

# **Attorney General's speech to the Public Defender's Conference – Youth on Track**

**16 March 2013, 9.30 – 10.30 a.m.**

## **[Introduction]**

It has been 12 months since I last addressed you and talked about the achievements in the Government's first year in office.

Last year I talked to you about the bail laws.

This year I would like to talk to you about juvenile crime.

## **[Juvenile Crime]**

Dealing with juvenile crime has been and still is one of the more contentious issues facing most justice administrations in Australia today.

On the one hand there is clear evidence that a large proportion of young offenders commit only one or two crimes, and thereafter never returns to the justice system. On the other hand there is also evidence that the younger a person begins offending, the longer they are likely to continue.

We know that some young people who are not stopped from offending early will continue onto a life of crime and cause a significant amount of harm to other people and the community more broadly.

It is also a topic that most people have a strong opinion on: Governments are either seen as too soft on "future criminals" or as too heavy-handed in dealing with "wayward youths".

How to deal with this problem can pose quite tricky questions of public policy. Most persistent young offenders need quite intensive help, but often their offending, at the early stages at least, might be quite minor.

The first thing we have to acknowledge is that most young offenders have many complex risk factors which can increase the likelihood of offending and re-offending.

The 2009 *Young People in Custody Health Survey* shows that the overwhelming majority of young people – almost nine in ten - who have been sentenced to detention have a psychological disorder.

Worse still, 73 per cent of them had at least two psychological disorders. Seventy seven per cent of them had some type of diagnosable behavioural disorder. But, despite these problems, few have ever received help for their mental health problems.<sup>1</sup>

Most of these young people had left school by the age of 14, and 66 per cent had been suspended three or more times by then. And 77 per cent scored “low average” or worse in intellectual ability tests. Almost half of the young people had one or both parents imprisoned at some time.

These are young people who have experienced significant challenges and disadvantages at a tender age.

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<sup>1</sup> Young people in custody health survey, 2009

The challenge is to provide the interventions these young people need to reduce their risk of offending and address their specific needs without bringing them further into the criminal justice system than they need to be.

These are the problems we have been grappling with in developing a new way to better respond to young offenders. I'll outline a little later what we are but first I'd like to turn to the complex problem of juvenile crime.

If we look at what happened in 2010, we get a very good picture of the volume of young people who are coming into contact with the police.

In that year 4,619 juveniles were given warnings by police, 10,541 were given a formal caution and 1,566 young people participated in a youth justice conference.

The nearly 8630 juveniles who progressed to the children's court faced 24,599 charges.

So in that one year there were almost 25,500 formal criminal justice proceedings involving juvenile offenders.

On top of this more than 50,000 juveniles were issued with penalty notices by police and other law enforcement officers.<sup>2</sup>

These figures show the scale of the involvements of young offenders with police and the courts in NSW.

In the last financial year over 4,732 young people came into custody in juvenile justice centres; 4,586 on remand – often only for a short period - and 146 sentenced directly to custody.

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<sup>2</sup> Ibid, data from the NSW State Debt Recovery Office at page 6.

We also have some insight of young people's participation in criminal activity directly from the young people themselves.

One study by the Bureau of Crime Statistics and Research looked at the overall participation in crime of NSW School students.

In this study more than 5,000 Secondary school students discussed their involvement in crime. A large proportion of those students admitted that they offended in some way, but for most it was a transitory activity.

That is: they didn't offend often and offending peaked in mid- to late adolescence. Most committed only one or two offences, in only one or two categories of crime. So while a large proportion of young people do at some time commit some crime, most of them stop by themselves without any formal intervention by government.<sup>3</sup>

However, the study found that those students who had low-level adult supervision, who truanted, who didn't live with both original parents, performed poorly at school or who were Aboriginal had a higher level of involvement in crime. It's important to note that this study isn't a reflection of police data or recorded crime, but a study of students themselves identifying their own level of criminal behaviour.

And the risk factors identified in this study for a continuation in criminal behaviour are common in many studies.

In another study the Bureau looked at the reappearance of juveniles in the NSW court system. The study examined the re-offending behaviour of 5476 juveniles, aged from 10 to 18 who appeared in the NSW Children's Court for the first time in 1995. The study followed those young people for eight years until December 2003.

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<sup>3</sup> Baker J 1998. *Juveniles in Crime: Part 1: Participation Rates and Risk Factors*, General Report Series, NSW Bureau of Crime Statistics and Research, Sydney.

The study was able to determine what proportion of the cohort reappeared in the Children's Court or went on to appear in an adult court, and the study was able to assess who was at risk of a long-term criminal career.

It found that the number of reappearances for all juveniles who first appeared in court between the ages of 10 and 14 is 23 per cent higher than those juveniles whose first court appearance was not until they had turned 15 or 16, and it was about 44 per cent higher than those who first appeared when they were aged 17 or above.

So we know that the younger a person appears in court the more likely they are to continue to reappear.

However when the study singled out the Aboriginal juveniles in the sample and examined their rate of re-offending, it found that their rate of reappearance was nearly 200 per cent higher than that for non-Aboriginal juveniles in the same sample. So, very young Aboriginal people who appear in a criminal court are likely to reappear and the younger their first appearance the higher the number of subsequent court appearances.<sup>4</sup>

For example, Aboriginal boys who appear in a Children's Court aged between 10 and 14 will have on average 12 subsequent court appearances over the next eight years. By comparison, non-Aboriginal people appearing at the same age will only have four subsequent court appearances of the next eight years.

All offenders examined in this study who first appeared before court when they were young, were significantly more likely to end up in custody.

Most important, however, is the finding that there is no link between the nature of the crime that first brings someone to court and their likelihood of reappearance; the nature of the charge was unrelated to the likelihood of continued court appearances, even into the adult courts.

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<sup>4</sup> Chen S, Matruggio T, Weatherburn D, Hua J 2005, *The transition from juvenile to adult criminal careers*, Crime and Justice Bulletin (86).

These figures show the scale of the problem, so let us now turn to some of the solutions.

### **[Early intervention and prevention]**

The progressive and escalating nature of anti-social behaviour clearly demonstrates the need for early intervention. There is a strong evidence base that suggests that early intervention - through prevention programs - can reduce antisocial behaviour in children and delinquent behaviour in adolescents, especially among those living in disadvantaged communities.

A number of risk factors have been consistently identified as being associated with juvenile offending. Risk factors include individual characteristics of a young person as well as their family and social/environmental circumstances.

Risk factors associated with offending include<sup>5</sup>:

- family problems,
- experience of trauma,
- high levels of aggression, impulsivity and anti-social behaviour in children,
- poor school attendance and performance,
- an absence of community engagement (friends, community groups, sporting groups, employment),
- mixing with anti-social peers,
- mental health problems,
- substance abuse, and
- being of low socio-economic status

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<sup>5</sup> Andrews and Bonta 2006, *The Psychology of criminal conduct* (4<sup>th</sup> edition).

Conversely, research has identified a number of protective factors that can reduce the likelihood of a young person engaging in criminal behaviour.

The importance of identifying protective factors is that this provides an opportunity to identify interventions which may reduce the identified risk.

Some of the protective factors that have been identified are:

- pro-social behaviour (such as empathy) during pre-school years,
- good cognitive performance (such as appropriate language development, and good academic performance),
- supportive, interested parents, and
- engagement with community activities<sup>6</sup>

### **[Successful intervention programs]**

There is extensive research about the factors that increase or decrease a young person's likely involvement in crime and the types of programs and interventions which are most likely to affect change.

Research has shown that the initiatives with the strongest chances of success are:<sup>7</sup>

- rehabilitation programs that target specific criminogenic risk factors,
- programs which provide training in social skills, problem solving, negotiation, assertiveness, and critical thinking,
- programs to re-engage young people with education,
- functional family therapies,
- cognitive behavioural therapy,

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<sup>6</sup> Wasserman G, Keenan K, Tremblay R, Coie D, Herrenkohl T, Loeber R, & Petechuk D 2003, *Risk and Protective Factors of Child Delinquency*, Child Delinquency Bulletin Series, U.S. Department of Justice Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, April.

<sup>7</sup> Farrington, Homel, MacKenzie, Chen et.al, etc., Washington State of Public Policy.

- community employment,
- drug treatment programs, and
- - if this fails - incapacitation of offenders who continue to commit crime at very high rates.

Importantly, there is also strong research on what doesn't work; these are the things we just shouldn't invest in.

These include programs sometimes known as 'scared straight' or "shock probation"-type programs. Boot camps with a military style model, or juvenile wilderness programs have equally been shown to be ineffective, as are community residential programs and rehabilitation programs with unstructured and nondirective counselling<sup>8</sup>.

When developing an early intervention program, it is important to consider that while young people often have common problems, the patterns and combination of those problems vary from person to person.

So, the type of intervention needs to be tailored to meet the specific needs of each individual for the intervention to be successful. And we are taking these lessons to heart, as I will outline shortly.

There are some international examples of very early interventions which have successfully reduced crime. In Syracuse, New York, 108 disadvantaged families participated in an experimental intervention where home visits and day care were provided from the third trimester of pregnancy until the child reached the age of five<sup>9</sup>.

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<sup>8</sup> Bureau of Crime Statistics and Research 2013, *Youth on Track: a model for early intervention with young people*, Department of Attorney General and Justice NSW.

<sup>9</sup> Lally, J.R., Mangione, P., and Honig, A. 1988, The Syracuse University Family Development Research Program: Long-range impact on an early intervention with low-income children and their families. In *Advances in applied*

Ten years after the intervention ended, a follow up study showed that only 6 per cent of the children in that target group had been referred to probation - compared with 22 per cent of matched group of controls.

A further example is the US Nurse Family Partnership Program which involved intensive visitation by nurses to low income, at-risk-women bearing their first child. The nurses continued to visit the home for two years after the birth.

This program has shown strong crime reduction effects, it reduced the criminality of the mothers on the program and reduced their crime by 32 per cent. But importantly it has had an impact on future crime levels of the youth on the program - reducing their involvement in crime by 15.7 per cent compared to similar youth whose families didn't participate in the program.

So you see that family intervention and therapy has been shown to be a successful program, which reduces not only the criminal activity of the young person, but improves the functioning of the family and has a flow-through effect to young siblings.

One of the best known and currently operating programs in NSW is multi systemic therapy (or MST) which was introduced through the Juvenile Justice Intensive Supervision Program.

The Intensive Supervision Program (or ISP) in NSW, has operated since May 2008. It is based on the multi-systemic therapy model (MST).

The ISP is specifically aimed at juveniles who commit serious and/or repeat offences. It addresses a range of issues, including aggression, substance abuse, financial

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*developmental psychology. Parent education as early childhood intervention: Emerging directions in theory, research and practice.*

problems, housing needs, family conflict and negative peer pressure. The program seeks to empower caregivers to address systemic factors that lead to, or maintain, offending.

This program has been established in Newcastle and Western Sydney; it works systemically with the young persons on an individual, family and community level, and cooperates with professionals and agencies to ensure interventions are best matched to the needs and strengths of Aboriginal clients, families and communities. It provides caregivers with the skills and resources to address anti-social behaviour and support their children.

Last financial year, 87 per cent of the 55 families enrolled – so, the vast majority of participants - successfully completed the ISP. The success rate was even higher still among the Aboriginal families enrolled completed the program, and only one Aboriginal family failed to complete the program.

The ISP program also served families with a Pacific Islander, New Zealander, Asian, South American or European background.

An internal review of the program indicated that, four out of five caregivers who had gone through the program had developed the parenting skills necessary to handle future problems.

The review also found 83 per cent had improved family relations and 70 per cent had an improved network of supports. The program is currently being evaluated by the Bureau of Crime Statistics and Research (BOCSAR) and I am hopeful of equally good news from this formal evaluation.

There have been more than 30 studies of multi systemic therapy and it has always proven effective. In one study, a four year follow up of participants showed they had a 22 per cent recidivism rate compared to a 71 per cent rate for their control group<sup>10</sup>.

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<sup>10</sup> Borduin, C. M., Mann, B. J., Cone, L. T., Henggeler, S. W., Fucci, B. R., Blaske, D. M., & Williams, R. A. 1995, *Multisystemic treatment of serious juvenile offenders: Long-term prevention of criminality and violence*, Journal of Consulting and Clinical Psychology, 63,

Cognitive Behavioural Therapy programs for juveniles - those programs that train young people to think and act differently - have shown to be the most effective, and have constantly achieved the largest effects on recidivism. These programs have shown an average of 40 per cent reduction in juvenile recidivism.

We have a very detailed understanding of the juveniles who are most likely to commit crime and do it for long periods. We have a very good knowledge of the types of things that are likely to change their behaviour.

The challenge is how do we reform our system so that we can identify these young people early and get them into the programs they need to stop offending or re-offending.

### **[Criminal justice for juvenile offenders]**

As you'll be aware in New South Wales we have a number of ways of proceeding against juveniles for criminal offences. At the least serious end of the spectrum we have a system of police warnings, issued by police officers in the field, we have a range of infringement notices that can be given for offences.

We have a range of ways of responding to juvenile crime:

There is a formal system for police-issued cautions for more serious offences, there is a well-established process of youth justice conferences, a restorative justice process that brings offenders into contact with their victims and others, and finally, and most seriously we have the traditional court prosecution.

The current system for dealing with juvenile offenders aims to divert them from the more formal end of the justice system – which is the Children's Court. For a whole range of young offenders this has worked very well. About half of the young people who receive police cautions don't re-offend at all within the next three years.

For this cohort of young people, a system that allows them to receive some type of sanction but doesn't involve them with the justice system in any ongoing way is probably the best response.

However, for young people who are offenders with a higher risk of re-offending, this diversion may simply be a step before their next arrest as they escalate through the system.

In the current system the only time we are really assessing and intervening with these young people is after they are convicted by a court and placed on a sentence with some type of supervision. This means that intervention can only really come when a young person has become heavily engaged in the criminal justice system, when they are older and after a reasonably extensive history of offending. It also means that any type of intervention is inherently linked to some type of punishment.

There's got to be a better way.

### **[Youth on Track]**

To try and solve these problems we have developed the Youth on Track scheme. Youth on Track is a major reform in how we respond to juvenile crime, manage young offenders and make our communities safer places.

Through Youth on Track we are reforming the way we manage juvenile crime. It's not the introduction of a new program but a major shift in our system. It's about all parts of government working together with the non-government sector to deal holistically with these young people and their families. We are creating a system of case management for a young person who may be identified as at risk.

Under the Youth on Track model, young, minor offenders won't have to become entrenched in the system before getting access to services.

In fact, it is not designed to divert them from court, but to prevent them from becoming involved in crime altogether.

This model will allow young people, who may not have committed a serious crime, but who exhibit extensive risk factors, to be referred to assessment and case management at a much earlier point than is currently possible. It also allows those young people who may have committed an offence, but may not have any signs of ongoing criminal behaviour to be dealt with on the basis of their offence.

There are a number of key principles that are fundamental to the design and implementation of Youth on Track.

Youth on Track emphasises community safety; it aims to invest in innovative policy approaches and interventions that maximize public safety by delivering better crime reduction outcomes.

Youth on Track focuses on rehabilitation; breaking the cycle of crime and turning lawbreakers into law-abiding citizens is a priority because it advances public safety, reduces future offending and minimizes the number of future victims.

Youth on Track uses evidence-based interventions – and as I highlighted already this morning, there is a wealth of research and evidence about what works in rehabilitating young people who offend. We are using this knowledge to make decisions about the interventions applied to young people involved in the criminal justice system.

There must also be evaluation and review of chosen strategies to ensure we are adhering to “what works”-principles.

Youth on Track is also about making best use of taxpayer dollars; we want to invest programmatic and service funds to interventions that will deliver the highest rate of reduction of offending and crime for the community.

And finally, Youth on Track supports victims; evidence indicates that there is a genuine benefit to incorporating practices that emphasise victim engagement,

empowerment, and restitution. These concepts provide benefits not only to victims, but also to taxpayers and offenders, because it is critical to rehabilitation that an offender fully recognises and acknowledges the harm they have caused another person.

This new approach to managing juvenile crime has a number of elements that don't exist within the current system. At its core is the principle of early intervention and the cooperation of various agencies which may all have knowledge and involvement with a young person, but all too often have not adequately shared the information.

It also has a key element which matches the level of intervention to the level of risk, irrespective of what crime may have already been committed by the young person.

Youth on Track comprises of six key stages.

When Youth on Track starts, referrals will initially come from police – though this will later be broadened and schools will also be able to refer young people at risk to the scheme.

The referrals will initially occur automatically after a certain number of police contacts and a screening tool developed by BOCSAR will be used to assess those young people with the highest risk of re-offending. One of the key factors will be their age at first contact with the police.

There is significant evidence that shows that the likelihood of future offending of young people can be closely predicted<sup>11</sup>. The purpose of this screening process is to control entry into Youth on Track to ensure it is targeted at those young people at greatest risk of becoming further entrenched in the justice system.

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<sup>11</sup> Bureau of Crime Statistics and Research 2013, *Youth on Track: a model for early intervention with young people*, Department of Attorney General and Justice NSW.

It is important that any new scheme seeking to target juvenile crime ensures that the energy and effort is focused towards those people who are likely to derive the greatest benefit from it, so that it will have a positive flow-on effect to the community by reducing levels of criminal activity.

Once it has been determined that a young person is at higher risk of continued offending, this new scheme will refer them on to a more detailed assessment. The assessment will identify the problems driving the young person's offending.

Specifically the assessment will examine eight areas which research has shown does greatly influences offending behaviour.

These are the criminal history – if any – of the young person, their family and living circumstances, education and employment situation, peer relationships, any substance use and abuse problems, their leisure and recreational activities, particular behavioural traits and their attitudes and beliefs.

The assessment will also recognise the cumulative effect of these risk factors on the likelihood of re-offending. That is, as the number of risk factors increases, so does the risk of re-offending.<sup>12</sup>

Following this assessment, the young person and their family will be referred to a non-government agency to enter into a process of case management.

A case manager will work with a young person and their family to develop a case plan based on the assessment and provide them with support and access to services and programs that will support them into a more positive life.

This type of case management will also differ quite significantly from any that may be currently provided. It won't be for the purposes of reporting back to court and it won't be connected to any specific justice program.

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<sup>12</sup> Weatherburn, D., Cush, R., & Saunders, P 2007, *Screening juvenile offenders for further assessment and intervention*. NSW Bureau of Crime Statistics and Research, Sydney CJB 109

Its major benefit is to ensure that any interventions are focussed on the young person and their individual needs and that someone is guiding them and their family through whatever services and programs they need to access.

An important feature of any effective case management is the ability to develop strong relationships between the case manager, their client and their families, and to ensure that what is being managed are the collective needs of a person, not just specific elements of one program or other.

This is a smarter approach to working with young offenders and their families which addresses all their needs, not just criminogenic factors.

It will also allow for a multitude of problems to be managed either simultaneously or in sequence as required. For example, a young person might need to access drug treatment, but have an unstable mental health condition and no real accommodation. It could be that this type of case management will allow for treatment to stabilise the mental health problem simultaneously with accommodation, and then entry into drug treatment.

This process will ensure that there is a common focus on an end result and that people aren't finding themselves in case management perpetually, or being case managed by a number of different agencies for different issues.

If a young person is already being case managed by another agency, for example Community Services, it is likely that their current case management is not predominantly targeting criminogenic risk.

Once the intervention has taken place and programs to address the risk factors have been delivered, the young person may be ready to exit the program. But first their case is reviewed to establish its success. The Bureau of Crime Statistics and Research will be undertaking this review of Youth on Track, conducted as the young person is ready to exit the program – hopefully having reduced their risk of becoming entrenched in the criminal justice system.

### **[Participants]**

BOCSAR have already undertaken some analysis around the Youth on Track scheme, analysing the group who are likely to enter the scheme, based on known demographic factors and risk profiles. These are the young people who are most likely to benefit from the intervention; they are the ones who are otherwise most likely to become entrenched criminals, and the ones with most risk factors. Based on that analysis, the majority of participants are likely to be male, and more than half are likely to be Aboriginal, and almost half are likely to have their first brush with the justice system before their 14<sup>th</sup> birthday.

By comparing the target group to young offenders already in the Juvenile Justice system, we can estimate what their needs will be:

About 40 per cent are likely to have substance abuse disorders, 39 per cent have conduct disorders, about 23 per cent will have serious problems with anger and violence and about one quarter will have attention deficit hyperactivity disorder, or ADHD<sup>13</sup>.

The young offenders in the target group are disproportionately likely to be experiencing high psychological distress and major depression and be contemplating or have attempted suicide (9 per cent of target group)<sup>14</sup>.

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<sup>13</sup> Weatherburn, D., Cush, R., & Saunders, P 2007, *Screening juvenile offenders for further assessment and intervention*. NSW Bureau of Crime Statistics and Research, Sydney CJB 109

<sup>14</sup> Young people in custody health survey, 2009

One of the most effective ways to reduce young people's current and future risk of offending is to improve their educational outcomes.

A key aim for the Youth on Track scheme is to engage these young people in schooling. However, almost half of them are likely to be in the bottom three per cent of numerical ability for their age, and a large number will have problems spelling and reading.

Most of the target group are likely to have experienced some form of emotional, physical or sexual abuse or neglect. Up to a quarter may have experienced severe abuse or neglect.

A significant proportion of them are likely to have lived in out-of-home care. Many will have a disrupted family life because they have a parent who is dead or in prison.

And, we know many of these young offenders will have all these problems compounded<sup>15</sup>.

So we are not underestimating the level of difficulty these young people face or the challenges to this scheme in dealing with them. In fact we have designed it specifically with these difficulties in mind. These are hard problems to tackle and not all will be successful.

We also know that these young offenders are likely to be concentrated in some locations more than others. A geographical analysis of where these young offenders live, gives us an idea of where to best focus our efforts.

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<sup>15</sup> Weatherburn, D., Cush, R., & Saunders, P 2007, *Screening juvenile offenders for further assessment and intervention*. NSW Bureau of Crime Statistics and Research, Sydney.

The areas with the largest numbers of likely Youth on Track participants are in Sydney (predominately Blacktown and Outer Western Sydney), Hunter, Mid North Coast, Northern and North Western Statistical Divisions<sup>16</sup>. About two thirds of the target group are located with the majority of the population – in the Sydney, Hunter and Mid North Coast areas. So, this is where we are starting the Youth on Track program.

Youth on Track isn't just another program for young offenders, this is a seminal shift in the way we manage juvenile crime, it's based on the best research and evidence of what works, on changing our system, and on breaking new ground in early intervention for young offenders.

And this new approach differs from our traditional view of juvenile justice in a number of important ways:

By intervening earlier, separating treatment from punishment, responding to need rather than crime, providing a whole-of-government approach, and being voluntary.

### **[Focusing earlier]**

Traditionally, our system of youth justice has had a core principle of the least restrictive intervention being used for young people. However, we now know that to reduce crime, quite significant intervention may be required, and may be needed as early as possible. That's not to say interventions should be mandated.

But it is a considerable conceptual shift from our traditional view of diversion from the system as a goal in its own right, to viewing contact with this system as an opportunity to intervene and resolve problems.

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<sup>16</sup> Bureau of Crime Statistics and Research 2013, *Youth on Track: a model for early intervention with young people*, Department of Attorney General and Justice NSW.

### **[Separating treatment from punishment]**

Criminal justice programs are traditionally developed around particular sentencing options or points of legal decision making, such as making participation a condition of a bond. The proposed model aims to separate assessment and case management from legal decision making.

This again is a conceptual shift in the way intervention programs are usually developed. This change will allow young people to receive services based on their needs, irrespective of their legal outcome. It will also allow intervention to be provided more quickly and earlier than would otherwise be the case. This may mean that very minor offences could conceivably lead to quite involved and intensive work with young people and their families.

### **[Responding to risk and need rather than simply to crime]**

Traditionally our response to young people is based on a hierarchy of interventions, which in practice has meant that a response is often based on the seriousness of the crime. The likelihood of intervention increases with the level of seriousness of the crime. Youth on Track aims to make risk and need the core principles of decision making.

This is another fundamental shift in the way young offenders are managed currently. It shifts decision making on the type and level of interventions from the legal participants to case managers and clinical assessors. Currently, it is often magistrates that are identifying that a person is at risk and calling for further assessment and information, or their legal representative making submissions to their needs.

### **[A changed role for some government agencies]**

A focus on working with young people and their families earlier in their lives will require a shift in focus not only for the criminal justice system, but for a number of other parts of government. It creates two separate challenges for government agencies: Some would play a greater and more formal role in identifying young

people with problems and referring them, and other agencies may be required to provide more, faster or even different types of services to this group. This new scheme requires all of government to work together.

It will allow schools to refer young people they think are heading in the wrong direction into this system for screening. While many schools currently help young people and their families experiencing difficulties, this would be the first time they would play a formal role identifying and referring people who could be potential offenders. One of the biggest predictors of future offending is disengagement with the education system, so a key factor in turning young people around will be a reengagement with that system.

### **[Working with voluntary clients]**

Intervening in the lives of young people as they start to get into trouble means intervening with many when they are quite young and not yet committing serious offences. This means that involvement has to be voluntary and rely on active engagement with the young person and their families.

This heavy involvement with voluntary clients is also a new focus for the justice system. Traditionally, clients are mandated and are referred to services as part of court orders or sentencing provisions. This focus will require a greater need to ensure that young people and their families are engaged with the case managers and that services really meet their needs and are delivered in responsive ways.

We will build on the lessons we have learned through other voluntary programs, such as ISP, to engage young people and their families and to guide them to completion of programs.

### **[Case study – Dylan]**

Finally, I want to put a human face to the issue and share with you one of the cases we looked at when putting Youth on Track together.

I found this instructive in forming an image of the types of young people we are trying to help, and of the tragic and difficult lives that can lead some young people into a life of crime.

I will refer to the teenager as Dylan.

Dylan is a 14 year old. He stopped living with his mother when he was 18 months old, when she could no longer care for him because of her drug use and chronic neglect.

He has never met his father.

He has lived with his grandmother most of his life, although has also tried to reconnect and live with his mother from for short periods, while growing up. His mother has also moved in and out of the family home, but his grandmother is considered his carer.

For a period Dylan moved to an aunt's house, but this arrangement was brief because of his difficult behaviour. Eventually, his aunt took out an Apprehended Violence Order against him.

He was also close to his grandfather, but the grandfather died when Dylan was 11 years old, and Dylan did not cope with this loss and struggled to deal with his emotions, and this resulted in aggressive behaviours.

Dylan eventually went to live on the streets and fended for himself.

Soon after, Dylan was placed on a temporary care order.

Dylan attended primary school from kindergarten to the end of year three, but moved to another primary school because of his poor attendance and difficult behaviours. Later he was referred to a behavioural school where he commenced year five in February 2008.

Dylan had a very poor attendance record and constantly came into conflict with other students. Dylan has been suspended many times since 2008 for his inappropriate behaviour and for fighting with other students.

Dylan started using alcohol and cannabis when he was 11, and has been using cannabis daily ever since. He also started using speed and ecstasy regularly from the age of 13.

In 2008 Dylan was seen by a psychiatrist and was diagnosed with “oppositional defiant disorder” and depression. Dylan was taking medication, but after a short time he stopped taking it.

It was just a matter of time that Dylan became involved in the criminal justice system. Initially he was charged with resisting police in their duty, but later was arrested for allegedly receiving and trying to dispose of stolen property (\$5000) – which is an indictable offence.

Dylan was eventually referred for a Youth Conduct Order which led him to re-engage with his grandmother. He is now subject to a supervised order and attending counselling with a Juvenile Justice Counsellor. And we hope that this is the beginning of a better life for Dylan.

Under the Youth on Track model Dylan could have been referred to a case manager at a number of points, either through his contact with the police or a referral from the school at a much earlier age. Support around his family and accommodation, his mental health issues, medication and referral to further programs could have been provided to prevent his offending from escalating.

It is children like Dylan who have fallen through the cracks in the system for far too long, and whom we hope to support through Youth on Track.

## **[Conclusion]**

I am confident that this new way of dealing with young offenders will achieve strong and long lasting results.

This is about smart justice, it's about targeting our efforts at those areas we know will have greatest benefit in ways that we know will work.

It's about redesigning the way we manage young offenders and respond to juvenile crime to stop problems before they become serious.

To prevent crime by early intervention. And to make sure these young people are making a contribution to our community rather than taking from it, and ultimately to make our communities safer places.

Thank you.