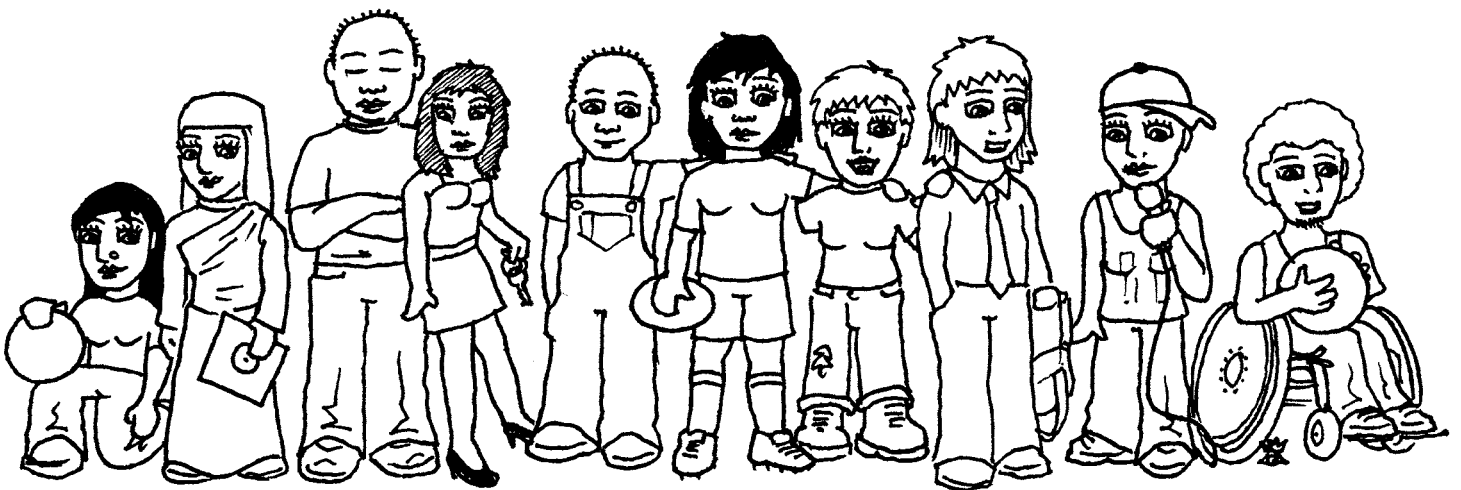


Opening the doors

*A 'Do It Yourself' Access and Equity manual
for working with young people*



*Produced by YAPA and the Access Project Reference Group
for the Nepean Better Futures Strategy*

Opening the Doors

This is one chapter of **Opening the Doors**. The other chapters are:

- What is Access and Equity?
- What does the law require me to do about Access & Equity?
- What does my funding body require me to do about Access & Equity?
- Young people with a disability
- Aboriginal and Torres Strait Islander young people
- Gay, lesbian, bi-sexual and transgender young people
- Early school leavers
- Rural and geographically isolated young people
- Young women
- Young parents
- Refugee and migrant young people
- Young people with mental health issues
- Young people involved with the juvenile justice system

Opening the Doors is only available online. You can:

- browse the publication in a series of web pages
- download individual chapters as PDF files
- download the whole publication as a PDF (large file: 2.4 MB – broadband recommended).

www.yapa.org.au/openingdoors

Enquiries: info@yapa.org.au (02) 9319 1100 or 1800 627 323

Produced by YAPA & the Nepean Access Project Reference Group for the Nepean Better Futures Strategy.

Drawings: Colin Stokes.

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Disclaimer: This manual is a general guide for NSW services designed specifically for the Nepean Region (Blue Mountains Penrith & Hawkesbury). The producers of the manual took reasonable care to ensure that all information was correct as of 2005. However government regulations, laws and standards are complex and do change over time. This document is not intended as legal advice. You should seek clarification on legal matters through other publications and authorities.

How to use the checklists

We have developed some checklists to get you thinking about how your service is performing on access and equity issues.

It is best if you can work through these activities with your management committee or staff team, but you can also do these activities by yourself.

Steps

1. Read through each checklist and answer yes or no to each question
2. You now have some guidelines for what you are doing well (your yes responses) and some goals for how you can improve (your no responses)
3. Prioritise each of your no responses
4. Choose 3 – 5 goals to work on in the next month and write a plan of how and when you will achieve them. You may want to include your plans in your work plan or strategic plan.
5. Once you have achieved one of your goals you can record your action as a new achievement and choose another goal from the remaining items on your list.
6. Keep other people, including your management committee, informed of your progress and share good ideas and examples with your colleagues and your youth network.

WORKING WITH ... **YOUNG PEOPLE INVOLVED IN THE JUVENILE JUSTICE SYSTEM**



DEFINITIONS & DEMOGRAPHICS

The *juvenile justice system* is the state's criminal justice response to children and young people who are alleged to have committed an offence or who have been found guilty of an offence, while **aged 10 to 17** years of age. ⁷

Young people who come to the attention of the juvenile justice system follow one of the pathways illustrated overleaf.

Under the *juvenile justice system* police may deal with young offenders in one of four ways depending on the type of offence and its seriousness, the amount of violence involved and the harm caused to the victim.

Warnings apply for trivial offences such as trespassing or offensive language, where there has been no violence or other related issues. Warnings can be delivered on the spot. Police officers must identify themselves

and their Local Area Command, inform the young person that they are receiving a warning under the Act and record the young offender's name, address and date of birth. A record of the warning is kept on the police computer system but cannot be used as a record of criminal history.

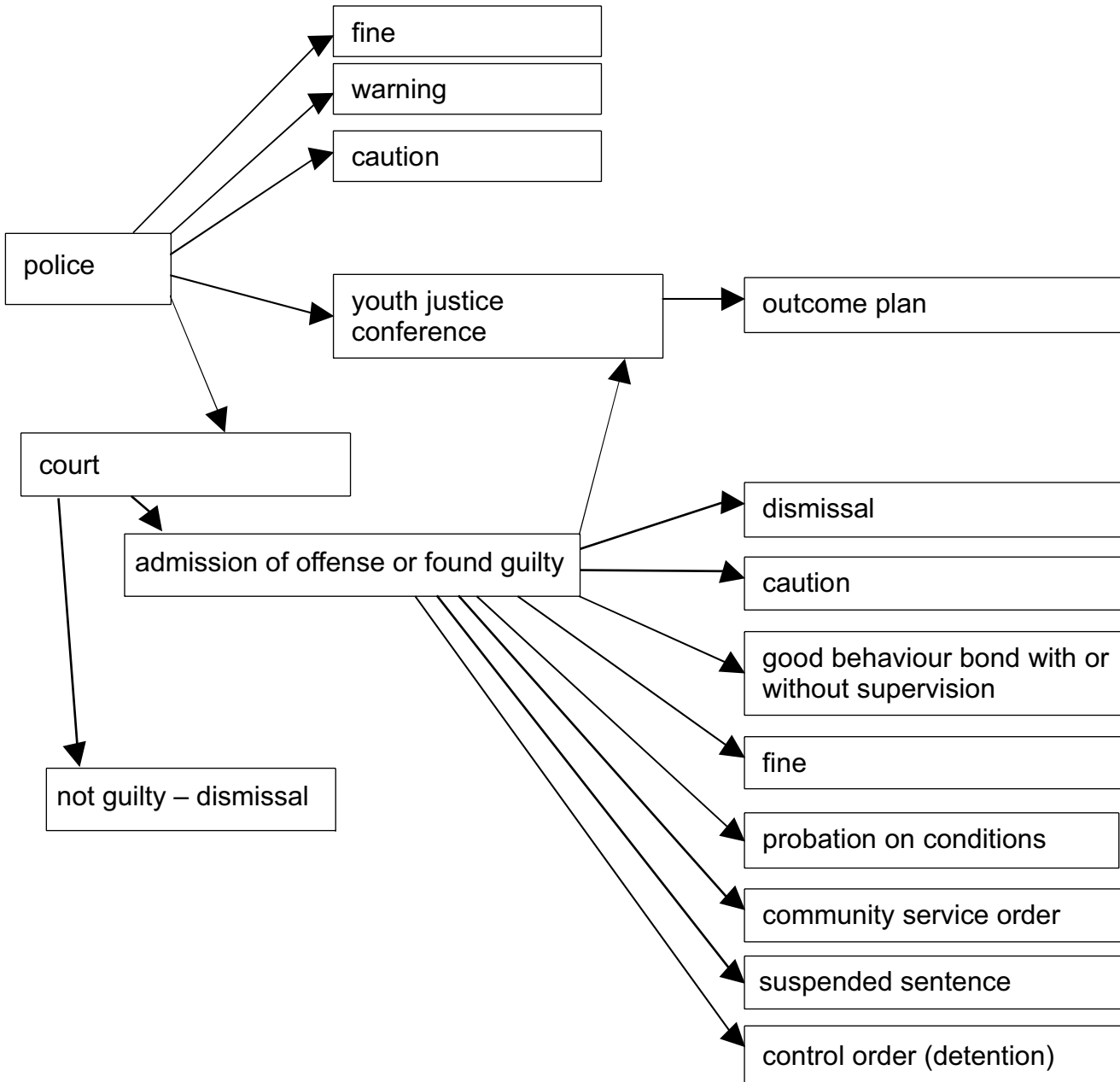
Cautions apply to more serious offences such as drug possession, damage to property and stealing. To receive a caution, young offenders must admit the offence and agree to be cautioned. Cautions are administered by Specialist Youth Officers based at each Local Area Command.

Young people are assisted to access legal advice prior to being interviewed and must be interviewed and cautioned in the presence of an appropriate adult such as a parent, carer or legal representative.

Cautioning takes up to one hour to complete and involves the young offender meeting



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with police or a community member and considering what they have done. Cautions usually involve:

- an explanation of the reason for the caution
- an exploration of the impact of the offence on the victim and the young

offender including consequences of future offending

- identification of how to avoid future offending.

Police will keep a record of the caution



Youth Justice Conferencing

For more serious offences a young offender can be referred to a Youth Justice Conference. The types of offences that are commonly dealt with in Youth Justice Conferences are break and enter, assault, theft, car theft and property damage.

The young offender must admit the offence in the presence of a responsible adult and agree to the conference.

Around 1,244 conferences are conducted each year. Around 40% of all conferences have been referred by the police with the remaining cases referred by the courts.⁷

A Youth Justice Conference involves families and victims in face to face meetings with young offenders. The aim of the conference is for the young offender to take responsibility for their actions, make amends in some way to the victim, and develop in a responsible, positive and socially acceptable way.

People who can attend a conference include the young offender and their family, the victim or their representative, the police officer who arrested the young offender, a legal representative for the young offender and an interpreter if required.

A neutral convenor from the Department of Juvenile Justice runs the conference. In the conference all participants talk about the crime and its impact upon them.

The participants agree on an **Outcome Plan** at the end of the conference. Outcome plans may include things like:

- giving an apology to the victim (spoken or written)
- giving back things that were stolen
- paying money for items that were stolen or damaged

- fixing something that was damaged
- doing unpaid work for the victim
- doing unpaid work the community
- doing a training course or program
- attending a counselling program
- attending a drug or alcohol program.

Court

For more serious offences, and offences where a young person does not admit the offence, the police can commence court proceedings through the *Children (Criminal Proceedings) Act 1987*.⁷

If the court finds them guilty it can make any of the following orders: dismissal and/or caution, referral to a Youth Justice Conference, good behaviour bond, fine, suspended sentence, probation on conditions determined by the court, community service order or control order (detention).

The Department of Juvenile Justice may formally supervise good behaviour bonds, probation bonds, suspended sentences, community service orders and detentions.



Community Service Orders

A Community Service Order (CSO) is a penalty given by the court. The order requires the offender to perform a certain number of hours of unpaid work, generally for a community organisation, charity, local council or hospital.

Juvenile Justice or Probation or Parole assess whether an offender is suitable for a CSO and whether work is available. Examples of CSOs include:

- maintaining grounds and parks
- assisting in cleaning up a community group's facilities
- office duties
- removing graffiti from buildings.

A supervisor of a CSO can breach a young offender if they haven't obeyed the supervisor's instructions, were aggressive to the supervisor, or did not complete the CSO hours.

Around 800 community service orders are given to young people each year.

Control order (detention)

Young people in detention represent a small proportion of all young offenders involved in the juvenile justice system.

Around 300 young people are in detention at any one time. About half are on remand (awaiting trial or sentence) and about half have been sentenced. 95% are male, 5% female and 39% are Aboriginal or Torres Strait Islander.⁷

There are nine juvenile justice centres in NSW and one emergency short-term accommodation unit located at Broken Hill. These are:

- Frank Baxter – Gosford
- Kariong – Gosford (managed by Dept of Corrective services)
- Reiby – Campbelltown
- Juniperina – Lidcombe
- Cobham – Werrington
- Keelong – Unanderra (near Wollongong)
- Orana – Dubbo
- Acmena – Grafton
- Riverina – Wagga Wagga

For more information about police and court proceedings see *Youth justice – your guide to cops and court in NSW*, published by Macquarie Legal Centre 2003.

TERMINOLOGY

Young person involved in the juvenile justice system is an acceptable term. Not all young people involved in the JJ system are offenders (ie. guilty), so use *young offenders* with caution

OVERVIEW OF NEEDS AND ISSUES

Risk factors for involvement in crime

Extensive research shows that a number of factors greatly increase the risk of young people becoming involved in crime.

The strongest predictors are a lack of parental involvement in a child's life, lack of adequate parental supervision, rejection of a child by



a parent and a parent's lack of emotional attachment to a child. ^{12, 20}

Other risk factors include:

- difficulties in school including suspension, truancy and low educational attainment
- homelessness or unstable accommodation
- substance abuse
- unemployment
- poverty
- family breakdown and disruption
- negative peer association
- poor personal and social skills
- limited leisure and recreation opportunities.

5, 7, 12, 20, 24

Risk factors do not cause crime, nor do they excuse crime. Risk factors increase the risk of becoming involved in crime. By targeting the known risk factors we can be confident that we are preventing and reducing crime.

Aboriginal young people, young people in care, young women, young people with a disability and young people with difficulties at school face a range of issues in relation to juvenile justice. An overview of these issues follows.

Aboriginal young people

Aboriginal young people are significantly over-represented in all areas of the juvenile justice system. Despite comprising only 3% of the general youth population, Aboriginal young people make up 30-40% of young people at each level of the system. ¹³

Aboriginal young people are a significantly disadvantaged group in the community and are faced with many of the risk factors outlined above.

Thousands of Aboriginal children were taken from their families all over Australia purely on the basis of their Aboriginality. This practice continued until the 1969 and many parents or grandparents of Aboriginal young people were taken away from their families. This history of the "Stolen Generations" has undermined the parenting practices of many families. ¹⁵

The Human Rights and Equal Opportunity Commission has found that the effect of family separation has led to feelings of worthlessness and depression, and can lead to violence and delinquency. ¹⁵

Aboriginal young people face many disadvantages in life, in relation to poverty, education, unemployment, school suspension, and lack of culturally appropriate service provision. More information about these issues is outlined in the Aboriginal section of this manual, and in the Early School Leavers section of this manual.

Studies have found that institutionalised racism and a lack of understanding of Aboriginal young people and culture by magistrates result in young Aboriginal people receiving much higher penalties in the juvenile justice system than their Anglo-Australian counterparts. ^{6,13}

Aboriginal young people are also significantly over-represented as victims of crime. Aboriginal young people are three times more likely to be victims of sexual assault and five times more likely to be victims of domestic violence or assault causing grievous bodily harm.

Young people from culturally and linguistically diverse backgrounds

Young people from culturally and linguistically diverse backgrounds are over-represented in the NSW criminal justice system. ¹³



In particular, Pacific Islanders receive higher penalties than their Anglo-Australian counterparts.¹³

The Department of Juvenile Justice has produced a useful guide to working with Pacific Islander young people (details at the end of this section).

Young people in care

The majority of young people in care (previously known as “state wards”) do not come into contact with the juvenile justice system, however as a group they are over-represented.⁵

Young people in care are those who are likely to experience many of these risk factors thereby increasing their risk of becoming involved with crime.⁵

Young people with disabilities

Young people with intellectual disabilities and young people with mental health issues are over-represented in the juvenile justice system.

The 2003 Young People in Custody Health Survey, found that of those young people in detention:

- 88% reported symptoms of mild, moderate or severe psychiatric disorder
- 30% reported symptoms of attention deficit disorder
- 21% reported symptoms of schizophrenia
- 17% had intelligence scores assessed as intellectual disability.⁸

Young people with difficulties in school

The NSW Bureau of Crime Statistics and

Research has found that young people with low educational attainment are more likely to offend, more likely to offend frequently, more likely to commit more serious offences and more likely to persist in crime.²⁵

Truancy and suspension are high risk factors for involvement in crime. For example, around 90% of those in detention have been suspended from school.^{7,25}

Interventions which improve school performance have proved successful in reducing offending behaviour.²⁵

Young women

Young women are under represented in the juvenile justice system. Only 21% of those referred to Youth Justice Conferences, and 14% of those in detention are female.⁷

However the specific needs of young women in the juvenile justice system require particular attention, given the life disadvantages many of them have faced.

For example, in reporting on young women in detention, the Department of Juvenile Justice states:

The vast majority of young women in juvenile justice come from low socio-economic backgrounds, have a poor attachment to education, and a history of sexual and physical abuse and violence, neglect and/or trauma. A majority have experienced periods of homelessness. These experiences contribute to patterns of high risk behaviour, typically including problematic substance use, self-mutilation, unsafe sex, generally poor levels of self-care and a tendency to put themselves in high risk situations. Involvement in violent and abusive intimate relationships is also common. Young women’s offending behaviour is often related to these histories and



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*behaviour patterns, and is particularly related to substance use, with a large proportion of young women entering the juvenile justice system on drug-related charges.*⁹

PRACTICAL TIPS

Address risk factors

It is important to be aware of the risk factors outlined above, because they provide guidance as to how to successfully prevent and reduce offending behaviour.

Examples of successful strategies which address risk factors are those that

target education and employment programs to those most disadvantaged

- enhance parent coping skills
- reduce social isolation and provide social support to parents and adolescents
- provide secure long term housing
- increase economic well-being of families.

Manage challenging behaviours

It can be extremely beneficial to understand the causes of challenging behaviours which may be exhibited at your service, and ensure training for your staff and volunteers in managing challenging behaviour.

The Department of Juvenile Justice, in their policy for the management of difficult behaviour, explain that young people display challenging behaviours due to a number of causes including:

- *psychological causes relating to a young person's feelings of anxiety, depression, fear, insecurity, or interpersonal conflict*

- *biological causes related to substance withdrawal, seizure, physical illness or injury*
- *behavioural causes which relate to the antecedents for the behaviour and consequences of the behaviour. For example, violent adolescents who have learned that by being violent, people "back down" and give in to their wants*
- *environmental causes which result from the young person's interaction with the environment. For example, stimuli such as loud noises, high temperatures, overcrowding, control over routine and lifestyle and the physical structure of the environment, lack of stimulation and purposeful activity, inflexible authority, denial of personal identity, lack of privacy, or punitive treatment*
- *educational causes which may include a lack of skills development. For example, lack of problem solving skills, lack of social skills or inappropriate skills*
- *social causes which may flow from being in a disadvantaged group and, in the case of Indigenous people, historically disadvantaged and socially isolated. This may result in a low self-esteem and self-image. In the case of adolescent males, a fear of exposing this low self-esteem may be camouflaged with a perceived high level of competence which can result in aggressive outbursts if challenged*
- *other social causes such as those associated with childhood rejection, abuse, sexual abuse or neglect*
- *biological and developmental changes which in many situations are normal for this age group.*¹⁰

Practical tips for managing challenging behaviour:



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- Take active steps to develop a friendly and welcoming atmosphere at your service. Simple steps such as remembering the name of a young person and greeting them by name can show that you value them.
 - Take time to build (professional) relationships with young people. Be prepared to offer long term support with a consistent worker, rather than a range of workers.
 - Treat young people with respect and as individuals.
 - Understand cultural differences, for example body language.
 - Give praise, recognition and reinforcement of acceptable behaviour.
 - Consider the physical layout of your service and the activities you provide. For example, does your building and the activities you provide encourage young people to undertake purposeful activities or do they set up young people to be competitive with each other?
 - If you run a number of programs, don't mix too many young people who have challenging behaviour, or who are young offenders, in the same group.
 - Have clear rules / policies at your service which have been developed with young people.
 - Ensure that all staff and volunteers are aware of your service policies and apply them fairly and consistently.
 - Ensure that young people are aware of the rules of your service and consequences for inappropriate behaviour.
 - Implement consequences for inappropriate behaviour in a fair and consistent manner.
 - Provide gender specific programs.
 - Address issues such as education and stable accommodation, in addition to your regular activities.
- If a young person exhibits challenging behaviour:
- model the type of behaviour that you expect from the young person
 - speak in a calm voice, do not shout
 - listen to the views of the young person and try to understand why they are upset, use reflective language
 - don't touch someone who is angry and upset
 - try to remove the situation from bystanders
 - if a young person refuses to follow an instruction, offer them a choice. For example "you can either let Tony have his turn or leave the centre and come back tomorrow – it's up to you". This allows the young person to save face, particularly if there are other young people present.
- More information about behaviour management is available at www.yapa.org.au/youthwork/banning.htm .

Working with a young offender on an Outcome Plan or CSO

Young people who have an Outcome Plan or Community Service Order (CSO) are required to initiate contact with the service they have to attend.



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This can be particularly difficult for young people who generally don't have the skills, motivation or resources to make contact. These young people generally have to deal with such issues as: there being only one phone in the family, (this may be a mobile owned by parents and may not have credit available), limited money, and lack of access to transport.

As services aren't required to ensure that a young person on a CSO or Outcome Plan attends their appointments, the young person can get breached for not making contact. This occurs even when a family member or support worker has tried to make contact on behalf of the young person.

Once contact has been made your service can assist by calling the young person two to three times before their appointment as a reminder.

These young people may not have a supportive family to assist them meet the requirements of the Outcome Plan or CSO.

By providing practical support you can assist the young person to complete their Outcome Plan or community service order. You can then focus on initiatives which address the risk factors and reduce offending behaviour.

Create relationships with Juvenile Justice Officers who are supervising young people in the community.

Continue to support young people once their community service order or Outcome Plans has been completed by engaging them in other activities such as sporting or recreational programs or establishing regular meetings.

Provide support with referrals

Attending appointments, or going to a service

for the first time, can be particularly difficult for young people who have been involved with the juvenile justice system. They may experience fear of being judged or feel unable to express themselves. Often young people do not make it to a referral. Practical support through setting appointments, transport to the appointment, and attendance with the young person at the appointment can assist the young person to meet their commitments and gain support.

Working with young people who have been released from detention

The period immediately after release is a time where young people are particularly at risk. They face difficulties in accessing education, employment and training, finding accommodation, maintaining links with family and friends, and dealing with drug and alcohol problems, mental health problems and abuse. They can also face discrimination in the community, and the stigma of their detention, and can be the target of policing. If accommodation, family or other personal supports are not available young people may return to crime or drug taking.

So, when young people are first released from detention, they need to enter a support system that has a coordinated, collaborative approach.

Establishing networks and professional relationships encourages the sharing of information and resources. Consider working with other government and non-government services, the sporting community, the church community, and educational institutions.

Create relationships with the juvenile justice centres to establish programs that allow for a smoother transition of young people from the detention centre to the community. Having a contact person within the detention centre,



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who then provides support whilst exiting, will greatly assist the young person with reintegration into the community.

Local crime prevention programs

Most local councils have a Crime Prevention Plan which has been developed in partnership with the Police Local Area Command and significant stakeholders.

Contact your local Police Youth Liaison Officer or Community Safety Officer to find out how you can get involved in local crime prevention and community safety committees.

COMMON MYTHS

Myth 1: All young people in the juvenile justice system are offenders.

A young person can be involved in the juvenile justice system without being an offender. A significant minority of young people are charged with offences and involved in the system (in court, on bail, on remand etc) but are then found not guilty.

Contact Services

Police Youth Liaison Officers & Community Safety Officers

Phone:

Windsor Police Station (02) 45 606 999

Springwood Police Station (02) 47 510 299

Penrith Police Station (02) 47 219 444

NSW Department of Juvenile Justice

Phone: (02) 9219 9400

TTY: (02) 9219 9579

Web: www.djj.nsw.gov.au

Blue Mountains Community Legal Centre

Phone: (02) 4782 4155

Address: 4 Station St, Katoomba

Email: bmclc@lisp.com.au

Hawkesbury-Nepean Community Legal Centre

Phone: (02) 4588 5618

Email: Hawkesbury_NSW@fcl.fl.asn.au

Address: 13 Bosworth Street, Richmond

Youth Justice Coalition

Phone: (02) 9559 2899

Address: Marrickville Legal Centre,
338 Illawarra Road,
Marrickville 2204

Description: A network of youth workers, academics, lawyers and others interested in rights and advocacy for children and young people. The Coalition: conducts research into legal rights and issues affecting young people; inputs into government policies and legislation affecting young people; disseminates youth justice information to youth services.

Legal Aid Hotline for Under 18s

Phone: 1800 18 1010

Children's Legal Service, Penrith

Phone: (02) 4731 5155

Description: Represents children and young people under 18 in criminal and child welfare cases before the Children's Court.

Shopfront Youth Legal Centre

Phone: (02) 9360 1847

Email: shopfront@freehills.com

Web: www.theshopfront.org

Description: Shopfront:

- gives young people legal advice and represents them in court.
- helps advocate young people about their legal rights
- informs and trains youth workers about legal issues
- campaigns for better laws and policies relating to disadvantaged young people.

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