

Maranguka



JUST
REINVEST
NSW

Justice Reinvestment for Aboriginal Young People

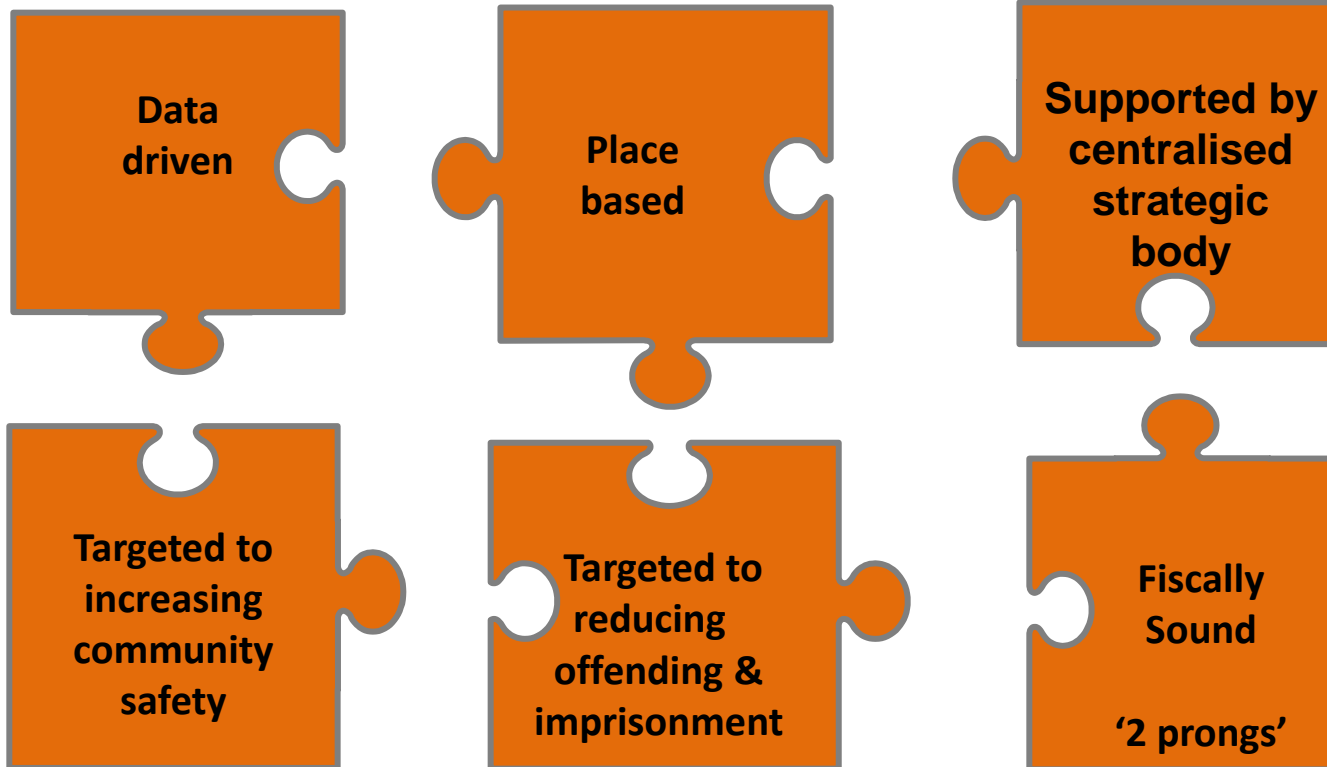
GIVE THEM A LIFE

NOT LIFE IN PRISON



March 2018

WHY JUSTICE REINVESTMENT?



Just Reinvest NSW Policy Paper to propose a number of legislative or policy reforms to reduce the rising prison population in NSW, with a particular view to addressing the levels of Aboriginal overrepresentation.

The paper was developed following a roundtable discussion with members of the NSW legal and justice communities and in consultation with a wide range of peak NSW Aboriginal organisations.

Key objectives:

Reducing crime to create safe communities:

adequate resourcing to address the complex needs of offenders in the community to address the underlying causes of crime, reduce recidivism and create safer communities.

An end to post-code justice:

equal access to and adequate resourcing for diversionary options, rehabilitation programs and therapeutic court settings across NSW.

A smarter way to spend \$3.8 billion:

focusing expenditure on measures that will improve public health and prevent crime.

Just Reinvest NSW Policy Paper to propose a number of legislative or policy reforms to reduce the rising prison population in NSW, with a particular view to addressing the levels of Aboriginal overrepresentation.

Key Proposals:

- 1. Ensure the availability and expand the scope of Intensive Corrections Orders (ICOs)** - to all NSW courts and to include violent offender therapeutic programs (VOTPs) and intensive rehabilitation orders.
- 2. Introduce measures to limit sentences of less than six months**
- 3. Change the response to breaches of parole and support measures to reduce the likelihood of breach**
 - (a) remove the requirement for an offender whose parole has been revoked to wait 12 months before being able to re-apply for parole, and introduce a staged approach to consequences of breach of parole.
 - (b) ensure the availability of works release and weekend leave, with the introduction in appropriate cases to back-end home detention, residential rehabilitation and halfway house options.

Part of a broader suite of proposals including:

- **Mapping existing residential drug and alcohol programs for Indigenous people and identifying and meeting additional need for resourcing to include mental health services and healing and cultural components and trauma-informed support.**
- **Expanding the operation of Indigenous Courts across NSW including broadening the locations of the Youth Koori Court and introducing a NSW Koori District Court.**
- **Addressing the specific needs of Indigenous women who are at risk of offending/re- offending**
- **Establishing a more equitable approach to penalty notices and fines**
- **Framing smarter orders (including bail, supervised orders and AVOs) and implementing breach reduction strategies**

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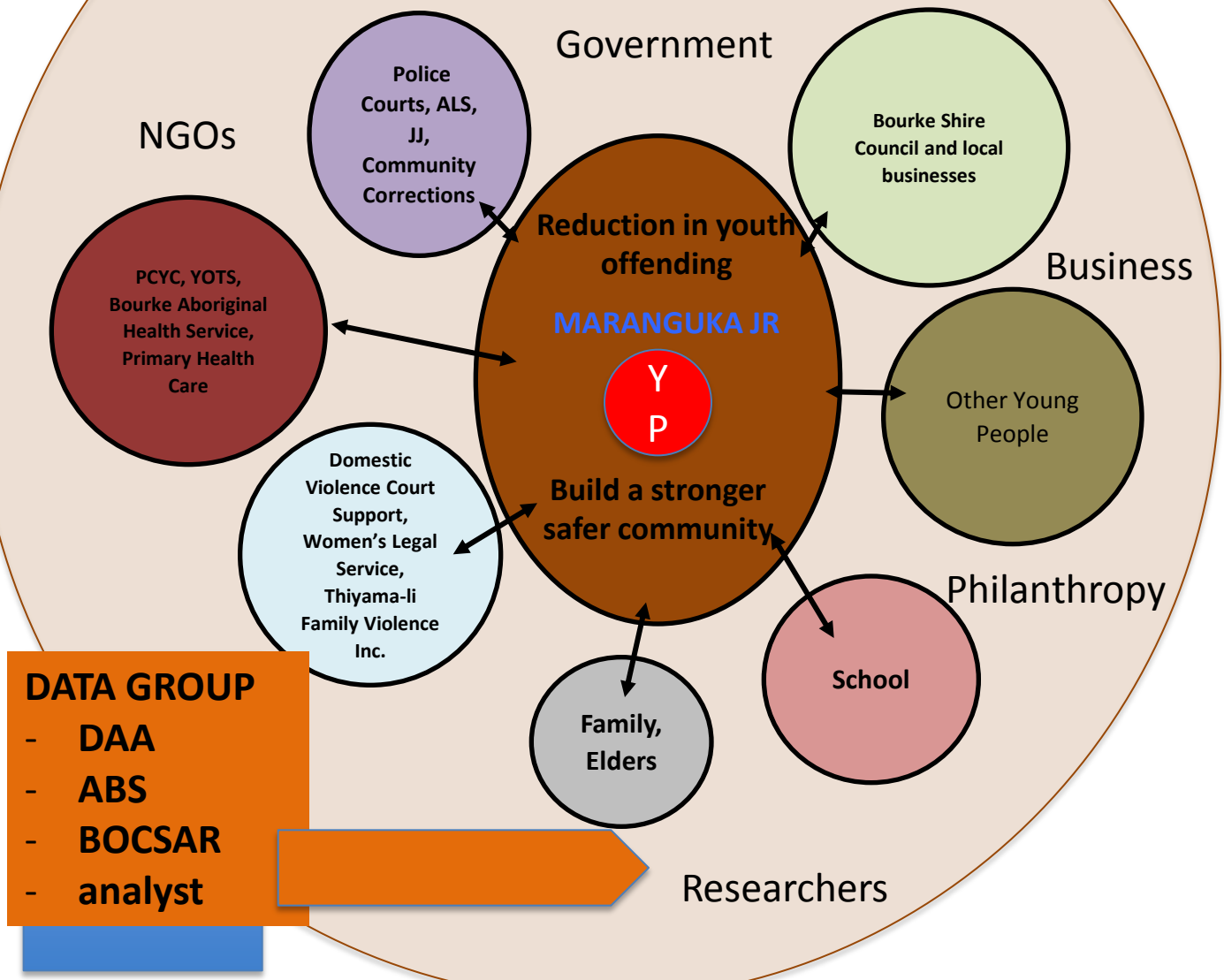
Bourke and Maranguka

**JUST
REINVEST
NSW**



ENGAGE & PLAN

Maranguka



DATA GROUP

- DAA
- ABS
- BOCSAR
- analyst

Researchers

THE JOURNEY OF CHILDREN & YOUNG PEOPLE THROUGH THE JUSTICE SYSTEM



18

AGE

18-25 YEARS
HIGHEST IN NSW
 IN 2013 BOURKE WAS RANKED HIGHEST IN NSW FOR OFFENCES OF:

- Breach bail
- Dr-related assault
- Malicious damage
- Non-DV assault
- Drive disqualified/suspended
- Harassment
- Steal from retail store
- Breach AVC

OFFENCES ABORIGINAL 18-25 YEARS
 2013/2014 TOP 5 OFFENCES

- 24% ASSAULT
- 19% BREACH OF BAIL/COURT ORDERS
- 13% DRIVING OFFENCES
- 12% DISORDERLY CONDUCT
- 11% THEFT

61% of assaults were domestic violence related
 86% of offenders were male

OFFENDING

HIGHEST IN NSW
 IN 2014 BOURKE HAD HIGHEST RATE OF 10-17 YEAR OLDS OFFENDING IN NSW

44:1
 10-18 YEARS
 Aboriginal vs non-Aboriginal offending ratio

OFFENCES ABORIGINAL & NON-ABORIGINAL 10-17 YEARS
 2013/2014 TOP 5 OFFENCES

- 14% BREACH OF BAIL/COURT ORDERS
- 14% PROPERTY OFFENCES
- 13% ASSAULT
- 12% BREAK & ENTER
- 12% MALICIOUS DAMAGE

43% of assaults were domestic violence related
 87% of 10-17 year old offenders were male

DOMESTIC VIOLENCE 2013/2014
 49% of OFFENCES aged 18-25 years

11:1
 Aboriginal to non-Aboriginal ratio (all ages)

44% of VICTIMS aged 18-25 years

4:1
 Female to male victim ratio

MALICIOUS DAMAGE 2013/2014
 26% of OFFENCES aged 18-25 years

16:1
 Aboriginal to non-Aboriginal ratio

12:1
 Male to female offender ratio
 All ages

DIVERSION

50% of juvenile cases were dealt with by the police under the Young Offenders Act (YOA) 2013/2014 by:

- Giving a warning or caution
- Ordering a youth justice conference

OFFENCES LEAST LIKELY TO BE DIVERTED
 89% OF ASSAULT CHARGES WENT TO COURT

XX conferences with outcome plans successfully completed

BAIL 10-25 YEARS
 In 19% of cases, bail was refused

49% Where bail was granted... was conditional bail

BAIL CONDITIONS 10-25 YEARS

- 45% Restrictions on place association or contact
- 28% Reporting to police
- 7% Curfew

168 BREACHES OF BAIL 10-25 YEARS
 breaches of bail due to:

- 35% Further offending
- 20% Breaches of curfew
- 19% Breaches of place association or contact restrictions

BAIL

68 POLICE ACTION ON BREACHES OF BAIL 10-17 YEARS
 Jan 2014 to May 2015

71% PROCEEDED AGAINST

28% DIVERSION warning or no formal action taken

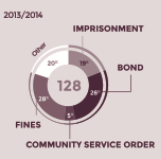
914 BAIL COMPLIANCE CHECKS

Police are working with the Maranguka Justice Reinvestment team to develop bail protocols.

The worst thing about being in Bourke is being bored and getting into trouble with the police

Average duration of sentence of imprisonment
6 MONTHS

18-25 YEARS PENALTIES



SENTENCING & PUNISHMENT

10-17 YEARS PENALTIES (COURT)
 2013/2014

DISMISSED with caution or no action: 36%

YOUTH JUSTICE CONFERENCE (court only): 30%

BONDS & PROBATION: 20%

ORDER (jail): 10%

COMMUNITY SERVICE ORDER: 4%

Average duration of control order (jail)
3 MONTHS

18-25 YEARS
 2 in 10 DID NOT re-offend within 12 mths of release

18-25 YEARS FOLLOWING RELEASE FROM CUSTODY
 COURT APPEARANCE, CAUTION OR YOUTH JUSTICE CONFERENCE WITHIN:

- 3 months: 4 in 10
- 6 months: 6 in 10
- 9 months: 7 in 10
- 12 months: 8 in 10

FURTHER PRISON SENTENCE WITHIN:

- 3 months: 3 in 10
- 6 months: 4 in 10
- 9 months: 5 in 10
- 12 months: 6 in 10

RE-OFFENDING

10-17 YEARS FOLLOWING RELEASE FROM CUSTODY
 COURT APPEARANCE, CAUTION OR YOUTH JUSTICE CONFERENCE WITHIN:

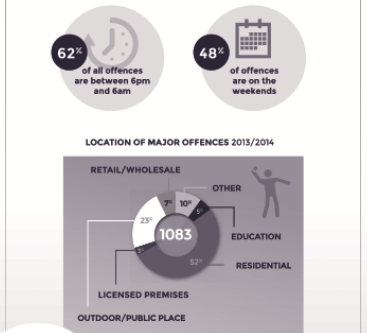
- 3 months: 6 in 10
- 6 months: 9 in 10
- 9 months: 9 in 10
- 12 months: 9 in 10

FURTHER PRISON SENTENCE WITHIN:

- 3 months: 4 in 10
- 6 months: 5 in 10
- 9 months: 6 in 10
- 12 months: 6 in 10

1 in 10 DID NOT re-offend within 12 mths of release
 10-18 YEARS

ALL OFFENCES 2013/2014



We need somewhere open at nights and in the school holidays.

Things that send us off track are having a record and going to jail.

JUSTICE REINVESTMENT A SMARTER SPEND
 Creating alternative pathways for young people and building a safer community.

PRISON → PREVENTION → A STRONG, SAFE COMMUNITY

What needs to happen in Bourke?

The snapshot is based on BOCSAR data for 2013/2014 except for juvenile offending and bail data which is based on police data for January 2014 to May 2015.

Justice Initiatives 1

Bail Protocols

- Developing police protocols re bail conditions/ breach/ warning/ use of arrest

Warrant Clinic and the Justice Support Team

- Broadening the scope: breach reduction, bail and court support
- Police check ins



Justice Initiatives 2

Driver Licensing Program

- Referral process for unlicensed driver matters

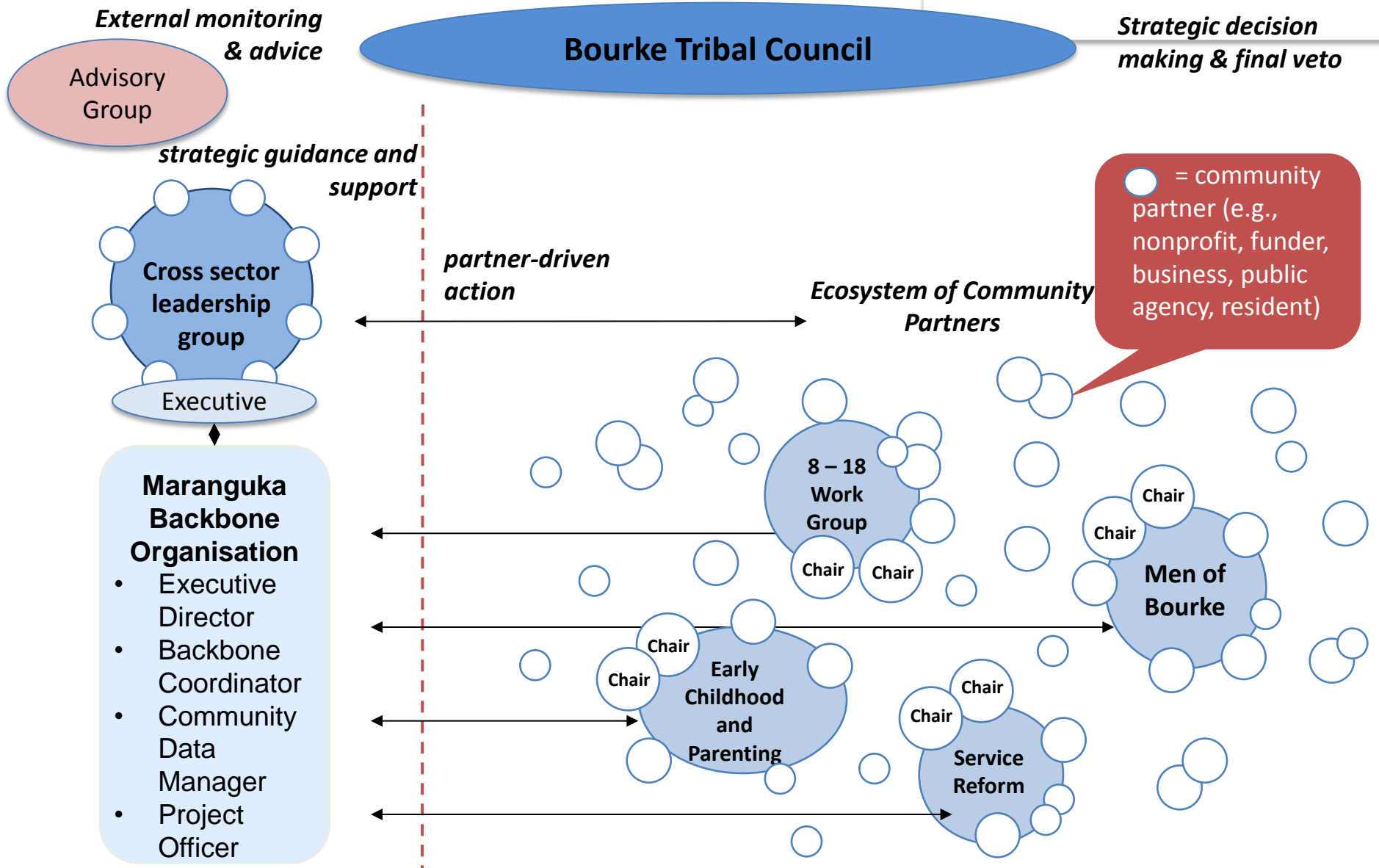
Operation Solidarity

- Visiting perpetrator and victim - surveillance and support
- Collaborating with community organisations

Children's Court List Days – a proposal

- A more therapeutic approach
- In and out of the courtroom
- Local and District Court sentence lists?

Growing them up Safe Smart Strong Strategy & Report Card



* Adapted from [Listening to the Stars: The Constellation Model of Collaborative Social Change](#), by Tonya Surman and Mark Surman, 2008.



30% reduction in driving offences

37% reduction in domestic violence reoffending



25% increase in education engagement of Our Place young people

100% decrease in offending by Our Place young people for almost 1 month

- **FUNDS GOING INTO THE COMMUNITY:**
 - EXISTING PROGRAMS AND SERVICES
- **COSTING THE REALIGNMENT**
- **PROJECTING SAVINGS TO GOVERNMENT**

Website: www.justreinvest.org.au

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