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Prevention and early intervention programs for Indigenous young people in Australia and Aotearoa New Zealand

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Introduction

It has been well-documented that Indigenous young people are over-represented in the youth justice system. In Australia, Aboriginal and/or Torres Strait Islander young people are over-represented at all stages of the justice system, and especially in detention. Aboriginal and/or Torres Strait Islander young people comprise more than half (53%) of all 10-17-year-olds in youth detention, despite comprising only approximately six percent of all 10-17-year-olds in the Australian community, making them more than 18 times as likely to be in detention as non-Aboriginal and/or Torres Strait Islander young people (Australian Institute of Health and Welfare, 2021). In Aotearoa New Zealand, statistics demonstrate that rangatahi Māori (Māori youth) are significantly over-represented in all facets of the New Zealand's youth justice system (McIntosh and Radojkovic, 2012; Ministry of Justice, 2020). Rangatahi Māori comprise nearly two-thirds of all youth charged by police in 2017, despite comprising only approximately 16% of the youth population (Ministry of Justice, 2018). Rangatahi Māori have regularly been over-represented among offenders sentenced to youth justice residences (Iwi Chairs Forum, 2018).

Preventing Indigenous young people's engagement in crime and subsequent contact with the criminal justice system has thus been identified as a critical measure to reduce this over-representation. This *Research Brief* outlines the evidence about effective prevention and early intervention measures designed to address this issue. In doing so it

builds on Indigenous Justice Clearinghouse *Research Brief* no. 10 – 'Promising interventions for reducing Indigenous juvenile offending' (Richards, Rosevear & Gilbert, 2011), which reviewed evidence about measures designed to prevent offending by Aboriginal and/or Torres Strait Islander young people in Australia. Richards, Rosevear and Gilbert (2011) highlighted the importance of: Indigenous community involvement in the design and delivery of programs; building on the existing strengths in Indigenous communities; addressing Indigenous young people's offending in a holistic way; and addressing Indigenous young people's offending through collaborative approaches (ie those involving collaboration between government and non-government and Indigenous and non-Indigenous stakeholders and organisations, as well as collaboration with Indigenous young people themselves). Drawing on the literature relating to the Australian and Aotearoa New Zealand contexts, this *Research Brief* provides an overview of current evidence about prevention and early intervention programs for Indigenous young people in Australia and Aotearoa New Zealand and highlights key principles that ought to inform such measures. Case study examples from both jurisdictions are presented to highlight promising practice. It must be noted at the outset that the evidence is limited. For example, Aotearoa New Zealand does not have a strong history of outcome-focused evaluation and review of crime control policies or interventions and as a result, findings from empirical research are often speculative rather than definitive (Tauri, 2016).

Centralising relationships

Research from both Australia and Aotearoa New Zealand clearly identifies that building positive relationships is a key element of successful prevention and early intervention measures for Indigenous young people. In general terms, Lindeman, Flouris and Lopes' (2013) investigation into addressing health and social problems among Indigenous youth in Central Australia (the MacDonnell, Central Desert and Barkly Shires) demonstrated that the development of positive interpersonal relationships were of greater significance than a narrow focus on criminogenic factors. Relationships between young people and their families are especially important to minimising Indigenous young people's offending and contact with the criminal justice system. As Judge Andrew Becroft (2015: 3) – then Aotearoa New Zealand's Chief Youth Court Judge remarked in a presentation to the World Congress on Juvenile Justice in 2015, "who would deny that the genesis of...young people's behaviour is inexplicable without reference to their family background?" In the Aotearoa New Zealand context, Ape-Esera and Lambie's (2000) evaluation of a treatment program for rangatahi Māori sex offenders found that emphasising whanau (family) connections and developing young people's skills in building and maintaining interpersonal relationships were vital to attaining positive outcomes for participants. This was also evident in Keown et al.'s (2018) research on the Te Whanau Pu Toru (Triple P) parenting program in New Zealand, which found that dealing with problematic conduct behaviours by rangatahi Māori was more likely to be attained by involving parents in interventions and dealing with relational issues between parents and youth. Similarly, Ware's (2013) investigation of mentoring programs for Indigenous young people also highlights the importance of measures supporting the establishment of long-term and reciprocal relationships, including between young people and parents where appropriate.

A further important set of relationships that impacts the efficacy of interventions for Indigenous young people is those that sit outside of, but impact, individual youth participants, namely those between the communities in which a program is embedded, the service provider(s), and a range of government agents, including frontline staff (such as police, court workers and social workers), policy workers and those who make funding decisions (see Ape-Esera and Lambie, 2000). The nature, composition and intensity of relationships within program design and delivery is vital for achieving successful outcomes for Indigenous young people, particularly in considering the connection between the individual, their community, service providers and the

system more broadly (Ape-Esera and Lambie, 2000). The research is clear that the inter-relationships among these entities are vital for attaining effective service delivery and positive justice outcomes for Indigenous young people. These include the need for deeper interagency collaboration (Owen, 2001), and continuity of staff delivering programs (Becroft, 2015) as well as appropriate funding and resources (e.g., infrastructure; see Maxwell et al. 2004 for a discussion of resourcing of youth offending initiatives in Aotearoa New Zealand). In order to meet the need for mutually satisfying relationships, Pawson as cited in Ware (2013, p6) reiterates the need for a given intervention to be grounded in a paradigm that advocates for agency, and degrees of autonomy from the individual through to the community level: "Much more than in any other type of social programme, interpersonal relationships between stakeholders embody the intervention". Therefore, interventions that acknowledge and amplify relationships as a mechanism of change, are important components of Indigenous-centred youth justice service delivery in both Australia and Aotearoa New Zealand.

This perspective was supported in Porter's (2016) case studies in Redfern/Waterloo (inner-city Sydney, New South Wales (NSW), Bourke (a small town in far-western NSW) and Dubbo (a regional NSW town). The study was concerned with how Indigenous night patrols work, the relationships among stakeholders, and how the patrols are perceived by those stakeholders. The establishment of community relationships were foundational in providing a basis for mentorship and caretaking functions, which were outside the formal elements of the intervention. Rather than trying to make 'objective' judgements on the efficacy of Indigenous patrols, the study uncovers activities of Indigenous patrols previously unexamined by researchers and in the author's view highlights *'the importance of grounding analyses with reference to Indigenous self-governance practices and local perspectives in order to begin to decolonize knowledge about Indigenous communities'* (Porter, 2016, p562). Later work by Porter (2018) demonstrated how crime prevention and community safety could be achieved by improving the nature of relationships between local communities and police. The emphasis on relationships is important because it addresses youth offending and contact with the criminal justice system in broader context, rather than focusing on decontextualised individual young people. This was powerfully demonstrated in Rossingh et al.'s (2014) Tiwi Island Skin Group study, which highlighted the critical importance of understanding young people's needs through a whole-of-community lens rather than a narrow focus on individual young people devoid of context (see further Stewart et al., 2014).

In the Aotearoa New Zealand context, marae-based Youth Courts (Rangatahi Courts, or Te Kōti Rangatahi) provide a firm example of the positive outcomes achievable from strengthening relationships among local providers, Elders, and key justice agents. The Courts were initiated in New Zealand in 2009, with the first court held at Te Poho-o-Rāwiri marae (a traditional community meeting place for Māori) in Gisborne. The New Zealand Law Society (2010) describes these courts as ‘an attempt to use the traditional values of *tikanga Māori* (key concepts of Māori culture) to turn around the lives of young Māori offenders’. There are 14 Rangatahi Courts operating around the country, and they have the same powers and responsibilities as any Youth Court. In essence, a Rangatahi Court is a Youth Court that is held on a marae, and the Māori language and Māori protocols are incorporated as part of the court process. The limited empirical research has revealed some positive outcomes for rangatahi Māori who engage with the process (Blank-Penetito, Tauri and Webb, 2021; Kaipuke Consultants, 2012). For example, a 2012 evaluation of the Courts concluded that ‘the cultural relevance of the marae venue and the inherent cultural processes were critical success factors that increased the likelihood of positive engagement by rangatahi and whānau’ (Kaipuke Consultants, 2012, p11).

Aotearoa New Zealand’s Family Group Conference (FGC) forum provides a contemporary example of programmatic attempts to strengthen both sets of relationships. The FGC forum was designed to enhance whanau/family participation in decision-making regarding offending by rangatahi Māori. The forum was designed with due recognition of the family unit as important for reducing anti-social behaviour (Doolan, 2005). Developed in the late 1980s and rolled out in the early 1990s, the FGC forum is often described as a modified version of Māori traditional whanau decision-making, resulting in a blend of Māori and Western features of justice (Maxwell et al., 2004; although see Tauri, 2016, 2020 for a critique of these claims). The aim is to help the young person to take responsibility for their offending, find practical ways to make amends, address the causes of the young person’s offending, and find ways to prevent recidivism (Cleland and Quince, 2014). The FGC forum, which has been the focus of intermittent research attention since it was introduced in 1989 (see especially Maxwell et al., 2004; Maxwell and Morris, 1993; 2006), centralises the family relationships of rangatahi Māori by facilitating relationships between the rangatahi offender and their ‘community of concern’, most notably their primary caregivers, Elders and hapu (sub-tribe) and Iwi (tribe) (Carswell, O-Hinerangi, Gray and Taylor, 2013). Carswell et al.’s (2013) evaluation evidenced that

good practice outcomes were achieved when two sets of relationships were seen to be facilitated: those between rangatahi participants and their parents/caregivers; and those fostered between officials involved in arranging FGC, and iwi (tribal) authorities. The findings of Carswell et al.’s (2013) evaluation correspond with earlier research on FGC outcomes, such as Walker’s (1996) research, which found that one of the key outcomes of Māori participation in FGC was ‘improvement of family members’ relationships’.

Crucially, relationships are impacted greatly by the ideological, theoretical and cultural frameworks that underpin any given crime prevention or early intervention measure. By way of example, an evaluation of the Safe Aboriginal Youth Patrol Program (Cooper et al., 2014) found *significant variation in the implementation of the program between NSW and Western Australia*. The authors attributed this to differing values, cultural practices, and approaches to addressing social harm across Aboriginal communities (see Blagg et al. 2020; Blagg and Anthony, 2014), and the impacts of these variations on relationships among patrol staff, young people and the broader communities (see further Rossingh et al., 2014). *Another example is the Tirkandi Inaburra program, a short-term residential program for Indigenous young people at risk of contact with the criminal justice system in NSW*. While building healthy relationships has been identified as a critical component of the success of Tirkandi Inaburra, research on the program has emphasised that relationships between young Indigenous males and service providers must be developed ‘with the full knowledge and acceptance of the background experiences of these boys. Listening to student [ie participant] voices contributes to the development of genuine relationships which form the core of educational success’ (Edwards-Groves and Murray, 2008, p174). In short, rather than viewing the young people through a deficits lens, their lived experience is listened to, and validated, while their connection to culture is reaffirmed as a valuable part of their identity. In turn, this shapes the development of healthy relationships (see Edwards-Groves and Murray, 2008).

Self-determination

From Indigenous perspectives, one way to overcome issues that have arisen from government-initiated programs, is to support those derived from self-determination (Cunneen, Porter and Behrendt, 2018), that are designed ‘by Indigenous, for Indigenous’ people and communities, or ‘co-produced’ with Indigenous people and communities. As has long been recognised (see for example Dodson cited in Morgan, Mia

and Kwaymullina, 2008), self-determination challenges the destructive paternalism of past policy approaches, and requires Indigenous voices and knowledges to be embedded in the design and delivery of services. Richards, Rosevear and Gilbert (2011) found that a strong focus on Indigenous community ownership and control, design and delivery of programs for young people can ensure that measures address the unique needs of communities, and foster community buy-in. Ware's (2013) examination of mentoring programs for Indigenous young people underscores this point. Ware (2013) identifies the need to enable Indigenous community members to play a fundamental role in the planning and delivery of programs and services. As one example of good practice, Ware (2013) highlights Adelaide's Panyappi Indigenous Youth Mentoring Program, which targets Indigenous young people with poor school attendance and behavioural issues including early offending. An evaluation of the program (Stacey and associates 2004) documented a range of positive outcomes, including a reduction in Indigenous young people's contact with the criminal justice system. Ware (2013) emphasises the importance of the involvement of the local community in planning and delivering the mentoring program, again underscoring the importance of self-determination.

Case study: The Yiriman Project

The Yiriman Project was established by 'cultural bosses' from the Kimberley region in 2000 and supported by the Kimberley Aboriginal Law and Culture Centre (KALACC) (Blagg, 2012). It aimed to support young people with cultural and language connections to Nyikina, Mangala, Walmajarri and Karajarri lands and language groups (Thorburn & Marshall, 2017). The project has diverse aims and was developed to address a range of community concerns, including rates of suicide and substance abuse, health and wellbeing, self-harm and offending behaviour (Palmer, 2013; Thorburn & Marshall, 2017). Participation in Yiriman varies but can involve young people spending intensive periods of time on remote Country, learning from Elders about traditional language, lore and culture, and caring for land (Palmer, 2013; Thorburn & Marshall, 2017). Palmer's, (2013) evaluation of the project, which involved interviews with a wide range of stakeholders, observations, case studies and document analysis, notes the challenges of measuring the effectiveness of such activities. However, decisions were driven by community, with cultural knowledge with input from Elders and cultural bosses which were framed by participatory planning processes. Notably the program incorporated a cultural governance framework, resulting in clearer accountability channels. Such a mechanism ensured evaluations were not "diluted" by competing funding

interests (Palmer, 2013), thereby supporting both suitable data collection and governance (see further below) and emphasising the importance of self-determination.

Case study: The Maranguka Justice Reinvestment Project (Bourke)

Cunneen, Porter and Behrendt (2018) support Justice Reinvestment measures – ie, those in which 'greater emphasis [is] given to formulating 'front-end' programs designed to alleviate the causes of youth offending' (Hage & Fellows 2018: 147; see also Schwartz, Brown and Cunneen, 2017). Justice Reinvestment approaches reflect the principle of self-determination, emphasising the redistribution of funds into education, health and community services areas of high Indigenous youth offending. The Maranguka Justice Reinvestment project was piloted in the New South Wales town of Bourke (commencing in 2013) (KPMG 2018). This project seeks to address over-representation in the formal justice system of Indigenous youth in this remote region of NSW via a collaboration among stakeholders to address key drivers of youth incarceration, including breaches of bail. The project uses a 'collective impact approach' which involves the combined commitment of relevant actors from across different sectors to the common agenda of reducing Indigenous young people's offending and contact with the justice system (see <https://www.justreinvest.org.au/>). An impact assessment of the program focusing on the year 2017 found that the Maranguka Justice Reinvestment project had significantly reduced serious offending by young people (a 38% reduction), and bail breaches by young people (a 27% reduction). The project also positively impacted other key activity areas such as reducing domestic violence (a 23% reduction in reports to police) and increasing school student retention rates (31% increase) (KPMG, 2018). The assessment of the program also found that the project yielded significant cost savings (KPMG 2018). Thus while 'Aboriginal-led place-based' initiatives such as Justice Reinvestment requires significant long-term commitment (KPMG, 2018), they highlight the importance of self-determination as a critical platform for program success.

Case study: Iwi Justice Panels (Aotearoa New Zealand)

Iwi Justice Panels are an example of 'co-produced' justice initiatives that are developed through a partnership between Iwi leaders and central government agencies. The intent of the Panels are for Māori offenders who commit low-level offences (with a penalty of less than six months imprisonment, not methamphetamine or family violence-related), who are

aged 17 years or older and have accepted responsibility for the offence, to be 'tried' by a panel of kaumatua (Elders). Iwi panels are underpinned by tikanga Māori customs and kaupapa Māori worldviews (Akroyd et al., 2016). All those impacted by the offences are invited to participate in a panel, also made up of community members, including local Iwi representatives. The panel is often held on a marae, a traditional community meeting place for Māori. All participants are encouraged to develop a plan for remedying the harm caused by utilising a problem-solving approach. Once the plan is agreed, it is typically completed within three months. If the plan is completed the case is closed as resolved, otherwise it proceeds to prosecution (New Zealand Police 2012; Akroyd et al., 2016). Research results released by Walton, Martin and Li (2020) were generated from New Zealand Police data on individuals referred to or attending a panel between 2010-2016 (known as the Iwi panels participants N = 1213), who were then compared to individuals who served as matched controls (N = 4084). A range of findings were identified from analysis of the data, including that Iwi panel participants were found to commit less harm in their post-panel offending compared to the matched controls. The researchers estimated that panel participants had around a 22.25% reduction in harms associated with their offending post-panel (Walton et al., 2020). The project did not report on the factors that might influence participants' behaviour because of participation in the panels, so it is difficult to comment on the features of the panels that directly lead to increasing pro-social behaviours in young Māori participants. However, the Iwi Justice Panel outcomes do provide substance to the long-expressed view of Indigenous commentators, in both Australia and New Zealand, that community-led initiatives can be effective in responding to social harm (see further Jackson, 1988).

Good data, implementation and governance

Another key theme identified in the existing research is the importance of cohesive (planned and resourced) implementation protocols, supported by the collection of appropriate data, for programs that aim to prevent Indigenous young people's offending and contact with the criminal justice system. As noted at the outset, the lack of data, outcome-focused evaluations, and government support for culturally-appropriate research more generally, has impacted the extent of knowledge about what is effective in responding to the justice needs of Indigenous young people, as well as inhibiting the successful implementation of interventions into communities (Owen, 2001; Tauri, 2016).

The implications of this were evident in an evaluation of the 'Speak up. Be strong. Be heard' (SUBSBH) education program (Carrington et al., 2019), which aimed to improve reporting rates of sexual violence committed by and against young people. The evaluation was stymied by an absence of baseline data to enable changes to be documented (Carrington et al., 2019). Further emphasising the importance of collaborative relationships, discussed above, the authors identified that greater interagency collaboration was required to document the outcomes of the program. This issue was also identified by Stewart et al.'s, (2014) evaluation of four early intervention programs for Aboriginal and/or Torres Strait Islander young people (the Aboriginal Power Cup; the Tiwi Islands Youth Diversion and Development Unit; the Woorabinda Early Intervention Coordination Panel; and Aggression Replacement Training). Stewart et al., (2014) noted an absence of mechanisms that would allow outcomes to be monitored, or program adjustments to be implemented as required, thereby enabling program governance and supporting delivery and program development.

Conclusion

This *Research Brief* sets out the evidence about effective prevention and early intervention measures for Indigenous young people in Australia and Aotearoa New Zealand. It has sought to highlight the key principles that the existing research suggests are vital for preventing Indigenous young people's offending and contact with the criminal justice system. To this end, it has documented the importance of measures that privilege the building of positive family relationships for Indigenous young people, as well as the importance of strong and effective relationships among a broader range of stakeholders (ie those responsible for delivering programs). The importance of programs being owned and controlled by Indigenous communities, and of appropriate data collection, to support effective implementation and governance mechanisms, has also been highlighted. Programs designed to prevent offending by Indigenous young people, and their contact with the criminal justice system, can thus build on the existing evidence presented above. More rigorous research is also needed to enable the identification of successful measures for preventing offending (and criminal justice system contact) by Indigenous young people in future.

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¹The term Indigenous is used, respectfully, in this Brief to refer to First Nations peoples of both Australia and New Zealand, recognising the considerable diversity that exists both within and between different groups.

²For example, the Reintegration Puzzle is an annual conference which rotates across Australia and New Zealand to provide opportunities to hear the latest information concerning programs and services which aim to assist people to successfully reintegrate back into the community after prison. See <http://www.reintegrationpuzzle.com.au>

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