adopt an inter-agency approach to policy and program development.

Traditionally, we have tended to try to 'fix' the person by separating out their issues and problems into component parts. This can be frustrating for the

young people who are the recipients of these services, who may find themselves having to 'tell their story' repeatedly, and attend multiple appointments in outlying locations. Ultimately this approach can be counter-productive. A growing body of evidence is emerging in support of the effectiveness of holistic interventions in working with young offenders.

Developing innovative ways to address the complex social problems faced by the most disadvantaged members of our community is fundamental to the Government's Social Inclusion agenda. The Board acknowledges that it is a complex interaction between a variety of structural and individual factors which gives rise to social exclusion. Unfortunately there is no formula which can predict with mathematical precision those people who are destined to become socially excluded. The Board, by virtue of its commitment to best practice in social policy and the promotion of joined-up solutions to complex problems, is well placed to tackle these intricacies.

Crime and its consequences give rise to huge social and economic costs for the community. In 2003, the Australian Institute of Criminology estimated the annual cost of crime in Australia to be in the vicinity of \$19 billion, with additional costs (such as policing, prisons and security) adding nearly another \$13 billion, giving a total estimated bill of nearly \$32 billion per year¹ (nearly \$1,600 per Australian resident per annum). Focussing effort on breaking the cycle of crime in order to reduce recidivist behaviour among young people will help to ease this burden by contributing to a reduction in crime, reducing the high costs associated with justice administration and incarceration, and improving the quality of life for offenders and reducing the number of victims.

Undertaking this work will also allow the Board to influence policy directions across the numerous agencies who regularly come into contact with these young people. It is expected that this will lead in the longer term to systemic improvements to the way that we deliver services to young offenders, and reduced rates of offending among this vulnerable population. These changes should also have a broader impact, resulting in improved design and delivery of prevention and early intervention strategies for young people across the system.

Why has the Board suggested this particular focus?

Preventing and reducing crime among young people is a vast topic. In order to be effective in its work, it was essential that the Board acknowledge this enormity, and be realistic in its approach. This meant determining a focus for discussion which would be likely to benefit the most from applying a Social Inclusion framework. After careful consideration of these factors, the Board

¹ The costs assessed included medical costs, lost output, and intangible costs, which set a monetary value on pain, suffering and lost quality of life. They covered all crimes, including criminal justice system costs, costs of victim assistance, security costs, household precaution costs, and insurance costs.

has decided to focus on recidivism - the area where criminality and disadvantage among young people are most likely to converge.

It should be noted at the outset that the age group identified by the Board (sixteen to twenty years) will provide a focus for this reference *in the first instance*. It is envisaged that this initial work will form part of a three-phase examination of the issue of youth offending along the following lines:

- Phase one will focus on young people between the ages of sixteen and twenty who have offended repeatedly, and for whom the risk of further recidivist behaviour is high.
- In phase two, the focus will be expanded to include a broader age group, in particular younger children who are at risk.
- Phase three will explore opportunities for a social inclusion approach to add value to 'upstream' approaches to crime prevention.

The third phase of this work will be enhanced by the wisdom acquired both as a result of the earlier work in this reference, and the prevention and early intervention initiatives for 'at risk' young people which have been developed by the Social Inclusion Board in its Homelessness, School Retention and Drugs Summit references.

What are the specific benefits of focusing on young recidivist offenders?

Primary prevention and early intervention strategies are essential tools in reducing the incidence of crime among young people. Fortunately, of those young people who do experiment in crime, their involvement is relatively fleeting. However there is a small group of young people who offend repeatedly, and upon whom existing strategies and interventions have little or no impact. This group are more likely to continue offending as adults, and to be responsible for a significant proportion of the total amount of crime committed within South Australia. Successfully targeting this group will yield a significant return to the community in terms of both increased safety and a reduction in the economic and social costs associated with crime.

An innovative element of this work is the fact that it will focus not only on offenders under eighteen years of age who are processed in the juvenile justice system, but also those who are eighteen years of age and over, who are dealt with in the adult corrections system.

The transition from the juvenile justice system to the adult corrections system is a significant one. It is a crucial intervention point in the lives of young people who have a history of criminal offending if the opportunity of breaking the offending cycle is to be maximised. The consequences of not breaking the cycle at this time is that a young person may 'graduate' to ongoing contact with the adult criminal justice system, significantly limiting their future life prospects.

Currently, young people who enter the adult correctional system - either within the custodial or community corrections stream – are subsumed within the facilities and programs available to the general adult population. Age-appropriate interventions for young offenders after they turn eighteen are not common. These arrangements do not take into sufficient account the fact that young people are a particularly vulnerable group within the prison environment. The situation is compounded by the fact that there is currently no formal transition process between the juvenile to adult custodial systems. The Department for Correctional Services is aware of this problem and has previously considered options for its remedy.

It is quite common for young offenders to receive sentences in the adult prison system of less than fifteen days. It is very difficult to deliver programs and interventions under such circumstances. It may be that an alternative sentencing option, such as intensive community-based interventions designed specifically for this age group, would prove to be a less costly and more effective outcome for young offending adults.

The Board is keen to explore these jurisdictional issues in more detail, and is optimistic about the potential for achieving positive results.

Who are the young people that are offending?

A number of groups within the youth population are disproportionately represented within the criminal justice statistics. Of major importance here is Aboriginal and Torres Strait Islander young people, who continue to be greatly over-represented in their contact with the criminal justice system. In South Australia, Aboriginal and Torres Strait Islander people aged between 10 to 17 years are 22 times more likely to be detained in custody than their non-Indigenous counterparts. Although Aboriginal and Torres Strait Islander people represent 1.49% of the total adult population in South Australia, they represent approximately 17% of the prison population, with 95% of this prison population having been juvenile offenders.²

There is considerable evidence pointing to the disproportionate representation within the criminal justice system of young people under the guardianship of the Minister. A recent Queensland study³ demonstrated that young offenders who have been the subject of at least one care and protection order are at greatly increased risk of progressing to adult corrections/imprisonment.

Young males are far more likely to become involved in the criminal justice system than young females. For example, in 2002, 79.7% of all juveniles apprehended by the police in South Australia were male. This can lead to the needs of young women within the criminal justice system becoming marginalised, with insufficient attention being paid to the particular

² *Aboriginal People and Drug Use*. Issues Paper prepared for the 2002 South Australian Drugs Summit by the Department of State Aboriginal Affairs.

³ Lynch, Buckman & Krenske (2003), Australian Institute of Criminology Trends and Issues in Crime and Criminal Justice series no. 265 - *Youth Justice: Criminal Trajectories*.

circumstances of their offending, and to the development of appropriate gender-specific programs.⁴

There is a well documented link between crime and alcohol and other drug misuse, and a sizeable proportion of young offenders are substance users. Recent unpublished Department for Correctional Services data indicates that on reception into prison, 63.3% of males and 74.5 % of females have a drug problem.

Mental illness prevalence amongst juvenile offenders is significantly higher than prevalence rates among youth. Surveys of young offenders suggest that as many as 60% of incarcerated young offenders are at risk of significant mental health problems.⁵ In South Australia, the Department for Correctional Services has identified the increasing number of people being imprisoned with mental health problems as one of the most significant issues confronting it at the present time.

Comorbidity in mental health and substance use disorders is highly prevalent in Australia, and has been identified as being of particular concern for young adults aged 15-24 years. The Department for Correctional Services estimates that 64% of people with mental disorders who are imprisoned also have a drug problem.

The Department for Correctional Services also estimates that within South Australia's prison population:

- 60% of prisoners are below functional levels in literacy and numeracy.
- 60% of prisoners have not completed year 10.
- 10% of prisoners are illiterate and innumerate.

The Board has already considered the high incidence of illiteracy among young offenders in the context of its School Retention reference. Several projects developed as a result of this reference aim to improve educational outcomes for young people who come into regular contact with the juvenile justice system.

How many young people are offending?

It is important to note at the outset that the available statistics may not always provide us with a truly comprehensive picture of the nature or level of youth crime. They do not for example capture offences which were never reported to police, minor offences which were dealt with by way of informal police caution,

⁴ Keys Young Pty Ltd (1997), National Youth Affairs Research Scheme Report, *Juvenile Justice Services and Transition Arrangements*.

⁵ Lennings (2003), 'Assessment of Mental Health Issues with Young Offenders'. *Paper presented at the Juvenile Justice: From Lessons of the Past to a Road for the Future Conference, held in Sydney, 1-2 December 2003.*

and offences dealt with via the Police Drug Diversion Initiative. Police charging rates can also be influenced by policing policies, discretion and effectiveness.

There are nevertheless a number of ways in which we can get an idea of the involvement of young people in crime. One way is to count the number of apprehensions made by the police. Alternatively we can count the number of cases which are finalised in Court. Another measurement involves looking at the numbers of young people who are placed in detention or prison as a result of their offending. Determining the most effective way to measure this involvement is in itself a major challenge.

What *can* be said with certainty is that most young people in South Australia do not get into trouble with the police ever. Of those that do, it is only a minority who go on to offend repeatedly.

The following figures have been collated to give some indication as to the proportion of the overall juvenile population who become involved to varying degrees in the juvenile justice system in South Australia.⁶ The year 2001 has been used as we have accurate population census data for that year. In 2001:

- 5168 young people between 10 to 17 years of age were apprehended by police. This figure represents 3.2% of the total 10 to 17 year old population at that time.
- There were 2769 finalised appearances in the Youth Court.
- There were 1099 admissions to juvenile detention.

The latter two figures represent the numbers of finalised appearances/admissions rather than discrete individuals. The total number of individuals is likely to be less than the numbers of finalised Youth Court appearances/admissions to detention, as individuals may be involved in more than one incident during any year. However, as the maximum number of individuals will be no more than the number of finalised appearances/admissions, this data expressed as a percentage of the total 10 to 17 year old population gives an estimate of the maximum number of young people involved.

- A maximum of 1.7% of the total 10 to 17 year old population were involved in finalised Youth Court appearances in 2001.
- A maximum of 0.68% of the total 10 to 17 year old population were admitted to juvenile detention in 2001.

While not entirely accurate, these figures can nevertheless contribute to our understanding of the proportion of juveniles who are becoming involved in the

⁶ Figures sourced from SA Office of Crime Statistics & Research, *Crime and Justice in South Australia – Juvenile Justice 2001*.

juvenile justice system. Work needs to be undertaken to examine the available adult criminal system data to determine the extent of system involvement by young adults.

It is also important to obtain an understanding of the size of the initial target group we are aiming to reach (young people between the ages of sixteen and twenty who have offended repeatedly, and for whom the risk of further recidivist behaviour is high). The following figures are designed to provide us with a rough indication of this. At the present time:

- There are roughly 1200 individuals currently aged between 16 to 20 years who have had a prior conviction for at least one non-trivial offence in last 12 months, and at least one other conviction for a non-trivial offence prior to that.
- Around 85% of this group are males, and the other 15% are females.
- Approximately 20% of this group are Aboriginal or Torres Strait Islanders.

Connections and links with other Social Inclusion work

The Social Inclusion Initiative recognises that there is a complex mix of causes and symptoms that can lead to individuals, families, groups and localities being socially excluded and not able to participate fully in the life of our State. A combination of often interrelated problems such as unemployment, low income, poor educational attainment, low skill levels, inadequate housing, bad health, neighbourhood violence and crime, substance misuse and family breakdown can contribute to social exclusion.

The Government's initial response to these exclusionary factors was to establish the Drugs Summit, homelessness and school retention references, each of which has included an initiative with a specific focus on young offenders. The Board is now extending its response via the development of new references concerning youth employment, Aboriginal and Torres Strait Islander self harm and suicide.

All of these references share obvious links with the issue of offending among young people. We will use these links to build on existing relationships which have been established both across Government and with the non-government and community sectors via the other Social Inclusion references. This will enhance the quality of our joined-up approach. We will also aim to incorporate the lessons we have learnt to date, and these lessons will also add value to our work.

Key Issues

In the course of the work done to date by the Board in developing the scope of the Young Offenders – Breaking the Cycle reference, a number of major issues have emerged. In this section of the discussion paper, we have briefly summarised these issues. We are keen to obtain your thoughts on whether they provide a sound foundation for the further development of this reference.

We have included a series of questions under each issue. These questions will be central to the initial consultation process which will occur in September 2004. Should you be providing a written submission in response to this paper, we suggest that you may wish to answer some or all of these questions as part of your submission.

The four key issues are:

1. The diversity of young people's needs
2. Effective planning, effective interventions
3. Transition points
4. A positive whole-of-community development approach

Key Issue 1 The diversity of young people's needs

This issue acknowledges that young people are not a homogeneous group within the criminal justice system. Their needs are many and varied, and a 'one size fits all approach' to interventions may fall short of these needs. Rather, the most successful responses are likely to be those which are designed to take into account this diversity.

Questions

1. What are the best ways to effectively address the diversity of needs among young repeat offenders?
2. What parts of our current response to the diversity of young people's need within the criminal justice system are working well?
3. What are some of the major shortcomings of the system in addressing the diversity of needs among young offenders?
4. Which groups of young repeat offenders are most in need of 'tailor-made' interventions, and how can we best engage with these groups?
5. In what ways can we improve the way we deal with young offenders with multiple complex needs, including alcohol and other drug issues, mental health issues, housing difficulties, poor literacy and numeracy levels?
6. What is the best way to involve young people in the development of quality interventions?

Key Issue 2 *Effective planning, effective interventions*

This issue highlights the emphasis that this work will place on creating joined-up whole-of-government responses to address the problem of offending among young people. It suggests that we explore ways we can work together to plan and deliver effective interventions, and also how we can achieve the systemic changes necessary to ensure the sustainability of this approach.

Questions

1. Which interventions are currently working effectively in preventing re-offending?
2. How can we promote innovation in program development and delivery?
3. What is the best way to measure program effectiveness?
4. How would this area benefit from a more whole-of-government approach to planning and service delivery for young repeat offenders?
5. What are the main barriers that inhibit the delivery of a holistic response to young people with complex needs?
6. Who are the key stakeholder groups that need to be involved in a whole-of-government approach to planning and service delivery for young repeat offenders?
7. How adequate are our systems for collecting and managing knowledge and information re young people's involvement in the criminal justice system?
8. Is this knowledge and information efficiently disseminated and shared between stakeholders?

Key Issue 3 *Transition points*

It is well accepted that there are critical points in people's lives when the likelihood of successfully intervening to achieve change is increased. These points are often referred to as transition points. We have identified several such points which can be of critical importance for young repeat offenders:

- The transition from the juvenile justice system into the adult corrections system.
- The transition between community-based and custodial sentencing options.
- The transition from incarceration back into the community.

Questions

1. What opportunities exist for reducing recidivism at the transition point between the juvenile justice and the adult corrections systems?
2. What opportunities exist for reducing recidivism at the point of re-entry to the community following a period of detention?
3. What structural or systemic changes are required in order to take best advantage of these transition points?
4. What other transition points can you identify as important ones for young repeat offenders?

Key Issue 4 A positive whole-of-community development approach

An inclusive community is a safe and secure community. The converse is true in a community characterised by fragmentation and exclusion. Young people with a significant history of involvement in the criminal justice system are often stigmatized as a result of this involvement. This stigmatization compounds existing disadvantages and increases the sense of exclusion. With this issue we want to look at how we can influence a positive shift in outlook towards these young people, so that we are embracing strengths rather than focusing primarily on deficits. Within our communities there is already a wealth of resources, and we need to explore how we can best build their capacity to support the positive development of young people.

Questions

1. What types of strategies could be used to reduce the level of stigma experienced by young repeat offenders?
2. Which stakeholder groups do we need to engage in order to pursue this issue?
3. What are the most effective ways to engage with these groups?
4. In what ways can communities be engaged as partners in pursuing this aim?
5. What are the best ways to build and strengthen the capacity of families in pursuing this aim?
6. How can vocational development programs for young repeat offenders be linked to market demands and trends?