

YOUTH JUSTICE COMMUNITY ENGAGEMENT AND ORGANISATIONAL SUPPORT

March 2013

South Australian and Australian data trends

One of the major assumptions underpinning justice reinvestment is the premise that there has been exponential growth in the number of young people entering Training Centres. In South Australia such growth is not evident.

Overall numbers of young people entering the Adelaide Training Centre each year has decreased significantly since 1995/96. A marginal increase in the average daily occupancy level since the early 2000's, has primarily been driven by increases in length of stay of young people within facilities. In the period since 1995/96 the most prominent changes have been significant decreases in the numbers of young people serving detention sentences, increases in the numbers of admissions on police custody and increases in the average numbers of young people on remand.

The patterns of incarceration for Aboriginal young people show similar trends to those for the non Aboriginal population. As a proportion of the South Australian population though Aboriginal young people remain significantly over represented in both community supervision and detention populations, as is the case nationally. This proportional over representation in juvenile community and custodial populations has marginally declined over the past decade.

This submission provides trend analysis of admissions to South Australian Youth Training Centres, an overview of major strategies implemented to address offending by young people and the impact of strategies on outcomes for young people and the community.

South Australia data

The following data represents an analysis of the number of young people in custody within South Australia, covering the period from 1995/96 to 2009/10. Over the past two years a new case management system has been implemented in South Australia which has impacted the ability to analyse most recent trends.

The numbers of young people in a Training Centre (occupancy) at any one time is a result of the numbers of young people coming into a centre (admissions) and the length of time spent there (length of stay).

The data reveals that in overall terms the number of young people admitted to a Training Centre over the past 15 years. The data also shows that after an initial drop in the mid 1990's the number of young people in a Training Centre on any one day has begun to increase in the past 5 years. Despite this the average daily number

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remains lower now, than 15 years ago. This fluctuation in average daily numbers has been driven by an increase in the average length of time spent in a Training Centre.

It is also evident that since 1994/95 the proportion of sentenced, non-sentenced authorities has changed significantly. The proportion of young people on non-sentenced orders on any one day has increased from approximately 20 per cent in 1994/95 to approximately 50 per cent in 2009/10. This proportional change is in part driven by the significant reduction in the numbers of young people sentenced to detention. The reasons for this decline are unclear but it may be the result of a combination of policing activity and court decisions. In part the proportional increase in non-sentenced authorities is being driven by increases in the average length of stay for young people on non-sentenced authorities. The number of remand admissions has remained relatively stable through this period.

Data Tables

Table 1 below describes admissions by legal authority including Detention, First Instance Warrant (FIW), Police Custody (PC) and Remand. The admission authorities used below are the first authority for which a young person was admitted to custody. For example a person may be admitted on police custody, return to court and be remanded, return to court again and be sentenced to detention. In the numbers below this will be counted as police custody.

The table reveals that since 1995/96 there has been a decrease in the number of admissions for each authority type with the exception of police custody (PC) which has increased (434 to 502). In addition police custody admissions as a proportion of all admissions increased from 30 to 50 percent. Warrants in Default (WID) have not been used by the courts since the introduction of fines payment (a community option to detention) legislation was introduced which explains the zero totals from the end of 1995/96.

Table 1 Legal Authorities

Authority	1995/1996		2001/2002		2006/2007		2009/2010	
	No.	%	No.	%	No.	%	No.	%
Detention	132	9%	41	4%	44	4%	46	4.5%
FIW	228	16%	154	14%	149	15%	131	13%
WID	202	14%	0	0	0	0	0	0
PC	434	30%	519	48%	433	43%	502	49.5%
Remand	430	30%	356	33%	336	33%	305	30%
<i>Total*</i>	<i>1432</i>	<i>100%</i>	<i>1088</i>	<i>100%</i>	<i>1011</i>	<i>100%</i>	<i>1013</i>	<i>100%</i>

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**NB excludes minor categories, therefore will not sum to total*

Table 2 below shows average daily occupancy by sentenced/non-sentenced and total. The total average daily occupancy has decreased from 85 to 71 in the period being considered. Beneath this total population figure it can be seen that whilst the average number of non-sentenced young people has increased sentenced young people has decreased. However, between 2006/07 and 2009/10 the average number of sentenced young people has also increased from 28 to 35. As identified above this increase is largely being driven by increasing lengths of stay.

Table 2 Average Daily Occupancy

	Non-Sentenced	Sentenced	Total
1995/1996	22	63	85
2001/2002	32	37	69
2006/2007	34	28	62
2009/2010	36	35	71

Table 3 below presents the high and low range of young people on sentenced and non-sentenced authorities. These figures are not averages but actual numbers. From this it can be seen that at times of peak capacity there are now *less* young people in Training Centres than there were 15 years ago.

Table 3 Daily Range

	Non-Sentenced		Sentenced		Total	
	Low	High	Low	High	Low	High
1995/1996	10	34	41	80	51	114
2001/2002	21	48	24	50	45	98
2006/2007	18	53	22	36	40	89
2009/2010	20	51	29	43	49	94

Table 4 below shows the total number of admissions, unique persons admitted and the average admissions per person. The data shows overall both the number of admissions and the number of persons admitted has declined significantly. Between 95/96 & 09/10 there was a 29% drop in admissions and a 44% drop in number of unique individuals admitted. The greater decrease in the number of unique persons being admitted results in a slightly higher average number of admissions per person. Data for 2011/12 is available and provided in the following table.

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Table 4 Total Admissions

	Admissions	Persons	Average per person
1995/96	1432	874	1.6
2001/02	1088	630	1.7
2006/07	1011	486	2
2009/10	1013	503	2
2011/12	1088	478	2.3

Table 5 below brings together average occupancy, admission and average length of stay data. This table again reveals a steady decline in the number of admissions to Training Centres in each year. Between 1994/95 and 2005/06 there was no discernible trend in average occupancy, which ranged from a high of 91 to a low of 51 during this period. From the low evident in 2005/06 whilst there has been some volatility in the average length of stay the general trend has been an increase. However, the increase has been most pronounced since 2000/01 with the average length of stay reaching its highest recorded levels in the past three years. That is, the number of young people in the Training Centres is being primarily driven by the length of time young people spend in custody rather than the number of admissions. This appears to have been the case since the late 1990's.

Table 5 Average Occupancy, Admissions and Average Length of Stay.

	Average Daily	Admissions	Average Length of Stay
1994/1995	70.18	1544	16.59 days
1995/1996	84.21	1432	21.46 days
1996/1997	91.48	1507	22.15 days
1997/1998	75.61	1320	20.78 days
1998/1999	66.33	1312	18.45 days
1999/2000	63.56	1215	19.09 days
2000/2001	71.08	1134	22.87 days
2001/2002	69.23	1088	23.22 days
2002/2003	65.18	1334	17.83 days
2003/2004	60.75	1085	20.43 days

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2004/2005	65.28	1025	23.14 days
2005/2006	51.55	915	20.56 days
2006/2007	61.73	1011	22.28 days
2007/2008	71.95	1030	25.49 days
2008/2009	73.50	1097	24.45 days
2009/2010	70.42	1013	25.37 days

Factors influencing trends in South Australia

The South Australian juvenile detention population rates have been impacted by a range of changes to the operation of the youth justice system. The current Young Offenders Act (1993) introduced a new philosophical intent particularly the use of detention as a measure of last resort. Since the introduction of the Act in the mid nineties there has been a steady decline in detention rates however changes have occurred in the proportion of young people placed on non/sentenced and sentenced detention. Non sentenced detention now makes up the most significant proportion of daily average occupancy.

As previously stated average length of stay has also increased. There are ranges of influencing factors which have brought about these changes in trends. In the period from 2005 on, a number of legislative amendments have been introduced which have acted to reduce young people's access to bail and increase length of time spent on remand as well as altering the types of sentences applied to certain offence categories once matters are adjudicated. In particular amendments have specifically created the category of serious and repeat juvenile offenders. While the number of Aboriginal and non- Aboriginal young people under supervision has declined, the over-representation of Aboriginal young people in the system means these changes have impacted these young people more.

During this same period there has been an increase in police custody admissions. It can be noted that this period of change coincides with the development of intelligence led policing strategies. It is also possible that changes in offence or offender characteristics have led to the increases in police custody. There is no current empirical evidence of this.

Overall, however a lower number of young people (Aboriginal and non Aboriginal) in detention is occurring and greater use of community supervision for young people is evident. Although, as with detention populations, the overall number of young people under community supervision has also decreased over the past decade and certain categories of young people (serious offenders) are serving longer periods of supervision under stricter conditions in the community.

Combined, these trends provide some indication that the original intent of South Australian young offenders' legislation is being met and that generally sentenced detention is being used as a measure of last resort and for more serious offences.

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The same is not clear in respect to the non sentenced population. This interpretation is supported by evidence from the data trends discussed earlier, young people involved in serious category offence types are more likely to stay longer on remand and in some instances on detention. However, the relatively lengthy custodial periods of a minority of young people tend to skew the trends; the majority of young people continue to serve relatively brief periods of non-sentenced custody.

Of those young people who enter detention each year (by all authority types) the vast majority come from low socio economic backgrounds. A disproportionate number of these young people live in family and community environments struggling with social issues such as low income single parent households, unemployment, drug and alcohol misuse and abuse, mental health and family/domestic violence impacts. Many of the young people themselves have higher rates of mental health, drug and alcohol and general health concerns and have experienced higher than average levels of neglect, family/domestic and peer violence when compared to the general youth population.

Implementing state innovation

Justice reinvestment has emerged in jurisdictions (for example, United States and United Kingdom) in which the rate of imprisonment, particularly of certain disadvantaged communities, has grown at a time when increasingly more punitive and harsher penalties have been implemented.

South Australia does not reflect these international trends in the juvenile justice domain. While toughening of aspects of juvenile justice legislation has occurred in South Australia over the past decade, to date this has primarily placed focus on the most serious category offence types while striving to maintain the overall intention of the Young Offenders Act (1993), that is, to ensure the use of detention as a last resort in most juvenile matters. More recent trends in police custody rates and increases in the length of remand periods raise the importance of a balanced approach to achieving these aims over time. It is also these points that provide the greatest potential leverage for further reducing the numbers of young people held in custody. These changes also raise cause to consider the disproportionate potential impact on Aboriginal young people. Further toughening of legislation to deal more harshly with juvenile offenders may result in further growth in population numbers if a balanced approach is not pursued.

Notwithstanding, the overall decline in the number of young people (Aboriginal and non Aboriginal) with an associated small decline in the proportionality of over representation of Aboriginal young people under South Australian supervision, is important to both recognise and understand. Even if that decline represents only a starting point too tackling the issue of proportional over representation of Aboriginal young people in the justice system.

A decline in the growth of the number of young people in supervision in South Australia runs parallel to a range of efforts made since 2007 to ensure a coordinated whole of government approach to the consideration of the release of young people from Training Centres back into the community. The South Australian *To Break the*

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Cycle initiatives¹ provided a means through which government agencies (education, health, mental health and specialist Aboriginal services) accessed support for driving existing or new initiatives to create better outcomes for offending young people. Some of the critical strategies implemented in South Australia have included,

- Young Offender mapping
 - SA Police have mapped and continue to monitor the interrelationship (inclusive of family membership) of high profile and serious juvenile offenders. Focus is placed on interrupting pathways to crime by the most serious offenders.
 - Through the Australian Juvenile Justice Administrators Forum, South Australia contributes annually to the Youth justice in Australia Report. The report provides jurisdictional and Australia wide² analysis of juvenile justice trends and includes some indication of the geographical areas (and socio economic indices) from which young people come. The data provides essential baseline analysis of emerging trends and youth populations in community and custodial supervision.
- Strengthened statutory community and custodial justice supervision
 - South Australia has invested in evidenced based assessment and case management focused on improved supervision, particularly of serious offenders transitioning from custody back into the community.
 - A whole of government coordinated approach has been implemented aimed at enabling shared planning and investment in young people particularly serious offending young people, as they exit custody and reintegrate into the community.
 - Ranges of local area initiatives outside of the justice system have been funded to look at the broader causes of crime and have included education, employment and housing (especially post release transition and reintegration support) initiatives and broadening access to recreation and sport activities by at risk youth. Particular focus has been placed on funding of support to Aboriginal communities.
- New Training Centre and service approach
 - A new Training Centre facility has been built and designed to create a community campus on the “inside” of the facility to mirror, to the degree possible, “community living on the outside”. The facility is designed as an open campus built within secure walls, and contains dormitories, school and trade areas, health clinic, recreation spaces, gym, pool, reflection areas and family friendly visiting areas. Specific Aboriginal spaces have been designed

¹ To Break the Cycle (Social Inclusion Strategy) – Prevention and rehabilitation responses to serious repeat offending by young people.

² Currently Western Australia and the Northern Territory currently do not contribute data

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to enable cultural practices to occur. The facility was designed with input from young people and their cultural communities to promote community ways of thinking about the design.

- A new model of operation has been implemented within Training Centres. Young people are now provided the opportunity to become active members of the community within the Training Centre through membership of governance bodies. An incentive approach is being implemented, designed to include opportunity for young people, particularly older adolescents, to become more independent and live semi independently while in custody. Significant focus is being placed on increasing the involvement of family and community groups (particularly cultural communities) in activities and programs within the facility. The primary aim is to enable support systems to be developed while young people are “on the inside” to assist them to make a more successful transition back into the community into supportive communities.
- All programs have been reviewed including those provided by external stakeholders and a bookshelf of programs developed to support the targeting of programs to the needs of young people. All programs and services are now required to undertake a cultural impact process as part of development prior to programs being approved. This includes consideration of whether Aboriginal specific programming and methodology needs to be applied in the design.
- Attention is being placed on the development of community partnerships to enable an increase in the involvement of the community members, including from cultural communities within facilities.
- An Aboriginal Advisory Committee has been established made up of Aboriginal agency and community membership, to assist program and service development and guide cultural practice. A Principal Aboriginal Advisor has been appointed and a team of Aboriginal Case Coordinators and Support Officers in the Adelaide Youth Training Centre.
- The facility and new operations model has only been in operation since late 2012. Early signs are promising with a decrease evident in the level of incidents within facilities and increased engagement by young people in facility community life and transition planning for their future. The next phase of development aims at increasing the number of young people who make a staged re-entry to the community. Pre-release step out programming in South Australia has been limited up until the current time.

Funding

While expenditure in some jurisdictions throughout Australia (for example New South Wales) may have steadily risen over the past decade, this has not been the case in South Australia. Baseline funding in Training Centres has kept pace with inflation over the past decade while daily average populations have remained relatively

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stable. There was a decline in funding pre the 1990's when juvenile justice and care and protection responses were separated.

Work is currently being progressed with the Productivity Commission to determine expenditure rates nationally.

Benefits and challenges of a justice reinvestment approach

International jurisdictions which have implemented a justice reinvestment approach have taken opportunity to take innovative steps to ensure successful changes to not only reducing expenditure in penal systems but also analysing the policy environment in which service systems operate. The National Summit on Justice Reinvestment and Public Safety *Addressing Recidivism, Crime and Corrections Spending*, Council of State Government Justice Centre (2011), New York, provides a good example of this approach.

Australia is not the United States or United Kingdom just as youth justice is not the same as adult corrections. Expenditure is different in jurisdictions, policy context varies and therefore the factors requiring consideration will vary. This creates complexity when considering how justice reinvestment might be progressed in Australia.

Some things are worth noting when the work in international jurisdictions is considered. Some of these are as follows:

- Fiscal decision needs to be more than about what happens in a prison (adults) or Training Centre (juveniles), all members of the justice system impact detention rates including police and the courts. In the juvenile domain the ongoing disproportionate over representation of Aboriginal young people in Training Centres flags that non justice related interventions and supports system (education, child protection, health and family welfare support system) may not be effectively targeting those in greatest need. Research emerging from the United States is now showing evidence of the trajectory of highly vulnerable young people through care and protection systems into the justice system. The Commonwealth Government has a role to play in joining up data sets across portfolio areas, where possible, to assist an understanding of some of the trends in Australia.
- Politically driven policy formation has a large part to play in helping shape numbers in detention, even if implemented with the best interest of the community at heart. In Australia there is evidence of divergent philosophical beliefs about the use of detention ranging from viewing it as the only means of ensuring community protection to seeing it as only an evil. Informed debate nationally is required to ensure a balanced perspective.
- In the juvenile domain in states such as South Australia the number of young people in custody is relatively small. Changes to policy can impact dramatically because of this small population size. Data provided earlier illustrates how quickly population trends can be influenced both positively and negatively by

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shifts in thinking about who are the best cohorts to target. Fiscally sustainable decision making is critical to promote.

- Focusing service systems to individuals most likely to reoffend and finding and strengthening alternative community based options for others is important to aim toward achieving. Basing programming on evidence and ensuring quality is essential for this to achieve successful outcomes.
- Placing greater focus on effective community supervision policies and practices is therefore critical.
- Utilisation of place based strategies which are directly involving of those communities most impacted by imprisonment rates is important. This needs to start from an analysis of state based population trends.
- Simply shifting resources to unproven wish list programmes will not however support sustainable change. The experience in the United Kingdom of expending a great deal of funding on parenting programmes, for example, showed limited outcomes in preventing local area crime when the programmes implemented were directed as general support programmes rather than targeted programmes.

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