An examination of policy and programmes for young people in custodial facilities with particular reference to through-care and reconnection with family and community. Specific reference made to family and community engagement strategies, and methodologies for integration of practices into youth justice and allied human service systems. The specific needs of Aboriginal young people were a key focus of the research.

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1 Acknowledgements

I wish to thank the Churchill Fellowship Trust for the opportunity provided me to travel for 8 weeks to Canada, Britain and Scotland from mid October to mid December 2005. The lessons I have learned, the questions which have been sparked in me and the renewed vigour with which I am approaching my work are just some of the many gifts I take from the experience.

While I am conscience that the scope of this report does not allow me to mention each individual and everyplace I visited during my Churchill Fellowship tour, I nonetheless wish to acknowledge the many kindnesses and great generosity exhibited toward me by the many people with whom I came in contact. I was inspired by the level of understanding, genuine community concern and commitment to doing the best job possible exhibited by my colleagues in each of the countries that I visited. I also learned greatly from the many young people, adult prisoners and community elders whom I met in juvenile and adult services and communities in Canada, and the young people and members of the community I met in both Britain and Scotland.

I thank my colleague Kylie O’Connell who planted the seed and provided the challenge (and the constant reminders) for me to apply for a Churchill Fellowship. I also acknowledge and thank my employer the South Australian Department for Families and Communities especially Sue Vardon, Beth Dunning and Julie Gunn for their generous support and encouragement.

Finally I thank the Honourable Jay Weatherill Minister for Families and Communities and Gaye Thompson MP for their support in enabling my access to services in Canada and Britain.
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Attachment 1 Canadian conferences
2 Executive Summary

The observations made in this report are considered primarily with applicability to the South Australian youth justice context in the forefront of my thinking, although the themes and observations made about throughcare have broad relevance to all Australian jurisdictions.

This report addresses some of the legislative basis for youth justice intervention in Canada, Britain and Scotland and the primary policy frameworks that guide practice including management of throughcare services to young people who offend. The report also provides specific examples of some of the programmes and services offered as part of throughcare practice in the varied jurisdictions.

Key observations

1 Sound systems of youth justice management including throughcare elements recognise the importance of:
   
   • protecting the rights of young people to due process and fair treatment (eg proportionately of response to offence; treatment no harsher than adult an adult would receive);
   
   • valuing the uniqueness and developmental stage of young people;
   
   • young people’s broader social contexts and conditions in supporting their change;
   
   • guarding against the use of these broader social contexts and conditions to further punish.

2 Sound throughcare practice is driven by the central premise that solidly linking young people back into the community (post custody) is key to assisting them to desist from further offending. Effective throughcare management systems therefore recognise the importance of:
   
   • Practice which is prospective and contextualised, and proactively engaging and supporting of families and communities as part of planning and intervention.
   
   • Co-ordination and integration between whatever programmes and services are offered in training/custodial facilities and those offered by youth justice case managers and support agencies in the community under post-release supervision.
• Ensuring a mix of community and custodial based expertise in custodial environments to impact long term on factors post release such as offending behaviour, relationships that young people maintain (peers, family etc), addictions, housing, family breakdown, education, training and employment.

• Placing focus on the nature (type), quality (including integrity and standard) and length (including simple notions of intensity and stickability) of support after release.

• Using formalised conferencing processes to identify, co-ordinate, and monitor services as part of reintegration planning.

3 Partnership between key agencies and the community are critical to ensuring effective youth justice intervention including throughcare management components. When observing partnership arrangement in Canada, Britain and Scotland the following elements struck me as leading to effective practice:

• Shared system targets with associated resource deployment that tie all statutory agencies to achieving outcomes.

• Use of a broadened definition of those with statutory youth justice responsibility from courts, police and order management agencies to include critical partners such as health, education and housing.

• Structured (in some jurisdictions legislated) rather than haphazard good will interagency, inter-professional collaboration and partnership practices.

• Joined up approaches between statutory agencies, to enable co-working, co-location, information exchange, integrity of case management and shared responsibility for outcome.

• Local area sensitive approaches linked to shared state targets which engage communities in development and planning broad strategies to reduce crime and support positive engagement of youth.

• Provision of a range of structured court processes and case management arrangements which enable key stakeholders (eg young people, victims, statutory & non statutory agencies, local government, and community) to be actively involved in development and planning of intervention including at critical transition points (eg at sentencing, pre release -community reintegration planning, post release).

Key Recommendations

These recommendations primarily focus on the developments which I recommend South Australia consider as part of case management development however the recommendations have broad relevance for other
Australian jurisdiction. That consideration is given to:

1. Development of shared across system targets and associated resource deployment strategies which focus on both statutory and non-statutory justice agencies.

2. Adoption of a community justice team model made up of statutory partners (case managers, police, health, education and housing) to work alongside secure custody centre staff in reintegration planning, and transition activity and programming both within the secure facility and community environments.

3. Development of policy and programmes which take both a ‘what works’ and desistence research based approach.

4. Use of formalised conferencing processes to identify, co-ordinate, and monitor services as part of reintegration planning; that specific approaches are developed for working with Aboriginal families and communities which utilise culturally accountable models of practice.

5. Development of intensive support and surveillance programmes for high risk youth both as an alternative to detention but also as a safeguard for the community; that such programmes be applied as part of conditional release orders to enable structured reintegration and throughcare of high risk youth.

6. Development of step-down facilities and programmes that enable staged transition and reintegration back into the community, and which actively involve families/significant support systems as part of transition planning and service delivery.

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3 Key highlights

I am particularly grateful for the opportunity that I was given to spend time with Don Mathieson and the men and women who work in a range of community youth justice services (Auto Theft, Bill Sedo; Intensive Supervision and Support, Doug Hanna; Female Youth Offender Unit, Don and his staff) in Manitoba Canada. Additionally the opportunity afforded me to visit the Manitoba youth correction facility and the time spent participating in programmes with young people and talking with staff about their work was invaluable.

While in Manitoba I visited the adult correctional facilities of Stony Mountain (Ni Miikana Unit) and Rockwood Institution and at Crane River the Ochichakkosipi Healing Lodge. I was able during these visits to spend valuable time exploring the excellent range of services offered primarily to aboriginal prisoners. I value the many opportunities afforded me during these visits to talk with men serving life sentences about aspects of their life in custody and their hopes for the future. I was also able to spend time with numerous aboriginal elders who work in both the juvenile and adult community and custodial facilities. These men and women generously exposed me to some of the cultural beliefs and practices of aboriginal people in North America, and a glimpse of the depth of commitment of aboriginal communities to the welcoming and reintegration of their members back into community post custody.

I later travelled to Saskatoon where I visited the Willow Creek and Okimaw Ohci Healing Lodges where I was taught by corrections officers, male and female prisoners and aboriginal elders about the models of custody developed in these locations. For the visits to all adult facilities I am particular thankful to Laura Contini Executive Services Corrections, and in Saskatoon to the wonderful Lawrence Burnough with assistance from Eric Michael. It was fabulous Lawrence to undertake the near five hour drive across the prairies (and then return!) into the beautiful country surrounding Okimaw Ohci Healing Lodge.

My visit to Britain was enhanced by the support and assistance provided by the fabulous Elaine Baker (Wear Valley) who generously enabled me to visit everyone providing local authority services (eg anti social behaviour, police, education, restitution services, parenting programmes) and statutory services (eg Youth Offender Team and visiting services such as mental health, education etc) in the beautiful Durham and Teasdale area. The opportunity provided me through Elaine and the Durham and Teasdale Local Authority meant that I really got to experience an on the ground multi layered approach to youth justice intervention. I will always treasure the opportunity afforded me to “do it all" from visiting local services and schools to walking the beat one evening with the local police. In particular I thank Sergt Michael
Hutchinson, Pam Norman, James Firn, Brian Kirkup, Community Inspector Ian Butler, Iain Philipps and the police who took me out one evening in the Coundon and Leeholme area.

Additionally in Britain I met with a range of folk from the Youth Justice Board (special thanks to Vicki Castro Spokes). I appreciate both the time spent discussing and exploring the British system with me and for enabling my visits to facilities such as Medway STC and HMP YOI Cookham Wood and ranges of programmes (eg Intensive Supervision and Surveillance). I am also appreciative of the many individuals who met with me to discuss their research but in particular Deborah Gate Policy and Research Bureau - (UK Parenting Programmes Evaluation).

In Scotland I thank the effervescent and inspiring Bill Whyte from the University of Edinburgh. I value greatly the opportunity to have spent time with someone so passionate about his work and with such a keen mind and understanding about the many different models that can be used for managing young people who commit crime. I also appreciate the assistance provided to me by Angela Gentile who set up visits for me to community service teams and secure estates in Edinburgh. Special thanks to Mary Lewis, Alan Lee, Ann Quinn and Dragica Prpe for the valuable time they shared with me and the wealth of information they provided about their programmes.
4 Introduction

The observations made in this report are considered primarily in terms of application to the South Australian youth justice context. South Australia, particularly the Department for Families and Communities for whom I work, is currently grappling with how to improve case management of young people serving court orders, including those transitioning through custodial facilities. While the applicability of my observations to the South Australian context was at the forefront of my thinking during my study tour, the themes and observations I make about throughcare I consider as having broad relevance to all Australian jurisdictions.

I am struck as I begin to distil the observations made during my study tour of how commonsense they may appear. Yet my study tour reinforced for me time and time again that the deceptively commonsense appearance of some of my observations veils significant complexity and challenge particularly for jurisdiction such as the one in which I work in South Australia. These challenges include everything from the need to think differently about specific work practices, to the importance of engaging in conversations about ways to share responsibility and accountability with system partners and how to deploy resources differently.

Throughcare has been identified as a critical part of youth justice service system functioning as it is at the heart of management of young people in custodial facilities whether they are serving non-sentenced and sentenced orders. In practice throughcare has come to mean a range of things in the youth justice sector, however this report will limit focus to a common view that throughcare is fundamentally about transitional-care. A central premise underpinning discussion of the benefit of good throughcare practice is that ‘continuity of care’ (including care on entry, within and exit from custody and transition into the community) is important as it is essential to link young people back into the community (post custody) in order to assist them to desist from further offending.

In studying ‘throughcare’ in Canada, Britain and Scotland my attention was not limited to specific services offered to young people in secure environments or to the programmes and services that young people receive post custody. I also explored as part of my study tour the broad context in which services operate such as the legislative and policy frameworks driving practice. This report therefore addresses some of the legislative basis for intervention in each jurisdiction, the primary policy frameworks that guide practice, and attempts to position examples of programmes and services within these broader understanding of system functioning.

In each country visited there was similarity in the way in which profile of the population of offending youth was discussed. Descriptions were heavily influenced and regularly cited ‘what works’ research understandings.
'what works’ research covers a range of meta-analysis\(^1\) which indicates the following types of factors:

- Early criminal activity combined with multiple disadvantages is an early warning sign of future justice engagement.
- Children exhibiting aggressive and bullying behaviours, who truant, belong to delinquent or violent peer groups, who misuse alcohol and drugs, and engage in anti-social behaviour are those most likely to progress from their early years to more serious, violent and persistent offending.
- Lax parental supervision, poor neighbourhoods, inconsistent discipline, broken homes, criminal family histories, lone parent households, school failure are all factors commonly associated with delinquency.

Additionally factors drawn from more anthropological research were often cited in Canada. Such research points to colonisation and associated de-culturation and acculturation as impacting significantly on aboriginal (in Canada first nation) youth and their communities and are identified as leading to destabilization of both community lore and connectivity, and as contributing to the over representation of aboriginal peoples in justice systems worldwide.

The ‘what works’ research so often cited in conversation while I was overseas draws on social and psychological theories of learning, cognition and the general principles of human development to analysis of illegal behaviour\(^2\). It is also research that has primarily looked at what is effective supervision in community settings. What works research\(^3\) highlights the importance of targeting programmes at those at sufficient risk of re-offending (risk) and which addresses factors that can be changed (dynamic) and that are directly associated with the individual’s criminal behaviour (criminogenic need). The research highlights that a range of appropriate methods of intervention (multi-modal) is required, and is best achieved/delivered in the community (community based) rather than in custody. Further that interventions should be delivered in ways that address the learning styles and abilities of young people (general responsivity) and be adapted to the particular characteristics of the young people involved (specific responsivity).

Unlike more historic public policy approaches in which change in young people who offend was not viewed as possible, ‘what works’ discourse is producing a more optimistic vision of what it is possible for justice systems to achieve and which types of offending youth in whom change may be possible. Therefore, perhaps not surprisingly, in all the countries I visited there was evidence that ‘what works’ discourse has found a ready audience among those in authority who have the role of targeting resources into measurable and effective ways of impacting on offending.

While the value of ‘what works’ research in informing policy and practice was reinforced for me time and again during my study tour, my interest in throughcare sparked broader questions for me and channelled my attention
beyond questions of ‘what works’ to questions about ‘when, how and why’ change occurs and sustains. When, how and why change sustains are critical questions in any consideration of throughcare practice. I found my thinking challenged and expanded in this respect by the conversations I was able to engage in while in Scotland and the ‘desistance research’ I was challenged to re-consider through the work of study centres such as the Criminal Justice Social Work Development Centre for Scotland (CJSW).

While ‘what works’ research places significant emphasis on the actuarial predictors of potential for future offending and the design (technical aspects) of interventions that work with certain populations of offending youth, desistence research provides broader insights about what may impact on capacity for change. Desistence research emphasises the importance of considering not just a young person’s motivations but also their social and personal contexts as mediums through which change can be achieved and sustained. In short desistence research suggests that it is critical to understand that change depends on opportunity to exercise capacities: ‘…the process of desistence is one that is produced through an interplay between individual choices, and a range of wider social forces, institutional and societal practices which are beyond the control of the individual’ (Farrall and Bowling, 1999).

A ‘desistance approach’ to justice intervention requires employment of styles of practice that not only accommodate but also value and make the best use of the diversity inherent in all young people. Such an approach challenges practitioners to individualise the generalised messages (some of which are noted earlier in this report) about the characteristics of young people who offend and effective forms of intervention which comes from ‘what works’ research.

Desistance research suggests need for assessment and intervention with young people which addresses the interface and inter-relationship between ‘developing personal maturity, changing social bonds associated with certain life transitions, and the individual subjective narrative constructions which offenders build around these key events and changes’. Such an approach requires the active participation of young people, their families, and the people concerned with them (eg extended family, community) in developing effective methods for promoting desistance. At the case level practitioners are challenged to build relationships characterised by active, participatory, purposeful, pro-social approaches that is, relationships based on explicit and negotiated roles, boundaries and mutual expectations.

The observations made in this report are therefore shaped by my search to gain a better understanding of not simply best (what works) approaches which may help young people make change, but also an exploration of how and why young people make change and sustain pro social lifestyles.
5  How do the different jurisdictions operate?

Different models of intervention with different features of operation existed in each of the jurisdictions I visited. Two were justice and one welfare orientated in their service delivery model. The variation I encountered between the jurisdictions reinforced for me that despite the advances in theoretical understandings about how to impact on criminal behaviour there remains internationally no consensus about how best to structure responses to achieve these advances with young people. In this regard I encountered major differences in jurisdictions not only about the way they elaborated their systems but also how they managed both interface and transition across systems especially entry and exit to, from welfare and justice systems as a means of supporting young people.

Despite differences between operations in the varied jurisdictions there was a common theme that emerged for me about the need for partnership approaches to address the varied needs of young people. This common theme spoke to the need to ensure agreed common purpose for system responses, and some form of framework of shared targets for achieving intra and inter system activity for young people involved in justice systems (including those in need of ‘throughcare’ support).

5.1  Canadian legislation and system of management

Canada has orientated its youth justice system to operate from a fairly pure criminogenic approach, that is one primarily justice rather welfare focused but one which does not ignore the importance of care and protection of young people in the system. Canada operates in a very complex legislative framework which I will only touch on and will not do full justice too in this report.

The Canadian Youth Criminal Act (YCJA) is the federal legislation that replaced the Young Offenders Act (YOA) April 1, 2003. The principles of the Act provide a clear policy context for the administration of interventions in the youth justice service system. The Act places focus on:

- preventing crime through addressing the circumstances underlying a young person’s offending behaviour
- rehabilitating young people who commit offences and reintegrating them into society; and
- ensuring meaningful consequences for offences.

The Act enshrines separation of juveniles from the adult system and clearly articulates principles for ensuring enhancement of procedural protection, fairness and proportionate accountability, as well as both youth and victims rights and the role of parents. The significant focus placed in the legislation on the due process rights of young people is operationalised within that intent in the service delivery system.
All the proceedings under the YCJA occur in the youth justice court. The youth court has jurisdiction over an offence which a young person is alleged to have committed during a period that includes their 18th birthday.

Canada has incorporated extrajudicial measures into the legislation. These are measures that can be used by the police and Crown Attorneys to deal with young persons on minor charges outside of the formal youth court system. This approach is similar to but more extensive than the South Australian system of informal and formal police caution and Family Conferencing. In practice Canadian measures operate at three levels:

- **Police Level**: take no further action; warn the young person; administer a police caution; refer to community programmes;
- **Crown Level**: administer a Crown caution; refer the young person to an extrajudicial sanctions programme
- **Extrajudicial sanctions**: include the use of youth justice committees, community justice forums, mediation or other programmes.

Beyond the use as extrajudicial measures, in Canada varied conferences might also be convened at the pre-trial detention stage to consider and make recommendation to the court (eg alternatives to detention, conditions for release including suggestions for supervision and monitoring, institutional placement etc). The Court may also convene or cause to be convened a conference for the purpose of making recommendation on an appropriate sentence. Reintegration conferences involve the young people, relevant communities and agencies in identifying and co-ordinating monitoring, services and so on as part of a reintegration plan.

Therefore in Canada there are a variety of models of conferencing based on the purpose for which the conference is being held such as: case advice (management of cases); victim/offender reconciliation/mediation; sentencing circles; community justice forums (community resolution) and traditional healing circles. Attachment 1 contains a summary description of varied conferences used in Canada. Such processes are by nature labour intensive and time consuming, and in Manitoba which is the province I visited there are clear guidelines about requirements and they are built into service standards and practices.

With respect to proceedings under the youth justice court the purpose of court sentences for youth is basically two fold:

- sanctions are meaningful for the young person; and
- promote the young person’s rehabilitation and reintegration into society thereby contributing to the long term protection of society.

There are ranges of additional overall principles articulated in the Act which include:

- a) not punishing youth more than an adult would be for same
offence/similar circumstance
b) similarity is required in sentencing approach across region
c) proportionality of sentence to the seriousness of the offence
d) use of available alternatives to custody reasonable to circumstance, with particular attention to the circumstance of aboriginal youth
e) use of the least restrictive sentencing approach to bring about rehabilitation and reintegration.

Youth orders include:
a) reprimand by a judge
b) absolute discharge
c) conditional discharge
d) fine (max $1,000)
e) order to pay compensation/damages
f) restitution of property to another
g) compensation, when a court has made a restitution order
h) compensation, in kind or by way of personal services
i) community service hours (max 240 hours)
j) prohibition – seizure or forfeiture
k) probation (max 2 years)
l) intensive support and supervision program (ISSP)
m) attendance order – non residential program
n) custody and community supervision order (blended sentence)
o) custody and conditional supervision order (max 3 years)
p) deferred custody and conditional supervision order
q) custody and conditional supervision for murder
r) intensive rehabilitation custody and conditional supervision (alternative to an adult sentence for a juvenile to meet treatment needs (mental illness or disorder, psychological disorder or emotional disturbance; murder, attempted murder, manslaughter or aggravated sexual assault)
s) any other reasonable and ancillary conditions.

5.2 Britain (& Wales) legislation and system of management

In Britain (and Wales) focus of intervention from the late nineties has been on addressing offending behaviour and promoting multi-agency working. The Crime and Disorder Act 1998 provides a clear focus for the youth justice system:

"It shall be a principal aim of the youth justice system to prevent offending by children and young persons. In addition to any other duty to which they are subject, it shall be the duty of all persons and bodies carrying out any function in relation to the youth justice system to have regard to that aim."

In this way the Act acknowledges that there are many bodies involved in the
administration of youth justice, but all share a common purpose that is of preventing crime.

The Crime and Disorder Act 1998 requires each local authority to establish a Youth Offender Team (YOT). YOT’s are multi-agency bodies and are funded by the statutory partners (probation, police, social services, education, health and housing). YOT’s supervise young people on justice orders (including having a role with young people who are incarcerated).

Britain (and Wales) has ranges of orders:

a) Detention and Training Order – 12 to 17
b) Community punishment and rehabilitation order
c) Supervision order
d) Action Plan order
e) Attendance Centre Order
f) Referral Order for 10-17 year olds first time conviction; referral to a Youth Offender Panel (YOP) made up of 2 community volunteers and one YOT member who devise a contract.
g) Fine Order
h) Conditional Discharge
i) Absolute Discharge
j) Community Referral order
k) Community punishment order

Like the Canadian Community Justice Forum, Britain (& Wales) has developed a localised panel with lay participation in the form of a Youth Offender Panel (YOP). A YOP consists of two volunteers recruited directly from the local community, who sit alongside one member of a Youth Offending Team (YOT). The YOP, talks with a young person who is on a Referral Order from the Court and their parents and (where possible) the victim of the crime. The YOP has responsibility for developing a tailor-made contract aimed at addressing issues that have come to light during the Court process eg need for apology to the victim, clean up of graffiti etc. Focus may also be placed on getting the young person back into school or referral to alcohol or drug intervention as required. The contract is supervised by a YOT and reviewed regularly by the YOP. Non compliance can result in breach and return to Court.

Unlike the South Australian Family Conference Process which sits as a diversionary process from the Court for young people who plead guilty to an offence not warranting a court appearance, the YOP sits as a post Court hearing process for 10-17 year olds pleading guilty on a first time conviction (not serious enough to warrant custodial sentence).

The Youth Justice Board (YJB) sits as an overarching body over the work of local authorities and sets targets for the 38 secure establishments and 156 YOTs working in the community throughout Britain. In this way all youth
Justice partners (including the work of non-statutory local authorities) are focused on achieving shared corporate targets. For example:

- Reduce the number of first-time entrants to the youth justice system
- Reduce re-offending by young people
- Reduce the use of custody
- Improve assessment of risk and need of young people who have offended and their access to specialist and mainstream services once these have been identified
- Reduce local differences by ethnicity in recorded conviction rates etc.

Strength of the British system, from my observation, is that under the provisions of the Act partnership approaches are legislated between statutory agencies (YOTs – probations, police, health, housing, education). The way the legislation is framed also gives impetus for shared responsibility by non-statutory groups (local Councils, local primary care trusts and the like) to join with statutory groups in finding local area solutions to crime. In effect the approach results in a two tiered system of addressing crime. Primary justice intervention occurs through the statutory YOT’s. In the main (except for restitution services) secondary or non-statutory crime prevention primarily occurs through local authorities (non-statutory bodies).

In this way both tiers of intervention create an interlocking and complimentary approach to driving shared crime reduction targets. The local area action plans developed as a result of the work of the YJB, draw the activity of statutory and community crime prevention initiatives together. Local authorities utilise information drawn from the analysis of levels and trends of crime and disorder, and local consultation to develop strategies to reduce crime and disorder in local areas. Information sharing across agencies appears as a key feature in these strategies.

Local authorities can attract Youth Justice Board (YJB) funding in the form of grants which are linked to performance indicators in local area action plans. The strategies that result from local area planning processes are generally focused on community safety and address issues such as car theft, domestic violence, burglary, violent crime, hate crime and the like. For youth this tends to result in availability of ranges of initiatives delivered through non-statutory agencies which take an early and multi-intervention focus and which run the gamut of activity from work with vulnerable "at risk" youth (e.g. holiday programmes, sporting clubs etc) to youth committing low level offending (e.g. restorative justice). I observed local authorities operating programmes such as restorative justice teams, anti-social behaviour teams, community patrol services and community development initiative e.g. parenting programmes, police clubs, accommodation etc.

5.3 Scotland legislation and system of management

There are two different legal processes in Scotland for dealing with young
people who have been charged with an offence. Young people under 16 (from age 8) are generally referred to the Reporter to the Children's Panel (Children's Hearing), while those over 16 usually report to the Procurator Fiscal and go through the adult system. The underlying principles of the operations of Children's Hearings and the adult justice system are different. For the Procurator Fiscal, "the ultimate criterion for the exercise of his (sic) decisions (whether to prosecute) is the public interest". For a hearing or court dealing with a child, "the welfare of that child throughout his childhood shall be their or its paramount consideration." In the Children's Hearings system, the primary focus of decision making is the best interest of the child. Decision-making in the adult system more explicitly balances the respective interests of rehabilitation, punishment, deterrence and public protection.

There is a small overlap between the systems of under 16 year olds who commit serious crimes who may be reported to both the Procurator Fiscal and the Reporter, and over 16 year olds who are under compulsory supervision from a Children's Hearing. Additionally there are parallel decision-making processes in the two systems, in that the Reporter's role in the Children's Hearing system is to decide whether or not the child should be referred to the Children's Panel for a hearing, and the Procurator Fiscals role is to decide whether the case should be proceeded against in court. The role of the Children's Hearing and the courts is then to make legally-binding decisions on what should happen to the child or young offender, taking into account the contents of the social work report on the young person and the suitable options.

There are also similarities between the two systems:

- Both are multi-agency in nature, with different bodies having legal responsibility for different stages of the process. Statutory services are delivered on a regional or local basis, and may be subject to influences due to local control, objectives and culture.
- For all ages, the police are the main agency for identifying the suspected offender, gathering evidence, and referring the young person on to either the Reporter or the Procurator Fiscal (or, in some instances, both)
- For all ages, social work services are responsible for implementing many of the decisions of the Children's Hearing or the courts, and in providing a range of programmes for voluntary diversion at earlier stages in different systems.
- Both processes include different stages where key decisions are made about individuals, and where there are a number of options available to the decision-makers.

Like Britain, Scotland has a range of orders that can be placed on young people and their families such as Parenting Orders, Anti Social Behaviour Orders (which can lead to incarceration if breached), Movement Restriction Orders (electronic monitoring and intensive supervision and support >30
hours per week) and Acceptable Behaviour Contracts.

In the Scottish system while these two legal processes exist and operate in different ways they share a common goal which is to return young people who offend back to the community as a constructive participant of society. For all younger people who offend in Scotland focus is placed on reintegration into education or resumption of family life; for older young people who offend focus is more likely to be on assistance to gain employment, overcome addictions or break patterns of offending. The Panel system enables input by victims, family and community into decision making about what should happen for the youth.

As noted earlier it is primarily from age 16 years at which the justice system kicks into operation. In this respect Scotland follows a more European approach which places greater emphasis on the psychological, developmental and welfare needs of adolescents over criminal management.

6 Holist approaches

The jurisdictions I visited all articulated the need to take a holistic approach to intervention in order to promote pro-social behaviour and thoughts. Jurisdictions consistently emphasised the importance of focusing on factors such as offending behaviour (including Scotland albeit operating in a welfare model), building capacity and increasing opportunities for young people to live within their community and maintain those things of value to them (eg family and/or cultural, school, work, recreation etc). How each jurisdiction structured teams and put in place strategies to have this occur varied.

Additionally in all the jurisdictions visited throughcare planning utilised: robust and validated forms of assessment (eg ASSET in Britain; Canada has developed its own similar process); procedures to produce individual plans; involvement of the young people directly in their plans; standardised selection and referral criteria; and, case management practices inclusive of critical stakeholders.

6.1 Canada

Canada operates community based Youth Offender Teams which are multi-disciplinary and multi agency teams. Teams have designated youth justice officers who case manage individual client orders (both in the community and in correctional facilities), and mental health workers, education officers and the like who are co-located in the Teams. The youth justice officers are responsible for case coordination, planning and management and for court related processes and reporting. In Manitoba for example, the Young Women’s Offender Team has co-located interagency staff (mental health, drug and alcohol etc) who work part time in the community based team and part time in the local correctional facility. Additionally community teams (on a
co-located basis) also have contracted aboriginal elders co-located in them who provide practice advice and act as a conduit between the young person and their family and community. Elders also provide linkage to cultural ceremony and teaching for young people both in the community and in the custodial facility.

Through these structured inter-agency partnerships community teams aim to ensure that a range of throughcare is in place for young people. The multi-disciplinary team model enables young people to form relationships with both community based justice officers and support workers (eg elders) prior to leaving custody. In this way intervention commences in the custodial facilities and is followed through into the community. It was my observation in the service that I visited in Manitoba there was a high level of integrity of approach in practice.

I was unable to observe how this approach works for young people living in more remote locations, but like South Australia, Manitoba faces the problem of remote and geographically challenging locations and weather patterns. Technology has a significant role to play in creating better communication between city and rural/remote settings and the possibilities in this regard (eg teleconferencing) are just beginning to be explored. Canada is however more advanced than South Australia in the use of intensive community based supervision and working with aboriginal communities in developing service agreements for meeting statutory requirements. As previously noted there are also ranges of conferencing processes (eg healing circle) which are administered in local area , as well as structured processes to enable community participation (eg Youth Justice Committee).

Canada has also experimented with locating adult correctional facilities within aboriginal communities. For example, I visited the adult facility Okimaw Ohci Healing Lodges which is built on an aboriginal settlement. This and other facilities which I visited were providing very culturally accountable services and within very positive environments in terms of architecture, geographic location and with respect to access to aboriginal community. I noted however that while it was hoped that building facilities in aboriginal communities would have the additional spin off of creating job opportunities for community members this does not appear to be the case. The reasons for this appeared complex and linked to factors such as education and employment trends among aboriginal people, relationship of some members of community to the facility, and attitudes toward law enforcement work among some aboriginal people. Locating facilities within settlements has also not been tension free with respect to ranges of security and contraband management issues.

Within the youth custodial facility I visited in Manitoba, custodial staff provides the day to day management and casework for young people, and engage in unit based pro-social and life skill work. Like most youth justice facilities staff undertake key worker roles with residents. Custodial staff also work in
partnership with specialist staff within the facility to provide treatment (eg mental health services) and programmes (eg cognitive/behaviour programmes, education, life skills etc).

Canada has a long history of developing evidenced based justice programmes including cultural programmes. Significant resource is dedicated in Canada to the development of these programmes and ‘what works’ understandings underpin the majority of the programmes that I viewed. This was irrespective of whether they were designed for aboriginal young people or not. Evaluation of intervention and analysis of implementation and outcome forms a standard part of programme development. I noted with interest during my tour the high degree of theoretical integrity of the programmes coupled with the significant attention placed on ensuring culturally accountable practice. Additionally facilities provide a comprehensive range of education and training opportunities which are linked to throughcare planning including the use of conditional release as a means of reintegration.

The use of legislated conferencing processes cited earlier in this report (eg conferencing for case advice (management); victim/offender reconciliation/mediation; sentencing circles; community justice forums [community resolution] and traditional healing circles), acts to strengthen case planning and management as focus is maintained not merely on punishment and keeping young people engaged in agreed or court ordered activities, but on the opportunity for restitution, community mediation and direct involvement of family, community and in some circumstances victims in reintegration planning and processes.

While in Manitoba I was also able to spend some time with the Female Youth Offender Unit which is a very innovative approach to addressing the particular needs of young women. I cite this specific example because young women are often a forgotten group among young offender populations due to their small number in the justice system worldwide. The Female Youth Offender Unit operates using the same basic approach as other Youth Offender Teams, but the gender specific nature of the programme means that the particular needs of young women can be addressed. Case management and programme approaches for example address issues such as domestic violence, positive relationships, sexual health, parenting and independent living skills along side more offence focused criminogenic intervention around violent behaviour, addictions and the like. The Unit is staffed by both male and female staff, and aboriginal community elders.

6.2 Britain (& Wales)

Britain also operates a Young Offender Team model (YOT) although this model is now under review. The model is similar to the Canadian multi agency approach and teams are made up of statutory case managers as well
as education, housing, health, and police officers. What differentiates the British YOT’s from the Canadian Teams, at least from my outsider observation, is that Britain places greater emphasis on the use of intelligence gathered from system partners about young people within team planning and management processes. This appears to occur not only within YOT’s but also within local authority crime prevention/community development networks such as the one I visited in the Durham/Teasdale area. A clear example of this is the way police officers are co-located in a YOT and there is a high level of information exchange about the young people entering and being managed by the YOT. This appears to impact in a number of ways but notably:

- Greater attention appears focused on cooperative practices around the management of young people on orders, including their re-entry into the community. Not only is the order monitored by the YOT (or in some cases Intensive Supervision and Surveillance Programme [ISSP]) in relation to compliance, but the young person’s general movement and contact with the community is monitored by the police.

- YOTs sit within local authority areas, local authorities share with the YOT the common purpose of creating a safer community. Local authority action plans therefore contain ranges of strategies aimed at preventing crime and these plans take an early intervention and prevention approach to young people viewed as ‘at risk of engaging in criminal activity’. Anti social behaviour orders and associated panels are managed by local authorities in non statutory bodies. Like the YOT there is a high level of information shared for example between Anti Social Behaviour Teams and local police with respect to youth activity and monitoring young people identified as a potential risk in the community.

Technically the community based YOT maintains case management responsibility of young people while they are in custody. Case managers have responsibility for ongoing engagement of family, case planning around release issues and facilitating linkage to community education, accommodation and other service on release. Case managers visit custodial facilities and join in key worker session and release planning sessions.

In practice the level of contact between YOT case managers and youth in correction facilities appeared to me less consistent than the practices I saw in operation in Canada. I speculate only when I say splitting the time specialist staff work in community and custodial environments, as is the case in Canada, may act to increase potential for maintenance of community links and visitation by community based practitioners. The use of varied conferencing processes no doubt also aids this to occur in Canada.

The secure estates in Britain deliver ranges of programmes and case work to young people transitioning from secure custody. I was impressed by the programming approaches which I saw in both the Medway STC and HMP YOI Cookham Wood. Significant attention is placed on working with young people
in very structured ways while they are in the facilities and in ways that create pathways back into the community (eg through education and training).

Medway STC has established a Youth Offender Team which mirrors the model of a community YOT. The centre has a mix of qualified and unqualified staff, with qualified staff having significant roles in delivery of specialist programmes such as mental health, general health, substance misuse and the like. General staff undertakes key worker roles and deliver active citizenship programmes (pro social thinking etc). I was particularly impressed by the large number of structured activity kits which have been developed for inmates which touch on topics such as: alcohol, anger management, anti social behaviour programme, boundaries, bullying, conflict resolution, dealing with feelings, discriminatory attitudes, crime, identity, life skills, positive interactions, relaxation, victim awareness, life in Medway, sexual health. The programmes are offered on weekends as well as during the week along side normal education and training programmes.

As part of programme delivery young people are strongly encouraged to be actively engaged and take responsibility for outcome of the programme. Young people's level of engagement, behaviour and attitudes are all monitored during the programme, and young people take part in review of this with their key worker as part of the evaluation of the programme. The young person's participation, motivation and attitudes toward development inform release planning and formal review/parole processes.

6.3 Scotland

Scotland also delivers youth justice services through a Youth Justice Team approach, although in Edinburgh the team I visited appeared to have specialist justice programmes rather than multi agency programmes co-located. Co-located in the team I visited for example was the Junction Youth Justice Team for persistent offenders (similar to the ISSP in Britain). In Scotland there are formal processes in place within local authorities for shared planning and coordination of cases across system partners and agreements are used within both Panel and Court hearing processes in determining what will happen for youth.

Scotland does have some excellent models of step down programmes for young people making the transition back into the community. These residential placements enable young people to move from highly restrictive placements to less restrictive placements. For example I visited a new low security facility which is enabling young people to develop living skills and engage in community education or work as part of reintegration programming. Some of the young people in this facility start off by staying part time in the secure facility and part time in the less restrictive facility. There is also opportunity while the young people are in the step down facility to have
parents/carers stay and to develop better relationships and work toward reintegration where possible. A very useful feature of the programme is that the young person is able to return to the step down facility and stay for short periods of time after they have left the facility. This approach recognises that for some young people who are making the transition into independent living or reunification with family, there is often need for ‘time out’ when the ‘going gets tough’ as they begin to re-establish their lives in the community.

7 Victim and community engagement

In each of the jurisdictions I visited as part of my study tour there was evidence of structured approaches to the engagement of victims and the broader community in responding to crime. By and large jurisdictions have drawn broadly on developments in restorative practices and community justice especially in terms of principles of ‘localism’ and ‘lay participation’ in justice intervention and shifting intervention decisions to locality affected by the crime. There was evidence in all jurisdictions of an attempt at involvement of lay (community members) particularly in (but not limited to) early and preventative intervention and decision making aimed at de-criminalisation and preventing the use of custody.

7.1 Canada

Previously noted in this report is the legislative approach taken in Canada to enactment of mediation processes such as sentencing circles, healings circles, community justice forums, and youth justice committees. These approaches aim at impacting not only on those matters directly associated with the individual’s criminal behaviour, but factors associated with the specific characteristics of the young person and their individual needs eg cultural guidance, linkage to education, family support, accommodation/life skill assistance and so on.

Canada also funds a small number of Multi Systemic Therapy (MST) placements to high risk/need young people and their family. I cite MST as an example of a model of intensive engagement of families and communities within a highly structured case management methodology. The programme is characterised by the intensity of the programme (7days a week). Canada, as has been the case closer to home in Western Australia, has found the MST approach to be a particularly effective approach with aboriginal young people as the focus placed on engagement of family and community in supporting change sits easily with culturally acceptable ways of working. Additionally the approach recognises the critical need to build capacity within the family system and community in which the young person requires support to maintain any changes made in their life. The high cost and the skill level required to deliver the service is the greatest factor impacting on broad use (as is the case in Australia).
Further, as previously noted, Canada delivers a core youth justice service system in which the intensity of intervention is based on the criminogenic risk of the young person. High risk or persistent offenders receive an intensity of intervention commensurate with their offending risk status. Case management in Canada places significant focus on factors such as family engagement, connection and support of young people in education and training, and assistance with housing post release. In the team I visited case management and resource deployment sits primarily around high profile offenders. As a side note it was sobering for me to hear that Canada (and Britain) struggle just as South Australia does to find adequate and appropriate alternative accommodation for adolescents.

Canada operates Intensive Supervision and Support Programmes (including a new programme in Manitoba for Auto Theft offenders). Such programmes deliver an intensive supervision regime in the community (30 plus hours per week), coupled with cognitive behaviour and pro social skill intervention to bring about change. In Canada, as in Britain (ISSP), such approaches are used as a means through which high profile offenders (seriousness and persistent offenders) can be managed in the community both in lieu of and following on from incarceration. These programmes are legislated orders in each jurisdiction.

While in Canada I was also able to visit a number of Healing Lodges that are offered to adult prisoners as part of pre-release planning. The Healing Lodges were primarily established because aboriginal men and women serving time in the federal prison system were not seen to be benefiting from the programmes offered in those institutions.

Healing Lodges operate under the umbrella of Correctional Services Canada (CSC), and programmes offered conform to CSC methodology and National Living Skills Standards as well as aboriginal spiritual values. Aboriginal elder techniques and spiritual healings are integrated with CSC empirical theories (what works theory). By way of example the following chart overviews the way Willow Cree Healing Lodge articulates its programme development approach.

<table>
<thead>
<tr>
<th></th>
<th>Explicit, empirically based model of change</th>
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<tbody>
<tr>
<td>1</td>
<td>Programmes are based on models of change that is empirically and logically based</td>
</tr>
<tr>
<td></td>
<td>Aboriginal and CSC integration</td>
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<tr>
<td></td>
<td>On-going development of Aboriginal Spiritual Growth assessment tool</td>
</tr>
<tr>
<td>2</td>
<td>Target Criminogenic needs</td>
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<td></td>
<td>Core programmes target specific criminogenic needs</td>
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<tr>
<td></td>
<td>Sexual offending (Mikowahp), impulsive anger (Kwayask Pimatisowin), family violence (Kitimakaytowin), substance abuse (Okeymaw Pihesiw).</td>
</tr>
<tr>
<td>3</td>
<td>Effective methods</td>
</tr>
<tr>
<td></td>
<td>Programmes employ methods that have been consistently effective with offenders</td>
</tr>
<tr>
<td></td>
<td>Standards built into programme design</td>
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<tr>
<td>4</td>
<td>Skills orientated</td>
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</tbody>
</table>
• Healing skills
• Effective communication skills
• Effective problem solving skills
• Effective parenting skills
• Non offending behaviour skills

5 Responsivity
• Programmes are developed to target aboriginal offenders and their history
• Staff are trained to be responsive to clients needs in relation to programme objectives

6 Programme intensity
• Programme management ensures proper sequencing of programming
• Programmes are developed to meet minimum security amount, intensity and duration of programming

7 Continuity of care
• Miyomahchowin (community reintegration) programme\(^1\) is designed to network with offender’s community resources to ensure continuity of care
• Community resources involvement is built into programmes

8 On-going monitoring and evaluation
• Established as part of the programme.

Aboriginal Spiritual Ceremonies are an integral component and foundation of programming in Healing Lodges. Whether programmes or spiritual ceremony the activity within Healing Lodges address the emotional, mental (cognitive), and physical (behaviour) aspects of the individual. Ceremony is conducted to restore these three aspects within the whole person (spirit).

The actual teaching in Healing Lodges may vary depending on community and location of the facility, and the spiritual teachings of the elders involved. The types of ceremony that prisoners might be engaged in are:
• Initiation ceremony
• Pipe ceremony
• Seat lodge ceremony
• Fasting ceremony
• Vision quest ceremony
• Naming ceremony
• Sun dance ceremony
• Grieving ceremony.

The Healing Lodges are not offered as a ‘soft option’ to doing time in a mainstream federal facility, on the contrary the programmes are in fact very challenging. Participants in the programmes are required, often for the first time, to put themselves on the line in terms of confronting their life and taking responsibility for their life journey. For many of the men and women who enter the Lodges it may be their first opportunity to connect to their spiritual pathway or learn about their culture. For others it may have been many years

\(^1\) A holistic programme designed to ensure the imbalance of the individual is addressed. The programme is divided into 4 sacred doorways (Cree teaching utilising the Tipi).
since they practiced or considered their community or spiritual beliefs. It appeared to me that the approach operates as an invitation to responsibility about reintegration into community.

The programmes that are offered by the Lodges are intensive for example the Aboriginal High Intensity Family Violence Prevention Programme (AHIVFPP) runs for approximately 16 weeks and consists of five group sessions per week and at least one individual session every two weeks. Maintenance programmes are also offered to participants following the programme and on release into the community. Participants’ partners are contacted during the programme and offered information about family violence and advised about community resources, treatment, support and safety planning. Participants in the programme are also expected to complete other programmes (eg Basic Healing Programme, Reasoning and Rehabilitation (Cognitive skills) Training Programme, anger and other emotions management programme and core substance abuse programmes prior to commencing the AHIVFPP.

7.2 Britain & Scotland

Britain also uses MST and has recently introduced an Intensive Fostering Programme (similar to the MST model but which uses paid carers in lieu of family members). Both MST and the new Intensive Fostering Programme are programmes originating in the USA.

Local authorities in Britain (and more recently also in Scotland) operate Anti Social Behaviour Teams. Britain’s local authorities also operate area Patrol Services, Police clubs and other initiatives (eg parent support programmes). The work of local authority initiatives is clearly focused on strategies to combat truancy, vandalism or disruptive community behaviour. The work undertaken in a local authority can take the form of specific police operations to target groups of troubled youth, or individual youth (some of whom will also have formal justice involvement either current or past). Other strategising might include problem solving complaints (eg placing portable lavatories in the main street on weekends to decrease public nuisance complaints), delivering programmes for parents, to engaging young people from local area schools in school holiday programmes. All initiatives are aimed at establishing holistic localised approaches which promote pro-social behaviour.

While in the Durham/Teasdale area I was fortunate to view some very interesting early intervention work being jointly progressed by education, local authorities and the police as part of holiday programmes and special programmes for youth at risk. I saw a terrific example of a community activity developed by a local police officer in which young people develop community initiatives which they use to fund trips overseas in which they participate in personal development camps. The young people involved come from disadvantaged backgrounds and some have an offending history. I was impressed by the level to which the young people developed significant skills...
in working as a team, planning and the like. Such programmes however require people prepared to go well and truly beyond the call of duty to implement, nonetheless I was left inspired the work!

While in Britain I was particularly interested in the use of the anti social behaviour approach. The approach was introduced following the tabling of a white paper, *Respect and Responsibility*. Young people engaged through the Anti Social Behaviour pathway are not charged with an offence (although may be offenders), but are identified as posing risk to themselves and the community by their delinquent behaviour. Measures are aimed at tackling issues such as vandalism, litter, harassment and truancy.

The first stages of the process allows the young person and their family/support system to engage in finding ways to resolve behaviour but if this is unsuccessful can result in an Anti Social Behaviour Order (ASBO) being placed on a young person. I was left unsure whether the use of this civil process (ASBO management is through a community panel process) and the directives applied (curfew, direction to reside or attend programmes etc) is being applied in a less standardised way to more formal Court directives, especially given the variation of application of orders within varied local authorities.

I noted while in Britain however that ASBOS receive a great deal of positive press (newspaper and television) and are often presented as a panacea to the problem of "out of control" youth. I also met with ranges of folk involved in anti social behaviour management, including local area police. I was struck by how positive workers attitudes were toward the approach, and I could understand having spent time speaking to those involved why the power given through the operation of the approach might be viewed as useful. One outcome of the process is that a young person can effectively be managed over lengthy periods because unlike a court order for an offence which requires proportionality of response and accountability with respect to fairness and procedural protection (eg length of sentence; completion dates), these protections in law are not as evident in the civil operation of the ASBO.

Notwithstanding the positive public perception and the apparent usefulness of the approach to local police and authorities, I was left concerned by some of the features of the approach. Firstly, issues such as truancy can already be managed through existing legalisation in most western jurisdictions. Using the ASBO approach rather than forcing the use of existing education legislation appears unwarranted. Truancy is often linked to factors such as poor parenting, family dysfunction, development or behaviour issues, poor schools, poverty and racism. Using the ASBO approach risks criminalising young people for social rather than criminal behaviour, because at the end of the day an ASBO can be breached and a young person incarcerated. I was in fact disturbed by the number of young people I saw in the secure estates incarnated due to breached ASBO.
Secondly I saw evidence that the use of ASBO may be undermining the integrity of the management of the justice system. It appeared to me, and I stand to be corrected should evidence to the contrary arise, that some young people may be managed through the ASBO process when in fact they should be charged with an offence. I speculate that some sections of the community may perceive this type of intervention as an easier path to intervention than the lengthy and procedurally more restrictive path of the Courts. In my mind this raises concern that some young people may be having their rights undermined. I wait with interest evaluation of this yet unevaluated approach, to see the impact of these orders on young people and the systems that administer intervention.

Thirdly I could not help but wonder what conversations about young people and about parenting responsibility such orders generate. I watched more than once as concerned parents spoke in television interviews about how wonderful it was that police were empowered to “make sure the kids were at home after dark”. I saw many prime time television reports which focused on stories of how bad and dangerous young people are and the threat they pose to the community, and the need to get them off the streets. While I acknowledge that everyone has a right to be safe and young people should be held accountable for delinquent behaviour, I nonetheless wonder who is served when we become so eager to shift parenting responsibility to the state. I also wonder how young people shape a future when they are constantly surveilled and labelled for behaviour that in some cases is transitory and more linked to their development stage than their potential future offending profile.

Finally while I recognise that Britain has positioned ASBOS within a broader system of Parental Responsibility Orders and parenting programmes, I was not reassured to find that the evaluation of the millions of pounds spent on parenting programmes in Britain has produced little evidence of what constitutes effective practices and programmes. While we still struggle to find better parenting support programmes we need to be cautious of how far we go down the track of punishing approaches to what may be social rather than criminal related behaviours in youth.

8 Some conclusions

At the end of my tour I am more convinced more than ever about the importance of as Mather (2006) suggests ‘a construction of young people that values them for what they are as much as what they may become’. While actuarial approaches to intervention, which speak to the potential for future offending patterns in some young people have a place in system reform, we are called on to voice a more proactive discourse of rights (of young people whether on the cusp or in the justice system) that can be used to scrutinise knowledge production (about how to work and what we need to do) and its policy and practice not merely its technically defined (potential) effectiveness.
As Mather (ibid) suggests we are challenged to, “not…go down a path that sacrifices protection of rights (of young people) at the alter of effectiveness, or in which responsibility for the sins of the system (eg changing social values, definitions of crime, parenting breakdown, unemployment or political view of the problem of crime) are visited upon the individual”.

Development of methods for the treatment or management of young people who offend (both in custodial and community environments) therefore needs to be filtered through and considered within the context of a number of major ethical considerations. Key among such considerations is that children are children and not adults; children should not be treated as adults nor should they be more harshly treated than an adult would be for a similar offence. We do however need to recognise and respond to the impact of crime and work in focused ways to bring about change in those who commit crime.

In this regard balance is required in the way we hold young people accountable for their actions, while also recognising their behaviour does not occur in a vacuum uninfluenced by broader family and community issues (poverty, family breakdown, addiction etc). Young people especially when considered in developmental terms require support to enable them to both develop alternative ways of being and sustain any change they make in their lives. In South Australia, as in other Australian jurisdictions we therefore need to consider any developments we take baring in mind the need to:

- protect the rights of young people to due process and fair treatment (eg proportionately of response to offence; treatment no harsher than adult an adult would receive);

- recognise the value, uniqueness and developmental stage of young people;

- recognise the importance of young people’s broader social contexts and conditions in supporting their change;

- not be tempted to use these broader social contexts and conditions for supporting change in ways that further punish or entrap the young person in punitive systems of management.

I acknowledge there is challenge inherent for those working in the justice arena in managing these considerations in the face of political challenge to get tough on crime, community expectation that we protect children, and academic imprimatur to use primarily empirical “proven” ways of working.

Canada, Britain and Scotland irrespective of their differences have harnessed political will to facilitate and support the creation of shared across system objectives, targets and structured rather than informal partnership arrangements for all (statutory and non statutory agencies) engaged in youth
justice activity. Additionally while each of the jurisdictions has injected significant new funds into these developments they have not simply relied solely on new monies, and have recognised that it is equally important to challenge both statutory and non statutory agencies to think differently about current system functioning. To think differently about everything from the way existing resources are deployed, to what particular parts of the system of administration need to do (rather than want or are inclined to do). These challenges, as do the following, also face us in Australia.

Key among the challenges we face is the search for ways of improving information exchange between system partners (eg Courts, police and those managing orders), especially as such information exchange relates to management of serious offenders. Additionally we are challenged to find better ways to focus system responses and build partnership arrangements. To tackle such challenge each jurisdictions I visited have implemented some form of co-located team with component services such as intensive supervision and surveillance programmes. They have focused a considerable percentage of system resource on the management of serious offending (less so Scotland). Simultaneously they have worked to minimise the contact of lower order offenders with the justice system and to build more robust community based youth service systems in which vulnerable young people (care and protection need) can be supported where ever possible in the community. While jurisdictions have gone about this in varied ways, each has established some form of community based non statutory response to meet this need. In respect to specific observations about throughcare I noted the jurisdictions have structured system partnerships because:

- The chance of intervention (or treatment) in training/custodial facilities being successful is improved by the nature (type), quality (including integrity and standard) and length (including simple notions of intensity and stick ability) of support after release, such approaches need cooperation of those involved in intervention.

- Practice which is prospective and contextualised, and proactively engaging and supporting of families and communities as part of planning and intervention is most likely to assist young people desist from criminal activity.

- Co-ordination and integration between whatever programmes and services are offered in training/custodial facilities and those offered by youth justice case managers and support agencies in the community under post-release supervision is required to give young people the best chance of reintegrating into the community.
References


5 ibid

6 Mather, S., (2006), Peril, Pre-emption, Paternalism and the Whole Damn Thing- Discourse and Young People in South Australia
ATTACHMENT 1

The following also taken from the Manitoba Justice reference manual provides examples of various conference models:

**Case advice conference**  A meeting of the parties that are concerned with or will be working with the young person and/or his/her family, to develop a case management plan. Such conferences do not generally include the victim(s), but can include the community (i.e. as a resource to the planning process). These conferences are common at interim release and at the review and reintegration planning stages. Topics that might be addressed include: conditions of (early) release, housing, supervision, treatment, family support, schooling and employment.

**Victim/offender reconciliation/mediation**  This process offers victims an opportunity to meet offenders in a safe, structured setting and engage in a mediated discussion about the crime (similar to the SA Family Conference Process). With the assistance of a trained mediator, the victim is able to tell the offender about the crime’s physical, emotional, and financial impact; receive answers to questions about the crime and the offender; and be directly involved in restitution plan for the young person who has offended to pay back any financial debt to the victim.

Mediation Services and CP 1879 are generally offered as an alternative to court proceedings.

**Sentencing circle**  Circle sentencing is a holistic re-integrative strategy designed not only to address the criminal and delinquent behaviour of the young person, but also consider the needs of victims, families, and communities. Crime victims, offenders, family, friends of both, justice and social service personnel, and interested community residents speak to build a shared understanding of the event. Together parties identify the steps necessary to assist in healing affected parties and prevent crime. The Circle (police officers, lawyers, judges, victims, offenders and community residents) participate in arriving at a consensus for a sentencing plan.

**Community justice forum**  These forums provide a safe and controlled setting in which an offender, victim, and their respective families and supporters are brought together with a trained facilitator to discuss the offence and its effects and to jointly decide how to right the wrong that has been done. The community that makes the decision – by consensus, also determines who
A traditional Aboriginal Healing Circle is a formal response to conflict within the community and may be used as an alternative to the Court process. This type of conference invites the community, the victim, young offender, supporters, to sit in a circle as participants. An elder or a community member with a justice portfolio usually facilitates the meeting.

Each participant has a chance to voice their viewpoint with the goal of reaching consensus. In the traditional justice circle format, circle discussion occurs four times. Prior to the beginning, Elders may bring a prayer, sweet grass, and inclusion of their traditional processes. The first round addresses the offending behaviour, second round addresses the impact on the offender and others, third round addresses the resolution, reconciliation, based on the supports available. The fourth round involves coming to a consensus to resolution.

Over sixty justice committees are presently established throughout Manitoba. The committee members serve voluntarily. Training is ongoing, as committee members leave and are replaced by new members.

Sec.18 of the YCJA provides for an expansion role for Youth Justice Committees, including (if authorised by the Attorney General or other Minister designated by the Lieutenant Governor in Council) serving as a conference. It is reported that many of the committees would like to become more actively involved in “community justice forums”.

will monitor the outcome.