

# **EVALUATION OF THE ABORIGINAL OVER- REPRESENTATION STRATEGY**

## **FINAL REPORT**

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## **OUTLINE**

### **EXECUTIVE SUMMARY : FINDINGS AND RECOMMENDATIONS**

- A. OUTCOMES IDENTIFIED IN THE AORSP
- B. A MORE SERIOUS AND SYSTEMATIC APPROACH TO THE PROBLEM NEEDS TO BE UNDERTAKEN
- C. MAJOR KRAS AND ASSOCIATED RECOMMENDATIONS
- D. POLICE INTERVENTIONS
- E. COURT APPEARANCES AND COURT OUTCOMES
- F. RE-OFFENDING
- G. DETENTION: SENTENCED AND REMAND

### **1. INTRODUCTION AND METHODOLOGY**

- 1.1 The Aboriginal Over-Representation Strategic Plan
  - 1.1.1 Development of the Plan
  - 1.1.2 The Departmental Implementation Strategy and Reporting Process
- 1.2 Evaluation Methodology
- 1.3 Early Issues Identified in the Evaluation
  - 1.3.1 Potential Complexity of Reporting
  - 1.3.2 Regional Variations in Reporting
  - 1.3.3 Completion of Reports
  - 1.3.4 Regional, District and Unit Review Report
  - 1.3.5 Interim Recommendations made during the Evaluation

### **2. THE KEY RESULT AREAS: DEPARTMENTAL RESPONSES**

- 2.1 Leadership, strategy and community capacity-building
- 2.2 Hot spots
- 2.3 Data and research
- 2.4 The Young Offenders Act 1997
  - 2.4.1 Alternative KRAs for the Young Offenders Act
- 2.5 Funded Programs and Community Integration
  - 2.5.1 Data on Community Funded Agencies
- 2.6 Staff/structure
  - 2.6.1 The Aboriginal Unit
  - 2.6.2 Aboriginal Staff
  - 2.6.3 Aboriginal Staff Advisory Committee
  - 2.6.4 Cultural awareness training
  - 2.6.5 Aboriginal Program Support Officers (APSO)
- 2.7 Juvenile Justice Community Services
  - 2.7.1 Diversionary Options
  - 2.7.2 Mentoring for Aboriginal Clients
- 2.8 Specialist Programs and Intensive Programs Unit
  - 2.8.1 Specialist Programs
  - 2.8.2 Issues in Implementation
  - 2.8.3 Data on Specialist Supervision
- 2.9 Juvenile Justice Centres

### **3. POLICE INTERVENTIONS: MEASURES OF CHANGE 2000 - 2004**

- 3.1 Interventions by Police: Statewide Data
- 3.2 Interventions by Police: Regional Comparison
  - 3.2.1 The Top Ten LGAs
  - 3.2.2 Hunter/Central Coast
  - 3.2.3 Metropolitan
  - 3.2.4 Northern
  - 3.2.5 Southern
  - 3.2.6 Western
  - 3.2.7 Comparative Regional Intervention Rates
- 3.3 Findings, Implications and Recommendations Relating to Police Interventions
  - 3.3.1 Statewide
  - 3.3.2 Regions

### **4. COURT APPEARANCES: MEASURES OF CHANGE 2000 - 2004**

- 4.1 Statewide Data
  - 4.1.1 Gender and Age
- 4.2 Court Appearances: Regional Comparison
  - 4.2.1 The Top Ten LGAs for Indigenous Court Appearances
  - 4.2.2 The Top Ten LGAs for Indigenous Control Orders
  - 4.2.3 Children's Courts Imposing Most Control Orders
  - 4.2.4 Hunter/Central Coast
  - 4.2.5 Metropolitan
  - 4.2.6 Northern
  - 4.2.7 Southern
  - 4.2.8 Western
  - 4.2.9 Improving Policing, Court and Diversionary Processes
- 4.3 Findings, Implications and Recommendations Relating to Court Appearances

### **5. RECIDIVISM**

- 5.1 Measuring of Re-Offending
- 5.2 Attributing Any Change to the AORSP
- 5.3 The Proportion Who Re-Offend
- 5.4 Time to Re-offend
- 5.5 Average Number of Reappearances
- 5.6 Findings, Implications and Recommendations relating to Re-Offending
  - 5.6.1 Future Analysis of Re-Offending

### **6. DETENTION: SENTENCED AND REMAND**

- 6.1 National Comparisons Juvenile Detention
  - 6.1.1 Age of Indigenous Young People in Detention
- 6.2 Sentenced and Remand
  - 6.2.1 Control Orders
  - 6.2.2 Remand

## **7. FUTURE DEVELOPMENTS**

- 7.1 Consultations with DJJ Staff on the AORSP
  - 7.1.1 Awareness of the AORSP
  - 7.1.2 Consultation Process in the Development of the AORSP
  - 7.1.3 Problems with the Current AORSP
  - 7.1.4 Funding and Lack of Resourcing for the AORSP
  - 7.1.5 Reporting on AORSP
  - 7.1.6 The Importance of the AORSP
  - 7.1.7 A Strategy or A Policy?
  - 7.1.8 Further Issues for a Future Aboriginal Strategic Plan
- 7.2 The Changed Policy Context
  - 7.2.1 New South Wales Aboriginal Justice Plan 2004-2015
  - 7.2.2 *Two Ways Working Together* NSW Aboriginal Affairs Plan 2003 – 2012
  - 7.2.3 Justice Cluster Action Plan
- 7.3 Future Key Result Areas
  - 7.3.1 Monitoring
  - 7.3.2 Future Statistical and Data Reporting Processes

## **REFERENCES**

### **APPENDIX 1**

### **APPENDIX 2**

### **APPENDIX 3**

## LIST OF TABLES

- Table 1.1 Aboriginal Over-Representation Strategy: Reports as at 31 May 2005
- Table 2.1 Referrals by Service Type – Percentage that are Indigenous
- Table 3.1 Police Interventions for Indigenous and Non-Indigenous Youth, 2001-2004 NSW
- Table 3.2 Police Interventions by Indigenous Status, 2000-2004
- Table 3.3 Intervention Rate per 1000 by Indigenous Status, 2000-2004
- Table 3.4 Type of Police Intervention and Indigenous Over-Representation, 2000-2004
- Table 3.5 Police Interventions by Offence Type and Indigenous Status
- Table 3.6 Total Interventions by Gender and Indigenous Status
- Table 3.7 Total Intervention Rate per 1000 by Gender and Indigenous Status
- Table 3.8 Total Interventions by Age and Indigenous Status
- Table 3.9 Number of Indigenous Interventions by Region
- Table 3.10 Indigenous Intervention Rate per 1000 by Region
- Table 3.11 Non-Indigenous Intervention Rate per 1000 by Region
- Table 3.12 Police Intervention and Indigenous Over-Representation by Region
- Table 3.13 Top Ten LGAs by Number of Indigenous Interventions
- Table 3.14 Top Ten LGAs by Indigenous Intervention Rate per 1000 relevant population
- Table 3.15 Indigenous Police Intervention Rate per 1000 by Type of Intervention, DJJ Regions for 2004
- Table 4.1 Indigenous and Non-Indigenous Finalised Court Appearances 2001-2004 for NSW
- Table 4.2 Most Serious Court Outcome by Indigenous Status, 2000-2004
- Table 4.3 Appearance Rate per 1000 for Court Outcome by Indigenous Status
- Table 4.4 Court Outcomes and Indigenous Over-Representation 2000-2004
- Table 4.5 Finalised Appearances by Most Serious Offence Type and Indigenous Status
- Table 4.6 Court Appearances by Gender and Indigenous Status
- Table 4.7 Court Appearance Rate per 1000 by Gender and Indigenous Status
- Table 4.8 Total Appearances by Age and Indigenous Status
- Table 4.9 Number of Indigenous Court Appearances by Region
- Table 4.10 Rates per 1000 Indigenous Court Appearances by Region
- Table 4.11 Rates per 1000 Non-Indigenous Court Appearances by Region
- Table 4.12 Court Appearances and Over-Representation of Indigenous Young People
- Table 4.13 Top Ten LGAs by Number of Indigenous Court Appearances
- Table 4.14 Top Ten LGAs by Indigenous Court Appearance Rate per 1000 relevant population
- Table 4.15 Top Ten LGAs by Number of Indigenous Appearances Resulting in a Control Order
- Table 4.16 Top Ten LGAs by Indigenous Control Order, Rate per 1000 relevant population
- Table 4.17 Top 30 Children's Courts by Indigenous Appearances, Characteristics of Control Orders given 2000-2004
- Table 5.1 Comparison of Pre and Post AORSP by Indigenous Status. Proportion Re-offending within 3 months
- Table 5.2 Comparison of Pre and Post AORSP by Indigenous Status. Proportion Re-offending within 6 months
- Table 5.3 Comparison of Pre and Post AOS by Indigenous status. Proportion Re-offending within 12 months
- Table 5.4 Comparison of Pre and Post AOS by Indigenous Status – Proportion Re-offending within 12 months – Control Orders Only
- Table 5.5 Cox Proportion Hazards Model of Time to Re-offend for Indigenous Offenders in both the Pre and Post AOS Groups
- Table 5.6 Cox Proportional Hazards Model of Time to Re-offend for Indigenous Offenders in both the Pre and Post AOS Groups – Control Orders Only
- Table 5.7 Comparison of Pre and Post AORSP by Indigenous Status. Reappearances per year
- Table 5.8 Negative Binomial Model of Reappearance Rate for Indigenous Offenders in both the Pre and Post AORSP Groups
- Table 5.9 Negative Binomial Model of Reappearance Rate for Indigenous Offenders in both the Pre and Post AORSP Groups – Control Orders Only
- Table 6.1 Juvenile Detention. Australia. Rate per 100,000 Persons Aged 10-17 in Juvenile Detention as at 30 June 1999-2004
- Table 6.2 Juvenile Detention. Indigenous Young People. Rate per 100,000 Persons Aged 10-17 in Juvenile Detention, Quarterly 1999-2004

Table 6.3 Juvenile Detention. Non-Indigenous Young People. Rate per 100,000 Persons Aged 10-17 in Juvenile Detention, Quarterly 1999-2004

Table 6.4 Average Rate of Detention of Indigenous Young People Aged 10-17 Years in Juvenile Detention, per 100,000 persons. As at 30 June 1999 to 30 June 2003

Table 6.5 Juvenile Detention. New South Wales and Australia. Indigenous and Non-Indigenous by Number of Persons Aged 10-14 in Juvenile Detention at 30 June 1999-2004

## LIST OF FIGURES

Figure 2.1 Referrals to Funded Services by Indigenous Status, Jan 2002 to July 2005

Figure 2.2 Percentage of Referrals to Funded Services that are Indigenous, Jan 2000 to June 2005

Figure 2.3 JJCS Supervision – Breach Rates for Indigenous and Non-Indigenous Clients, Jan 2000 – July 2005

Figure 2.4 Specialist Supervision – Number of Clients at the End of Each Month by Indigenous Status, Jan 2000 to June 2005

Figure 2.5 Specialist Supervision – Percentage of Indigenous Clients at the End of Each Month, Jan 2000 to June 2005

Figure 2.6 Specialist Supervision – Number of Total Clients in Each Program at the End of Each Six Months, Jan 2000 to June 2005

Figure 3.1 Indigenous and Non-Indigenous Police Youth Interventions, 2001-2004, NSW

Figure 3.2 Interventions Type by Indigenous Status, 2004

Figure 3.3 Police Interventions for Indigenous Youth, 2000-2004

Figure 3.4 Total Interventions by Age and Indigenous Status, 2004

Figure 3.5 Over-Representation of Indigenous Young People by Region, Police Interventions

Figure 3.6 Indigenous Youth, Police Intervention Rate, Outcome by Year, Hunter/Central Coast

Figure 3.7 Intervention Rate by Indigenous Status, Hunter/Central Coast, 2004

Figure 3.8 Indigenous Youth, Intervention Rate, Outcome by Year, Metropolitan

Figure 3.9 Intervention Rate by Indigenous Status and Year, Metropolitan, 2004

Figure 3.10 Indigenous Youth, Intervention Rate, Outcome by Year, Northern

Figure 3.11 Intervention Rate by Indigenous Status, 2004, Northern

Figure 3.12 Indigenous Youth, Intervention Rate, Outcome by Year, Southern

Figure 3.13 Intervention Rate by Indigenous Status, 2004, Southern

Figure 3.14 Indigenous Youth, Intervention Rate, Outcome by Year, Western

Figure 3.15 Intervention Rate by Indigenous Status, 2004, Western

Figure 3.16 Indigenous Police Intervention, Rate per 1000 by Types of Intervention, DJJ Regions for 2004

Figure 4.1 Indigenous and Non-Indigenous Finalised Court Appearances, 2001-2004 for NSW

Figure 4.2 Most Serious Court Outcome by Indigenous Status 2004

Figure 4.3 Most Serious Court Outcome, Indigenous Youth, 2000-2004

Figure 4.4 Court Appearances and Over-Representation of Indigenous Young People

Figure 4.5 Finalised Court Appearance Rate by Outcome for Indigenous Youth Hunter/Central Coast 2000-2004

Figure 4.6 Appearance Rate by Outcome and Indigenous Status, 2004, Hunter/Central Coast

Figure 4.7 Finalised Court Appearance Rates for Indigenous Youth, by Outcome and Year 2000-2004, Metropolitan

Figure 4.8 Appearance Rate by Outcome and Indigenous Status 2004, Metropolitan

Figure 4.9 Finalised Court Appearance Rate for Indigenous Youth by Outcome and year, Northern 2000-2004

Figure 4.10 Finalised Court Appearance Rate by Outcome and Indigenous Status, 2004, Northern Region

Figure 4.11 Finalised Appearance Rate for Indigenous Youth by Outcome and Year, Southern Region

Figure 4.12 Finalised Appearance Rate by Outcome and Indigenous Status, 2004, Southern Region

Figure 4.13 Finalised Appearance Rate for Indigenous Youth by Outcome and Year, Western Region

Figure 4.14 Finalised Appearance Rate by Outcome and Indigenous Status, 2004, Western Region

Figure 4.15 Proportion of First Proven Court Appearances with No Previous Youth Justice Conference, Indigenous Youth, 2004

Figure 4.16 Proportion of Court Appearances by Way of Charge, Indigenous Youth, 2004

Figure 4.17 Proportion of Control Orders for those less than 15 years of age, Indigenous Youth, 2004

Figure 4.18 Proportion of Control Orders for those on Less Serious Offences, Indigenous Youth, 2004

Figure 4.19 Proportion of Control Orders for those Without a Previous CSO, Indigenous Youth, 2004

Figure 4.20 Proportion of Control Orders for those with No Previous Proven Court Appearances, Indigenous Youth, 2004

Figure 4.21 Proportion of Control Orders for those with less than 3 Previous Proven Court Appearances, Indigenous Youth, 2004.

Figure 6.1 Juvenile Detention, NSW and Australia

Figure 6.2 Indigenous Detention Rate, NSW and Australia

Figure 6.3 Non-Indigenous Detention Rates NSW and Australia

Figure 6.4 Juvenile Detention, NSW. Indigenous and Non-Indigenous Young People. Rate per 100,000 Persons Aged 10-17 in Juvenile Detention, Quarterly 1999-2004

Figure 6.5 Juvenile Detention. Aged 10-14. NSW

Figure 6.6 Control – Number of Clients and the End of Each Month by Indigenous Status, January 2000 to June 2005

Figure 6.7 Control – Percentage of Indigenous Clients at the End of Each Month, Jan 2000 to June 2005

Figure 6.8 Remand – Number of Clients at the End of Each Month by Indigenous Status, Jan 2000 to June 2005

Figure 6.9 Remand – Percentage of Indigenous Clients at the End of Each Month, Jan 2000 to June 2005

Figure 6.10 Remand – Number of Indigenous Clients at the End of Each Month – Total, <15 Years, Less Serious Offences, Female, Jan 2000 to June 2005

## **ACRONYMS**

AMS	Aboriginal Medical Service
AORSP	Aboriginal Over-Representation Strategic Plan
APSO	Aboriginal Program Support Officer
ASAC	Aboriginal Staff Advisory Committee
BOCSAR	[New South Wales] Bureau of Crime Statistics and Research
CCIS	Children's Court Information System
CFA	Community Funded Agency
CIDS	Client Information and Data System
CIMS	Client Information Management System
CSO	Central Support Office
DJJ	[New South Wales] Department of Juvenile Justice
IPU	Intensive Programs Unit
LGA	Local Government Area
MOU	Memorandum of Understanding
PRSP	Post Release Support Program
PST	Pre-employment Skills Training
JJCS	Juvenile Justice Community Services
JJO	Juvenile Justice Officer
PSO	Program Support Officer
SOP	Sex Offenders Program
VOP	Violent Offenders Program
YJC	Youth Justice Conferencing
YOA	Young Offenders Act 1997

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## **EXECUTIVE SUMMARY: FINDINGS AND RECOMMENDATIONS**

The Aboriginal Over-Representation Strategic Plan (AORSP) was released in September 2001. The Sydney Institute of Criminology won the tender for the evaluation of the AORSP, and the three year evaluation commenced at the beginning of 2003. This report represents the final evaluation of the AORSP.

### **A. OUTCOMES IDENTIFIED IN THE AORSP**

The aim of the AORSP is to decrease the number of Aboriginal young people under the supervision of the Department of Juvenile Justice, particularly the number of Aboriginal young people in custody. The Department of Juvenile Justice acknowledged at the time that the Strategic Plan represented the first attempt at a coordinated strategic initiative to reduce over-representation of Indigenous young people.

- The number of formal police interventions involving Indigenous young people has risen slightly (2.6%) since the introduction of the AORSP. However, the level of Aboriginal over-representation has decreased from 6.7 to 6.0.<sup>1</sup>
- There has been a drop in court cases for Indigenous young people since the introduction of the AORSP. In 2004 the number of Indigenous finalised matters (1705) was 7.1% lower than in 2001, and 15.1% lower than in 2000. However, non-Indigenous finalised matters have also decreased by 12.5% since 2000.
- Finalised court appearances as a rate per 1000 of the 10-17 Indigenous population have dropped by 21% (from 81.3 to 64.0 per 1000). The non-Indigenous rate has also declined by 18%.
- Indigenous detention rates fluctuate, however the lowest rates for Indigenous detention over the 22 quarterly periods from 31 March 1999 to 30 June 2004 were in the September and December quarters of 2000 and prior to the introduction of the AORSP.
- The average annual detention rates (based on four days of the year) show a decline in the rate of Indigenous youth incarceration from 1999 to 2001 and an increase since then. Thus Indigenous detention rates have increased since the introduction of the AORSP. Non-Indigenous rates have declined, and as a

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<sup>1</sup> The AORSP aimed to reduce Indigenous over-representation. Change in the rate of over-representation is affected by both Indigenous and non-Indigenous rates. For example, if both the Indigenous and the non-Indigenous rates of incarceration are declining, then there may be no difference in the rate of over-representation. If the non-Indigenous rate is falling faster than the Indigenous rate then the level of over-representation may increase. Conversely, both Indigenous and non-Indigenous rates may be increasing, and, if the non-Indigenous rate is increasing more quickly then the level of Indigenous over-representation may fall. This second scenario is shown in the data relating to police interventions noted above.

result, the level of Indigenous over-representation in NSW detention centres has increased to 11.7.

- A major driver of the increased incarceration and over-representation of Indigenous young people in custody has been the growing Indigenous remand population. A further worrying aspect to this is that many of those refused bail and remanded in custody are under 15 years of age.

It is important to acknowledge that the Department is at the backend of the processes which bring young people into the juvenile justice system. Other arms of government including welfare, education, police and courts play a significant role in whether a young person becomes a client of the Department of Juvenile Justice. It is also the case that legislative changes such as those relating to bail can have a significant impact on client numbers. Other factors such as unemployment and lack of community infrastructure are also outside of the Department's direct influence. However, it is also the case that the Department can place itself as an important advocate and major stakeholder in attempting to find whole-of-government solutions to the problem of Indigenous juvenile over-representation. Indeed many of the AORSP strategies foreshadowed such a move.

Below are the 15 specific Outcomes identified in the AORSP. Following each Outcome is a comment on whether it has been met or not.

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### **Outcome 1**

**A service network for Aboriginal young people that is more accessible, comprehensive and focused, and that recognises the links between the many factors that contribute to over-representation.**

There is greater recognition of factors that contribute to over-representation of Aboriginal young people in the juvenile justice system. However, it is difficult to see that the service provided to Indigenous young people is either more comprehensive or focussed.

On the one hand it is possible to identify a great deal of activity aimed at improving a whole-of-government approach to Indigenous young people. Much of this driven by a range of government agencies besides the Department of Juvenile Justice. However, staff consultations revealed a great deal of dissatisfaction with the failure of the Department to provide effective leadership with the AORSP.

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### **Outcome 2**

**An increase in communities' understanding of the support needs of Aboriginal young offenders, and in their ability to provide that support.**

The Department needs to play a far greater role as a major stakeholder in relation to advocating for the needs of Aboriginal young people. DJJ staff felt that a greater level of advocacy at a senior level was required particularly with police and magistrates for the outcomes of the Plan to be achieved. There was also a perceived need to

coordinate the AORSP with other justice agency policies such as the Police Aboriginal Strategic Plan and more generally the development of the Justice Plan.

There has been no increase in Indigenous community-based agencies providing service to the Department, and the vast majority of community-funded services supported by the Department are non-Indigenous. There has been some increase in Aboriginal community involvement in the Department's work through, for example, elder's groups involvement in detention centres.

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### **Outcome 3**

#### **A reduction in re-offending by Aboriginal young people in hot spots.**

There have been mixed results in meeting this outcome. Some LGA hotspots such as Narrandera and Kempsey have worse rates of police intervention since the AORSP. Some like Bourke, Central Darling (Wilcannia), Clarence Valley (Grafton), Walgett and Brewarrina have seen declines in police interventions. Others such as Sydney and Warren have seen little change in police intervention rates.

A problem identified by DJJ staff was the lack of resources to implement intervention strategies once hot spots had been identified.

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### **Outcome 4**

#### **Research findings that are evidence-based and can inform policy and program development.**

The strategies for this outcome were only partially implemented. Regional operational plans for the AORSP and the evaluation of the AORSP were completed. An annual research agenda with specific research aimed at reducing Aboriginal over-representation was not completed. Data collection has improved but could be further enhanced. While the Regional Review Report contains data on Indigenous issues, it is neither comprehensive nor does it appear to be effectively informing policy development. The Reports were not available for the full period of the AORSP.

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### **Outcome 5**

#### **An increase in the level of police cautions given to Aboriginal young people who offend, and in the level of referrals of Aboriginal young offenders to conferencing.**

The proportion of police interventions by way of caution, warning and infringement notice for Indigenous young people has increased since the introduction of the AORSP. The proportion of conferences and charges have dropped slightly.

However, there are still significant differences in the type of police intervention depending on whether the young person is Aboriginal or not. The most common outcome for a non-Aboriginal young person is a formal warning, while for an Aboriginal young person it is arrest and charge. Roughly speaking one in two

Aboriginal young people apprehended by police are proceeded against by arrest and charge, compared to one in five non-Aboriginal young people.

A key implementation issue to emerge with the YOA is the need to redevelop KRAs appropriate to the work of the YJC Directorate, and with a particular emphasis on collaborative approaches with NSW police to ensure equitable outcomes for Aboriginal young people.

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## **Outcome 6**

### **Improved access by Aboriginal clients to the department's funded services, and funded services that are better equipped to work effectively with Aboriginal clients.**

The strategies identified as leading to this outcome have been partially completed by the Department. There have been improvements in the number of Aboriginal young people referred to community funded agencies. Data quality on the CIMS is poor in relation to community funded agencies, and this needs substantial improvement.

Indigenous client's access to funded services can still be a problem. The Post Release Support Program has shown positive results with Aboriginal young people. Re-offending is significantly lower among those who complete the PRSP compared to Aboriginal young people who are not on the program. However, an issue is that proportionately fewer Indigenous young people are going on to the PRSP after leaving custody than would be expected from the size of the Indigenous detention population.

One strategy which was widely supported, but not met because of resource implications, was JJOs attending Children's Court. Most regions noted that, particularly with large areas to cover, JJOs could not attend court on all list days across the region.

Another strategy which was widely seen by staff as inadequately implemented was the Departmental response to the mentoring scheme evaluation. The mentoring program was widely supported by staff, but operated inconsistently during the period of the AROSP.

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## **Outcome 7**

### **A reduction in re-offending by Aboriginal young people leaving custody.**

The re-offending analysis found there was a significant reduction for both Indigenous and non-Indigenous offenders in the re-offending rates when they are compared before and after the introduction of the AORSP. This reduction is found for all three measures of re-offending used. It is also found both for all offenders before the Children's Court during the period, as well as those who specifically had control orders.

However there is no measurable evidence on the basis of the data that the AORSP has caused this reduction in re-offending as the decrease has been the same for both

Indigenous and non-Indigenous offenders. It is also likely that the reduction is an artefact of the reduced use of court by the police, as data on reappearances that resulted in a warning, caution or infringement notice was not available.

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#### **Outcome 8**

##### **Coordination in the planning, implementation, monitoring and evaluation of the AORSP.**

A key to the success of the AORSP was 'a fully functional and operational Aboriginal Unit'. The head of the Unit was upgraded from a senior project officer to a manager's position in mid 2002. However since then there has been constant change and understaffing of the Aboriginal Unit over the period of the AORSP. Indeed, the Unit has now lost one of its two project officer positions. Arising from these issues, there has been a failure of the Aboriginal Unit to successfully coordinate the implementation, monitoring, reporting and evaluation of the AORSP.

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#### **Outcome 9**

##### **Improvement in the effectiveness of the department's interventions with Aboriginal clients, families and communities through better recruitment, retention, development and opportunities for Aboriginal staff.**

The Department has a comparatively large proportion of Indigenous staff (approximately 10% compared to NSW benchmark of 2%). Most Indigenous staff work in Juvenile Justice Centres. However, there are no identified positions in the Centres above the level of unit coordinator. It was not possible to find information on retention of Aboriginal staff.

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#### **Outcome 10**

##### **An increase in the competency of departmental staff in planning and delivering services to Aboriginal clients, families and communities, leading to an increase in the effectiveness of the department's intervention with the target group.**

The need for better and more frequent cultural awareness training was raised as a major issue in interviews with DJJ staff. It is clear that non-Indigenous staff do not feel well served by the existing arrangements for cultural awareness training, including its lack of availability and lack of specific work-related content. This outcome has not been adequately implemented.

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#### **Outcome 11**

##### **Coordination of the planning, implementation, monitoring and evaluation of the plan, and measures to reduce Aboriginal over-representation at a regional level.**

The APSOs successfully developed regional action plans for the AORSP and produced some three monthly then six monthly reports. However, their work was limited by a number of factors including lack of central coordination, and competing

work expectations relating to general PSO duties. The outcome was only partially met because of these problems.

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### **Outcome 12**

#### **Aboriginal young offenders receiving more community-based orders rather than custodial orders, and increasing the completion rate of their community-based orders.**

The percentage of court outcomes that resulted in a control order for Indigenous young people decreased over the five year period from 16.9% of all outcomes in 2000 to 15.1% in 2004. There has also been a slight drop in the rate of Indigenous over-representation for control orders between 2000 and 2004.

The use of supervised orders increased by 10.6 percentage points of all Indigenous outcomes during the five year period from 19% of all outcomes in 2000 to 29.6% in 2004.

There were five strategies designed to meet this outcome. Monitoring of breach rates was difficult prior to the introduction of the Regional Review Reports. Tingha Bail Hostel was opened during the course of the AORSP, but has subsequently closed. Brokerage is being used in the region for bail requiring supported accommodation. There has been some improvement in support and accommodation for Indigenous young people on release from detention through the use of the PRSP. It is not possible to determine whether there has been an increase in assigning Aboriginal young people with community service orders to Aboriginal organisations.

Breach rates for both Indigenous and non-Indigenous clients have followed a general downward trend since 2000 and breach rates for Indigenous clients have generally remained slightly higher than for non-Indigenous clients. In recent times, since June 2004, the differences in the rates have not been statistically significant.

As a result, the outcome of receiving more community-based orders, and increasing completion rates was achieved.

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### **Outcome 13**

#### **A mentoring program that is effective in contributing to a reduction in re-offending by Aboriginal clients.**

There was a long delay from the review of the mentoring program in September 2001 until June 2005 when new Operational Guidelines were approved. It is clear that this AORSP strategy was not met. Indeed the mentoring program was basically not operating during the period of the AORSP. This outcome has not been achieved.

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**Outcome 14****Improved access by Aboriginal clients to the department's specialist services, and specialist services that are more culturally appropriate.**

There has been poor monitoring of Aboriginal access to specific specialist services and of Aboriginal completion rates. However data shows that

- Between January 2000 and mid 2005 the proportion of Specialist Supervision clients that are Indigenous has risen from around 15% to around 40%. This is now roughly equal to the proportion of Indigenous clients on control orders.
- Since January 2004 there have been 50 breaches recorded for those on Specialist Supervision of which 22 or 44% have been Indigenous. Given that Indigenous clients have made up an average of 39% of Specialist Supervision clients during that time it appears that Indigenous and non-Indigenous young people have a similar level of successful completions of Specialist Supervision.

The main Indigenous program has been 'Our Journey to Respect' and this is seen by staff as a successful program (although it has not been evaluated). The 'No More' AOD program for Aboriginal youth has not been systematically introduced across the State. There are limited programs for Indigenous young women. Conditional release through 24(1)c has been poorly used for Aboriginal young people. There are concerns about the problems of engaging Aboriginal young people in specialist programs, such as the SOP.

The outcome has been partially achieved with a large increase in Aboriginal young people accessing specialist services and a breach rate only slightly higher than the non-Indigenous rate. However, there is significant opportunity and need to develop specific Aboriginal programs, as well as accessing 24(1)c.

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**Outcome 15****Successful community reintegration through effective and culturally appropriate interventions.**

There have been some improvements in this area with specific programs like Journey to Respect. However, there is a need for greater resourcing of programs in Centres.

There have been improvements in case conferences for Aboriginal clients in the Centres. However, there are problems ensuring family participation because of the inadequate resources to facilitate travel. Only some of the strategies seeking to achieve the identified outcome were implemented.

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## **B. A MORE SERIOUS AND SYSTEMATIC APPROACH TO THE PROBLEM NEEDS TO BE UNDERTAKEN**

Indigenous over-representation needs to be taken far more seriously than it has been by the Department. The AORSP was introduced but it existed without resources to implement the strategies. The Aboriginal Unit has never been in a position to adequately ensure the implementation of the Plan, and the A/PSOs at a regional level had the Plan's regional development and implementation tacked onto their existing duties.

- Strategies that should have been introduced were not available in the early years of the introduction of the AORSP (for example an effective and regular data monitoring system on Indigenous clients, particularly one useful for the Aboriginal Unit and the A/PSOs.<sup>2</sup>
- Strategies that should have been introduced were not (for example, an annual research agenda with specific research aimed at reducing Aboriginal over-representation was not completed, nor was the statewide implementation of the 'No More' AOD program).
- Some strategies such as mentoring were in place prior to the AORSP, were supported by the Plan and appeared to be effective. They then ceased to operate to any significant extent during the time the AORSP was in place.
- Other strategies were partially implemented such as the new bail hostel at Tingha, but this collapsed within 17 months of establishment. There is still a significant vacuum in how to deal with Indigenous young people who are bail refused.

Overall, many of strategies that underpinned the KRAs and AORSP were sound. They need to be reviewed and perhaps re-shaped to fit with more precise KRAs that focus on specific and measurable outcomes. There also needs to be a specific policy framework that underpins any future Aboriginal Strategic Plan. Most importantly strategies and policies need to have significant commitment from the senior executive of the Department and they need to be resourced.

This evaluation provides at least a partial stocktake of where the Department is at present with Indigenous issues. The Department either directly has, or has access to, a wealth of important data on Indigenous contact with the juvenile justice system. This should be forming the bedrock on which proactive strategies are being developed.

It has the broader support of the New South Wales *Aboriginal Justice Plan* to initiate innovative responses. At present the Department is primarily relying on a few initiatives like the Journey to Respect program to demonstrate successful interventions specifically for Indigenous clients to emerge in context of the AORSP. Yet in reality it is only one program (and only for males) which has not been resourced by the Department, and remains to be evaluated.

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<sup>2</sup> Although there is now available a Regional Review Report.



It is necessary to question whether there is more than token support for the AORSP at the senior executive level. Although the AORSP was part of the Corporate Strategy, there appears to have been little in the process of ensuring implementation. Being part of the corporate reporting process does not appear to have significantly enhanced either the status of the Strategy nor its implementation.

**Recommendation 1 Aboriginal Strategic Plan**

It is recommended that a new Aboriginal Strategic Plan be developed. In the context of this Strategic Plan it is recommended that specific Departmental policies be developed covering in particular

- \* matters relating to Indigenous clients such as programs (both Indigenous-specific and mainstream), advocacy, funded services, 24(1)c, and attendance at funerals.
- \* matters relating to Indigenous staff issues such as attendance at ARAC meetings, ASAC meetings, Aboriginal Staff Conferences and NAIDOC week responsibilities.
- \* matters relating to non-Indigenous staff issues such as cultural awareness training (see Chapter 7.1)

**Recommendation 2 Aboriginal Strategic Plan**

It is recommended that in the development of a new Aboriginal Strategic Plan, there is the following:

- \* A broad consultation process with staff on the Strategy
- \* An educational component in the roll-out of the Strategy
- \* Adequate resourcing to enable compliance
- \* The development of performance indicators
- \* Either an enhanced Regional Review Report or a specific Indigenous Report to facilitate reporting on outcomes, and timely access to that Report for all staff responsible for managing the implementation of the Aboriginal Strategic Plan.
- \* The development of specific Departmental policies within the overall Strategy
- \* A reporting process that can be incorporated into existing business plan reporting (see Chapter 7.1)

**Recommendation 3 *Two Ways Working Together and the Aboriginal Justice Plan***

The NSW *Aboriginal Justice Plan* identifies a range of *strategies* directly relevant to the Department of Juvenile Justice. The *Two Ways Working Together* Aboriginal Affairs Plan provides for a *process* of engagement and partnership with Aboriginal communities.

It is recommended that the Department of Juvenile Justice develop its Aboriginal Justice Strategy in a manner that is directly connected to and consistent with these broader framework agreements. (see Chapter 7.2)

**Recommendation 4 Inter-Departmental Monitoring Committee**

It is recommended that an Inter-Departmental Monitoring Committee be established to monitor the implementation of any future Aboriginal Strategic Plan, and that its composition reflect the earlier proposal of the Aboriginal Unit. (see Chapter 7.3)

## **C. MAJOR KRAs AND ASSOCIATED RECOMMENDATIONS**

### **Monitoring the AORSP**

As noted in relation to Outcome 5, while the Regional Review Report contains data on Indigenous issues, it is neither comprehensive nor does it appear to be effectively informing policy development. The Reports were not available for the full period of the AORSP, and this negatively impacted on the ability of Regions to respond to and report on the AORSP. Also the KRA relating to 'hot spots' was not covered by the Regional Review Report.

As noted in Outcome 13, there has been poor monitoring of Aboriginal access to specific specialist services and of Aboriginal completion rates.

#### **Recommendation 5 Regional Review Report Enhancements and Distribution**

It is recommended that a section be added to the Regional Review Report which summarises hotspots - those LGA's and courts with the highest number and rates of Indigenous and Non-Indigenous participation. (see Chapter 2.3)

It is recommended that reporting be improved in regard to specialist interventions by Aboriginality. Specifically, at present the Regional Review Reports do not contain information on Youth Drug Court interventions, 24(1)c, and specialist programs such as VOP and SOP by Aboriginality. The lack of data limits analysis of participation and completion of specific programs. (see Chapter 2.8)

### **Aboriginal Unit, Aboriginal Staff and Cultural Awareness Training**

There needs to be clear direction for the Aboriginal Unit in terms of its roles and responsibilities within the Department. A key function of the Unit has been in relation to the AORSP. However, it's role extends well beyond this function. The objectives of the Unit have not been clearly established by the Department. Over the last few years the Unit has been left to struggle in a situation of significant understaffing.

Arising from the issues identified above, in particular under-staffing, there has been a failure of the Aboriginal Unit to successfully coordinate the implementation, monitoring, reporting and evaluation of the AORSP. The roles of ASAC and the APSOs also need clarification in relation to the AORSP.

Both Indigenous and non-Indigenous staff expressed concern that cultural awareness training is not widely available and needs to be made more relevant to work-related needs.

#### **Recommendation 6 Aboriginal Unit**

Given the size and complexity of the over-representation problem, it is recommended:

1. that the staff levels of the Aboriginal Unit be reinstated at one manager and two project officers, and
2. that the Aboriginal Unit be directly responsible to the Director General. (see Chapter 2.6.1)

**Recommendation 7 ASAC**

The Department, in cooperation with the Aboriginal Unit, should provide for a process whereby the ASAC can have a clearly defined role in the development and monitoring of the AORSP. (see Chapter 2.6.3)

**Recommendation 8 A/PSO**

There needs to be a reconsideration of the role of the A/PSOs with a view to developing clear guidelines for their work in relation to Indigenous policy and improving their status within the Department commensurate with the tasks they are required to undertake. (see Chapter 2.6.5)

**Recommendation 9 Cultural Awareness Training**

The Department needs to review the content and availability of cultural awareness training for non-Indigenous staff to ensure that it is widely available, ongoing and specific to the needs of staff. (see Chapter 2.6.4)

**Community Funded Agencies**

As noted in relation to Outcome 6, data quality on the CIMS is poor in relation to community funded agencies, and this needs substantial improvement. Indigenous referrals to community funded agencies has improved since the introduction of the AORSP, however client's access to funded services can still be problematic. The issue of Aboriginal referral to programs needs specific attention.

**Recommendation 10 Community Funded Agencies**

It is recommended that CIMS be enhanced to provide better quality data on Aboriginal young people's referral to, acceptance on and completion of funded agency programs.

It is also recommended that the Aboriginal Unit, in consultation with A/PSOs and other Departmental staff, develop specific strategies to increase the number of Aboriginal funded agencies supported by the Department and improve DJJ referral of Aboriginal clients to all funded programs. (see Chapter 2.5)

**Mentoring**

As noted in Outcome 13, despite positive evaluations, the mentoring program had largely fallen into disuse during the period of the AROSP.

**Recommendation 11 Mentoring**

It is recommended that funds be made available to allow the mentoring program to be re-instated. (see Chapter 2.7)

**Specialist Programs and Aboriginal Programs**

Despite the success of Journey to Respect there has been inadequate attention to developing Aboriginal programs, particularly for Aboriginal young women.

The major concern with specialist programs is ensuring they are flexible and appropriate enough to engage Aboriginal young people.

**Recommendation 12 Aboriginal Programs**

It is recommended that the importance of Aboriginal programs be recognised; and that resourcing for the development and operation of Aboriginal programs be provided, including programs for Aboriginal young women. (see Chapter 2.7 – 2.8)

**Recommendation 13 Specialist Programs, PRSP and 24(1)c**

A common issue relating to specialist programs such as VOP and SOP, 24(1)c and community-based programs like PRSP was the need to properly ‘sell’ these programs to ensure Aboriginal young people’s participation. It is recommended that specific protocols involving Aboriginal staff be developed to promote Aboriginal participation in programs. (see Chapter 2.8)

## **D. POLICE INTERVENTIONS**

The number of police interventions involving Indigenous young people has risen since the introduction of the AORSP. Non-Indigenous interventions have also risen. In 2004 Indigenous young people comprised 18.8% of police interventions which was slightly less than prior to the introduction of the AORSP.

The most significant difference between the way Indigenous and non-Indigenous young people are dealt with by police is in relation to proceeding by way of charge. Indigenous young people were more than twice as likely to be proceeded against by way of charge compared to non-Indigenous young people (46.8% compared to 21%).

The percentage of both Indigenous and non-Indigenous interventions that resulted in a charge has decreased over the five year period. The decline was greater for non-Indigenous youth (declining by 9.1 percentage points) than it was for Indigenous young people (declining by 3.3 percentage points), despite the much higher proportion of charges for Indigenous young people.

The percentage of interventions involving conferencing for Indigenous youth has remained fairly steady over the period (declining slightly from 3.4% to 2.9% of formal interventions) and is similar to the percentage for non-Indigenous youth which also declined (from 4% to 2.4%).

The greatest level of over-representation based on rates of population is in relation to charges, where on average over the five year period Indigenous young people were 14.1 times more likely than non-Indigenous youth to be prosecuted by way of a charge. Overall the level of over-representation has declined slightly from 6.7 to 6.0, and this is mainly as a result of a decrease in the over-representation of warnings and infringement notices.

The reasons for police interventions for Indigenous and non-Indigenous young people differ. A much larger proportion of non-Indigenous police interventions relate to the 'miscellaneous' offence category – much of which relates to transport regulatory offences. Conversely, a large proportion of the Indigenous interventions related to theft, particularly burglary, break and enter and motor vehicle related theft.

A much higher proportion of police interventions involving Indigenous young people involve the youngest age group of 10-13 years old.

### *Regional Differences*

The Western and Northern regions account for 32.2% and 35.2% respectively of all police interventions involving Indigenous young people in New South Wales. In other words, two thirds of the formal contact between Indigenous youth and the police occurs in these two areas. There is also a huge disparity across regions on specific police intervention types – charge rates are much higher in the Northern and Western regions.

The ten LGAs with the highest rates of police interventions for Indigenous young people are Bourke, Narrandera, Clarence, Central Darling, Warren, Sydney, Yass, Walgett, Brewarrina and Kempsey. Other LGAs which are not included in the top ten, but with high rates of intervention include Lismore, Tenterfield, Moree, Coonamble, Wentworth and Marrickville.

**Recommendation 14 Police Interventions – Alternative to Arrest and Charge**

It is recommended that DJJ establish a high level working party (involving New South Wales Police and Attorney-Generals) to develop specific strategies for increasing the use of alternatives to arrest and charge for Indigenous young people. (see Chapter 3)

**Recommendation 15 Police Interventions**

It is recommended that there be a specific focus on the Northern and Western regions to reduce formal police interventions with Indigenous young people, through targeted strategies that involve both DJJ and police.

To facilitate the development of targeted strategies there needs to be specific further research:

- \* on the reasons for the disparities in the type of police interventions between regions (eg why are warnings more frequently used in some regions than others?)
- \* on potential regional differences in the type of offences committed by Indigenous young people (ie do offence patterns affect the type of police intervention?).

(see Chapter 3)

## E. COURT APPEARANCES AND COURT OUTCOMES

There has been a drop in court cases for Indigenous young people since the introduction of the AORSP. In 2004 the number of Indigenous finalised matters (1705) was 7.1% lower than in 2001, and 15.1% lower than in 2000. However, non-Indigenous finalised matters have also decreased by 12.5% since 2000.

Finalised court appearances as a rate per 1000 of the 10-17 Indigenous population have dropped by 21% (from 81.3 to 64.0 per 1000). The non-Indigenous rate has also declined by 18%.

The most significant difference between the way Indigenous and non-Indigenous young people are dealt with by the courts is in the use of control orders. On average over the five year period control orders comprised 16.7% of Indigenous court outcomes compared to 9.9% of non-Indigenous outcomes.

The percentage of court outcomes that resulted in a control order for Indigenous young people decreased over the five year period from 16.9% of all outcomes in 2000 to 15.1% in 2004. There has also been a slight drop in the rate of Indigenous over-representation for control orders between 2000 and 2004.

The use of supervised orders increased by 10.6 percentage points for Indigenous outcomes during the five year period, from 19% of all outcomes in 2000 to 29.6% in 2004.

Indigenous young people consistently have a much greater proportion of theft-related offences finalised in court compared to non-Indigenous young people (38.3% of Indigenous finalised court appearances in 2004 compared 27.6% of non-Indigenous finalised court appearances).

Indigenous court appearances are younger and more likely to be by females than non-Indigenous appearances.

Consistent with the police intervention data, Western and Northern regions have the *most* Indigenous court appearances over the five years. In 2004 the highest *rates* are in the Northern and Southern regions.

Finalised court appearances for Indigenous young people have dropped in all regions except Southern where they have increased in 2004. The regional analysis shows that there are variations in the rates at which control orders are imposed and there are variations in the extent to which there has been a decline in the use of control orders.

There are also variations in how juvenile justice process might be improved. For example, Western region has the highest proportion of Indigenous court appearances where young people have not previously had the benefit of a Youth Justice Conference. The Southern region, by contrast, has a comparatively high proportion of Indigenous young people receiving control orders for less serious offences.

**Recommendation 16 Court Appearances and Court Outcomes**

The evaluation has provided a preliminary regional analysis of differences in court processes and sentencing patterns. The analysis suggests that reductions in court appearances and in the incarceration of Indigenous young people could be attained through strategic interventions by DJJ, in cooperation with the Children's Court, which are regionally and court specific. Such a strategy might focus on, for example, reducing the use of control orders for Indigenous young people under 15 years of age, particularly in the Northern and Western regions, or reducing the use of control orders for less serious offences in the Southern region. It is recommended that the Manager of the Aboriginal Unit develop a strategic initiative, including

- \* Specific analysis of further DJJ resource requirements to provide courts with alternatives in identified areas

- \* Further specific regional research to prioritise locations and the outcomes sought

- \* The establishment of a joint initiative between DJJ and the Judicial Commission to monitor juvenile sentencing patterns.

(see Chapter 4)



## F. RE-OFFENDING

The measures we have used for re-offending are limited.<sup>3</sup> However, they should cover more serious offences. Three different measures of re-offending confirm the picture of re-offending summarised below.

- The proportion of Indigenous young people who re-offend is higher than non-Indigenous young people over three, six and twelve month periods.
- The proportion of young people who re-offend has decreased for both Indigenous and non-Indigenous offenders when comparing the pre and post AORSP periods.
- The degree of change has been similar for the two groups with a 12.2% drop in the proportion of Indigenous offenders that re-offend within twelve months compared with 11.1% for non-Indigenous offenders.
- When the analysis is restricted only to those receiving control orders a similar pattern emerges. Both Indigenous and non-Indigenous offenders show a drop in the number who have reappeared within 12 months – a 15.4% decrease for Indigenous offenders and 12.8% for the non-Indigenous. This difference is not statistically significant.
- Time to re-offend analysis confirms that the re-offending rates for both Indigenous and non-Indigenous offenders have dropped by the same amount and that the AORSP appears to have had little measurable effect on Indigenous re-offending rates.
- Another test of re-offending involves the reappearance rate, and both Indigenous and non-Indigenous groups show a significant decrease over time in their mean reappearance rate.

In summary, the re-offending analysis has found that there has been a significant reduction for both Indigenous and non-Indigenous offenders in the re-offending rates when they are compared before and after the introduction of the AORSP. This reduction is found for all three measures of re-offending used. However there is no measurable evidence on the basis of the data that the AORSP has caused this reduction in re-offending as the decrease has been the same for both Indigenous and non-Indigenous offenders. It is likely that the reduction is an artefact of the reduced use of court by the police, as data on reappearances that resulted in a warning, caution or infringement notice was not available.

### *Future Analysis of Re-Offending*

To give a better picture of re-offending in future evaluations of Department of Juvenile Justice policies it would be advantageous to have access to details of adult offences and of interventions other than just conferences and proven court appearances.

The NSW Bureau of Crime Statistics and Research *Re-offending database* combines DJJ information about conferences and Children's Court appearances with adult court information and thus allows follow-up after age 18. However this still leaves out the

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<sup>3</sup> See section 5.1 of the evaluation for discussion.

majority of formal police interventions: warnings, cautions and infringement notices. These are recorded in the COPS system but difficulties in linking individual's identities in COPS and those in the *Re-offending database* have restricted the use of the combined information in re-offending analyses.

The inclusion of the formal police interventions of warnings, cautions and infringement notices is important not only to provide a more complete picture of re-offending. It is also important given that the focus of reform in juvenile justice over the last decade has been on the use of alternatives to formal court proceedings for young offenders.

**Recommendation 17 Re-Offending**

It is recommended that DJJ request the NSW Bureau of Crime Statistics and Research to extend its *Re-Offending Database* to include COPS information about alternative interventions of warning, cautions and infringement notices. The methods the Bureau has used to date to match identities from the DJJ and adult court databases could be extended to the COPS data. (see Chapter 5)

**Recommendation 18 Re-Offending**

It is also recommended that databases be maintained in a timely fashion so that evaluation studies can be completed with less delay and thus have more relevance. The timeliness of information is especially important in re-offending analyses as longer follow-up periods allow a more complete picture of re-offending. The present study, carried out in late 2005 was only able to access data up to the end of 2004. This restricted both the choice of the original offence period for study and the length of the follow-up period. (see Chapter 5)

## **G. DETENTION: SENTENCED AND REMAND**

By national standards New South Wales has relatively high Indigenous and non-Indigenous rates of detention. Quarterly detention rates fluctuate, however the lowest rates for Indigenous detention over the 22 quarterly periods from 31 March 1999 to 30 June 2004 were in the September and December quarters of 2000 and prior to the introduction of the AORSP.

The average annual detention rates (based on four days of the year) show a decline in the rate of Indigenous youth incarceration from 1999 to 2001 and an increase since then. Thus Indigenous detention rates have increased since the introduction of the AORSP. Non-Indigenous rates have declined, and as a result, the level of Indigenous over-representation in NSW detention centres has increased to 11.7.

At 30 June 2004 some 80% of juvenile detainees aged 10-14 years were Indigenous. The proportion of Indigenous young people in this detainee group has increased since the AORSP was introduced.

A major driver of the increased incarceration and over-representation of Indigenous young people in custody has been the growing Indigenous remand population, and this likely to be the result of changes in the law relating to bail eligibility and conditions. A further worrying aspect to this is that many of those refused bail and remanded in custody are under 15 years of age.

### **Recommendation 19 Remand, Brokerage and Bail**

A systematic approach to dealing with the Bail and remand issue needs to be developed, including identifying the reasons for the specific increase in Indigenous remand. In the immediate period, it is recommended that greater use of brokerage monies be made available to young people on bail requiring supported accommodation and that under 15 year olds be prioritised.

It is also recommended that greater resources be made available to achieve more effective case management in relation to bail. The work of the temporary appointments of bail intake officers in the Northern region should be monitored for possible expansion in other regions.

(see Chapter 6)

# 1. INTRODUCTION AND METHODOLOGY

## 1.1 THE ABORIGINAL OVER-REPRESENTATION STRATEGIC PLAN

The Aboriginal Over-Representation Strategic Plan (AORSP) was released in September 2001. The Department of Juvenile Justice acknowledged at the time that the Strategic Plan represented the first attempt at a coordinated strategic initiative to reduce over-representation of Indigenous young people. Specifically, the aim of the AORSP is to decrease the number of Aboriginal young people under the supervision of the Department of Juvenile Justice, particularly the number of Aboriginal young people in custody. The Plan proposed to pursue a range of policies, partnerships and solutions to the problem of over-representation.

The objectives of the Plan are to:

- Provide realistic and achievable options for Aboriginal young people;
- In conjunction with partner organisations and agencies, assist Aboriginal people to make positive choices and support them in those choices;
- Empower and encourage communities to take ownership of and participate in the decision-making process impacting on the solutions for Aboriginal young people;
- Ensure Aboriginal staff play a key role in and accept responsibility for the development, implementation and outcomes of the strategies by involving the rest of the Department; and
- Enhance Departmental services to ensure effective access to Aboriginal clients, families and communities.

The Plan is outcome-based with nine key result areas (KRA). Each KRA may have a number of Priority Issues, Projects and Outcomes. Each Priority Issue has one or more associated Strategies. The key result areas are:

- Leadership, strategy and community capacity-building
- Hot spots
- Data and research
- The Young Offenders Act 1997
- Funded programs and community integration
- Staff/structure
- Juvenile Justice Community Services
- Specialist Programs and Intensive Programs Unit
- Juvenile Justice Centres

Overall, there are 15 Outcomes and 60 Strategies to support the nine KRAs identified in the Strategic Plan. These are discussed further in Chapter 2 of this evaluation.

It should be noted that the AORSP aimed to reduce Indigenous over-representation. Change in the rate of over-representation is affected by both Indigenous and non-Indigenous rates. For example, if both the Indigenous and the non-Indigenous rates of incarceration are declining, then there may be no difference in the rate of over-representation. If the non-Indigenous rate is falling faster than the Indigenous rate

then the level of over-representation may increase. Conversely, both Indigenous and non-Indigenous rates may be increasing, and, if the non-Indigenous rate is increasing more quickly then the level of Indigenous over-representation may fall. An alternative approach would have been to set targets to reduce the absolute rate of Indigenous juvenile police interventions, court appearances and detention.

### **1.1.1 Development of the Plan**

The Aboriginal Unit, as part of the [then] Strategic Policy and Planning Branch was responsible for the development of the AORSP. The Executive of the Department of Juvenile Justice requested that the overall strategy be developed within current resources and that it be area-specific, practical and linked to other departmental responsibilities.

The AORSP was developed through the following process:

- Strategic planning meetings between the Aboriginal Unit, APSOs and PSOs
- Executive Committee workshop
- Survey and forums with other departmental staff
- Aboriginal Staff Conference
- Survey of Aboriginal community members
- Review of key reports and literature
- Review of relevant departmental data

### **1.1.2 The Departmental Implementation Strategy and Reporting Process**

The AORSP has been one of the major initiatives identified in the Department of Juvenile Justice's Corporate Plan for 2001 and onwards. The Strategy was to be subject to the reporting requirements for the Corporate Plan.

The implementation, monitoring, reporting and evaluation of the AORSP was to be coordinated by the Aboriginal Unit.

At the regional level, APSOs were to play a key role in

- Coordinating actions and reporting on outcomes from the Plan
- Supporting regional staff in meeting their responsibilities under the Plan
- Advising regional directors and the Youth Justice Conferencing Directorate on strategies to ensure compliance with the Plan
- Collaborating with funded agencies to ensure their access and equity strategies met the aims of the Plan.

Reporting requirements were as follows:

- Quarterly reports prepared by the APSOs and submitted by the regional directors
- Six monthly reports on regional progress in implementing the Plan submitted by the Aboriginal Unit to the Executive Committee.

Evaluation of the AORSP was to commence at the beginning of the implementation of the Plan, with the aim to establish parameters for reporting and to produce an interim and a final evaluation of the Plan.

The Sydney Institute of Criminology won the tender for the evaluation, and the three year evaluation commenced at the beginning of 2003. This report represents the final evaluation of the AORSP.

## **1.2 EVALUATION METHODOLOGY**

The evaluation of the AORSP has used both quantitative and qualitative methodologies. It has included three approaches common to research in the area of criminal justice administration: outcome oriented assessment, process evaluation and stakeholder or participatory evaluation. The process included interviews with key stakeholders, and assessment and analysis of statistical data and documentary material to evaluate the extent to which the objectives of the strategy had been attained.

Outcome oriented assessment seeks to measure through the use of data the extent to which the objectives of the Strategic Plan have been attained. It uses mainly quantitative approaches for showing positive or negative outcomes. Process evaluation uses mainly a qualitative approach to assess the outcomes of the Strategic Plan. Participatory evaluation provides the opportunity for a contribution to the evaluation process by key participants, and in particular enables views on 'success', 'failure' and unintended consequences to be understood.

The objectives and outputs of the evaluation include:

- identification of whether the plan is meeting its objectives and outcomes;
- identification of the strengths and weaknesses of the plan;
- mentoring and advising the Department's implementation committee in effective monitoring and evaluation techniques.

In order to identify whether the Plan is meeting its objectives and outcomes, and to identify the strengths and weaknesses of the Plan, it has been necessary to evaluate whether

- projects and strategies for achieving the priority issues within each key result area have been implemented; and
- the nature and extent of the outcomes for each key result area.

The process for the evaluation has entailed strategic planning meetings<sup>4</sup> with departmental personnel, including

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<sup>4</sup> For a full list of meeting with DJJ staff see Appendix 2. Most meetings occurred in 2005. Some earlier consultations took place during 2003 and 2004 with Orana, Acmena and Yasmara Juvenile Detention Centres and with JJCS staff at Kempsey, Grafton and Dubbo. With the exception of JJCS staff at Kempsey, these staff were re-interviewed in 2005.

- Meetings with all regional executives on the AORSP plan and regional reports
- Discussion on reporting process in regular meetings with Aboriginal Unit
- Facilitating, in conjunction with Aboriginal Unit, Regional/Metropolitan Strategic Planning and Consultation Meetings

Quantitative information used in this evaluation includes the following:

- all criminal person-incidents by youth recorded on the BOCSAR COPS database for 2000 to 2004 – covers all police interventions for youth
- all finalised court appearances and youth justice conferences held in DJJs RESEARCH dataset for 2000 to 2004 – provides details on court outcomes and data for recidivism analysis
- DJJ regional review report output 2000 to June 2005 – provides details on Indigenous access and outcomes for DJJ programs
- DJJ CIDS client statistics recorded for funded service admissions from 2000 to June 2005 – provides details on Indigenous access and outcomes to funded services
- DJJ staffing information which identifies Indigenous staffing levels

The evaluation has also involved the design of information and project management systems in collaboration with the Aboriginal Unit and non-Aboriginal staff (particularly regional managers), including

- Reports on implementation effectiveness and comment on regional action plans and quarterly reports
- Discussion of the feasibility of collection of key indicators and the development of benchmarks to be available with six monthly Indigenous Review Report
- The development of draft Indigenous Review Report in consultation with Department.

During the course of the evaluation a number of interim evaluation reports were produced as follows:

- First Report (May 2003)
- Second Report (December 2003)
- Annual Report (2004)

The evaluation methodology was tabled at the Operations Management Group meeting of 9 December 2002, Agenda Item 4.3 and the Department's Executive Committee meeting of 4 February 2003, Agenda Item 4.7.

### **1.3 EARLY ISSUES IDENTIFIED IN THE EVALUATION**

During the course of the evaluation a number of issues were noted in interim reports, and several recommendations were made with the view of improving the implementation and monitoring processes.

### **1.3.1 Potential Complexity of Reporting**

As noted above, many of the KRAs had a number of Priority Issues, Projects and Outcomes. Each Priority Issue may have one or more associated Strategies. Overall there are 15 Outcomes and 60 Strategies identified in the Strategic Plan, and matched with the nine KRAs.

This poses a level of complexity for developing performance indicators and reporting mechanisms. In addition each region developed specific strategies in relation to the strategic plan. Some aspects of the AORSP relate to outcome areas such as community-capacity building, however much of the Strategic Plan has KRAs which identify particular Departmental branches and functions (eg Young Offenders Act, Juvenile Justice Centres).

It became apparent early in the evaluation that the reporting on the Plan needed to be simplified and directed towards outcomes.

### **1.3.2 Regional Variations in Reporting**

The regions adopted significantly different approaches to reporting. While this may be useful in reflecting regional differences in the development of the Strategic Plan it posed problems for the development of Statewide benchmarking and evaluation of change.

It was noted in interim evaluation reports that it is important to encourage the regions to think about the essential or key outcomes the AORSP is seeking to achieve, rather than relying on 'mechanical' reporting across the KRAs. It was identified early in the evaluation that there needed to be a re-thinking of the 'essential outcomes' which are sought, and a reporting process against these outcomes. These issues are explored in the final chapter of this evaluation.

In the analysis of the reports provided by the regions it became apparent there was a lack of clear criteria for reporting against certain strategies. For example, the identification of 'hot spots' needed to be made on the basis of criteria which were transparent, and potentially common across regions. Some regions provided no information on how they identified particular 'hot spots'. A dearth of readily accessible data inhibited regions developing transparent criteria.

The analysis of the regional and branch reports also revealed the need for encouragement of reporting which does not rely solely on numeric data and numeric indicators. Therefore, there should be room for the development of a reporting mechanism which involves qualitative data, for example,

- cases studies demonstrating positive outcomes,
- particularly effective local programs and developments (eg 'Journey to Respect', elders groups)

There should be room for the development of a reporting mechanism which identifies barriers to implementation of the Strategic Plan. These barriers may be internal to the Department or influenced by external agencies, eg Police, the Courts, etc.



There should be encouragement for regions to report on areas where there are barriers to the implementation of the Strategic Plan, but which fall outside their immediate area of service delivery. (For example, there was a tendency to leave reporting on conferencing and the YOA to Youth Justice Conferencing Directorate, yet Regions may have important local knowledge on relevant issues to the effective of the YOA for Aboriginal young people).

It was found that requiring regions and branches to report on the AORSP every three months encouraged a form of reporting which was activity-based rather than outcome based. It was recommended that the AORSP reports be completed every six months.

### 1.3.3 Completion of Reports

Although the level of reporting was satisfactory at the time of the introduction of the AORSP, reporting soon dropped off. This was exacerbated by the understaffing of the Aboriginal Unit to follow-up on outstanding reports.

**Table 1.1**  
**Aboriginal Over- Representation Strategy: Reports as at 31 May 2005**

Division	1 <sup>st</sup> Qtr 2003	2 <sup>nd</sup> Qtr 2003	3 <sup>rd</sup> Qtr 2003	4 <sup>th</sup> Qtr 2003	1 <sup>st</sup> Half 2004	2 <sup>nd</sup> Half 2004
Metropolitan	<input type="checkbox"/>					
Northern	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Oct <input type="checkbox"/> Dec
South Western (southern cluster)	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
South Western (western cluster)	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Youth Justice Conferencing	<input type="checkbox"/>					
Psychological and Specialist Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Strategic Policy and Planning	<input type="checkbox"/>					
Management Services / Employee Services / Human Resources	<input type="checkbox"/>					
Aboriginal Unit (Six Monthly)	<input type="checkbox"/>					

As can be seen from Table 1.1 very few sections of the Department met their reporting requirements over the longer term.

### 1.3.4 Regional, District and Unit Review Report

During the early stages of the evaluation, work was also being conducted on CIDS with the view to develop a regional, district and unit Review Report. This is basically a regular statistical report on various aspects of the Department's work

The Review Report was to be based on a series of six-monthly periods and to be updated within 4 weeks of either 30 June or 31 December. The main sources of data for the report are CIDS and CCIS. Much of the data in the Review Report could include information on Aboriginality.

It was expected that it would be possible to drill down from statewide to LGA level (and then to individual clients) depending on the focus required. The levels of analysis potentially were State, Region, Sub-Region, District (group of JJCS offices), JJCS, and LGA.

It was seen by the evaluators that the data in the proposed Review Report would provide an excellent basis for ongoing monitoring and evaluation of issues relevant to Indigenous young people in contact with the Department, and provide the basis for better reporting on the AORSP.

However, to make the Indigenous issues identified in the report more easily understood (at both state and regional level) it was recommended that the feasibility of a separate Indigenous Report be considered. A special report would be particularly useful for the Aboriginal Unit and the A/PSOs.

### **1.3.5 Interim Recommendations made during the Evaluation**

Given the issues that arose from the preliminary meetings with the regional directors and managers, and the analysis of the AORSP implementation reports from regions and branches, a number of recommendations were put forward in the first year of the evaluation.

It was recommended that a template for reporting be developed to provide both standardised forms across regions, as well as the ability to develop regional specific assessments.

It was also recommended that the template allow for both numeric and qualitative data on outcomes; and, for the identification of barriers to implementation.

It was recommended that the feasibility of a specific Indigenous Review Report, drawing on the draft Regional, District and Unit Review Report, be considered.

It was recommended that data from the Indigenous Review Report be integrated into the template for reports of the implementation of the AORSP.

It was recommended that Regional and Branch AORSP Reports be produced on a six monthly basis, rather than quarterly.

## **2. THE KEY RESULT AREAS: DEPARTMENTAL RESPONSES**

This section will outline the KRAs, the relevant projects identified within each KRA, and departmental responses to the KRAs, as well as information collected in the course of the evaluation on each area covered by the KRAs.

### **2.1 LEADERSHIP, STRATEGY AND COMMUNITY CAPACITY-BUILDING**

#### **KRA Leadership, strategy and community capacity-building**

Project 1: Development of whole-of-government initiatives for holistic approach to provision of services to young people in the juvenile justice system.

Outcome: Service network for Aboriginal young people that is more accessible, comprehensive, focussed and recognises the links between the factors that contribute to over-representation

Project 2: Development of a comprehensive strategy in collaboration with community stakeholders for capacity-building in communities.

Outcome: Increase communities understanding of support needs and their ability to provide that support

Essentially the KRA called for two outcomes: improved whole-of-government approaches for better service delivery and outcomes for Indigenous young people and improved collaboration with communities to increase capacity-building and develop collaborative initiatives.

Implementation reports identified participation in various peak bodies such as Community Solutions meetings, the Premier's Regional Coordination Management Groups, and local interagency meetings. There was also the identification of specific local Aboriginal organisations including family support services, cultural centres, youth services, lands councils, medical services and so forth. Regions had also developed local registers of Aboriginal services and agencies.

At a state level there is involvement in the CEOs group on Aboriginal Affairs, and the Criminal Justice System CEOS Standing Committee and the Justice Cluster (arising from the Department of Aboriginal Affairs' *Two Ways Together* process).

On the one hand it is possible to identify a great deal of activity aimed at improving a whole-of-government approach to Indigenous young people. Much of this driven by a range of government agencies besides the Department of Juvenile Justice.

However, staff consultations revealed a great deal of dissatisfaction with the failure of the Department to provide effective leadership. There was seen to be a lack of consultation/information on the AORSP with magistrates, police, education and

DOCS. This was seen as a particularly important gap given the role these agencies have in bringing Aboriginal young people into the juvenile justice system.

In particular there was felt that a greater level of advocacy at a senior level was required particularly with police and magistrates for the outcomes of the Plan to be achieved (for example, on the use of bail hostels, or providing better knowledge of the YOA).

As one regional director noted,

There is a need for the DJJ ATSI Over-rep Strategy to have a 'buy in' by other Govt agencies. A whole of government approach is needed as many of the causal factors relate to broader issues such as poverty, health, lack of education etc. There has never been an attempt at senior level to obtain commitment from other Govt agencies, thus DJJ is left to deal with what it can control.

There was also a perceived need to coordinate the AORSP with other justice agency policies such as the police Aboriginal Strategic Plan and more generally the development of the Justice Plan.

Basically there are two issues which require greater commitment by the Department. These are improved advocacy with relevant agencies around specific juvenile justice outcomes, and improved advocacy for whole of government responses.

## 2.2 HOT SPOTS

### **KRA: Hot spots**

Project 1: Identification of 'hot spots' across the State.

*Outcome: A reduction in re-offending by Aboriginal young people in hot spots*

Hot spots were defined as geographical areas where significant numbers of Indigenous young people are entering the juvenile justice system, or where particular areas might contain characteristics which would indicate emerging problems to be addressed by the Department.

Regional strategies were to identify particular areas with disproportionate numbers of Indigenous clients, analyse the local causes of over-representation and develop planned responses. Particular hot spots were identified. For example, the Northern Region identified Tabulam, Ballina, Kempsey, Nimbin, Forster/Tuncurry, Gunnedah, Bogga Billa, Armidale, Inverell, Karuah and Waratah.

Implementation issues which emerged were

- the failure to provide a standard data report on Indigenous clients which would enable the ongoing monitoring of 'hot spots'. Regional Review Reports are now available, but they do not provide a 'hot spot' listing.

- the need for additional resources to implement a response plan once hot spots have been identified (for example, mentoring and post release support).

See Recommendation 5 Regional Review Report Enhancements.

## 2.3 DATA AND RESEARCH

### **KRA: Data and research**

Project 1: Evaluation of Strategic Plan

*Outcome: Research findings to inform policy and program development*

There were five strategies connected to this KRA. They are listed below with comments as to whether they have been met.

1. Undertake an evaluation of the Aboriginal Over-representation Strategic Plan.

The evaluation has been undertaken and completed.

2. Develop and implement an annual research agenda, and include specific research aimed at reducing Aboriginal over-representation.

An annual research agenda has never been developed during the period of the AORSP, consequently there has been no specific research agenda developed or undertaken in relation to Aboriginal over-representation.

3. Develop an appropriate data collection regime that maximises the department's response to Aboriginal over-representation.

Regional Review Reports were developed but were not available during the first years of the AORSP. A specific Indigenous Data Report was recommended as part of the evaluation, this was never acted upon.

4. Review progress of the plan every six months, the review to be carried out by the department's Executive Committee.

As far as the evaluator can determine there were no six monthly reports from the Aboriginal Unit to the Executive Committee after mid 2003. Therefore it is impossible to see how the Executive Committee could have reviewed the progress of the AORSP.

5. Support the strategy by operational plans developed by regions and units/branches.

Regions and units/ branches prepared operational or action plans in 2002/03.

The key implementation issue which emerged was that the KRA of data and research has only been partially implemented by the Department. The major responsibility for inadequately responding to the KRA lies with Central Support Office (CSO).

#### **Recommendation 5 Regional Review Report Enhancements**

It is recommended that a section be added to the Regional Review Report which summarises hotspots - those LGA's and courts with the highest number and rates of Indigenous and Non-Indigenous participation.

It is recommended that reporting be improved in regard to specialist interventions by Aboriginality. Specifically, at present the Regional Review Report does not contain information on Youth Drug Court interventions, 24(1)c, and specialist programs such as VOP and SOP by Aboriginality. The lack of data limits analysis of participation and completion of specific programs.

## **2.4 THE YOUNG OFFENDERS ACT 1997**

### **KRA Young Offenders Act 1997**

Project 1 Aboriginal Convenors

*Outcome: Increase in cautions and conferences for Aboriginal young people*

The key issue identified in the AORSP was the low number of referrals of Aboriginal young people to youth justice conferencing. There has been concern that the KRA is not reflective of the work of the Conferencing Directorate, and that new KRAs be developed specific to Youth Justice Conferencing (YJC).

In the implementation reports on the AORSP, the Director of YJC has noted that for each year since the commencement of the YOA, 25% of all referrals have been for Aboriginal young people. Proportionately, ATSI young people are in fact not under-represented in conferencing data. Other research indicates that they are getting the benefits of warnings and conferences, but not cautions under the YOA. In addition, while the proportion varies over time, between 8 - 10% of all active convenors are Aboriginal people.

However, as the data in Chapter 2 of this evaluation demonstrates, most young people still go to court without the previous benefit of a YJC.

### **2.4.1 Alternative KRAs for the Young Offenders Act**

Thus it has been argued by the YJC Directorate that the premise for the KRA (the low number of referrals of Aboriginal young people to youth justice conferencing) is in fact inaccurate.<sup>5</sup> Similarly the proportion of convenors who are Indigenous has been at a reasonable level.

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<sup>5</sup> We would argue research shows that the use of conferencing is low and declining slightly for all young people.

As a result of the dissatisfaction with the original AORSP's approach to the YOA, the YJC Directorate developed a new set of KRAs which they see as more appropriate.

**Priority Issue 1:** Effective local collaboration and cooperation with the NSW Police Service for appropriate diversionary rates of Aboriginal young people under the *Young Offenders Act*

**Project 1:** Diversion rates

**Rationale:** The *Young Offenders Act 1997* ('the Act') establishes an entitlement for young people who allegedly have committed an offence to be dealt with in their communities by the least restrictive sanction amongst warnings, formal cautions, youth justice conferences and court proceedings. NSW Police have responsibility for warnings and formal cautions. The Police are also able to make referrals to this Department for youth justice conferences to take place if the offence related criteria set out in the Act are met, and the young person consents. Formal court proceedings must be considered as a last resort. Youth justice conference administrators negotiate on the interpretation and application of these criteria and may reject referrals that do not meet these criteria. Courts may also make referrals.

The Youth Justice Conferencing Directorate works in cooperation with the community, Police, Courts and other stakeholders. Youth justice conferences are an alternative to court proceedings, and a community-based, negotiated response to offences involving all affected parties.

**Strategies.**

1. Ensure the YJC Strategic Plan contains strategies to address Aboriginal over-representation in the NSW criminal justice system.
2. Maximise cooperative strategies with the NSW Police Service, the courts and the legal profession for appropriate use of diversionary options under the Act for Aboriginal young people
3. Monitor the rates of compliance under the Act at all AORSP 'hotspots'.

**Outcomes:**

1. Consolidate effective cooperation with Police through –
  - a. Review and improvement of relevant sections of the Police Specialist Youth Officer (SYO) training package
  - b. Joint delivery of SYO training package
  - c. Conference Administrator exercise of responsibilities [under section 41 of the Act]

**Priority issue 2:** The quality of outcomes for Aboriginal young people through the youth justice conference process should at least be comparable with those of all young people.

**Project 1:** Comparison of outcomes

**Rationale:** A comparison between Aboriginal and non-Aboriginal Youth Justice Conference outcomes will assist the Department to better tailor its efforts toward Aboriginal young people. Such comparisons are primarily concerned with the rates of attendance/participation, and rates of completion of conference outcome tasks.

**Strategies:**

1. The analysis of outcomes following youth justice conferences
2. Continue to work closely with Aboriginal communities to support culturally appropriate conference outcomes and processes.

**Outcomes:**

1. Through review and improvement of administration and conference preparation and processes, achieve outcomes for Aboriginal young people at least comparable to those for all young people in terms of:
  - a. Rates of conference attendance/non-attendance
  - b. Presence of support people in conferences
  - c. Rates of completion of outcome plans

**Priority issue 3:** Recruitment and training of Aboriginal Convenors

**Project 1:** Aboriginal and Torres Strait Islander convenors

**Rationale:** The practice of recruiting and maintaining Aboriginal convenors will ensure that conferences appropriately support and address the cultural needs of Aboriginal young people, victims and other key stakeholders. Such an approach is consistent with the NSW Government's acceptance that Aboriginal people know their own problems and issues and that Aboriginal people are best suited to solve these problems. Conference administrators recruit and train conference convenors and oversight the convenor's work. Convenors are local community people who prepare and facilitate conferences on a case-by-case basis.

1. Continue to recruit and train appropriate numbers of Aboriginal people as conference convenors, and support convenors to employ culturally appropriate processes within the framework of youth justice conferences.
2. Ensure that an Aboriginal Convenor is available in cases where Aboriginal young people, families and/or victims prefer to have an Aboriginal person as the convenor of the conference.

There is also a body of research now available on the YOA which has been completed since the release of the AORSP. Basically that research is positive in relation to Indigenous referral to and experience of conferencing. However, the other major diversionary option of police cautioning does not appear to be utilised as frequently with Indigenous young people as non-Indigenous youth (Trimboli 2000; Luke and Lind 2002; Chan).

The key implementation issue to emerge with the YOA is the need to redevelop KRAs appropriate to the work of the YJC Directorate, and with a particular emphasis on collaborative approaches with NSW police to ensure equitable outcomes for



Aboriginal young people. However it is also important to maintain as an outcome an increase in the use of cautions and conferences for Aboriginal young people.

See Recommendation 14 Police Interventions – Alternative to Arrest and Charge.

## **2.5 FUNDED PROGRAMS AND COMMUNITY INTEGRATION**

### **KRA Funded programs and community integration**

Project 1: Externally funded programs

Outcome: Improved access to DJJ funded services and funded services better equipped to work with Aboriginal young people

Project 2: Integration planning and review for Aboriginal young people leaving custody

*Outcome: A reduction in re-offending by Aboriginal young people exiting custody*

As at November 2005 there are 44 funded programs. Of these, two community organisations are specifically Indigenous (Ja Biah Aboriginal Corporation, Blacktown and Djigay Centre of Excellence in Aboriginal Education, Kempsey).

The vast majority of funded services are non-Indigenous, and many are major non-government welfare and service providers like Centacare, Barnardos, Ted Noffs Foundation, Mission Australia and PCYC. However, the programs which are offered by non-Indigenous non-government service providers may include targeted programs for Indigenous young people (for example, employment programs in Bourke and Brewarrina). Furthermore, staff employed in these non-Indigenous community organisations may be Indigenous. However, DJJ staff consultations also revealed concern that funding was not going to Aboriginal community organisations, and that some funded services were not performing.

There were four strategies attached to Project 1.

1. Conduct a three year external evaluation of funded programs to determine their effectiveness in meeting the needs of Aboriginal clients.
2. Develop a grant administration training package of materials and guidelines.
3. All funded services to develop an Aboriginal Participation and Outcome Plan.
4. Funded services to give their staff Aboriginal cultural awareness training as a condition of funding.

These strategies have been mostly completed with various evaluations and reviews specifically considering Indigenous issues, including the Evaluation of the Post Release Support Program (PRSP), the Review of Accommodation Support Needs of

## Juvenile Justice Clients and the reviews of Mentoring and Pre-employment Skills Training (PST).

The grant administration guidelines were completed by the (then) Strategic Policy and Planning Branch. All CFA Funding Agreements have an Aboriginal Participation and Outcome Plan reporting requirement. Cultural awareness training is a requirement of the CFA Funding Agreement. However, the level of compliance is not known across the State. Some regions like the Northern and Western appear to monitor this to ensure compliance.

There were six strategies attached to Project 2.

1. Develop and implement pre- and post-release programs that are culturally appropriate.
2. Initiate collaborative case planning for Aboriginal clients involving the department, government and non-government agencies.
3. Implement the recommendations of the Case Management Review to take into account issues relating to Aboriginal clients.
4. Review the findings and recommendations of the external evaluation of the Pre-employment Skills Training and Mentor Support Program and its relevance to Aboriginal clients.
5. Review and monitor the take-up rate by magistrates of recommendations from court reports.
6. Assign juvenile justice officers to attend criminal list days at Children's Courts.

There have been some potentially positive responses to these strategies. The Evaluation of the PRSP found the following:

- 30% of all referrals to the PRSP in the first years of its operation involved Indigenous young people. This proportion of all referrals is significantly lower than the proportion of Aboriginal young people in detention during the same period.
- However, once referred to the program, Indigenous young people had a higher acceptance rate on to the PRSP than other referrals (84% compared to 79%).
- There were no statistically significant difference in the offence categories between Indigenous and non-Indigenous offenders prior to being referred to the PRSP.
- Aboriginal young people are concentrated among those with longer prior records and this difference is statistically significant. Some 41% of Indigenous young people have more than five previous proven appearances, compared to 19% of non-Indigenous youth. Only 8.6% of Aboriginal young people had no previous proven appearance, compared to 19.1% of the equivalent non-Indigenous group.
- Indigenous young people who completed the PRSP had lower re-offending rates than comparable Indigenous young people released from custody without post release support

The key issue is the need to get more Indigenous young people onto the PRSP when they come out of custody, although we note more recent data (see table 2.1) seems to

indicated this is now occurring. Interviews with Departmental staff confirmed that the PRSP needs to be developed in a way that can be utilised by Indigenous clients. The PRSP needs to be specifically promoted to Aboriginal young people. Geographical separation is an issue for Indigenous young people in that there is a lack of services in rural areas, and particularly for Indigenous girls.

The Department has been very slow in responding to the evaluation of the Mentoring Scheme. Mentoring has been positively evaluated both in New South Wales and other states, and is particularly helpful for Indigenous young people and young people in rural areas who may not otherwise have access to services. However, the Mentor Scheme Operational Guidelines have been only recently completed several years after the evaluation was completed by the ARTD for the Department. Mentoring has essentially been left to languish - a point which was widely criticised by Department staff interviewed for this evaluation.

The strategy of JJOs attending Children’s Court is widely supported, but has resource implications. Most regions noted that, particularly with large areas to cover, JJOs could not attend court on all list days across the region.

Other innovations have occurred outside of DJJ and require continued involvement by the Department. For example, Tirkandi Inaburra has been established as an ‘outstation’ for Indigenous young people. It is funded by the Attorney-General’s Department. It is established both as an early intervention for ‘at risk’ young people and as an alternative to detention. Referrals are from the community, and participation is voluntary. DJJ is represented on the Steering Committee.

### 2.5.1 Data on Community Funded Agencies

Information used in this section was extracted from DJJ’s CIDS database. Unfortunately the poor quality of the data in this component of CIDS prevents an analysis of acceptance and completion rates, however we are able to provide some analysis of referrals by Indigenous status. The period covered is from Jan 2002 as completeness of the data drops off before this time and those with unknown Indigenous status have been excluded from the analysis – this is approximately 5% of the total.

Table 2.1 shows the percentage of referrals by type of funded agency service.

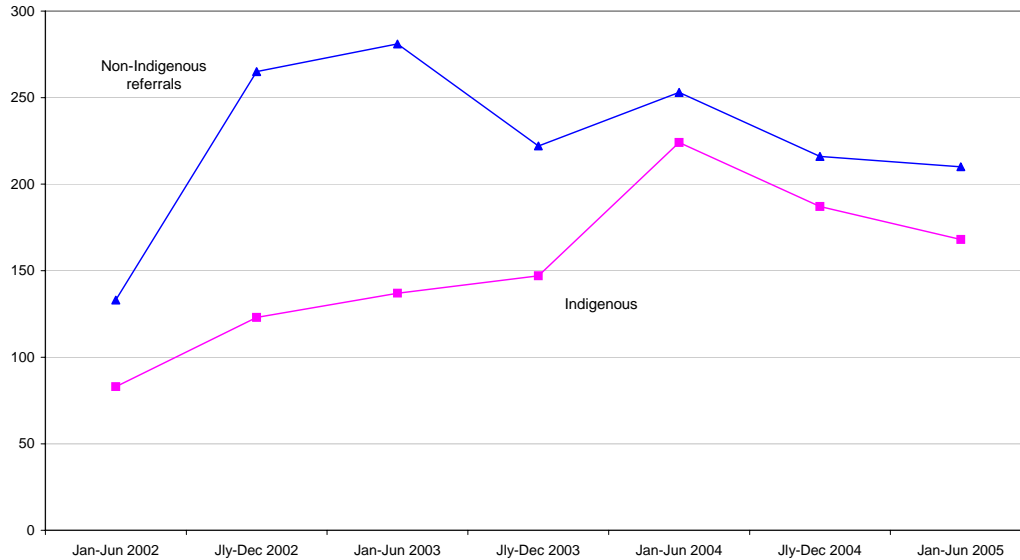
**Table 2.1**  
**Referrals by Service Type – percentage that are Indigenous**

Year	Accommodation	Bail hostel	Employment and training	Local offender program	Post release
	%	%	%	%	%
2002	42.9		21.3	51.7	33.9
2003	39.5	100.0	23.5	51.8	34.1
2004	52.0	70.8	33.9	71.6	45.9
2005	49.2	71.4	33.3	87.1	42.3
<b>Average</b>	45.9	80.8	28.0	65.5	39.1

Missing cases = 1

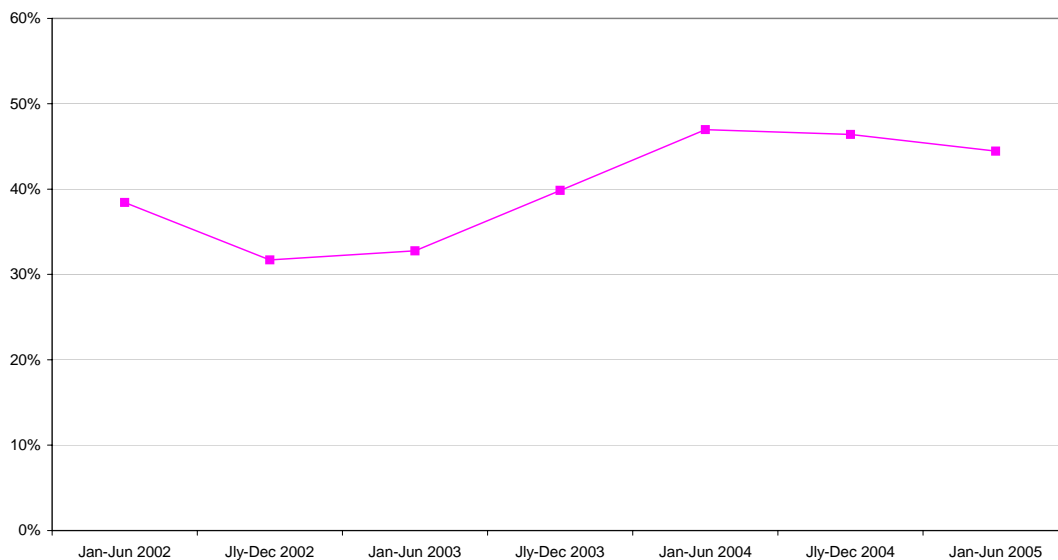
As can be seen in Figure 2.1 the number of referrals to funded services has increased for Indigenous young people and since January 2004 has been almost as high as non-Indigenous referrals.

Figure 2.1 Referrals to funded services by Indigenous status  
Jan 2002 to July 2005



This is shown more clearly in Figure 2.2 which plots the percentage of total referrals that are Indigenous from the beginning of 2002 till June 2005.

Figure 2.2 Percentage of referrals to funded services that are Indigenous  
Jan 2000 to June 2005



We note that these are referrals only and do not tell us the percentage accepted on the program nor the percentage of completions.

### **Recommendation 10 Community Funded Agencies**

It is recommended that CIMS be enhanced to provide better quality data on Aboriginal young people's referral to, acceptance on and completion of funded agency programs.

It is also recommended that the Aboriginal Unit, in consultation with A/PSOs and other Departmental staff, develop specific strategies to increase the number of Aboriginal funded agencies supported by the Department and improve DJJ referral of Aboriginal clients to all funded programs.

## **2.6 STAFF / STRUCTURE**

### **KRA Staff/Structure**

Project 1: A fully functional and operational Aboriginal Unit

Outcome: Coordination in planning, implementation, monitoring and evaluation of strategy

Project 2: Employment of Aboriginal staff in the Department

Outcome: Improvement in the effectiveness of interventions with Aboriginal clients through better retention etc, of Aboriginal staff

Project 3: Cultural awareness training

Outcome: Increase in competency of departmental staff in planning and delivering services to Aboriginal clients

Project 4: Aboriginal Program Support Officers

Outcome: Coordination in planning, implementation, monitoring and evaluation of the strategy and measures to reduce Aboriginal over-representation at the regional level.

### **2.6.1 The Aboriginal Unit**

#### *Staffing and Organisational Position*

A key to the success of the AORSP was 'a fully functional and operational Aboriginal Unit'. In reality there has been constant change and understaffing of the Aboriginal Unit over the period since the AORSP was introduced at the end of 2001. Indeed, the Unit has now lost one of its two project officer positions.

When the AORSP was introduced in 2000/01, the Aboriginal Unit consisted of a Coordinator who reported to the Manager of the Strategic Policy and Planning Branch.

The Unit expanded with the appointment of one project officer in 2002 and a second project officer in 2003. During 2003 the Coordinator position was upgraded to a Manager's position. During this period and until the October 2004 restructure, the Aboriginal Unit was a stand alone Unit within the organisation and with the Manager directly reporting to the Director General.

From the end of 2003 to early 2005 there was constant instability and understaffing in the Unit with one project officer resigning towards the end of 2003, a replacement project officer resigning after four months, and the Manager of the Unit moving back to a substantive position outside of the Aboriginal Unit in March 2004.

Effectively from March 2004 until January 2005 the Aboriginal Unit consisted of one project officer, until the current Manager took up her duties. During the later part of 2004, after a restructure, the Aboriginal Unit was placed within the Research, Planning and Evaluation Branch of the Department. The Manager of the Unit now reports to the Director of the Branch.

With the recent restructure of the Aboriginal Unit, one of the two project officer positions was lost, leaving the Unit with a manager and one project officer.

#### *Role and Functions*

There is no clear description of the role and functions of the Aboriginal Unit, except as they are covered in the AORSP, and to the extent that they are described in the position description of the Unit Manager. The AORSP identifies that

to fully address the issue of Aboriginal over-representation and implement the Aboriginal Over-representation Strategic Plan, the Aboriginal Unit must be staffed and fully functional to provide the desired outcomes. The Aboriginal Unit will monitor implementation and report on the progress of the plan throughout the department. The plan is a departmental priority, and it encourages a coordinated approach to address the issues of the over-representation of Aboriginal and Torres Strait Islander young people within the juvenile justice system (AORSP 2001:6).

In addition the AORSP identifies four strategies as follows:

1. The Aboriginal Unit in the Strategic Policy and Planning Branch to develop, monitor and analyse funded Aboriginal-specific programs and data.
2. All Aboriginal programs, both internal and external, to be documented and maintained by regions and overseen by the Aboriginal Unit.
3. Each program and its relevance to Aboriginal clients to meet specific standards.
4. Report on the implementation of the recommendations of the Royal Commission into Aboriginal Deaths in Custody (AORSP 2001:6).

The position description of the Aboriginal Unit Manager notes that the main function of the position is to provide strategic, tactical and operational advice, to ensure that the department's strategy to reduce the number of Aboriginal young people in custody and within the juvenile justice system is effective and achieves its objectives.

The purpose of the position is:

- To provide strong executive leadership of a broad range of functions to enhance the capability of the Department of Juvenile Justice to achieve government strategies relating to Aboriginal and Torres Strait Islander clients and to satisfy government requirements and regulations.
- To provide leadership, strategy and community-building capacity to stem the underlying factors that contribute to the over-representation of Aboriginal young people in the juvenile crime cycle.
- To initiate, develop and implement service delivery policies and standards, in conjunction with operational practitioners, by analysis, research and evaluation of the full range of juvenile justice issues, as they affect and impact on Aboriginal and Torres Strait Islander clients.
- To provide expert advice to the Minister, Director-General, senior management and regions to ensure that internal and external interventions for young Aboriginal offenders are culturally appropriate and are in line with government commitments and initiatives and the department's policies and strategies.
- To develop strategies for raising awareness, enhancing understanding and fostering positive values and attitudes within the community about the department's policies and objectives.

There needs to be clear direction for the Aboriginal Unit in terms of its roles and responsibilities within the Department. A key function of the Unit has been in relation to the AORSP. However, its role extends well beyond this function. The objectives of the Unit have not been clearly established by the Department.

Over the last few years the Unit has been left to struggle in a situation of gross understaffing.

Arising from the issues identified above, in particular under-staffing, there has been a failure of the Aboriginal Unit to successfully coordinate the implementation, monitoring, reporting and evaluation of the AORSP.

#### **Recommendation 6 Aboriginal Unit**

Given the size and complexity of the over-representation problem, it is recommended:

1. that the staff levels of the Aboriginal Unit be reinstated at one manager and two project officers, and
2. that the Aboriginal Unit be directly responsible to the Director General.

### **2.6.2 Aboriginal Staff**

As at 31 May 2005 there were 99 Aboriginal people working for the Department of Juvenile Justice as permanent staff. This number comprised around 10% of all Departmental staff, and was higher than the NSW government benchmark of 2%.

- Some 16 of the 99 Indigenous employees were working in non-identified positions.
- There were 95 identified Aboriginal positions in the Department of which twelve were vacant.
- Eight Indigenous staff were in manager positions and one was an assistant manager. Six of the manager's positions were Indigenous-identified positions.
- Most Indigenous staff in the Department work in Juvenile Justice Centres (64 of 99). The most senior person in the Centres is one unit manager (in a non-identified position). There are 17 unit coordinators, 43 youth officers, one case worker, one vocational instructor, and one classification officer.

The Employee Services Branch of the Department response to the strategy to immediately recruit identified positions when they become vacant is simply a statement of the existing procedure. Data on the number of unfilled identified positions and the length of time to fill positions is necessary to evaluate any improvement in meeting the goal. It has not proven possible to find information on retention of Aboriginal staff.

DJJ staff consultations identified issues around how DJJ manage Aboriginal staff. In particular there is need to understand that:

- Aboriginal staff may have extended family members in particular Centres
- Pressures placed on Aboriginal staff locking-up Aboriginal young people, and because they are Aboriginal staff working in a Centre;
- Difficulties for Aboriginal staff when attending funerals.
- Employment and identified positions
- Selection of Aboriginal staff, including the development of appropriate selection criteria
- Staff support

At the JJCS consultations there was a view that it was imperative to have Aboriginal workers at each JJCS office to work with young people and the community.

There was also a frequently repeated view that Aboriginal staff recruitment and training needed greater consideration because the Department was not attracting Indigenous staff or retaining them.

### **2.6.3 Aboriginal Staff Advisory Committee**

According to the Department's 2003/04 Annual Report, the functions of the Aboriginal Staff Advisory Committee (ASAC) are:

- Providing advice on the needs of Aboriginal children in residential services
- Providing Aboriginal staff with an effective voice in policy and program development



- Providing advice on the department's methods of consultation with Aboriginal communities
- Assisting to monitor the department's implementation of recommendations from the Royal Commission into Aboriginal Deaths in Custody
- Initiating consideration of any issues of concern to either Aboriginal staff or Aboriginal communities
- Advising the department on the training and support needs of Aboriginal staff
- Advising on Aboriginal cultural awareness training for the department's staff

Given that the ASAC represents Indigenous staff throughout the Department, it is also appropriate that the Committee have a role in the development and monitoring of the AORSP.

#### **Recommendation 7 ASAC**

The Department, in cooperation with the Aboriginal Unit should provide for a process whereby the ASAC can have a clearly defined role in the development and monitoring of the AORSP.

#### **2.6.4 Cultural awareness training**

Several people at both Centres and Community offices noted that not all DJJ staff understand the broader issues of why Aboriginal young people are over-represented in the juvenile justice system. Many see it as essentially individual failings without understanding the broader context. The issue is partly related to cultural awareness training, but also reflects on broader training on the reasons for juvenile offending.

The Employee Services Unit had responsibility in the Department for cultural awareness training. According to strategy 3 of this Priority Area, 'All staff of the department to complete an Aboriginal cultural awareness training course relevant to their area of work'.

There was a great deal of concern expressed by Indigenous and non-Indigenous staff about the lack of cultural awareness training. It is not known what proportion of staff have received cultural awareness training. However, the issue was certainly a dominant one in discussions with staff during the course of the evaluation. The need for better and more frequent cultural awareness training was seen as a major issue. Cultural awareness training is mainly aimed at Centre staff rather than community-based staff. Many JJOs and specialist counselling staff stated they had not received cultural awareness training.

It is clear that non-Indigenous staff do not feel well served by the existing arrangements for cultural awareness training. Some staff saw the training as too basic and not specific enough for their specialist needs. DJJ put some resources into cultural awareness training as part of the induction for youth workers in Centres, but many staff miss out. Many DJJ staff do not have the direct experience of the conditions under which Aboriginal young people live in small isolated communities.

It was widely seen by staff that cultural awareness training needs to be a resource for workers in understanding and dealing with Aboriginal clients. It really needs to

address the day-to-day problems DJJ workers face. It needs to be more than simple awareness and should be aimed at training in regard to specific interventions, working with families, and assessment. The AORSP needs to be part of cultural awareness training for all staff. Cultural awareness training needs to be ongoing.

**Recommendation 9 Cultural Awareness Training**

The Department needs to review the content and availability of cultural awareness training for non-Indigenous staff to ensure that it is widely available, ongoing and specific to the needs of staff.

**2.6.5 Aboriginal Program Support Officers (A/PSO)**

The Employee Services Unit had responsibility for the strategy of co-ordination and linking of the AORSP with the duties of the A/PSOs. Regional directors were to directly supervise A/PSOs, A/PSOs were to develop regional AORSP, and at least one A/PSO was to have membership of the regional executive.

The AORSP acknowledged that the

statewide strategy requires coordination to achieve its objectives... the department's Executive Committee approved that the focus of APSOs would be the issue of over-representation. As APSOs have regionwide responsibilities, they are best positioned to deliver this strategy within their regions. The strategic plan will form the basis of a work plan for APSOs.

As noted in Chapter 1, at the regional level, A/PSOs were to play a key role in

- Coordinating actions and reporting on outcomes from the Plan
- Supporting regional staff in meeting their responsibilities under the Plan
- Advising regional directors and the Youth Justice Conferencing Directorate on strategies to ensure compliance with the Plan
- Collaborating with funded agencies to ensure their access and equity strategies met the aims of the Plan.

During the course of the evaluation APSOs noted that, 'A lot depended on how the regional director and the APSOs perceived their role'. There were a number of specific issues which arose, including

- Inconsistent supervision of the work of the APSOs in the regions
- Limited coordination of the APSOs from head office. The APSOs were essentially left to 'float' about two years ago when the coordinator in CSO was moved to a different position.
- APSOs were expected to do the work of PSOs (eg supervision of the funded services), plus their work with the AORSP.

**Recommendation 8 A/PSO**

There needs to be a reconsideration of the role of the A/PSOs with a view to developing clear guidelines for their work in relation to Indigenous policy and improving their status within the Department commensurate with the tasks they are required to undertake.

**2.7 JUVENILE JUSTICE COMMUNITY SERVICES****KRA Juvenile Justice Community Services**

## Project 1: Diversionary Options

Outcome: Increased access to community-based orders instead of custodial orders; increase in the completion rate of community-based orders

## Project 2: Mentoring for Aboriginal clients

Outcome: Effective mentoring program in reducing re-offending by Aboriginal young people.

**2.7.1 Diversionary Options**

There were five strategies attached to the project of ‘diversionary options’ with the aim of increasing community-based orders for Indigenous young offenders and improving completion rates.

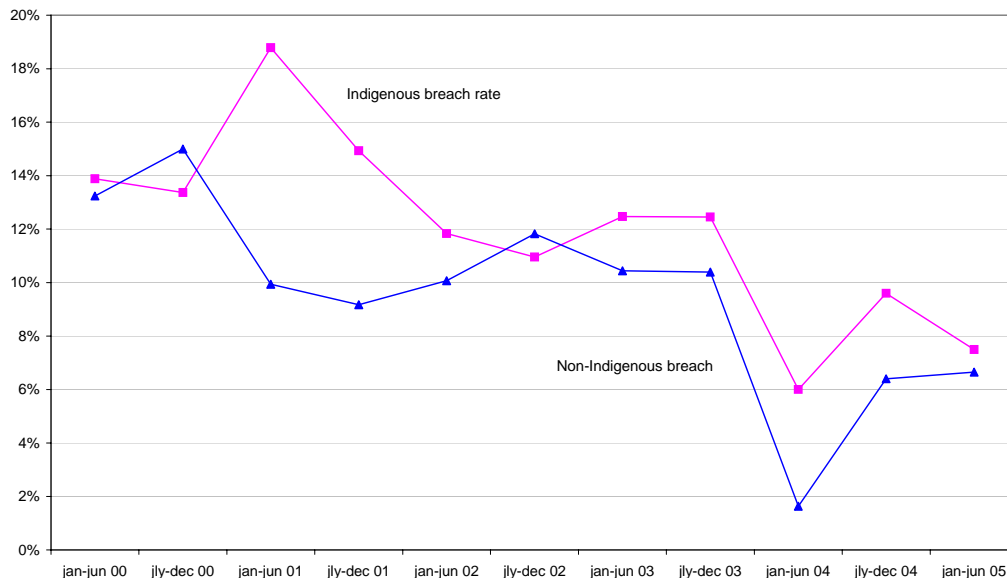
1. Review and monitor the breach rates for community service orders by Aboriginal clients.
2. Assign Aboriginal young people with community service orders to Aboriginal organisations or services wherever possible.
3. In collaboration with other government agencies (such as the Departments of Community Services and Housing), provide support and accommodation for young people on release from detention.
4. Consider options for alternatives to custody such as bail hostels.
5. Review the referral process of Aboriginal clients from Juvenile Justice Community Services to Intensive Program Units to ensure that referrals take place at the earliest point possible to help prevent entrenched offending.

Before the introduction of the Regional Review Report it was difficult for regions to monitor breach rates without adequate data from CIDS so this requirement was not met in any systematic way. Most regions noted the organisations that were used for community service orders involving Aboriginal young people, although most were not Indigenous services per se.

Breach rates for JJCS community-based orders are now reported in the DJJ Regional Review Report. As can be seen in Figure 2.3 below breach rates for both Indigenous and non-Indigenous clients have followed a general downward trend since 2000 and

breach rates for Indigenous clients have generally remained slightly higher for Indigenous clients. In recent times, since June 2004, the differences in the rates have not been statistically significant.

Figure 2.3 JJCS Supervision - breach rates for Indigenous and Non-Indigenous clients  
Jan 2000 - July 2005



One development in response to diversionary options was the opening in late 2003 of the bail hostel at Tingha in the Northern region. However, this subsequently closed in May 2005 after the service provider advised that the service could not continue to operate within its 2004-2005 funding allocation. The service had operated for 17 months and accommodated 33 clients. Since the closure there has been greater use of brokerage in the region for young people on bail requiring supported accommodation. Brokerage has been assisted through the development of MOUs with Armidale and Tamworth Youth Refuges. Northern Region has two temporary bail intake officer positions appointed till October 2006.

There is general agreement among local staff that brokerage is a preferable model to deal with bail issues compared to the limited flexibility of a bail hostel (see Recommendation 19 Remand, Brokerage and Bail).

### 2.7.2 Mentoring for Aboriginal Clients

Mentoring for Aboriginal Clients was a specific strategy under the AORSP. Mentoring has had an inconsistent history within the Department. The Aboriginal Mentor Program began as a trial in 1996. In 1997-98 it was expanded as an option for all clients on community-based orders. It was reviewed in September 2001 by ARTD Management and Research Consultants who recommended that the program be refined and continued in a revised format.

The Executive endorsed this recommendation in September 2001 with the view that the revised Mentor Scheme would be one of the Department's support services for clients with high needs, and would have an expected uptake of 200-300 clients per year. A policy framework, operational guidelines, a training strategy, a

communications strategy and monitoring system were to be ready for the revised Mentoring Scheme to be implemented from July 2002.

The finalisation of this project was delayed 3 years until 16 June 2005 when the Operational Guidelines were approved. There was universal support among DJJ staff for mentoring. It is seen as an effective program particularly for Indigenous young people that has largely disappeared. No information was provided to the evaluator on current mentors, nor was there any data on the CIMS to indicate whether any Aboriginal young people had received mentoring during the period of the AORSP evaluation. Regional staff interviewed for the evaluation were of the view that the program was no longer available.

It is clear that this AORSP strategy was not met. Indeed the mentoring program was basically not operating during the period of the AORSP.

**Recommendation 11 Mentoring**

It is recommended that funds be made available to allow the mentoring program to be re-instated.

## **2.8 SPECIALIST PROGRAMS AND INTENSIVE PROGRAMS UNIT**

**KRA Specialist Programs and Intensive Programs Unit**

Project 1: Development of a specialist services strategy to reduce Aboriginal over-representation

Outcome: Improved access to specialist services and specialist services that are more culturally appropriate.

Psychological & Specialist Services and regions have responded to the strategies identified in KRA 9. The KRA requires that Specialist Services develop a specific strategy to reduce Aboriginal over-representation which should include:

- developing, and training staff in, culturally appropriate assessment procedures
- inviting Aboriginal elders and other representatives, when available, to be present when Aboriginal young people are being assessed by non-Aboriginal psychologists or counsellors
- implementing a conditional discharge protocol for Aboriginal clients statewide
- developing, and training staff in, culturally appropriate programs, for example the 'No More' Program
- investigating the need for Aboriginal Alcohol and Other Drugs counsellor positions to address the needs of Aboriginal clients with these issues.

### **2.8.1 Specialist Programs**

Psychological and Specialist Services have been involved in the development of a number of programs specifically for Indigenous young people. These include the following:

- *Our Journey to Respect*. An inter-generational violence prevention group program for Indigenous young men which was developed jointly between DJJ and Gilgai Aboriginal Centre Inc.
- *No More*. A program for Indigenous young men to address alcohol-related violence.
- *Indigenous Men's Group*, Kariong. The program focused on the development of responsible thinking and actions. It was run by the Department's Consultant Psychologist (Indigenous Youth Focus) with the AMS in 2003 and 2004 at Kariong Juvenile Justice Centre.
- *Anger and Emotion Management*. This is described as a 'brief program' for Indigenous young women run at Yasmar Juvenile Justice Centre in 2003 and 2004.
- *Health and AOD Use*. A group work program for Indigenous young women, developed by the Department's Consultant Psychologist (Indigenous Youth Focus), and run with an AOD worker from the AMS at Yasmar in 2004.

## **2.8.2 Issues in Implementation**

There have been a number of issues which have emerged in relation to the strategies covered under this KRA.

### *Data on Aboriginal Referral to Specialist Services and Completion*

There was no systematic data available on referrals to Specialist Services, or whether Aboriginal clients were successfully completing programs during the early years of the AORSP. The Regional Review reports now provide this data.

### *Conditional Release 24(1)c*

There is widespread concern at the relative infrequent use of 24(1)c conditional releases, particularly for Aboriginal young people. Some regions have tried to develop pilot 24(1)c programs using Aboriginal mentors. The pilot involved using 24(1)c release for intensive mentor support. However, the pilot program was suspended due to the reduction in mentor funding. Blacktown IPU developed an Aboriginal 24(1)c protocol which outlines various strategies for working with Aboriginal young people.

The Regional Review Report does not currently provide a breakdown of 24(1)c discharges by Indigenous status.

While there is universal acknowledgement that 24(1)c is not being used. However, there is debate over the reasons for this. For some staff the lack of use of 24(1)c was because young people were either not eligible, not interested or not suitable. This of course begs the question of how to change the process to meet the requirements of clients.

Some argue that there is capacity for much greater use of the section particularly in relation to Indigenous young people. For many staff 24(1)c needs to be 'resurrected'

and modified to meet the needs of Aboriginal young people. This may involve a better 'outreach' model for 24(1)c rather than expecting young people to attend DJJ.

Counselling programs 24(1)c needs to be sold in an appropriate and positive way to Koori young people. They are not promoted properly and often not explained properly. Aboriginal staff should be involved in promoting 24(1)c to Aboriginal young people.

#### *Journey to Respect*

There is a great deal of support for Journey to Respect across the Department, and there was acknowledgement that the development of the Journey to Respect program was given more importance because of the AORSP. Journey to Respect is the only widely used Aboriginal-specific program.

#### *No More*

The Indigenous drug and alcohol program 'No More' was only partly known. Some areas utilised it with Indigenous young people, but this was by no means universal, despite two strategies on the AORSP which referred to 'No More'. The 'No More' program is not consistently utilised across the State and some AOD counsellors were not aware of the program at all.

#### *Funding for Operation of Indigenous Programs*

There needs to be funding for the effective operation of programs like Journey to Respect. It can be difficult to release staff for both training, and to run the program after they have been trained, given that the position has to be covered by other staff.

#### *Program Development for Indigenous Girls*

It was noted by many staff that the Indigenous programs that exist are specifically for Indigenous boys, thus there are no specialist Indigenous programs for girls and young women.

#### *Aboriginal Programs*

There was a view that there was insufficient program development for Indigenous clients. There were only two specific programs, one of which was not widely available and neither of which were available for Indigenous girls. It has been argued that what is needed is an expansion to the program base with programs developed to meet the specific needs of Indigenous young people.

Other staff noted that the problems with running Journey to Respect and No More in the Centres were staffing issues and time constraints.

Indigenous specific-program development is needed not only in relation to addressing offending behaviour and alcohol and other drugs, but also in relation skills and training (eg a DET program for bricklaying that targeted Indigenous young people was seen as an example).

#### *Non-Indigenous 'Mainstream' Programs*

Concern was raised about the problems of engaging Aboriginal young people in specialist programs. In particular there were perceived problems with the use of the

Sex Offenders Program, and especially so when the counsellors offering the program were non-Indigenous women.

An Aboriginal Strategic Plan should emphasise the importance of specific needs and learning styles for Indigenous young people. For example, group work is important for Aboriginal clients, an informal approach is important, there is need to think about the environment in which the program is being offered.

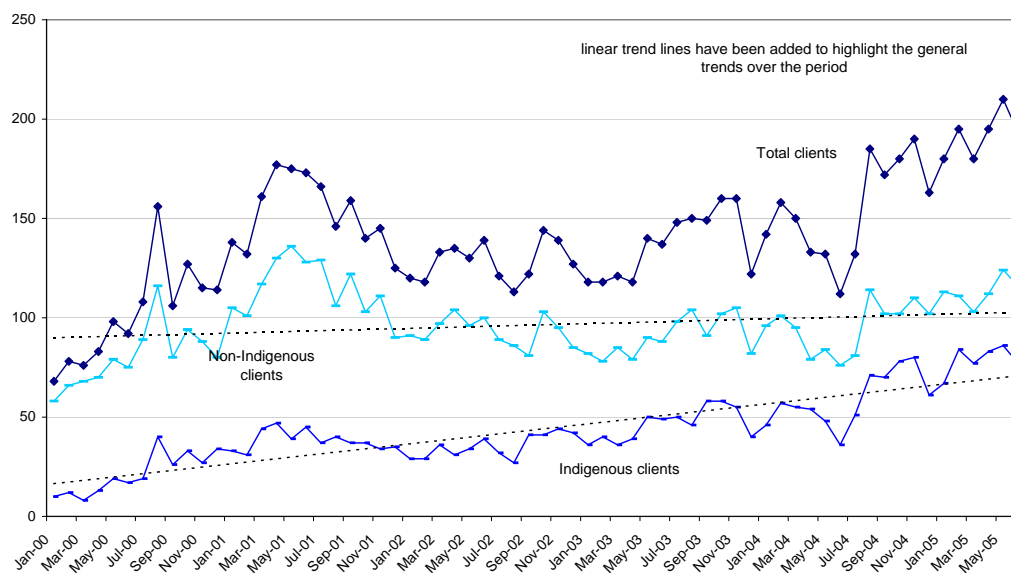
A problem that was identified with the ‘evidence-based’ cognitive behavioural programs was that they do not engage enough with Indigenous young people. As one counsellor stated, ‘they [the programs] do not delve into the world of Indigenous young people.

A further point raised by a number of specialist and non-specialist staff was the need to use different counselling techniques, in particular narrative therapy. It was argued that narrative-based therapies work more effectively with Indigenous young people because they allow for the engagement of specific cultural issues relevant to Indigenous young people.

### 2.8.3 Data on Specialist Supervision

There has been a gradual increase in total Specialist Supervision clients over the five and a half years reviewed, from a total of 68 clients at the end of January 2000 to 193 at the end of June 2005<sup>6</sup>. As can be seen in the graph below most of this increase is due to growth in the number of Indigenous clients during the period<sup>7</sup>.

Figure 2.4 Specialist Supervision - number of clients at the end of each month by Indigenous status  
Jan 2000 to June 2005



<sup>6</sup> Data on Specialist Supervision comes from the DJJ CIDS database via the Regional Review Report. Unless otherwise noted the count is of the number of clients on the last day of the month.

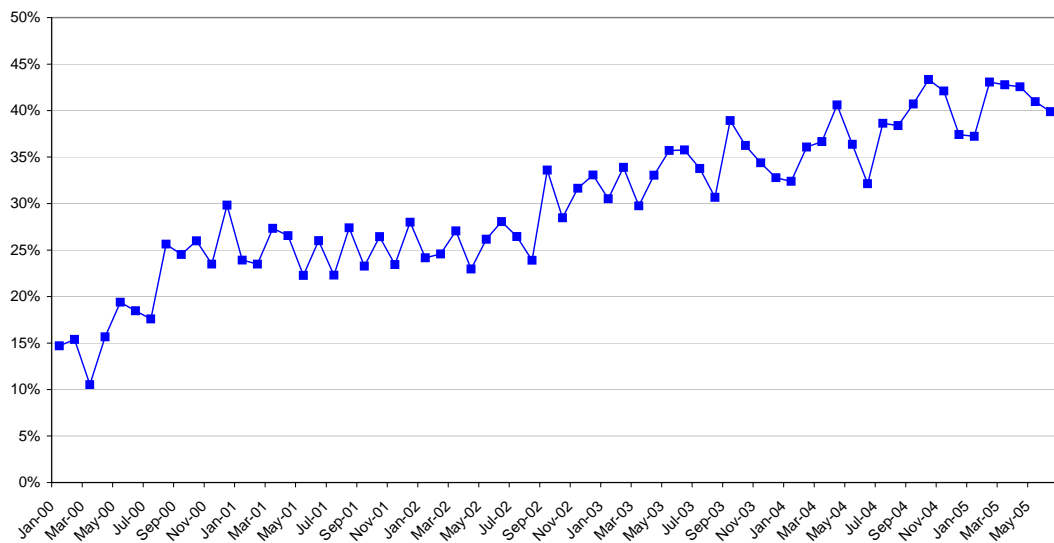
<sup>7</sup> It may be that some of the increase in Indigenous participation may be due to more complete identification of the Indigenous status of clients. It is not possible to identify the scale of this effect from the Regional Review Reports however it is likely to be small as most Specialist Supervision clients have complete CIDS demographic data.



During this time the proportion of Specialist Supervision clients that are Indigenous has risen from around 15% to around 40%. This is now roughly equal to the proportion of Indigenous clients on control orders. This is shown more clearly in Figure 2.5 below which plots the percentage of Aboriginal clients at the end of each month from January 2000 to June 2005.

The largest increases in the number of Specialist Supervision cases has occurred in non-Metropolitan regions.

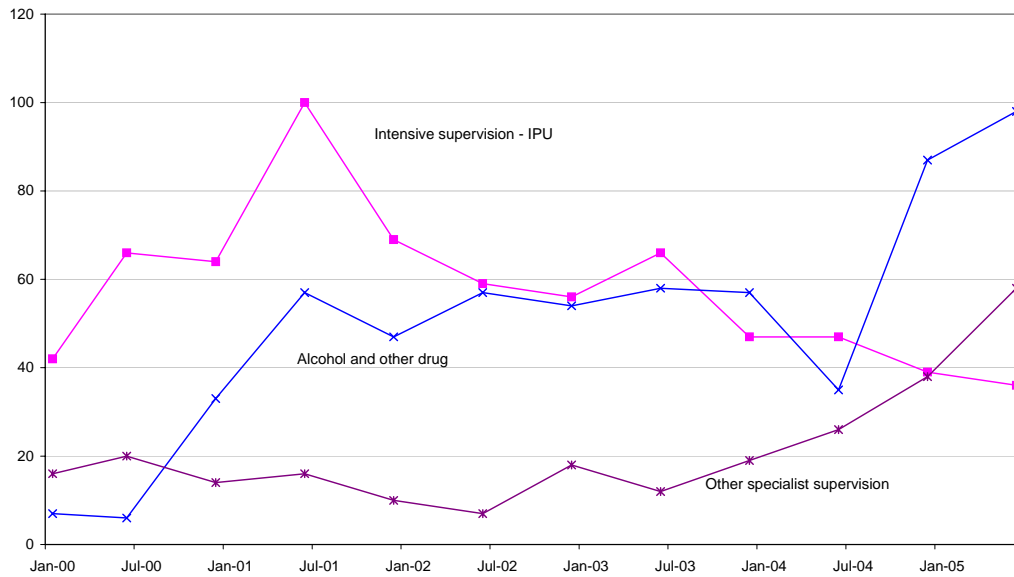
Figure 2.5 Specialist Supervision - percentage of Indigenous clients at the end of each month  
Jan 2000 to June 2005



The above Figures 2.4 and 2.5 cover all types of Specialist Supervision: IPU supervision of those released from control orders under s24(1)(c), intensive specialist supervision ordered by the court and specialist drug and alcohol, sex offender and violent offender programs.

Figure 2.6 shows that over the period the number of clients in intensive IPU supervision (including s24(1)(c)) has dropped and the number of people in the other programs has increased, resulting in an overall increase in the number of young people under Specialist Supervision. The Regional Review Report does not identify the Indigenous status of those in each program but it is likely that the growth in the proportion of Indigenous Specialist Supervision clients is mainly due to an increase of Indigenous clients in the specialist programs.

Figure 2.6 Specialist Supervision - number of total clients in each program at the end of each six months  
Jan 2000 to June 2005



Since January 2004 there have been 50 breaches recorded for those on Specialist Supervision of which 22 or 44% have been Indigenous. Given that Indigenous clients have made up an average of 39% of Specialist Supervision clients during that time it appears that Indigenous and non-Indigenous young people have a similar level of successful completions of Specialist Supervision.

**Recommendation 12 Aboriginal Programs**

It is recommended that the importance of Aboriginal programs be recognised; and that resourcing for the development and operation of Aboriginal programs be provided, including programs for Aboriginal young women.

**Recommendation 13 Specialist Programs, PRSP and 24(1)c**

A common issue relating to specialist programs such as VOP and SOP, 24(1)c and community-based programs like PRSP was the need to properly ‘sell’ these programs to ensure Aboriginal young people’s participation. It is recommended that specific protocols involving Aboriginal staff be developed to promote Aboriginal participation in programs.

**2.9 JUVENILE JUSTICE CENTRES**

**KRA: Juvenile Justice Centres**

Project 1: Effective programming and case planning

Outcome: Successful community reintegration through effective and culturally appropriate interventions.

There were five strategies to support the outcome of successful community re-integration, as follows.

1. Examine the needs of Aboriginal clients to ensure continuity in program provision between centres, and between custodial and community-based services.
2. Pursue and encourage the involvement of Aboriginal communities in Juvenile Justice Centres.
3. Monitor case conferences for Aboriginal clients to ensure appropriate levels of involvement of relevant stakeholders.
4. Examine the statewide implementation of the 'No More' Program by the Program Committee.
5. Offer an Aboriginal support person to clients attending court.

In early 2005 a survey of Centre programs was undertaken by the Department. The following were identified as relating specifically to Indigenous young people.

- *Keelong*: Journey to Respect, Koori Games, Aboriginal art, Aboriginal studies, and Aboriginal health.
- *Baxter*: Koori AOD course, Koori AOD video project, Koori AOD and health program, Aboriginal arts and cultural practices, and certificate 1 fine arts.
- *Cobham*: cultural specific program sessions (developmental activities).
- *Acmena*: Aboriginal cultural program, and Journey to Respect.
- *Orana*: Journey to Respect, Let's be Real, traditional art, boomerang making, mural painting and mentor program
- *Reiby*: Aboriginal elders program, didgeridoo activity.
- *Riverina*: No More, Journey to Respect.
- *Yasmar*: nil Indigenous-specific programs identified.

As noted previously a core issue with Aboriginal programs has been the inability for them to operate as needed because of the lack of resourcing.

Consultations with DJJ staff showed that there have also been significant improvements in case management since the AORSP was introduced. There was a general view among Centre staff that case conferences involving Aboriginal young people were monitored to ensure relevant stakeholders were involved. Although case conferencing has generally been working well, it is still difficult to involve the family if this has to be done over the phone. There was a suggestion that the discharge case conference should be held in the community the young person will be returning to, so as to facilitate involvement of the family and local Indigenous and non-Indigenous services.

The Department under-resources family contact which has a particular impact on Aboriginal young people because of the distances families are required to travel to see their children. It is difficult to get families to case conferences because of distances. In one rural Centre funding for facilitating family contact had been reduced from \$10,000 in 2001/2002 to \$2,507 in 2005/2006

There are identified Indigenous positions in the Centres, although as noted above these are not above the level of caseworkers and unit managers.

There have been improvements in developing relationships with Aboriginal organisations including specific service providers such as the Aboriginal Medical Service, as well establishing Aboriginal Elders visitors programs in some Centres. However, elders programs are needed in the Centres where they are not operating, and there needs to be some funding to make them sustainable.

Detention Centres like Cobham, Reiby and Juniperina receive young people from all over the State. They particularly need information about Aboriginal community-based organisations and services which are available outside of the metropolitan area, and assistance in developing partnerships with the Aboriginal organisations.

The statewide implementation of the 'No More' program has not occurred. Many AOD counsellors were not aware of the program, and there were significant differences between Centres as to whether the program has been run in recent years.

Offering an Aboriginal support person from the Centre for Aboriginal clients attending court was generally not implemented.

Centre staff also argued that young people should be able to work-off or otherwise deal with other legal obligations they have while they are on remand (particularly long term remand). There should be greater use of conferencing while in custody – both for matters arising from outside of the detention centre as well as matters arising from whilst in custody.

### **3. POLICE INTERVENTIONS: MEASURES OF CHANGE 2000 - 2004**

This section of the evaluation analyses data relating to various police interventions and discretionary decision-making relating to Indigenous and non-Indigenous young people for the five year period 2000 – 2004. It covers the period leading up to the introduction of the AORSP at the end of 2001 and the three year period following its introduction. Data in this section comes from the NSW Police COPS database.

There are a number of reasons for discussing interventions by police in the context of the AORSP. In the first instance, **Outcome 5 of the AORSP is ‘an increase in the level of police cautions given to Aboriginal young people who offend, and in the level of referrals of Aboriginal young offenders to conferencing’**. Thus the AORSP explicitly sought to influence police behaviour. The second reason is more contextual. Changes in frequency and type of police interventions will impact on the number of DJJ clients. Finally, an understanding of the nature of police interventions specifically in relation to Indigenous young people should inform DJJ policy and practice – a point well recognised by the Youth Justice Conferencing Directorate.

#### **3.1 INTERVENTIONS BY POLICE: STATEWIDE DATA**

The following data analyses police interventions involving Indigenous and non-Indigenous young people. By ‘intervention’ we are referring to a formal criminal police outcome for each person-incident. Interventions include Court Attendance Notice (CAN), caution, conference, warning, infringement notice and charge.

Following legislative changes to Local Court procedures, since July 2003 the police have commenced all criminal proceedings by Court Attendance Notice. Charges and Summonses have been replaced by specific types of Court Attendance Notice. Charges have been replaced by Bail Court Attendance Notices and Summonses have been replaced by Future Court Attendance Notices. Field Court Attendance Notices remain unchanged, while Court Attendance Notices are now called No-Bail Court Attendance Notices. For ease of comparison and understanding in this report the earlier names have been used for the different intervention types.

Table 3.1 and Figure 3.1 show an increase in police interventions for both Indigenous and non-Indigenous youth, peaking in 2003 and declining in 2004. The number of interventions for Indigenous young people were higher in the three years after the introduction of the AORSP, than the previous two years leading up to its introduction. Thus in 2004 the number of police interventions involving Indigenous young people (8379) was 2.6% higher than the number of interventions in 2001 (8160) when the AORSP was introduced.

**Table 3.1**  
**Police Interventions for Indigenous and Non-Indigenous Youth**  
**2001-2004 NSW<sup>8</sup>**

	Indigenous		Non-Indigenous		Total
	N	%	N	%	N
<b>2000</b>	7828	19.6	32131	80.4	39959
<b>2001</b>	8160	18.8	35133	81.2	43293
<b>2002</b>	8997	19.2	37976	80.8	46973
<b>2003</b>	9194	17.9	42106	82.1	51300
<b>2004</b>	8379	18.5	36857	81.5	45236
<b>Total</b>	42558	18.8	184203	81.2	226761

Table 3.1 also shows that, despite an increase in interventions for both Indigenous and non-Indigenous youth, the proportion of interventions for Indigenous youth has dropped slightly from 19.6% in 2000 to 18.5% of the total<sup>9</sup>.

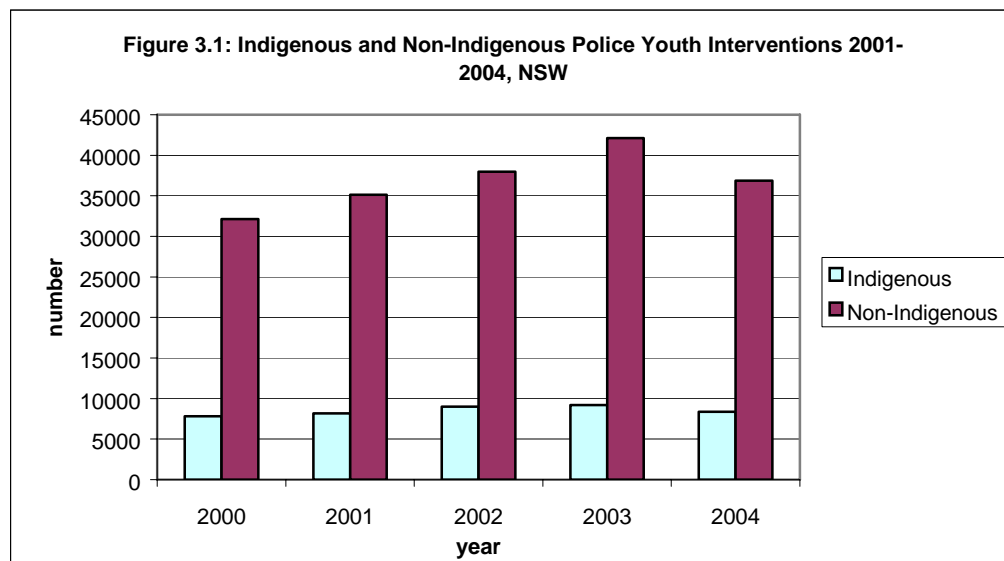


Table 3.2 shows the percentage of police interventions by the type of intervention for the five year period 2000-2004.

<sup>8</sup> Cases not proceeded against have been excluded from the data. Driving matters have also been excluded because a high proportion are recorded with unknown Indigenous Status. About 5% of all other cases have unknown Indigenous Status and have also been excluded from this analysis.

<sup>9</sup> Chi-square = 15.69, df = 1, p < 0.05

**Table 3.2**  
**Police Interventions by Indigenous Status 2000 - 2004**

<b>Year</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>Average</b>
	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>
<b>Indigenous Interventions</b>						
<b>CAN</b>	14.9	10	9.5	10.9	11	11.2
<b>Caution</b>	13.6	15.6	16.3	16	15.8	15.5
<b>Charged</b>	49	47	47.5	45.1	45.7	46.8
<b>Conference</b>	3.4	3.3	3.7	3	2.9	3.3
<b>Inf Notice*</b>	2.1	2.4	3.7	4.3	4.2	3.4
<b>Warning</b>	17.2	21.5	19.2	20.6	20.4	19.8
<b>Total</b>	100.0	100.0	100.0	100.0	100.0	
<b>Non-Indigenous Interventions</b>						
<b>CAN</b>	12.4	8	6	5.2	5.5	7.2
<b>Caution</b>	27.4	27.3	23.9	20.4	21	23.8
<b>Charged</b>	26.2	25.3	21.1	16.9	17.1	21
<b>Conference</b>	4	3.1	2.7	2.2	2.4	2.8
<b>Inf Notice*</b>	2.1	2.4	3.7	4.3	4.2	3.4
<b>Warning</b>	21.1	26.7	31.8	36.9	36.8	31.1
<b>Total</b>	100.0	100.0	100.0	100.0	100.0	

\* Infringement Notice

The most significant difference between the way Indigenous and non-Indigenous young people are dealt with by police is in relation to proceeding by way of charge. On average<sup>10</sup> over the five year period Indigenous young people were more than twice as likely to be proceeded against by way of charge compared to non-Indigenous young people (46.8% compared to 21%). Police interventions with Indigenous young people were also less likely to involve a warning or a caution, and more likely to involve a court attendance notice. The much higher proportion of charges for Indigenous compared with non-Indigenous youth may be at least partly due to average longer criminal histories.

The difference in police interventions between Indigenous and non-Indigenous young people is shown below in Figure 3.2 for the last year of the evaluation, 2004.

<sup>10</sup> We have produced an average for the five year period because it provides a benchmark for considering changes over the period. The five year average might also provide a useful benchmark for future comparisons relating to change in police contact with Indigenous (and non-Indigenous) young people.

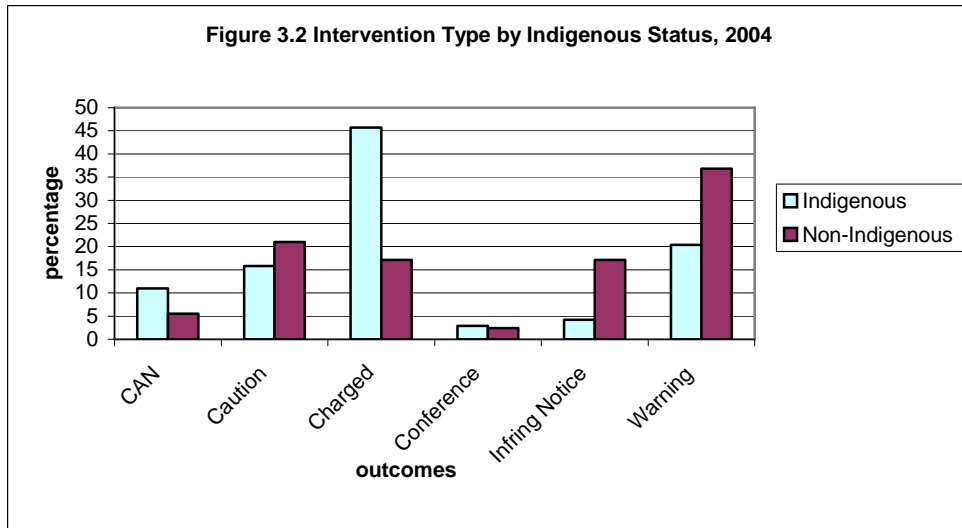


Table 3.2 shows that the percentage of both Indigenous and non-Indigenous interventions that resulted in a charge has decreased over the five year period. The declining percentage was greater for non-Indigenous youth (declining by 9.1 percentage points) than it was for Indigenous young people (declining by 3.3 percentage points)<sup>11</sup>. The use of CANs also declined for both groups.

The proportion of cautions and warnings has increased for Indigenous youth, by 2.2<sup>12</sup> and 3.2<sup>13</sup> percentage points respectively. The proportion of cautions declined for non-Indigenous youth by 6.4 percentage points. However, there was an increase of 15.4 percentage points in the proportion of non-Indigenous young people receiving a police warning.

The percentage of interventions involving conferencing for Indigenous youth has remained fairly steady over the period (declining slightly from 3.4% to 2.9%<sup>14</sup>) and is similar to the percentage for non-Indigenous youth which also declined (from 4% to 2.4%).

<sup>11</sup> Chi-square = 16.7, df = 1, p < 0.05

<sup>12</sup> Chi-square = 15.6, df = 1, p < 0.05

<sup>13</sup> Chi-square = 27.0, df = 1, p < 0.05

<sup>14</sup> Chi-square = 3.8, df = 1, p = 0.0508



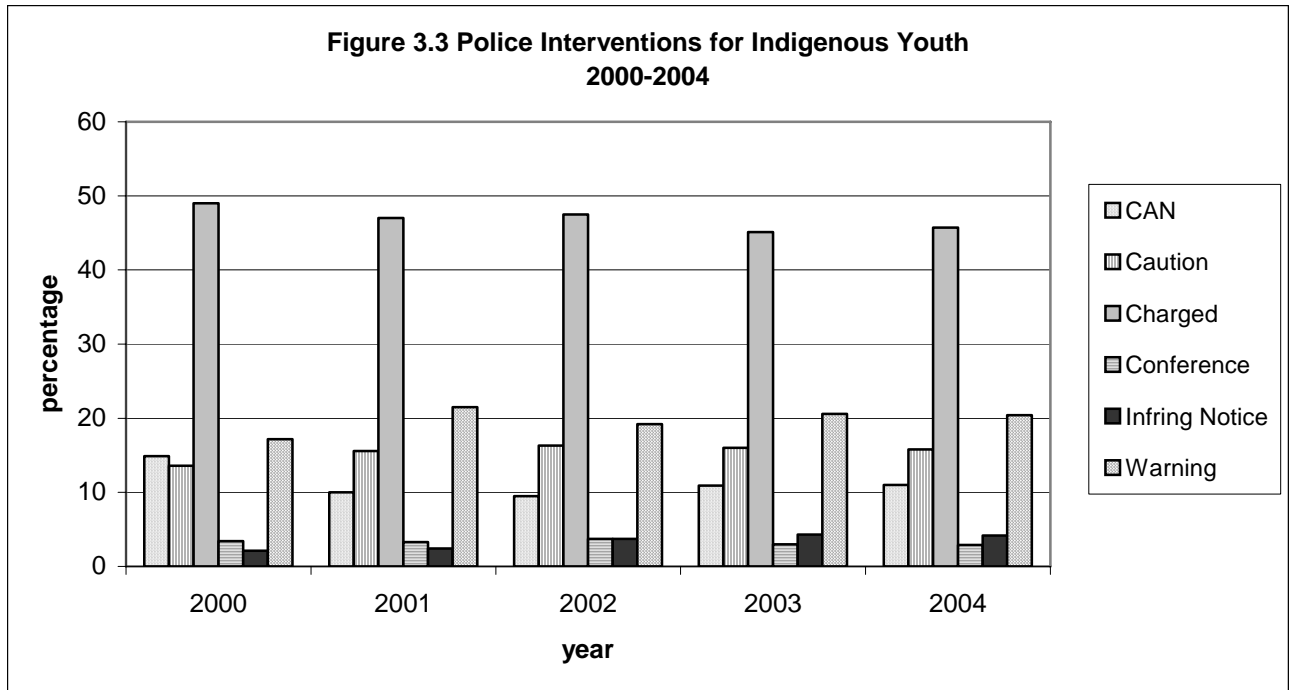


Figure 3.3 shows the changes for Indigenous young people over the period 2000-2004. In summary, there have been only slight changes in the pattern of major interventions undertaken by police.

**Table 3.3**  
**Intervention Rate per 1000<sup>15</sup> by Indigenous Status 2000 - 2004**

<b>Year</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>Average</b>
	<b>Rate</b>	<b>Rate</b>	<b>Rate</b>	<b>Rate</b>	<b>Rate</b>	<b>Rate</b>
<b>Indigenous Interventions</b>						
<b>CAN</b>	47.1	32.6	33.4	38.4	34.7	37.2
<b>Caution</b>	42.9	50.7	57.2	56.2	49.5	51.3
<b>Charged</b>	155.1	152.3	166.5	158.5	143.8	155.2
<b>Conference</b>	10.7	10.8	12.9	10.7	9.0	10.8
<b>Inf Notice*</b>	6.5	7.9	13.1	15.2	13.4	11.2
<b>Warning</b>	54.4	69.7	67.3	72.6	64.0	65.6
<b>Non-Indigenous Interventions</b>						
<b>CAN</b>	5.9	4.1	3.3	3.2	2.9	3.9
<b>Caution</b>	13.0	14.0	13.1	12.3	10.9	12.7
<b>Charged</b>	12.4	13.0	11.6	10.1	8.9	11.2
<b>Conference</b>	1.9	1.6	1.5	1.3	1.3	1.5
<b>Inf Notice*</b>	4.2	4.9	7.9	11.1	8.9	7.4
<b>Warning</b>	10.0	13.7	17.5	22.2	19.2	16.5

\* Infringement Notice

Table 3.3 shows that intervention rates based per 1000 of the 10-17 year old population are much higher for Indigenous youth than non-Indigenous youth. For Indigenous young people rates of infringement notices, cautions and warnings have increased over the period. However, rates of charging of Indigenous youth have remained fairly constant, although there was a drop in 2004<sup>16</sup>.

Table 3.4 shows the level of over-representation for police interventions involving Indigenous young people.

<sup>15</sup> Intervention rates are calculated using the relevant 10-17 year population from LGA data on ethnicity in the 2001 Census. Unknown ethnicities have been allocated according to the proportion of known cases. For years other than 2001 average annual Indigenous population growth has been estimated at 1.9% per year and average non-Indigenous growth at 1.1% per year based on NSW estimates in the ABS Australia Year Book 2002. Rates are calculated on the basis of the residential address of the young person, not where the offence took place.

<sup>16</sup> The rate of charging is significantly lower in 2004 than in 2000 for Indigenous youth:  $155.1 \pm 4.9$  cf  $143.8 \pm 4.6$  (95% CI based on the normal approximation).

**Table 3.4**  
**Type of Police Intervention and Indigenous Over-representation\* 2000-2004**

Year	CAN	Caution	Charged	Conference	Infringement Notice	Warning	Total
<b>2000</b>	8.0	3.3	12.5	5.7	1.6	5.4	6.7
<b>2001</b>	7.9	3.6	11.7	6.8	1.6	5.1	6.3
<b>2002</b>	10.2	4.4	14.4	8.5	1.7	3.9	6.4
<b>2003</b>	12.2	4.6	15.6	8.2	1.4	3.3	5.8
<b>2004</b>	12.1	4.5	16.1	7.1	1.5	3.3	6.0
<b>Average</b>	10.1	4.1	14.1	7.3	1.5	4.2	6.3

\* Over-representation measured by ratio of rates.

The greatest level of over-representation is in relation to charges, where on average over the five year period Indigenous young people were 14.1 times more likely than non-Indigenous youth to be prosecuted by way of a charge. Overall the level of over-representation has declined slightly from 6.7 to 6.0<sup>17</sup>, and this is mainly as a result of a decrease in the over-representation of warnings and infringement notices.

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<sup>17</sup> This difference is statistically significant :  $6.68 \pm 0.22$  cf  $6.04 \pm 0.19$  (95% CI)

**Table 3.5**  
**Police Interventions by Offence Type<sup>18</sup> and Indigenous Status**

	2000		2001		2002		2003		2004	
	%		%		%		%		%	
	IN	N/I	IN	N/I	IN	N/I	IN	N/I	IN	N/I
<b>Person offences</b>										
Homicide and Related	0.0	0.04	0.01	0.05	0.02	0.05	0.05	0.03	0.04	0.04
Acts Intended To Injure	11.2	8.5	11.3	8.0	11.9	7.3	12.1	6.9	12.3	7.5
Aggravated Sex Assault	0.1	0.3	0.1	0.1	0.1	0.2	0.2	0.1	0.1	0.2
Other Sex Assault	0.3	0.3	0.1	0.2	0.2	0.2	0.3	0.2	0.2	0.2
Abduction & Related	0	0.1	0	0.1	0.1	0.1	0	0	0	0.1
Robbery, Extortion	1.6	3	1.8	2.9	1.4	2.2	1.8	1.5	1.5	2.1
<b>Subtotal</b>	<b>13.2</b>	<b>12.24</b>	<b>13.31</b>	<b>11.35</b>	<b>13.72</b>	<b>10.05</b>	<b>14.45</b>	<b>8.73</b>	<b>14.14</b>	<b>10.14</b>
<b>Theft offences</b>										
Burglary, Break & Enter	14.9	9.4	13.9	7.6	12.4	6.3	11.4	5.2	11.1	5.7
MV Theft & Related	9.2	7.1	9.0	6.2	8.2	4.3	6.9	3.5	7.4	3.5
Other Theft	18.0	22.8	16.4	21.4	16.0	18.5	16.5	14.9	13.6	14.0
<b>Subtotal</b>	<b>42.1</b>	<b>39.3</b>	<b>39.3</b>	<b>35.2</b>	<b>36.6</b>	<b>29.1</b>	<b>34.8</b>	<b>23.6</b>	<b>32.1</b>	<b>23.2</b>
<b>Drug offences</b>	2.0	5.8	2.4	6.6	2.1	4.9	1.7	3.9	2.1	3.6
<b>Other offences</b>										
Weapons & Explosives	1.6	2.8	1.6	2.7	1.6	2.6	1.5	1.9	1.8	2.1
Property Damage & Related	8.8	9.4	9.9	8.9	9.9	7.9	8.9	7.0	10.5	7.7
Public Order	16.0	16.9	16.0	17.7	15.7	18.9	16.0	18.6	15.9	18.7
Justice & Govt Ops Offences	11.6	5.4	11.5	5.8	12.5	5.5	12.9	4.8	13.5	5.4
Miscellaneous Offences	4.6	8.3	6.0	11.6	7.9	21.1	9.8	31.5	10.0	30.6
<b>Subtotal</b>	<b>42.6</b>	<b>42.8</b>	<b>45</b>	<b>46.7</b>	<b>47.6</b>	<b>56</b>	<b>49.1</b>	<b>63.8</b>	<b>51.7</b>	<b>64.5</b>
<b>TOTAL</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

Notes: IN=Indigenous N/I = non-Indigenous. Most of the Miscellaneous offences are transport regulatory offences.

Table 3.5 provides data on the reasons for police interventions for both Indigenous and non-Indigenous young people. A much larger proportion of non-Indigenous police interventions relate to the 'miscellaneous' category - in 2004 it was 30.6% for non-Indigenous young people compared to 10% for Indigenous young people. Most of this miscellaneous category relates to transport regulatory offences. Conversely, 32% of Indigenous police interventions related to theft, compared to 23.2% of non-

<sup>18</sup> The offence categories used in this report are those used by DJJ in its offence reporting and are based on the Australian Standard Offence Classification. The offence data in the above tables has been converted by the authors from the original NSW police categories. The category 'Other Acts Intended to Injure' includes both aggravated and other assaults as the original Police data does not indicate the seriousness of the assault.

Indigenous interventions. A large proportion of the Indigenous theft category was burglary, break and enter and motor vehicle related theft.

The differing offence patterns are likely to reflect a range of different environmental factors – such as living in rural and remote areas. The different offending patterns are also likely to impact on the police decisions in relation to the use of warnings, infringements notices, cautions, etc.

**Table 3.6**  
**Total Interventions by Gender and Indigenous Status**

Year	Indigenous		Non-Indigenous	
	%		%	
	Female	Male	Female	Male
2000	20.9	79.1	19.5	80.5
2001	21.3	78.7	20.7	79.3
2002	21.7	78.3	21.1	78.9
2003	22.5	77.5	21.2	78.8
2004	22.1	77.9	22.3	77.7
<b>Total</b>	21.7	78.3	21	79

Missing cases = 102

Table 3.6 shows that the proportion of females in total interventions is very similar for Indigenous and non-Indigenous groups at around 20% of all interventions. For both groups, the percentage of females increased slightly.

**Table 3.7**  
**Total Intervention Rate per 1000 by Gender and Indigenous Status**

Year	Indigenous		Non-Indigenous	
	Female	Male	Female	Male
2000	128.7	516.4	18.1	79.1
2001	134.0	525.7	20.7	83.6
2002	147.4	566.1	22.4	88.1
2003	153.5	561.7	24.5	95.8
2004	135.1	504.7	22.1	81.1
<b>Average</b>	139.7	534.9	21.6	85.5

Missing cases = 102

Table 3.7 shows that total police intervention rates have increased over the period for Indigenous and non-Indigenous females, reaching a high point in 2003. Intervention rates for Non-Indigenous males rose from 2000 to 2003 but have declined since and are only slightly higher than they were in 2000<sup>19</sup>. Indigenous male rates also rose between 2000-2003, however they declined in 2004 to a rate lower than they were in 2000<sup>20</sup>.

<sup>19</sup> This difference is statistically significant :  $79.08 \pm 0.96$  cf  $81.12 \pm 0.94$  (95% CI)

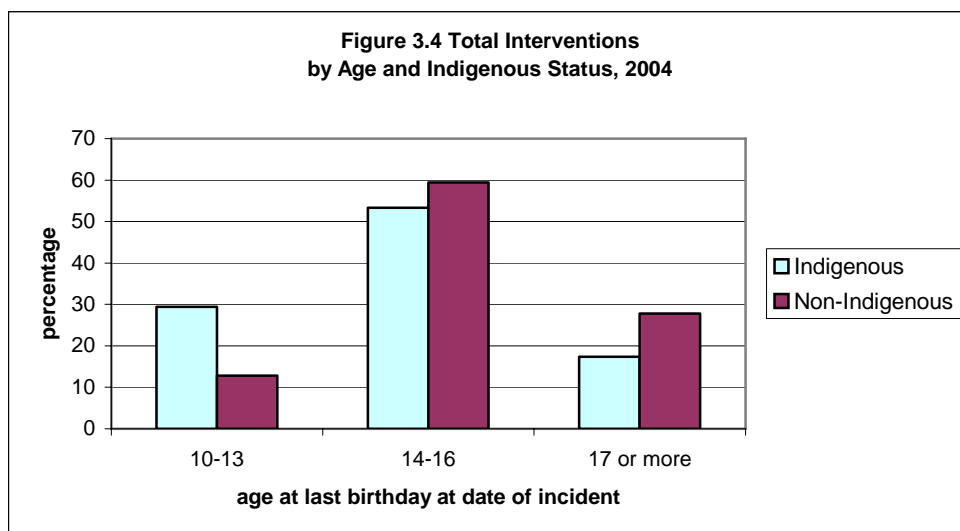
<sup>20</sup> This difference is not statistically significant :  $516.36 \pm 12.87$  cf  $504.75 \pm 12.25$  (95% CI)

**Table 3.8**  
**Total Interventions by Age and Indigenous Status**

Year	Indigenous			Non-Indigenous		
	%			%		
	Age* 10-13	Age 14-16	Age 17 or more	Age 10-13	Age 14-16	Age 17 or more
2000	29.2	50.7	20.1	14.5	57.2	28.3
2001	28.1	52.3	19.5	14	58.4	27.6
2002	29.5	51.3	19.2	13.5	58.8	27.7
2003	30.1	52.6	17.2	13	58.3	28.7
2004	29.4	53.3	17.4	12.8	59.4	27.8
<b>Average</b>	29.3	52.1	18.6	13.5	58.5	28.0

\* Age at last birthday at date of incident

Table 3.8 and Figure 3.4 show that a much higher proportion of Indigenous offenders are from the youngest age group of 10-13 years old. There is considerable consistency in the age distribution for the two groups over time. This has important implications given the longer term entrenchment of very young offenders in the juvenile and adult criminal justice systems.



### 3.2 INTERVENTIONS BY POLICE: REGIONAL COMPARISON

While Indigenous young people have high rates of police intervention throughout NSW, the picture does vary at regional level.

**Table 3.9**  
**Number of Indigenous Interventions by Region**

	Hunter/ CCoast	Metro	Northern	Southern	Western	NSW
<b>2000</b>	470	1298	2556	467	2895	7686
<b>2001</b>	486	1514	2487	555	3019	8061
<b>2002</b>	556	1594	3013	691	3025	8879
<b>2003</b>	648	1697	2823	696	3165	9029
<b>2004</b>	654	1703	2618	635	2638	8248
<b>Average</b>	563	1561	2699	609	2948	8381
<b>% of Total</b>	6.7%	18.6%	32.2%	7.3%	35.2%	100.0%

Missing cases = 655 ie unknown address

Table 3.9 shows that Western and Northern regions each contribute about one-third of the total of Indigenous interventions. Indigenous interventions have increased in all regions over the period, except for the Western region where there was a slight increase between 2000-2003 and a decline in 2004 to the lowest level of the five year period.

**Table 3.10**  
**Indigenous Intervention Rate per 1000 by Region**

	Hunter/ CCoast	Metro	Northern	Southern	Western	NSW
<b>2000</b>	140	193	404	192	495	311
<b>2001</b>	142	220	385	224	506	320
<b>2002</b>	159	228	458	274	498	346
<b>2003</b>	182	238	421	271	511	345
<b>2004</b>	180	234	383	243	418	309
<b>Average rate</b>	161	223	410	241	485	326

Table 3.10 shows that Indigenous intervention rates vary significantly across regions. The highest rates are in the Western and Northern regions, although both these regions experienced a drop in the rate over the five year period. Intervention rates increased the most in the Southern region.

**Table 3.11**  
**Non-Indigenous Intervention Rate per 1000 by Region**

	Hunter/ CCoast	Metro	Northern	Southern	Western	NSW
<b>2000</b>	51	40	59	44	67	46
<b>2001</b>	53	44	62	46	71	50
<b>2002</b>	51	49	63	64	64	54
<b>2003</b>	51	57	65	57	66	58
<b>2004</b>	54	48	55	52	54	50
<b>Average rate</b>	52	48	61	53	64	52

Missing cases = 5054 ie unknown address

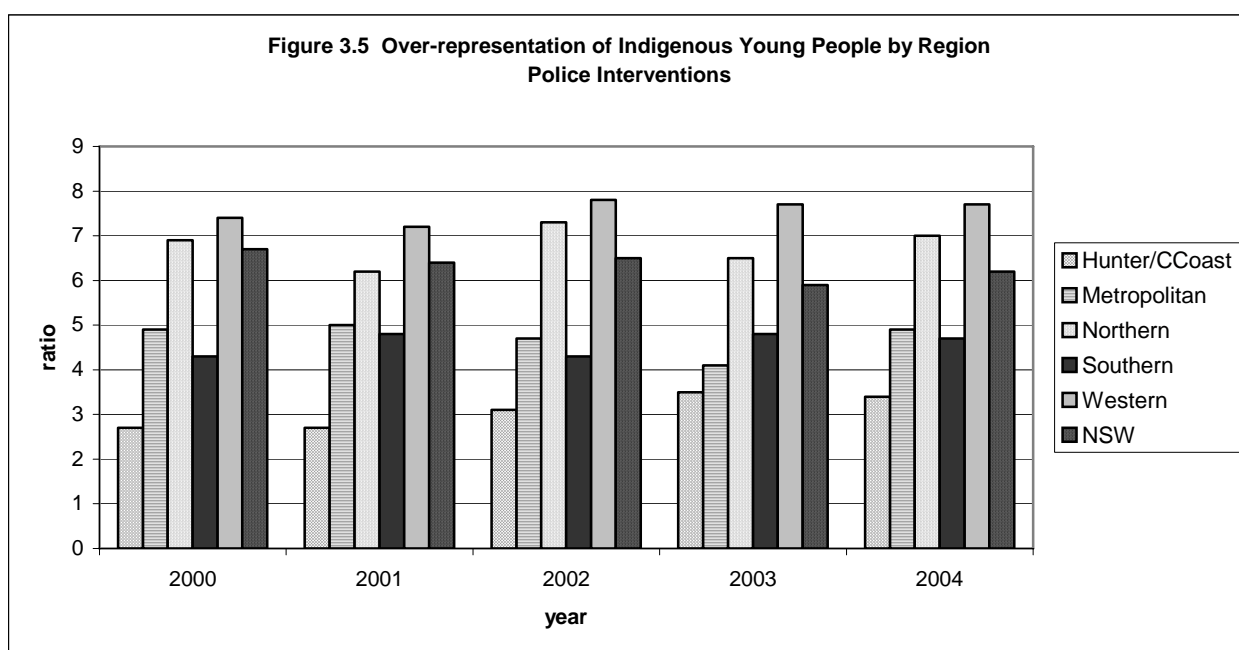
Table 3.11 provides a useful contrast by showing that non-Indigenous intervention rates are very similar across regions.

**Table 3.12**  
**Police Intervention and Indigenous Over-representation by Region\***

	Hunter/ CCoast	Metro	Northern	Southern	Western	NSW
<b>2000</b>	2.7	4.9	6.9	4.3	7.4	6.7
<b>2001</b>	2.7	5.0	6.2	4.8	7.2	6.4
<b>2002</b>	3.1	4.7	7.3	4.3	7.8	6.5
<b>2003</b>	3.5	4.1	6.5	4.8	7.7	5.9
<b>2004</b>	3.4	4.9	7.0	4.7	7.7	6.2
<b>Average ratio</b>	3.1	4.7	6.8	4.6	7.6	6.3

\* Over-representation measured by ratio of rates. The state totals are slightly different from Table 3.4 because of those cases with unknown region.

Table 3.12 shows that the over-representation of interventions has increased slightly in every region over the five year period. The same data is shown in Figure 3.5. The highest rates of over-representation are in Western and Northern regions.



### 3.2.1 The Top Ten LGAs

As noted in the previous chapter the AORSP required attention to identifying and remedying ‘hotspots’. Table 3.13 shows the 10 LGAs in NSW with the largest number of police interventions involving Indigenous young people.



**Table 3.13**  
**Top Ten LGAs by Number of Indigenous Interventions**

LGA	2000	2001	2002	2003	2004	Total	% of Indigenous Total
<b>Bourke</b>	458	324	444	338	391	1955	4.7%
<b>Dubbo</b>	474	426	322	422	286	1930	4.6%
<b>Kempsey</b>	209	304	481	444	408	1846	4.4%
<b>Moree Plains</b>	337	356	424	342	321	1780	4.2%
<b>Sydney</b>	254	289	305	268	318	1434	3.4%
<b>Blacktown</b>	277	273	291	295	284	1420	3.4%
<b>Walgett</b>	251	229	314	281	227	1302	3.1%
<b>Clarence Valley</b>	313	273	257	157	122	1122	2.7%
<b>Lismore</b>	119	196	205	215	229	964	2.3%
<b>Coffs Harbour</b>	187	156	243	199	124	909	2.2%
<b>State Total</b>	7686	8061	8879	9029	8248	41903	

Note: Missing data = 655 Indigenous cases have no LGA

Bourke and Dubbo LGAs had the largest number of interventions over the five year period, although both of these have seen a decline between 2000 and 2004. Kempsey LGA had the third largest number of interventions over the five year period. Significantly however, the number of interventions in Kempsey rose steeply from 2000. In 2004 Kempsey had the largest number of police interventions involving Indigenous young people in any LGA in NSW.

**Table 3.14**  
**Top Ten LGAs by Indigenous Intervention Rate per 1000 relevant population\***

	2000	2001	2002	2003	2004	Average rate
<b>Bourke</b>	2483	1723	2318	1731	1966	2044
<b>Narrandera</b>	892	1386	1695	2057	1095	1425
<b>Clarence Valley</b>	1813	1551	1433	859	655	1262
<b>Central Darling</b>	1407	1331	1460	1067	1039	1261
<b>Warren</b>	795	853	1126	1218	792	957
<b>Sydney</b>	740	826	855	737	859	803
<b>Yass Valley</b>	967	308	1535	889	315	803
<b>Walgett</b>	778	696	937	823	652	777
<b>Brewarrina</b>	957	890	699	612	543	740
<b>Kempsey</b>	432	617	957	867	782	731
<b>State Total</b>	311	320	346	345	309	326

\* Note: only LGAs with Indigenous populations over 20 have been included to minimise extreme effects from small populations.

Table 3.14 shows the ten LGAs with the highest rates of intervention. Bourke LGA has had the highest average rate over the five year period. It is significant that many of these LGAs have rates much higher than the Indigenous rate for NSW. It shows

there are very large variations in the extent to which Indigenous young people have formal police contact. For example Indigenous young people in Bourke are six times more likely to have a police intervention than Indigenous young people across the State as a whole.

Other LGAs which are not included in the top ten, but with high rates of intervention (that is, averaging over 500 per 1,000 for the five year period) include Lismore, Tenterfield, Moree, Coonamble, Wentworth and Marrickville. Rates in Lismore and Tenterfield have been increasing since 2000, the others have remained reasonably consistent.

### 3.2.2 Hunter / Central Coast

The following Figures 3.6 and 3.7 show specific data for the Hunter / Central Coast region.<sup>21</sup> Figure 3.6 shows police intervention rates for Indigenous youth for the five year period 2000-2004. Particularly noteworthy is the rise in charge rates over the period.

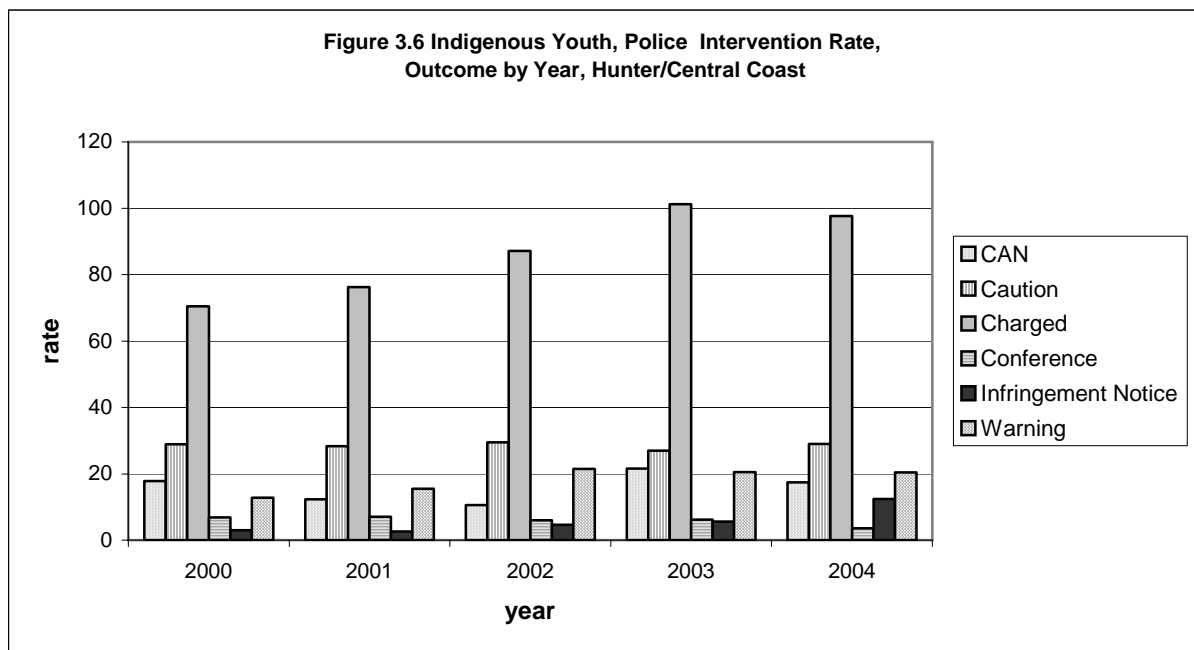
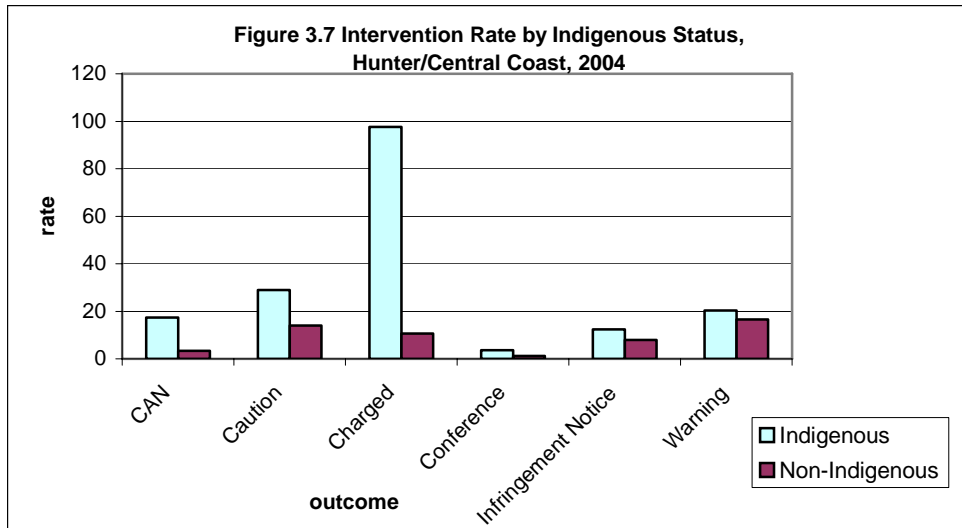


Figure 3.7 shows the difference in intervention rates between Indigenous and non-Indigenous young people in 2004. The most significant difference is in relation to police charges.

<sup>21</sup> See Appendix 1, Tables A.1 and A.2 for supporting data.



### 3.2.3 Metropolitan

The following Figures 3.8 and 3.9 show specific data for the Metropolitan region.<sup>22</sup> Figure 3.8 shows police intervention rates for Indigenous youth for the five year period 2000-2004. Charge rates are much the same at the end of the five year period, while rates for cautions, warnings and infringements notices have risen over the period.

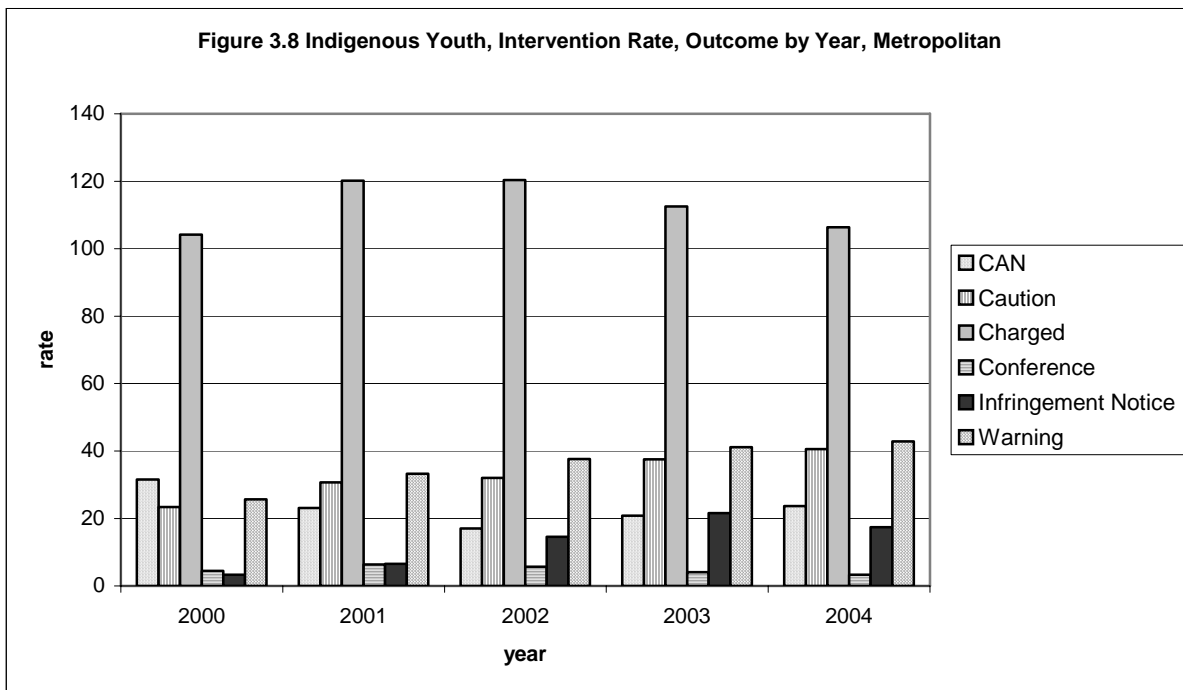
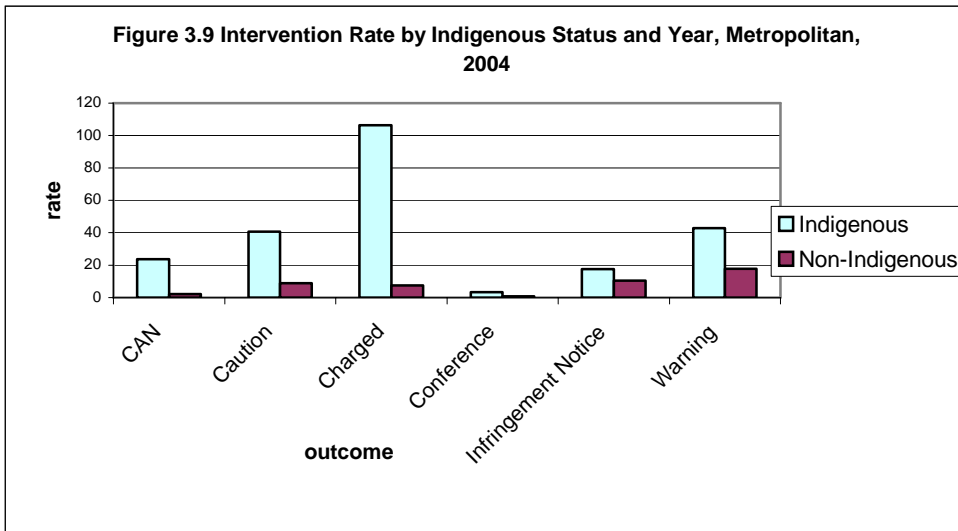


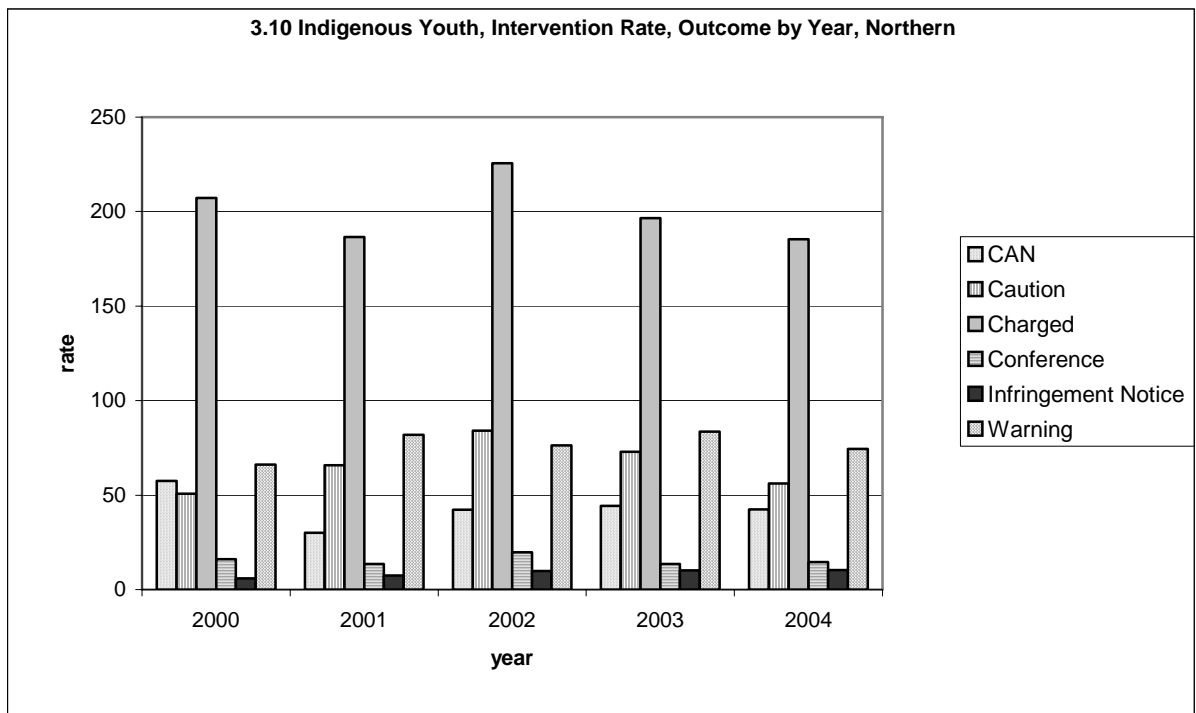
Figure 3.9 shows the difference in the intervention rates between Indigenous and non-Indigenous young people for 2004. Indigenous rates are higher for all types of intervention, but particularly so for charges.

<sup>22</sup> See Appendix 1, Tables A.3 and A.4 for supporting data.



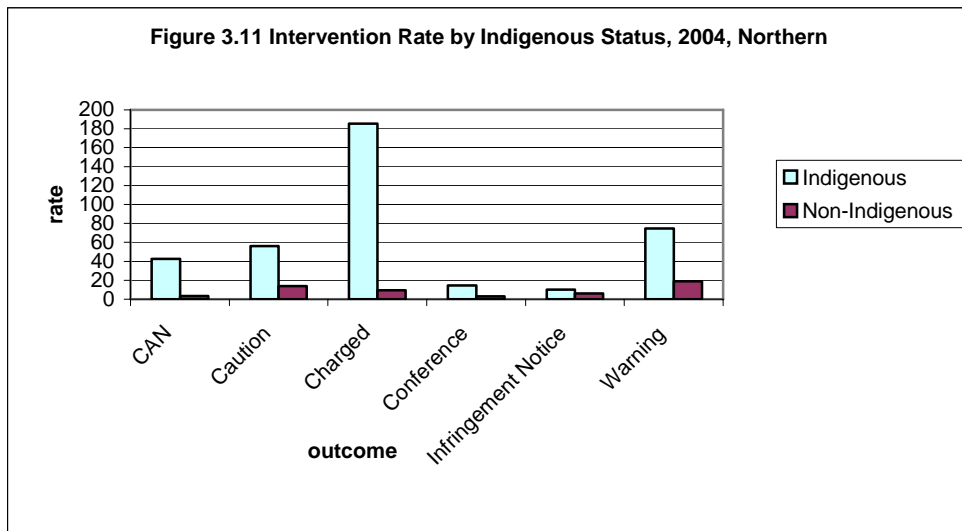
### 3.2.4 Northern

The following Figures 3.10 and 3.11 show specific data for the Northern region.<sup>23</sup> Figure 3.10 shows police intervention rates for Indigenous youth for the five year period 2000-2004. There has been some decline in charge rates over the five year period, as well as CAN. Other interventions are much the same in 2004 as they were in 2000.



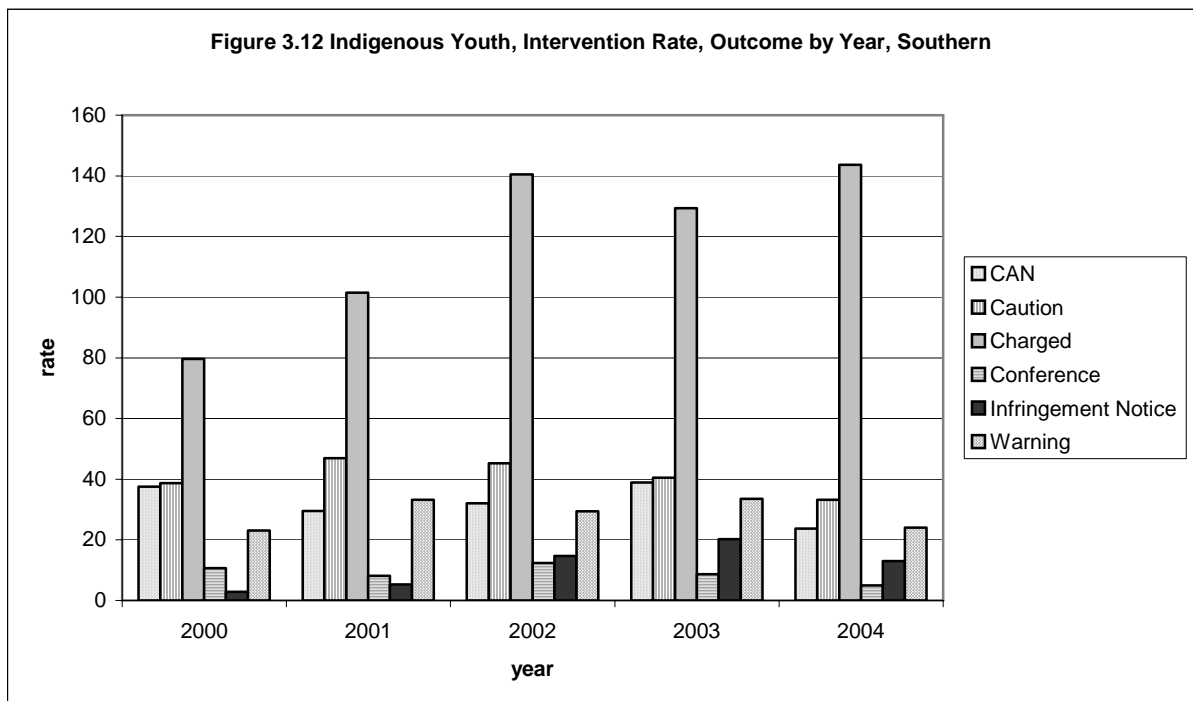
<sup>23</sup> See Appendix 1, Tables A.5 and A.6 for supporting data.

Figure 3.11 shows the difference in the intervention rates between Indigenous and non-Indigenous young people for 2004. The most dramatic difference is in the different for charges between the two groups.



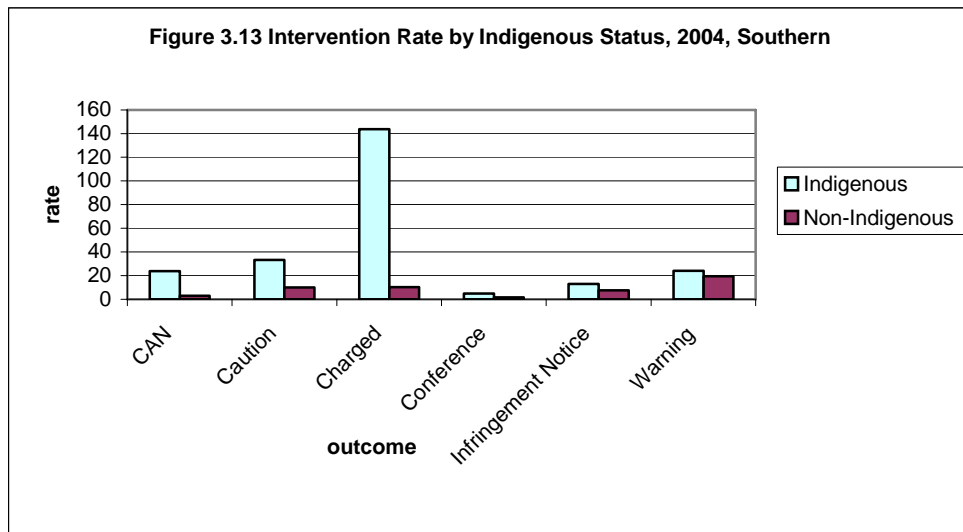
### 3.2.5 Southern

The following Figures 3.12 and 3.13 show specific data for the Southern region.<sup>24</sup> Figure 3.12 shows police intervention rates for Indigenous youth for the five year period 2000-2004. The most significant change has been the dramatic increase in charge rates over the five year period.



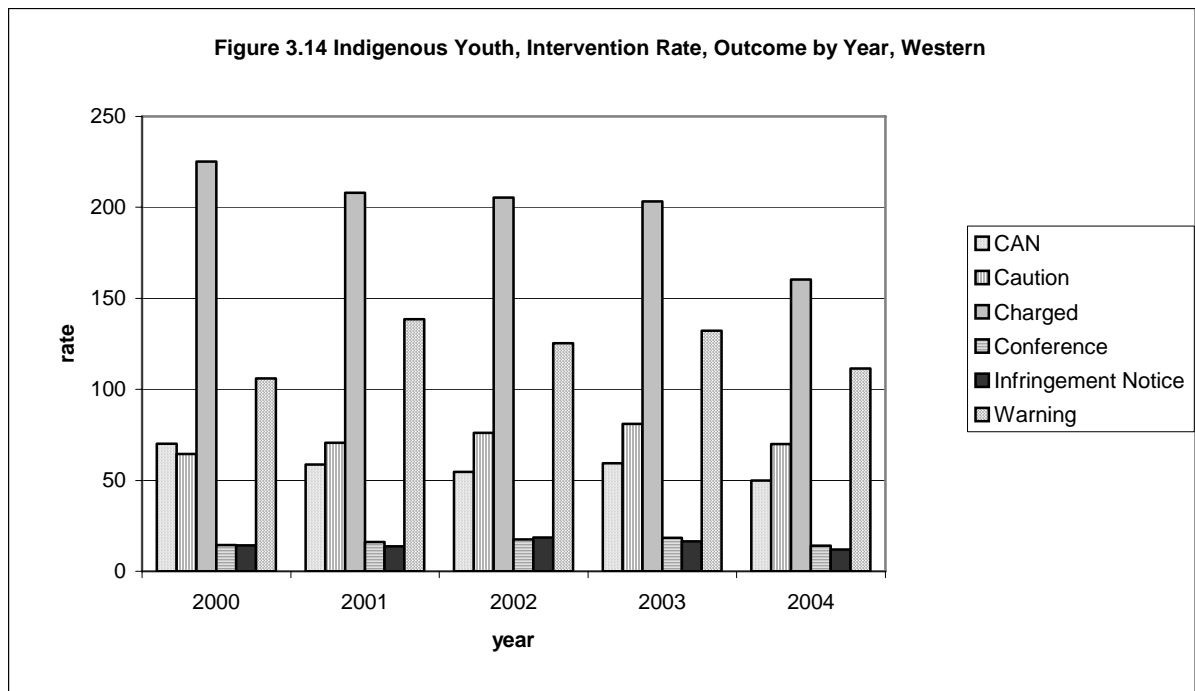
<sup>24</sup> See Appendix 1, Tables A.7 and A.8 for supporting data.

Figure 3.13 shows the difference in the intervention rates between Indigenous and non-Indigenous young people for 2004. The most dramatic difference is in the different for charges between the two groups.



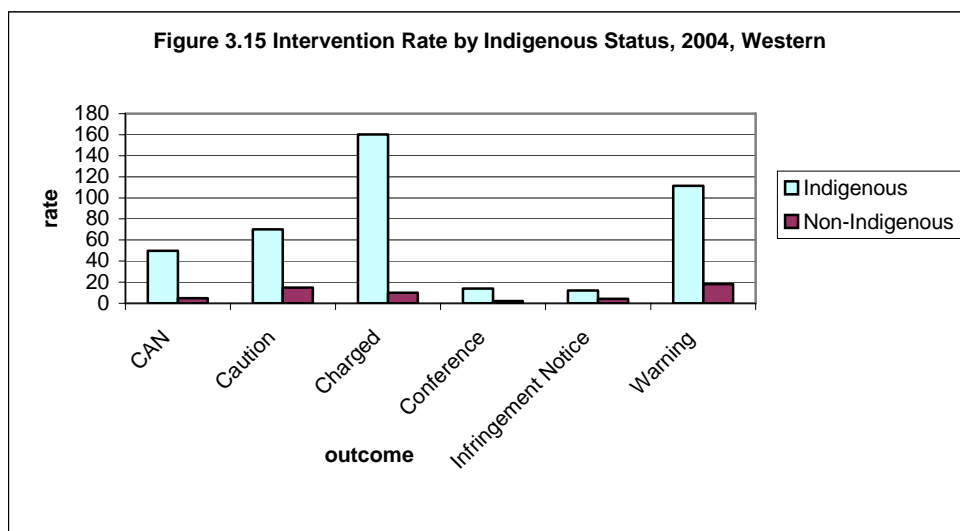
### 3.2.6 Western

The following Figures 3.14 and 3.15 show specific data for the Western region.<sup>25</sup> Figure 3.14 shows police intervention rates for Indigenous youth for the five year period 2000-2004. The most significant change has been a decline in charge rates over the five year period. CAN have also declined, while other interventions are much the same at the end of the five year period.



<sup>25</sup> See Appendix 1, Tables A.9 and A.10 for supporting data.

Figure 3.15 shows the difference in the intervention rates between Indigenous and non-Indigenous young people for 2004. Indigenous rates are higher for all types of intervention, but particularly noteworthy are charges, warnings, CAN, and cautions.



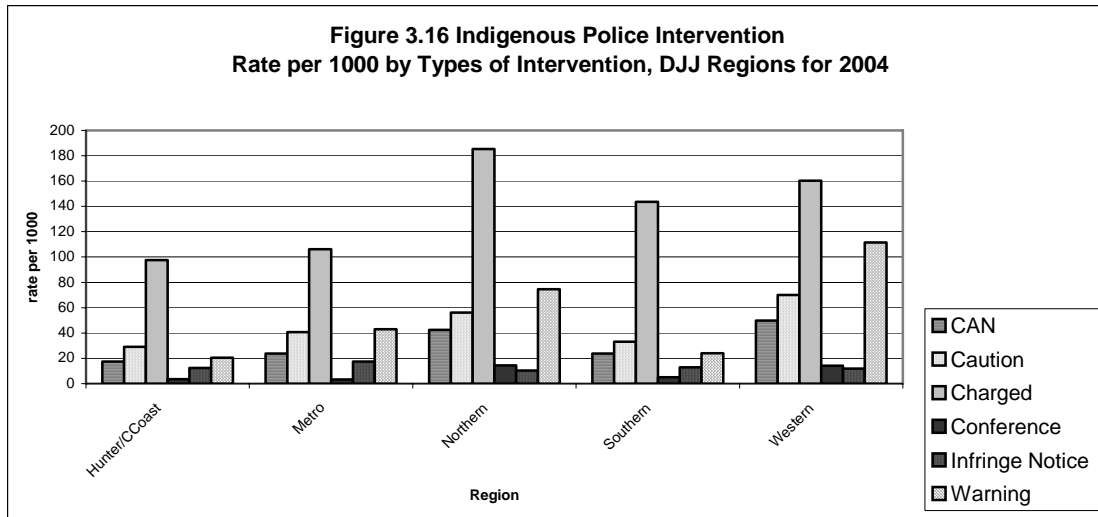
### 3.2.7 Comparative Regional Intervention Rates

Table 3.15 and Figure 3.16 show the comparative rates for different types of police interventions by each region for Indigenous young people.

**Table 3.15**  
**Indigenous Police Intervention Rate per 1000 by Type of Intervention, DJJ Regions for 2004**

	CAN	Caution	Charged	Conference	Infringe Notice	Warning
<b>Hunter/CCoast</b>	17.4	29.0	97.6	3.6	12.4	20.4
<b>Metro</b>	23.7	40.6	106.3	3.3	17.5	42.9
<b>Northern</b>	42.5	56.2	185.4	14.5	10.3	74.5
<b>Southern</b>	23.7	33.2	143.7	5.0	13.0	24.1
<b>Western</b>	49.9	70.0	160.3	14.1	12.0	111.5
<b>NSW</b>	34.7	49.5	143.8	9.0	13.4	64.0

There are significant differences between regions. For example, warnings are five times the rate in the Western region compared to Hunter / Central Coast; and the use of charges are nearly double in the Northern region compared to Metro and Hunter. Infringement notices are used comparatively less in the Northern region.



### 3.3 FINDINGS, IMPLICATIONS AND RECOMMENDATIONS RELATING TO POLICE INTERVENTIONS

#### 3.2.1 Statewide

The number of police interventions involving Indigenous young people has risen since the introduction of the AORSP. Non-Indigenous interventions have also risen. In 2004 Indigenous young people comprised 18.8% of police interventions which was slightly less than prior to the introduction of the AORSP.

The most significant difference between the way Indigenous and non-Indigenous young people are dealt with by police is in relation to proceeding by way of charge. Indigenous young people were on average more than twice as likely to be proceeded against by way of charge compared to non-Indigenous young people (46.8% compared to 21%).

The percentage of both Indigenous and non-Indigenous interventions that resulted in a charge has decreased over the five year period. The declining percentage was greater for non-Indigenous youth (declining by 9.1 percentage points) than it was for Indigenous young people (declining by 3.3 percentage points).

The percentage of interventions involving conferencing for Indigenous youth has remained fairly steady over the period (declining slightly from 3.4% to 2.9% of formal interventions) and is similar to the percentage for non-Indigenous youth which also declined (from 4% to 2.4%).

The greatest level of over-representation based on rates of population is in relation to charges, where on average over the five year period Indigenous young people were 14.1 times more likely than non-Indigenous youth to be prosecuted by way of a charge. Overall the level of over-representation has declined slightly from 6.7 to 6.0, and this is mainly as a result of a decrease in the over-representation of warnings and infringement notices.



The reasons for police interventions for Indigenous and non-Indigenous young people differ. A much larger proportion of non-Indigenous police interventions relate to the 'miscellaneous' offence category – much of which relates to transport regulatory offences. Conversely, a large proportion of the Indigenous interventions related to theft, particularly burglary, break and enter and motor vehicle related theft.

A much higher proportion of police interventions involving Indigenous young people involve the youngest age group of 10-13 years old.

### **3.3.2 Regions**

The Western and Northern regions account for 32.2% and 35.2% respectively of all police interventions involving Indigenous young people in New South Wales. In other words, two thirds of the formal contact between Indigenous youth and the police occurs in these two areas. There is also a huge disparity across regions on specific police intervention types – for example charge rates are much higher in the Northern and Western regions.

The ten LGAs with the highest rates of police interventions for Indigenous young people are Bourke, Narrandera, Clarence, Central Darling, Warren, Sydney, Yass, Walgett, Brewarrina and Kempsey. Other LGAs which are not included in the top ten, but with high rates of intervention include Lismore, Tenterfield, Moree, Coonamble, Wentworth and Marrickville.

#### **Recommendation 14 Police Interventions – Alternative to Arrest and Charge**

It is recommended that DJJ establish a high level working party (involving New South Wales Police and Attorney-Generals) to develop specific strategies for increasing the use of alternatives to arrest and charge for Indigenous young people.

#### **Recommendation 15 Police Interventions**

It is recommended that there be a specific focus on the Northern and Western regions to reduce formal police interventions with Indigenous young people, through targeted strategies that involve both DJJ and police.

To facilitate the development of targeted strategies there needs to be specific further research:

- \* on the reasons for the disparities in the type of police interventions between regions (eg why are warnings more frequently used in some regions than others?)
- \* on potential regional differences in the type of offences committed by Indigenous young people (ie do offence patterns affect the type of police intervention?).

## 4. COURT APPEARANCES: MEASURES OF CHANGE 2000 - 2004

This section of the evaluation analyses data relating to Indigenous and non-Indigenous young people appearing in the New South Wales Children's Court for the five year period 2000 – 2004. It covers the period leading up to the introduction of the AORSP at the end of 2001 and the three year period following its introduction.

There are a number of reasons for discussing court outcomes in the context of the AORSP. In the first instance, **Outcome 12 of the AORSP is 'Aboriginal young offenders receiving more community-based orders rather than custodial orders, and increasing the completion rate of their community-based orders'**. Thus the AORSP explicitly sought to influence court outcomes. The second reason is more contextual. Changes in frequency and type of court outcomes will impact on the number of DJJ clients. Finally, an understanding of the nature of court decision-making specifically in relation to Indigenous young people should inform DJJ policy and practice.

The data in this section on court appearances comes from DJJ's CCIS and CIDS via the Research Data set. For the purposes of this study applications for apprehended violence orders have been excluded as they are not criminal matters. Other cases that have been excluded are cases of those resident outside of NSW, and all cases that were not pursued.<sup>26</sup>

### 4.1 STATEWIDE DATA

Table 4.1 shows the number of finalised matters for Indigenous and non-Indigenous young people appearing in the New South Wales Children's Court for 2000-2004.

There has been a drop in court cases for Indigenous young people since the introduction of the AORSP. In 2004 the number of Indigenous finalised matters (1705) was 7.1% lower than in 2001, and 15.1% lower than in 2000. This drop is shown as a graph in Figure 4.1.

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<sup>26</sup> Those with outcomes of: filed in court, termination of order, not before court, unfit to plead, withdrawn, no evidence offered dismissed, transferred interstate, deceased child, destroy fingerprints/record.

**Table 4.1  
Indigenous and Non-Indigenous Finalised Court Appearances 2001-2004 for NSW**

	Indigenous		Non-Indigenous		Total
	N	%	N	%	N
<b>2000</b>	2009	37.0	3424	63.0	5433
<b>2001</b>	1835	34.2	3529	65.8	5364
<b>2002</b>	1706	37.0	2902	63.0	4608
<b>2003</b>	1670	35.8	2992	64.2	4662
<b>2004</b>	1705	36.3	2995	63.7	4700
<b>Total</b>	8925	36.0	15842	64.0	24767

Note: An additional 7070 cases have no information about Indigenous status<sup>27</sup>  
Chi-square: not significant when comparing 2000 to 2004.

Non-Indigenous finalised matters have also decreased during the period. As Table 4.1 shows, the result is that the Indigenous proportion of all court matters is much the same in 2004 (36.3%) as it was in 2000 (37.0%).

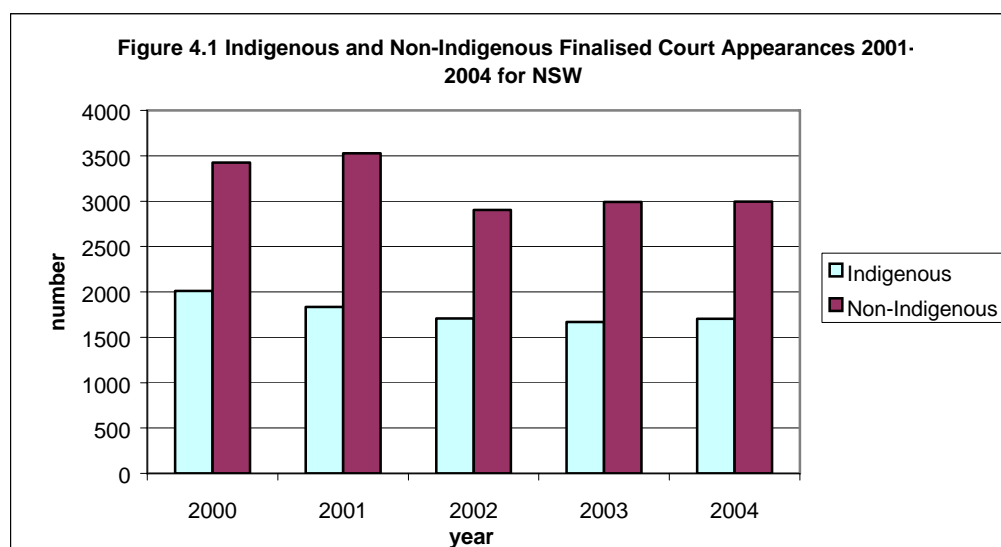


Table 4.2 below shows the most serious outcome<sup>28</sup> for Indigenous and non-Indigenous finalised matters<sup>29</sup> before the Children’s Court between 2000-2004.

<sup>27</sup> Approximately 20% of finalised court appearances in each of the years during the analysis period do not have information recorded about Indigenous status. More serious outcomes such as control orders have a lower rate of unknown Indigenous Status (about 6%) and less serious outcomes a higher rate. To simplify the presentation of results in this paper those court appearances with unknown Indigenous Status are excluded from the analysis. For this reason overall numbers and rates of appearance are undercounted for both Indigenous and Non-Indigenous appearances.

The most obvious difference between the way Indigenous and non-Indigenous young people are dealt with by the courts is in the use of control orders. On average over the five year period, Indigenous young people had 16.7% of outcomes resulting in a control order compared to 9.9% for non-Indigenous young people – this is more than 40% higher. Other differences in outcomes were smaller. Indigenous young people were more likely to receive a CSO, and non-Indigenous young people more likely to receive an unsupervised or supervised order.

**Table 4.2**  
**Most serious court outcome by Indigenous Status, 2000-2004**

<b>Year</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>Average</b>
	%	%	%	%	%	%
<b>Indigenous Outcomes</b>						
<b>Control order/prison</b>	16.9	18.2	16.8	16.1	15.1	16.7
<b>CSO</b>	10.7	9.9	10.4	9.4	6.8	9.5
<b>Bond w/supervision*</b>	19	24.4	29	28	29.6	25.7
<b>Bond no supervision*</b>	14	10.7	11	14.8	16.1	13.3
<b>Fine</b>	13.5	9.5	12.5	11.5	8.9	11.2
<b>Other penalty</b>	0.8	1.6	0.7	0.7	1.2	1
<b>Dismissed proven</b>	12.4	10	8.9	8.6	12.2	10.5
<b>Unproven outcome</b>	12.6	15.7	10.7	10.9	10.1	12.1
<b>Total</b>	100	100	100	100	100	100
<b>Non-Indigenous Outcomes</b>						
<b>Control order/prison</b>	9.9	9.1	12.1	9.8	8.7	9.9
<b>CSO</b>	9.6	8.6	9.9	7.1	7.4	8.5
<b>Bond w/supervision*</b>	25.5	29.2	33.8	29.8	26.8	28.9
<b>Bond no supervision*</b>	17.1	12.7	14.5	19	21.9	16.9
<b>Fine</b>	12.9	10.3	12	12.6	13	12.1
<b>Other penalty</b>	1.2	1.2	1.2	1.5	1.3	1.3
<b>Dismissed proven</b>	12.8	10.6	7.8	8.3	11.3	10.2
<b>Unproven outcome</b>	11.1	18.4	8.8	11.9	9.6	12.2
<b>Total</b>	100	100	100	100	100	100

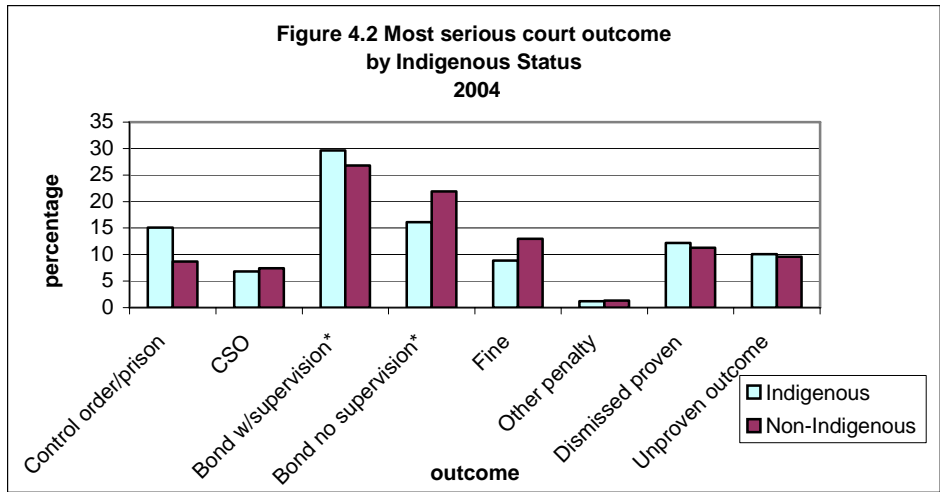
Note: frequency missing = 7070

\* includes probation and suspended sentence.

The difference in court outcomes between Indigenous and non-Indigenous young people is shown in Figure 4.2 for the last year of the evaluation, 2004.

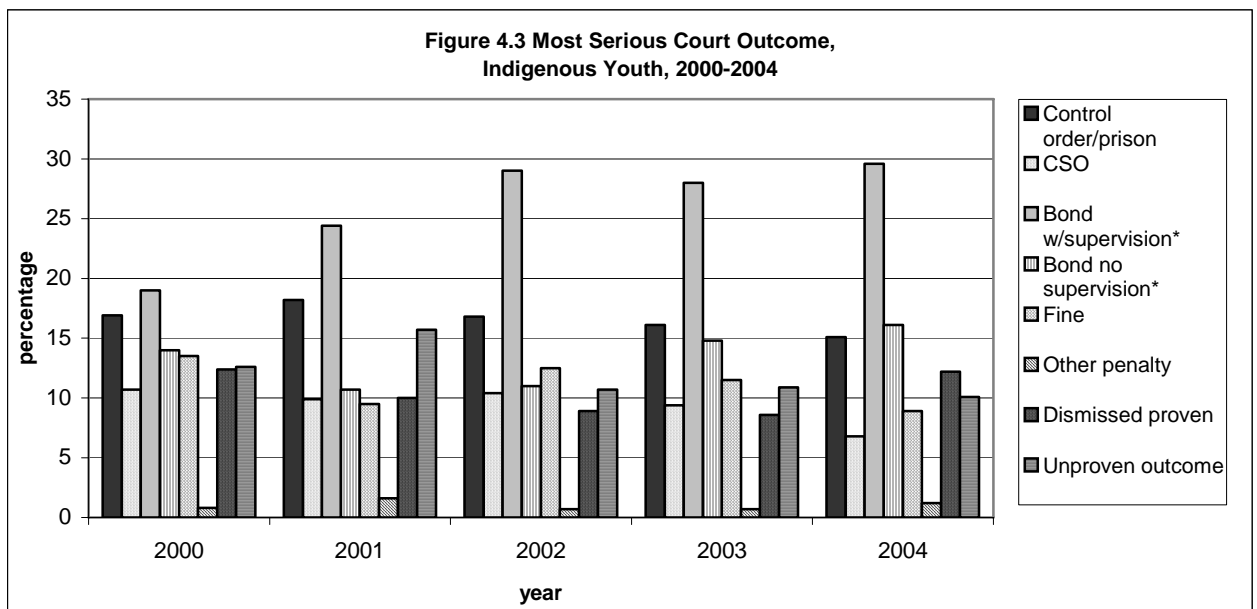
<sup>28</sup> As there can be multiple offences and outcomes for each finalised court appearance the most serious offence and most serious outcome are reported in these tables. The most serious outcome is the outcome with the most severe penalty at that finalised appearance and the most serious offence is the offence associated with that penalty. If two or more offence have the same penalty severity then the one with the lowest Australian Standard Offence Classification code is counted.

<sup>29</sup> See Table A.11 in the Appendix for frequency of each outcome.



Note: \* includes probation and suspended sentence

Table 4.2 also shows that the percentage of court outcomes that resulted in a control order decreased slightly over the five year period. The decline was marginally higher for Indigenous young people (declining by 1.8% of all outcomes between 2000 and 2004) than it was for non-Indigenous young people (declining by 1.2% of all outcomes). The proportion of CSOs and fines also declined for Indigenous young people, while supervised orders increased by 10.6% of all outcomes between 2000 and 2004. The change in the proportional use of different court outcomes for Indigenous young people is shown in Figure 4.3.



Note: \* includes probation and suspended sentence

The increasing use of supervised orders for Indigenous young people was an outcome sought by the AORSP. However, it also has implications for DJJ in relation to ensuring the successful completion of those orders.

Table 4.3 shows the rate per 1000 for Indigenous and non-Indigenous court outcomes. The rates for Indigenous youth are much higher in all court outcomes. There has been a decline in the rate for Indigenous young people in all major outcomes, except supervised orders. Overall court outcomes as a rate per 1000 of the 10-17 Indigenous population have dropped by 21% (from 81.3 to 64.0 per 1000). The non-Indigenous rate has also declined by 18%.

**Table 4.3**  
**Appearance rate per 1000 for court outcome by Indigenous status**

Year	2000	2001	2002	2003	2004	Average
	rate	rate	rate	rate	rate	rate
<b>Indigenous Outcome</b>						
Control order/prison	13.8	13.3	11.2	10.3	9.7	11.6
CSO	8.7	7.2	6.9	6	4.4	6.6
Bond w/supervision*	15.5	17.8	19.2	17.9	18.9	17.9
Bond no supervision*	11.4	7.8	7.3	9.4	10.3	9.2
Fine	11	6.9	8.3	7.3	5.7	7.8
Other penalty	0.7	1.2	0.5	0.5	0.8	0.7
Dismissed proven	10.1	7.3	5.9	5.5	7.8	7.3
Unproven outcome	10.3	11.4	7.1	7	6.5	8.4
<b>Total</b>	<b>81.3</b>	<b>72.8</b>	<b>66.5</b>	<b>63.8</b>	<b>64</b>	<b>69.7</b>
<b>Non-Indigenous Outcome</b>						
Control order/prison	0.5	0.5	0.5	0.4	0.4	0.5
CSO	0.5	0.4	0.4	0.3	0.3	0.4
Bond w/supervision*	1.3	1.5	1.4	1.3	1.1	1.3
Bond no supervision*	0.9	0.7	0.6	0.8	0.9	0.8
Fine	0.7	0.5	0.5	0.5	0.5	0.6
Other penalty	0.1	0.1	0	0.1	0.1	0.1
Dismissed proven	0.6	0.5	0.3	0.4	0.5	0.5
Unproven outcome	0.6	0.9	0.4	0.5	0.4	0.6
<b>Total</b>	<b>5.1</b>	<b>5.2</b>	<b>4.2</b>	<b>4.3</b>	<b>4.2</b>	<b>4.6</b>

Note: \* includes probation and suspended sentence

Table 4.4 shows that there has been a slight drop in the rate of Indigenous over-representation for control orders, and also overall for all orders.

**Table 4.4 Court Outcomes and Indigenous Over-representation 2000-2004**

	Year					Average
	2000	2001	2002	2003	2004	
Control order/prison	27.4	28.4	22.1	24.7	26.1	25.7
CSO	18.0	16.3	16.7	19.7	13.9	16.9
Bond w/supervision*	12.0	11.8	13.6	14.0	16.7	13.6
Bond no supervision*	13.2	12.0	12.1	11.6	11.1	12.0
Fine	16.8	13.1	16.5	13.6	10.3	14.1
Other penalty	11.6	18.8	9.5	7.0	14.0	12.2
Dismissed proven	15.6	13.3	18.2	15.5	16.3	15.8
Unproven outcome	18.3	12.0	19.2	13.7	15.9	15.8
<b>Total</b>	<b>16.1</b>	<b>14.1</b>	<b>15.9</b>	<b>14.9</b>	<b>15.1</b>	<b>15.2</b>

Note: \* includes probation and suspended sentence. Over-representation measured by ratio of rates.

Table 4.5 shows the most serious offences for Indigenous and non-Indigenous finalised court appearances. Indigenous young people consistently have a much greater proportion of theft-related offences –nearly 11 percentage points higher for Indigenous offenders in 2004.

**Table 4.5**  
**Finalised Appearances by Most Serious Offence Type<sup>30</sup> and Indigenous Status**

	2000		2001		2002		2003		2004	
	%		%		%		%		%	
<b>Person offences</b>	<b>IN</b>	<b>N/I</b>	<b>IN</b>	<b>N/I</b>	<b>IN</b>	<b>N/I</b>	<b>IN</b>	<b>N/I</b>	<b>IN</b>	<b>N/I</b>
Homicide and Related	0.0	0.1	0.0	0.1	0.1	0.3	0.0	0.1	0.1	0.3
Aggravated Assault	0.9	0.9	1.4	1.3	1.1	1.4	1	1.1	1.1	1.6
Acts Intended To Injure	19.5	14.4	19.8	15.6	21.6	16	24.6	18.9	20.4	19.4
Aggravated Sex Assault	0.8	1	0.5	1.3	1	0.8	1	1.4	0.5	1.3
Other Sex Assault	0.0	0.1	0.0	0.0	0.0	0.0	0.1	0.0	0.1	0
Aggravated Drink Driving	0.0	0.1	0.2	0.2	0.1	0.2	0.1	0.1	0.0	0.3
Other Dangerous Acts	1.1	2.2	0.8	1.4	1	1.1	0.7	1.6	0.9	1.7
Abduction & Related	0.1	0.0	0.1	0.2	0.0	0.3	0.0	0.2	0.1	0.1
Robbery, Extortion	4.2	8.9	5.4	10.5	4.6	11.9	3.5	9.8	4.1	9.9
<b>Subtotal</b>	<b>26.6</b>	<b>27.7</b>	<b>28.2</b>	<b>30.6</b>	<b>29.5</b>	<b>32</b>	<b>31</b>	<b>33.2</b>	<b>27.3</b>	<b>34.6</b>
<b>Theft offences</b>										
Burglary, Break & Enter	15	9.8	14.8	8.2	14	8.7	12.3	6.9	14	8.6
MV Theft & Related	7.5	6.8	8.7	8.2	7.8	7.9	7.7	6	8.5	6.3
Other Theft	17.2	18.2	16.8	18.5	18.1	17.2	17.4	15.6	15.8	12.7
<b>Subtotal</b>	<b>39.7</b>	<b>34.8</b>	<b>40.3</b>	<b>34.9</b>	<b>39.9</b>	<b>33.8</b>	<b>37.4</b>	<b>28.5</b>	<b>38.3</b>	<b>27.6</b>
<b>Drug offences</b>	<b>1.4</b>	<b>5.5</b>	<b>1.4</b>	<b>4.3</b>	<b>2</b>	<b>4.4</b>	<b>1.9</b>	<b>3.9</b>	<b>1.7</b>	<b>3.2</b>
<b>Other offences</b>										
Deception Offences	0.5	1.1	0.6	1	0.5	1	0.6	1.4	0.5	1.6
Weapons & Explosives	0.1	0.4	0.1	0.5	0.3	0.5	0.4	0.7	0.2	0.5
Property Damage & Related	5.9	6.2	5.6	5.5	6.7	4.9	5.4	5.5	6.4	5.6
Public Order	11.8	9.2	11	8.8	9.8	8.1	9.8	8.5	11.1	7.5
Traffic M/V Regulatory Off	1.8	4.5	2.5	3.3	1.6	3.6	3.1	6.9	4.8	9.6
Justice & Govt Ops Offences	9.9	8.8	9.5	9.8	8.4	10.2	9.4	10.2	8.6	8.6

<sup>30</sup> The offence categories used in this report are those used by DJJ in its offence reporting and are based on the Australian Standard Offence Classification.

Miscellaneous Offences	2.2	1.8	1	1.1	1.5	1.3	1.3	1.2	1.1	1
<b>Subtotal</b>	<b>32.2</b>	<b>32</b>	<b>30.3</b>	<b>30</b>	<b>28.8</b>	<b>29.6</b>	<b>30</b>	<b>34.4</b>	<b>32.7</b>	<b>34.4</b>
<b>TOTAL</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

Note: IN=Indigenous N/I = non-Indigenous.

#### 4.1.1 Gender and Age

Table 4.6 shows the proportion of court appearances by females is higher among Indigenous young people (18.7%) than non-Indigenous (13.3%). This was not the case for police interventions where they were very similar (see Table 3.6). This suggests that non-Indigenous young women are more likely to be diverted from court than Indigenous young women.

**Table 4.6**  
**Court Appearances by Gender and Indigenous Status**

Year	Indigenous		Non-Indigenous	
	%		%	
	F	M	F	M
<b>2000</b>	19	81	13.6	86.4
<b>2001</b>	20.6	79.4	13.3	86.7
<b>2002</b>	18.6	81.4	13.1	86.9
<b>2003</b>	18.6	81.4	13	87
<b>2004</b>	16.7	83.3	13.2	86.8
<b>Total</b>	18.7	81.3	13.3	86.7

Chi-square for the total = 132.69, df = 1, p <0.05

Table 4.7 shows that rates have dropped for all groups. It is worth noting that the ratio of male to female is much greater for the non-Indigenous group than the Indigenous group. That is, on average over the five years non-Indigenous males are 6.9 times more likely than non-Indigenous females to have a finalised court appearance (8.1 compared to 1.18). In contrast Indigenous males are 4.6 times more likely than Indigenous young women to have a court appearance (116.8 compared to 25.4).

**Table 4.7**  
**Court Appearance Rate per 1000 by Gender and Indigenous Status**

Year	Indigenous		Non-Indigenous	
	Rate		Rate	
	F	M	F	M
<b>2000</b>	30.0	135.8	1.35	9.1
<b>2001</b>	29.1	119.3	1.34	9.2
<b>2002</b>	24.0	111.6	1.06	7.4
<b>2003</b>	23.0	107.3	1.07	7.5
<b>2004</b>	20.7	109.9	1.07	7.4
<b>Average</b>	25.4	116.8	1.18	8.1



It is also worth noting that:

- The rate of over-representation of Indigenous young women compared to non-Indigenous young women is higher than the comparable Indigenous male rate of over-representation. (In 2004 it was 19.3 for Indigenous females compared to 14.8 for Indigenous males).
- The rate of court appearances for Indigenous females is greater than for non-Indigenous males. (In 2004 it was nearly three times higher: 20.7 compared to 7.4).

**Table 4.8**  
**Total Appearances by Age and Indigenous Status**

Year	Indigenous			Non-Indigenous		
	%			%		
	Age 10-13	Age 14-16	17 or more	Age 10-13	Age 14-16	17 or more
2000	9.5	53.8	36.7	4.6	49.7	45.7
2001	8.0	53.0	39.0	3.9	48.9	47.2
2002	9.2	50.8	40.0	4.0	48.2	47.8
2003	9.0	48.7	42.3	4.4	44.6	51.0
2004	11.2	48.6	40.2	3.2	43.3	53.6
<b>Average</b>	9.3	51.1	39.5	4.0	47.1	48.9

Chi-square for the total (average) = 401.63, df = 2, p <0.05

Table 4.8 shows the age grouping of Indigenous and non-Indigenous young people appearing in court. As might be expected because of the availability and use of diversionary options, there is a higher age profile for those going to court than for police interventions (see Table 3.8). However, in 2004 Indigenous young people had three times the proportion of court attendees in the lowest age group.

#### **4.2 COURT APPEARANCES : REGIONAL COMPARISON**

The following discussion is based on the five regions of the Department of Juvenile Justice. Court appearance data derives from the most recent address of the young person before the court. It is not based on the location of the court.<sup>31</sup>

Table 4.9 shows that Indigenous young people from Western and Northern regions have the most court appearances. This is consistent with the police intervention data (See Table 3.8)

<sup>31</sup> Except where we analyse the use of control orders by specific courts – see section 4.2.3

**Table 4.9**  
**Number of Indigenous Court Appearances by Region**

	Region					
	Hunter/ C Coast	Metro	Northern	Southern	Western	NSW
<b>2000</b>	205	487	648	174	495	2009
<b>2001</b>	208	486	497	177	467	1835
<b>2002</b>	171	406	500	149	480	1706
<b>2003</b>	165	352	533	147	473	1670
<b>2004</b>	189	365	544	189	418	1705

Note: These totals exclude those with unknown Indigenous status.

Finalised court appearances for Indigenous young people have dropped in all regions except Southern where they have increased in 2004.

Table 4.10 shows that rates per 1000 for Indigenous court appearances have also dropped in all regions of the State, except Southern where it is the same rate in 2004 as it was in 2000.

**Table 4.10**  
**Rates per 1000 Indigenous Court Appearances by Region**

	Region					
	Hunter/ C Coast	Metro	Northern	Southern	Western	NSW
<b>2000</b>	61	72	102	72	85	81
<b>2001</b>	61	71	77	72	78	73
<b>2002</b>	49	58	76	59	79	66
<b>2003</b>	46	49	80	57	76	64
<b>2004</b>	52	50	80	72	66	64
<b>Average</b>	54	60	83	66	77	70

Table 4.11 shows the non-Indigenous rates for court appearances. While the rates for non-Indigenous young people are much lower, there has been a smaller percentage decrease over the five year period compared to Indigenous court appearance rates. There is also less variation between regions compared to Indigenous appearance rates. Rates have declined slightly overall for non-Indigenous youth.

**Table 4.11**  
**Rates per 1000 Non-Indigenous Court Appearances by Region**

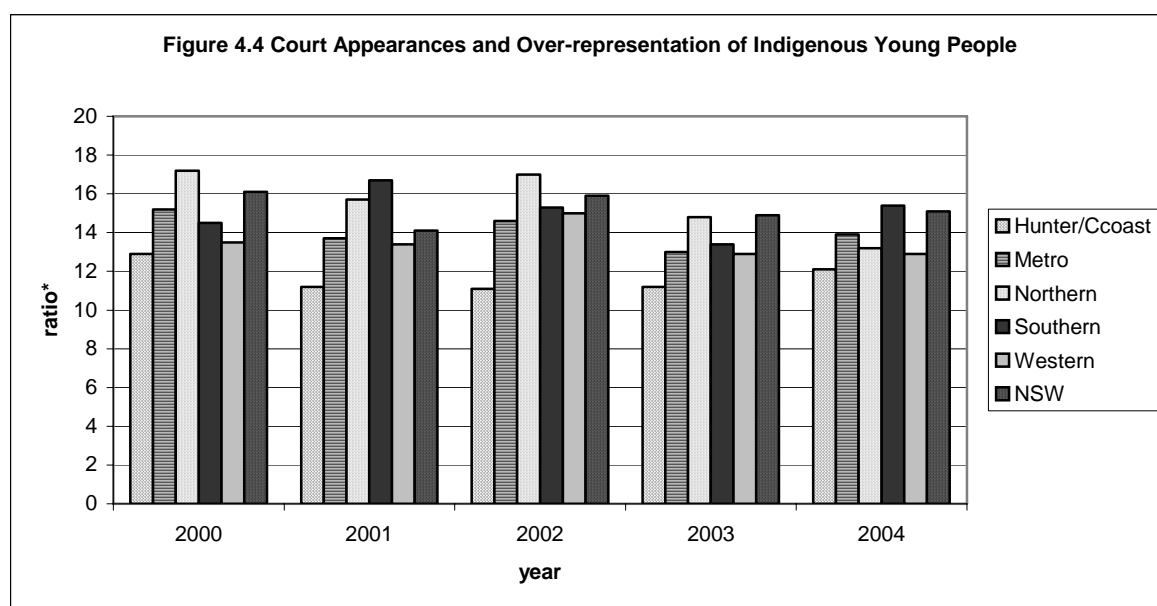
	Region					
	Hunter/ C Coast	Metro	Northern	Southern	Western	NSW
<b>2000</b>	5	5	6	5	6	5
<b>2001</b>	5	5	5	4	6	5
<b>2002</b>	4	4	4	4	5	4
<b>2003</b>	4	4	5	4	6	4
<b>2004</b>	4	4	6	5	5	4
<b>Average</b>	5	4	5	4	6	5

Table 4.12 and Figure 4.4 show the rate of over-representation in each region and for New South Wales as a whole. On average over the five year period, the highest level of over-representation for Indigenous court appearances compared to non-Indigenous appearances is in the Northern region. In 2004 Southern region had the highest level of over-representation.

**Table 4.12**  
**Court Appearances and Over-representation of Indigenous Young People\***

	Region					NSW
	Hunter/ Ccoast	Metro	Northern	Southern	Western	
<b>2000</b>	12.9	15.2	17.2	14.5	13.5	16.1
<b>2001</b>	11.2	13.7	15.7	16.7	13.4	14.1
<b>2002</b>	11.1	14.6	17.0	15.3	15.0	15.9
<b>2003</b>	11.2	13.0	14.8	13.4	12.9	14.9
<b>2004</b>	12.1	13.9	13.2	15.4	12.9	15.1
<b>Average ratio</b>	11.7	14.1	15.6	15.1	13.5	15.2

\*Over-representation measured by ratio of rates



Note: Over-representation measured by ratio of rates

It is noteworthy that regional over-representation is not the same for court appearances as it is for police interventions. Table 3.11 and Figure 3.5 showed that the Western region consistently had the highest level of over-representation for police interventions. However, in relation to court appearances the Northern, Southern and Metro regions have higher over-representation rates than the Western region. This difference might be explained through greater use of diversionary strategies, and is reflected in the relatively high use of warnings in the Western region (see Figure 3.16).

#### 4.2.1 The Top Ten LGAs for Indigenous Court Appearances

Table 4.13 shows the ten LGAs with the highest number of Indigenous court appearances. These show a similar list to police interventions (see Table 3.12), although Blacktown is higher on the court appearance list. Bourke, Dubbo, Kempsey and Moree are all towards the top of both the police and court appearance lists. It is also noteworthy that there has been some decline in the number of Indigenous court appearances in these areas over the five year period.

**Table 4.13**  
**Top Ten LGAs by Number of Indigenous Court Appearances**

	2000	2001	2002	2003	2004	Total	% of NSW Total
<b>Blacktown</b>	94	106	66	49	61	376	4.2%
<b>Dubbo</b>	73	80	89	68	54	364	4.1%
<b>Kempsey</b>	70	48	73	66	67	324	3.6%
<b>Bourke</b>	62	58	79	63	47	309	3.5%
<b>Moree Plains</b>	78	56	46	50	71	301	3.4%
<b>Campbelltown</b>	60	69	41	41	25	236	2.6%
<b>Wollongong</b>	40	52	38	41	55	226	2.5%
<b>Newcastle</b>	37	49	47	34	39	206	2.3%
<b>Greater Taree</b>	56	40	32	40	36	204	2.3%
<b>Lake Macquarie</b>	44	42	36	42	35	199	2.2%
<b>State Total</b>	2009	1835	1706	1670	1705	8925	

Note: 198 Indigenous cases have no LGA recorded

Table 4.14 shows the ten LGAs with the highest rates per 1000 for Indigenous court appearances. Bourke is one area that appears consistently in police and court data and is also the only LGA to appear in both Tables 4.13 and 4.14. Ashfield is perhaps a surprising inclusion in this list, and may be influenced by the location of the former Yasmar Detention Centre.

**Table 4.14**  
**Top Ten LGAs by Indigenous Court Appearance Rate per 1000 relevant population**

	2000	2001	2002	2003	2004	Average
<b>Bourke</b>	336	309	412	323	236	323
<b>Ashfield</b>	352	207	237	133	98	205
<b>Lismore</b>	162	172	132	193	257	183
<b>Copmanhurst</b>	306	233	33	128	126	165
<b>Maclean</b>	309	152	156	93	111	164
<b>Central Darling</b>	143	157	146	215	133	159
<b>Armidale</b>	121	132	149	205	163	154
<b>Yass</b>	288	77	101	198	97	152
<b>Narrandera</b>	139	91	145	120	193	138
<b>Guyra</b>	183	112	143	141	96	135

Note: Only LGAs with Indigenous populations over 20 have been included to minimise extreme effects from small populations.

Also noteworthy in Table 4.14 is that for many of the LGAs areas in the list the rate declined over the five year period, in line with the general state trend. Exceptions to this were Lismore, Armidale and Narrandera.

#### 4.2.2 The Top Ten LGAs for Indigenous Control Orders

Table 4.15 shows the ten LGAs with the largest number of Indigenous court appearances that result in a control order.

**Table 4.15**  
**Top Ten LGAs by Number of Indigenous Appearances Resulting in a Control Order**

	2000	2001	2002	2003	2004	Total	% of NSW total
<b>Dubbo</b>	22	19	15	14	15	85	5.7%
<b>Blacktown</b>	17	11	12	8	9	57	3.8%
<b>Kempsey</b>	11	11	6	16	10	54	3.6%
<b>Armidale</b>	9	9	4	16	15	53	3.6%
<b>Gosford</b>	11	7	10	10	13	51	3.4%
<b>Moree Plains</b>	8	9	11	7	15	50	3.4%
<b>Campbelltown</b>	11	16	9	7	5	48	3.2%
<b>Wollongong</b>	9	12	8	9	6	44	3.0%
<b>Lake Macquarie</b>	12	10	7	5	6	40	2.7%
<b>Greater Taree</b>	8	8	8	7	6	37	2.5%
<b>NSW Total</b>	340	334	287	269	258	1488	

The ten LGAs listed in Table 4.15 make up more than one-third (35%) of the total number of control orders for Indigenous young people in New South Wales. This suggests that a focus on these areas could impact on lowering the number of Indigenous young people coming into detention. It is noteworthy that Bourke does not appear in Table 4.15 even though it has a high number of Indigenous court appearances.

**Table 4.16  
Top Ten LGAs by Indigenous Control Order Rate<sup>32</sup> per 1000 relevant population**

	2000	2001	2002	2003	2004	Average Rate
<b>Ashfield</b>	211	0	102	33	33	76
<b>Copmanhurst</b>	170	67	33	0	32	60
<b>Bourke</b>	49	43	42	36	15	37
<b>Armidale</b>	31	30	13	52	48	35
<b>Maclean</b>	56	62	34	7	7	33
<b>Goulburn</b>	0	59	58	14	28	32
<b>Gilgandra</b>	40	39	52	13	12	31
<b>Grafton</b>	35	57	28	5	5	26
<b>Narrandera</b>	35	23	45	0	21	25
<b>Great Lakes</b>	15	19	33	32	18	24

\* Only LGAs with Indigenous populations over 20 have been included to minimise extreme effects from small populations.

Table 4.16 shows the LGAs with high rates for control orders per 1000 of the Indigenous youth population. Armidale had the highest rate in 2004. In most cases the rates have fallen over the five year period, although Armidale is an exception to this trend.

### 4.2.3 Children's Courts Imposing Most Control Orders

The evaluation was interested in considering which Children's Courts have the most Indigenous matters and where control orders were frequently used. The reason for looking at these courts is to determine whether there might be appropriate strategies developed between DJJ and Children's Court magistrates to reduce the level of control orders in particular courts.

Table 4.17 shows the top 30 Children's Court for Indigenous finalised appearances over the five year period 2000-2004. It also shows the number of control orders and the percentage of control orders of all outcomes. Thus, for example, Bidura had 821 finalised matters involving Indigenous young people and of these 21% resulted in a control order.

Table 4.17 also shows the percentage of control orders for young people with the following characteristics: 'under 15 years of age', 'less serious offences', 'no previous CSO', 'first proven offence' and 'less than three previous proven offences'. The reason for considering these factors is to gauge whether there is a use of control for offenders who are young and without extensive or serious offending histories.

The thirty courts listed in Table 4.17 cover 75% of all Indigenous finalised appearances during the five year period and 82% of the control orders given throughout NSW.

<sup>32</sup> This is the number of indigenous finalised court appearances resulting in a control order each year divided by the relevant population x 1000.

In the Table we have bolded those courts where control orders comprise 20% or more of outcomes. These include, in order, Grafton (39%), Wyong (28%), Port Macquarie (28%), Dubbo (27%), Wagga (24%), Lismore (23%), Bidura (21%), Armidale (21%), Coffs Harbour (20%) and Orange (20%). For these courts Indigenous finalised matters had a one in five or greater chance of resulting in a control order. The highest was Grafton where there was a two in five chance that a control order would be made for an Indigenous appearance. It is also important to recognise that many of these courts will deal with matters arising from local juvenile detention centres, including Grafton, Wyong, Dubbo, Bidura and Wagga.

Other factors such as age, seriousness of offence, and prior offences varied considerably across the courts with a high use of control orders. However some issues stood out.

- Armidale had a large proportion of under 15 years olds among those sentenced to detention (39%) and a large proportion sentenced to detention without a previous CSO (56%).
- Wagga had the largest proportion of less serious offences sentenced to detention (15%) and a large proportion sentenced to detention without a previous CSO (59%).
- Other courts where there was a large proportion sentenced to detention without a previous CSO included Bidura (72%), Dubbo (71%), Grafton (52%) Lismore (80%).and Wagga (55%).

**Table 4.17**  
**Top 30 Children's Courts by Indigenous Appearances**  
**Characteristics of Control Orders given 2000-2004**

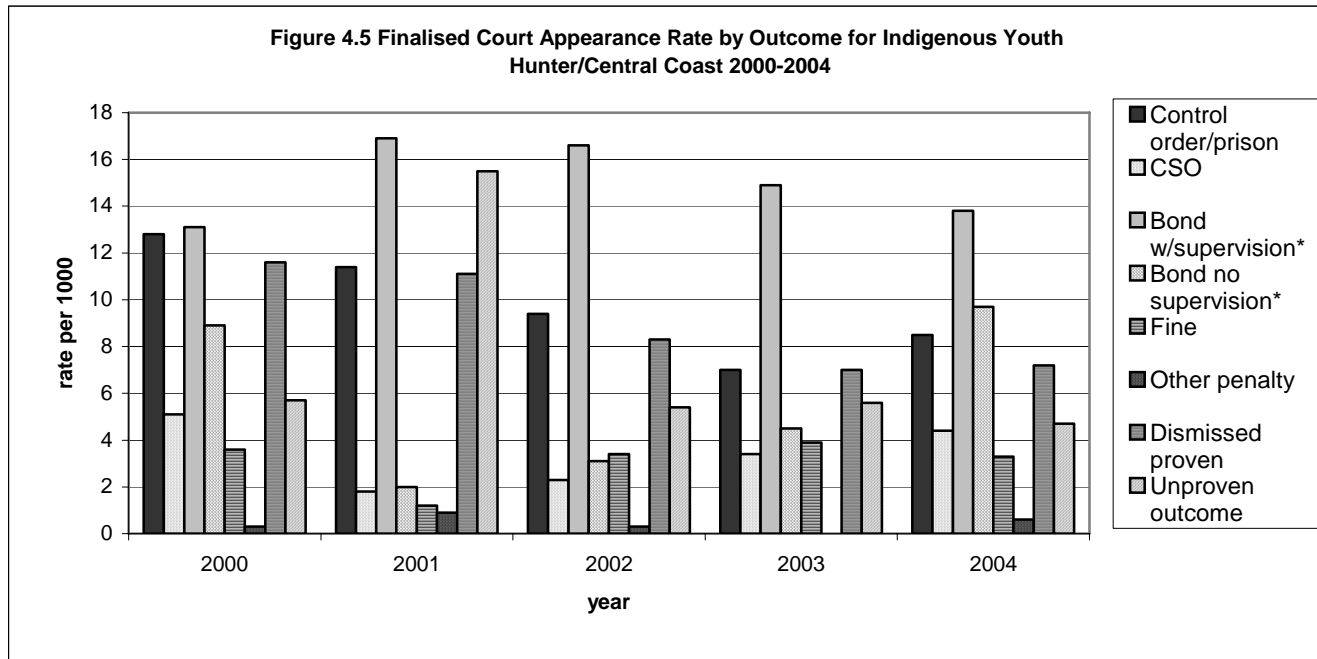
Court	Finalised Appearances	Control Orders	Appearances Resulting in Control Orders	Under 15 Years Old Percentage of Control Orders	Less Serious Offences % of Control Orders	No Previous CSO % of Control Orders	First Proven Offence % of Control Orders	Less than 3 Previous Proven Offences % of Control Orders
	No	No	%	%	%	%	%	%
<b>Bidura</b>	<b>821</b>	<b>175</b>	<b>21</b>	<b>9</b>	<b>1</b>	<b>72</b>	<b>6</b>	<b>19</b>
Cobham	664	97	15	5	1	54	6	23
Worimi	458	85	19	18	7	45	1	6
<b>Dubbo</b>	<b>377</b>	<b>102</b>	<b>27</b>	<b>20</b>	<b>4</b>	<b>71</b>	<b>8</b>	<b>25</b>
Kempsey	349	50	14	22	6	52	10	24
Bourke	341	34	10	12	9	24	0	6
Campbelltown	323	60	19	12	3	60	3	12
Port Kembla	308	57	19	26	5	72	2	32
<b>Armidale</b>	<b>270</b>	<b>57</b>	<b>21</b>	<b>39</b>	<b>0</b>	<b>56</b>	<b>0</b>	<b>18</b>
<b>Grafton</b>	<b>217</b>	<b>85</b>	<b>39</b>	<b>7</b>	<b>5</b>	<b>52</b>	<b>6</b>	<b>21</b>
Moree	215	30	14	7	0	53	13	47
<b>Lismore</b>	<b>200</b>	<b>45</b>	<b>23</b>	<b>7</b>	<b>2</b>	<b>80</b>	<b>7</b>	<b>51</b>
Taree	189	30	16	23	0	50	3	23
Tamworth	187	8	4	25	0	50	13	25
Nowra	184	16	9	6	6	13	6	25
<b>Coffs Harbour</b>	<b>175</b>	<b>35</b>	<b>20</b>	<b>20</b>	<b>3</b>	<b>51</b>	<b>3</b>	<b>11</b>
<b>Wagga</b>	<b>169</b>	<b>41</b>	<b>24</b>	<b>20</b>	<b>15</b>	<b>59</b>	<b>0</b>	<b>20</b>
<b>Wyong</b>	<b>156</b>	<b>43</b>	<b>28</b>	<b>7</b>	<b>9</b>	<b>40</b>	<b>0</b>	<b>7</b>
Broken Hill	150	20	13	15	0	50	0	25
Inverell	134	11	8	27	0	82	9	55
Lidcombe	132	16	12	25	0	56	0	44
Walgett	109	7	6	0	0	29	14	29
<b>Pt Macquarie</b>	<b>103</b>	<b>29</b>	<b>28</b>	<b>0</b>	<b>0</b>	<b>55</b>	<b>3</b>	<b>14</b>
Macleay	101	15	15	7	0	20	0	7
Casino	96	4	4	0	0	100	25	50
<b>Orange</b>	<b>93</b>	<b>19</b>	<b>20</b>	<b>5</b>	<b>5</b>	<b>42</b>	<b>0</b>	<b>11</b>
Albury	89	14	16	14	7	86	7	14
Brewarrina	88	11	13	0	9	64	9	45
Griffith	80	7	9	0	14	29	29	43
Gunnedah	78	12	15	25	0	83	8	25

Note: Less serious offences are defined in this paper as drug property damage, public order, traffic, justice and miscellaneous offences.

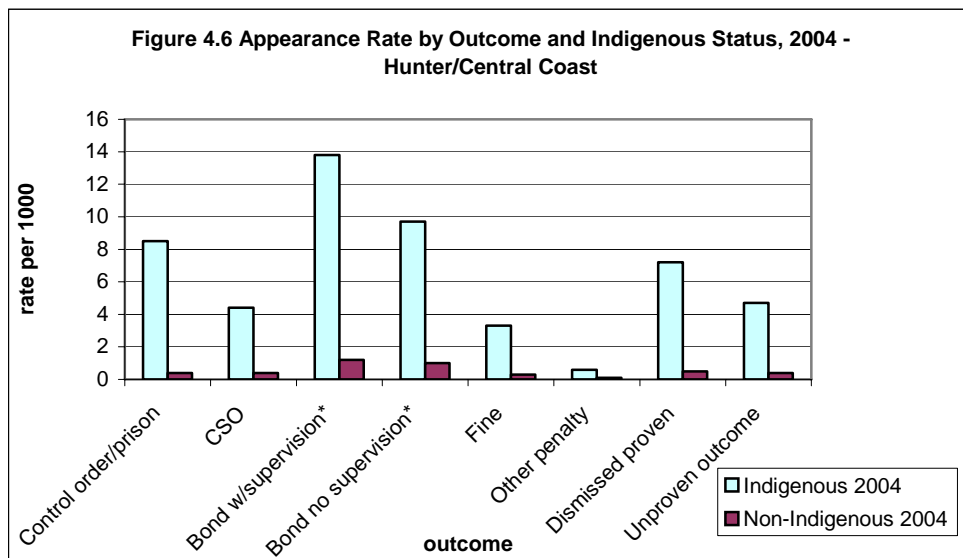


#### 4.2.4 Hunter / Central Coast

The following Figures 4.5 and 4.6 show specific data for the Hunter / Central Coast region.<sup>33</sup> Figure 4.5 shows the comparative rate of court outcomes for Indigenous young people for the five year period 2000-2004. Control orders and dismissed proven outcomes have declined over the period, supervised bonds have increased.



Note: \* includes probation and suspended sentence

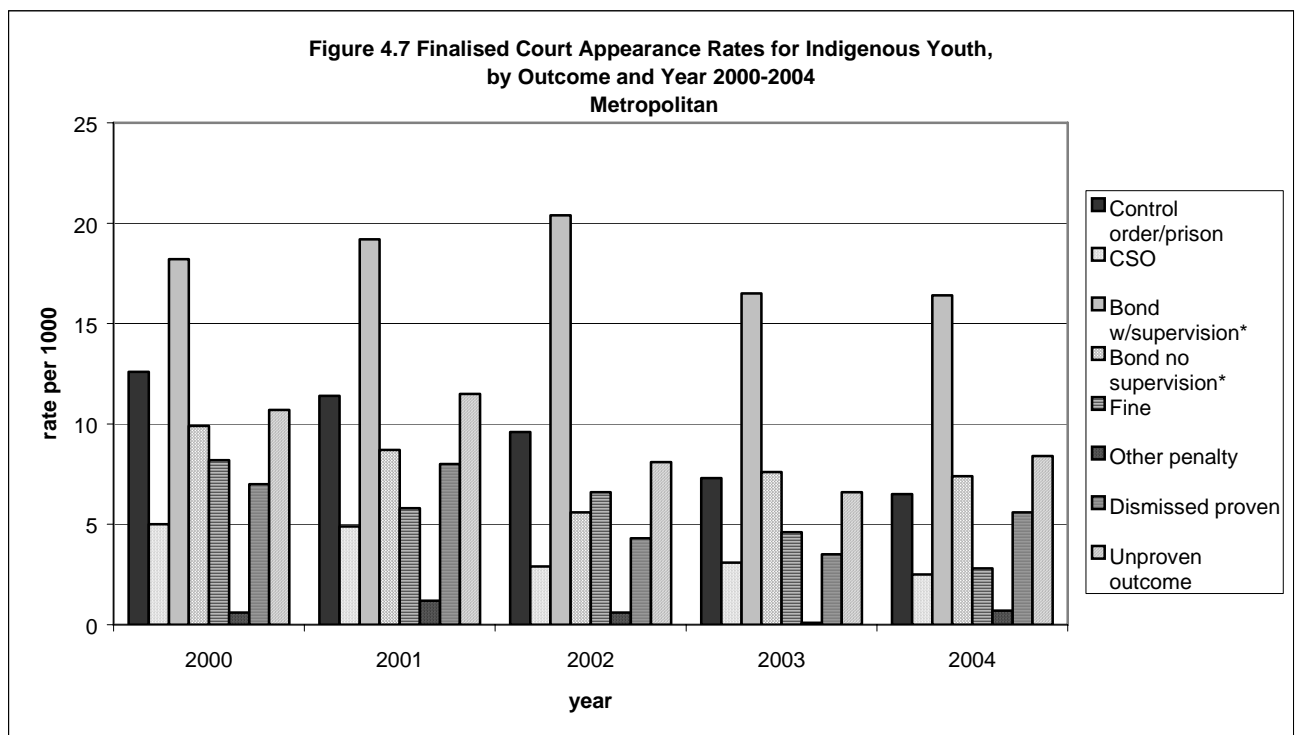


<sup>33</sup> See Appendix 1, Tables A.12 and A.13 for supporting data.

Figure 4.6 shows the comparative rates between Indigenous and non-Indigenous court outcomes for 2004. Rates are much higher for Indigenous young people in all outcome areas.

#### 4.2.5 Metropolitan

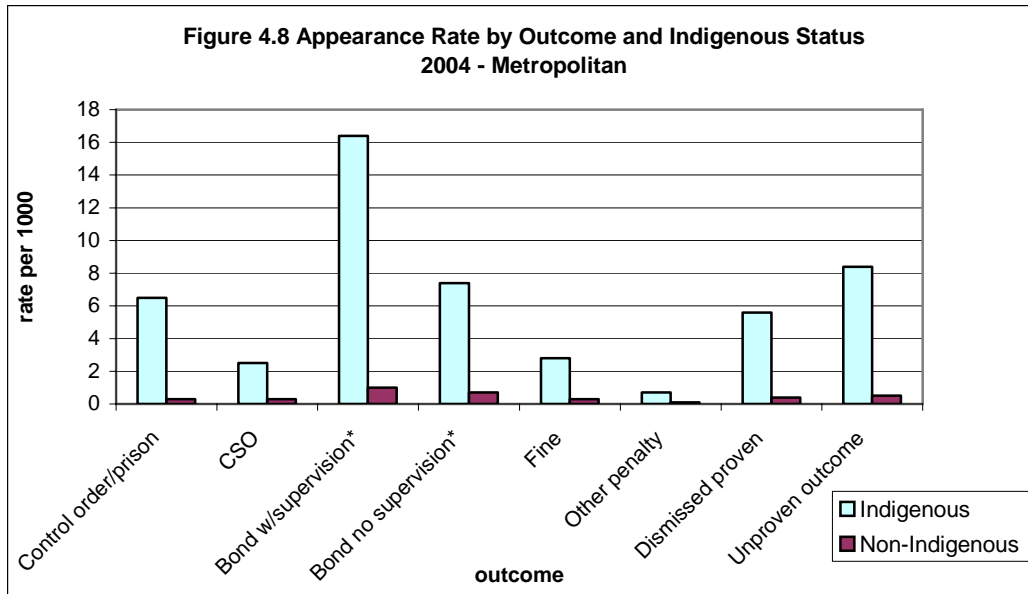
The following Figures 4.7 and 4.8 show specific data for the Metropolitan region.<sup>34</sup> Figure 4.7 shows the comparative rate of court outcomes for Indigenous young people for the five year period 2000-2004. Control orders have substantially declined over the period.



Note: \* includes probation and suspended sentence

Figure 4.8 shows the comparative rates between Indigenous and non-Indigenous court outcomes for 2004. Rates are much higher for Indigenous young people in all outcome areas.

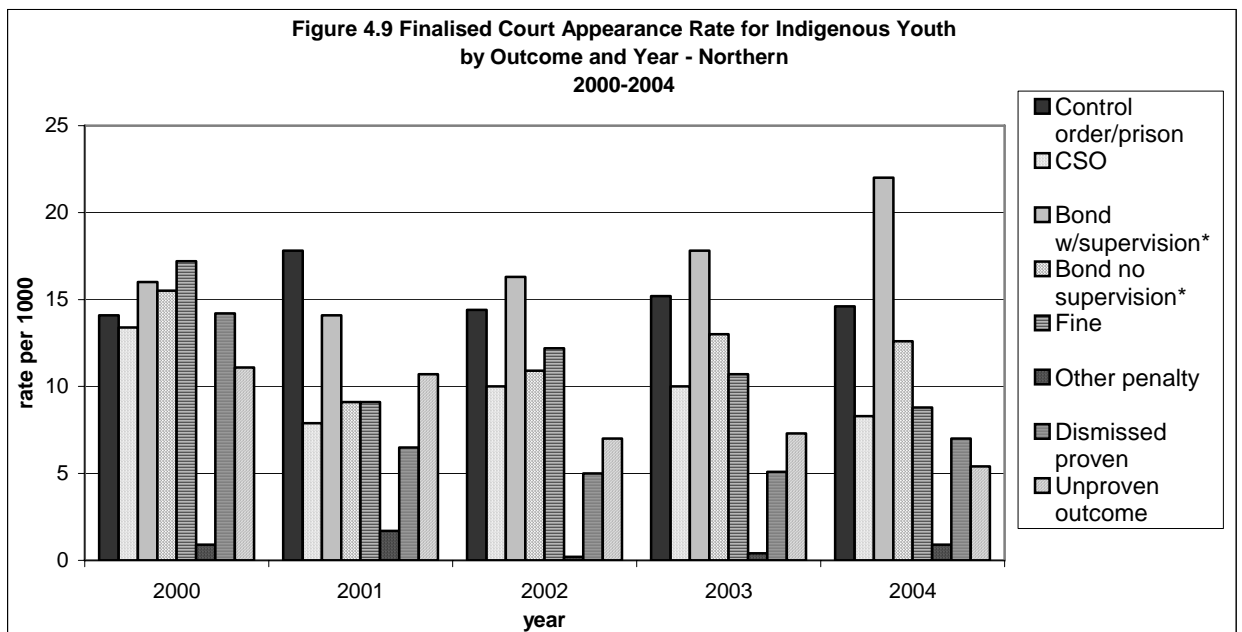
<sup>34</sup> See Appendix 1, Tables A.14 and A.15 for supporting data.



Note: \* includes probation and suspended sentence

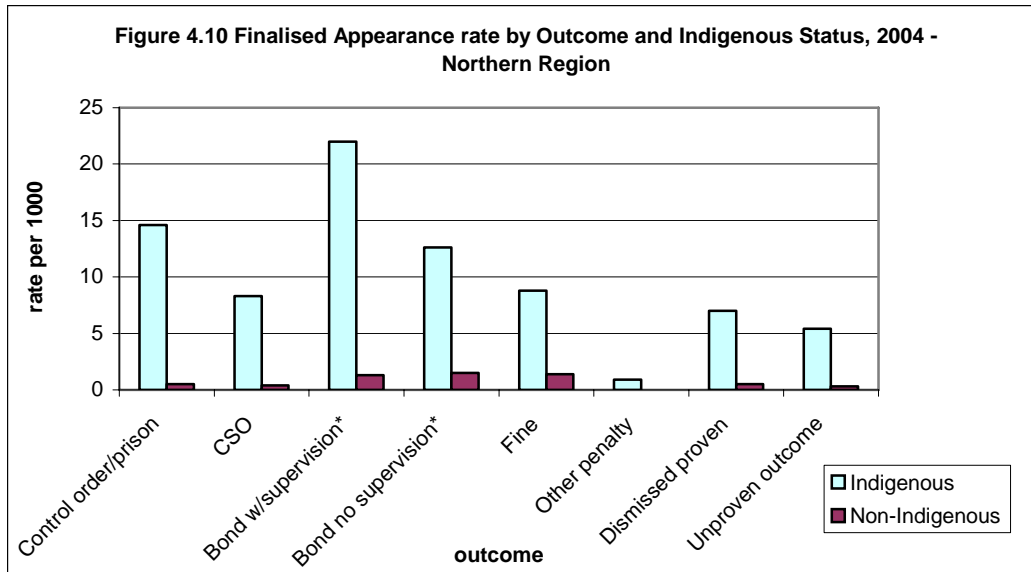
#### 4.2.6 Northern

The following Figures 4.9 and 4.10 show specific data for the Northern region.<sup>35</sup> Figure 4.9 shows the comparative rate of court outcomes for Indigenous young people for the five year period 2000-2004. Control orders have declined from the 2001 level, but are steady and in 2004 were similar to the level they were in 2000. Bonds with supervision have increased.



Note: \* includes probation and suspended sentence

<sup>35</sup> See Appendix 1, Tables A.16 and A.17 for supporting data.



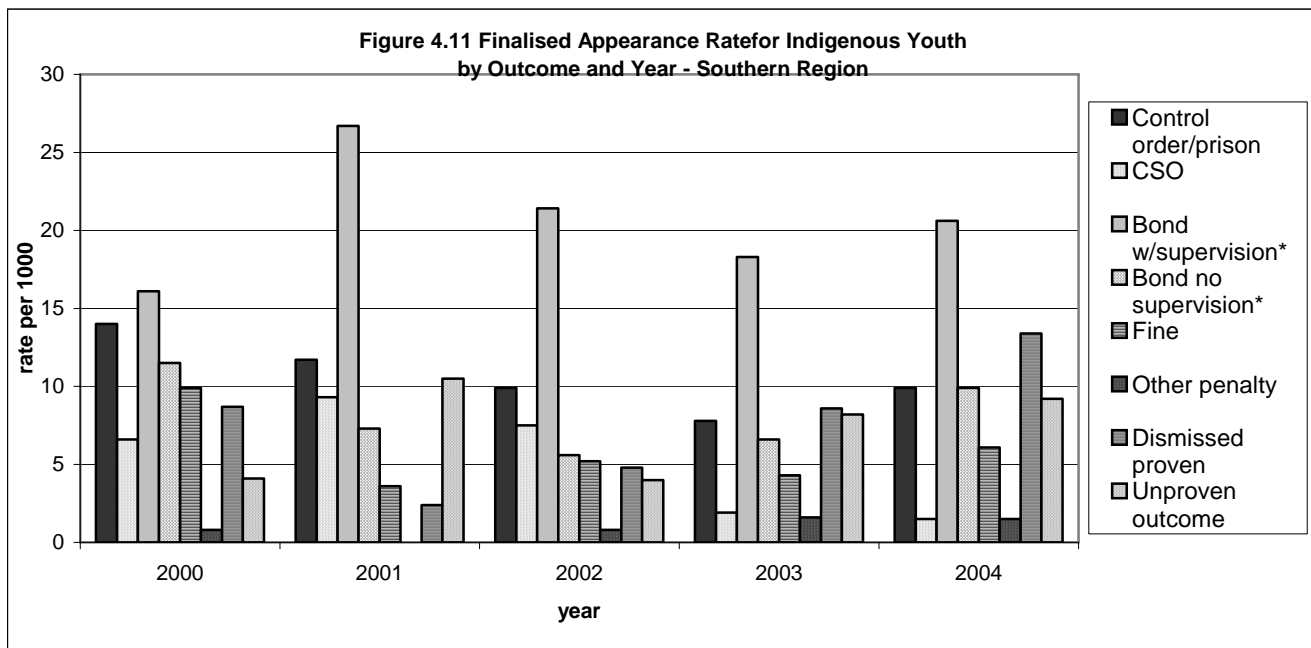
Note: \* includes probation and suspended sentence

Figure 4.10 shows the comparative rates between Indigenous and non-Indigenous court outcomes for 2004. Rates are much higher for Indigenous young people in all outcome areas.

#### 4.2.7 Southern

The following Figures 4.11 and 4.12 show specific data for the Southern region.<sup>36</sup>

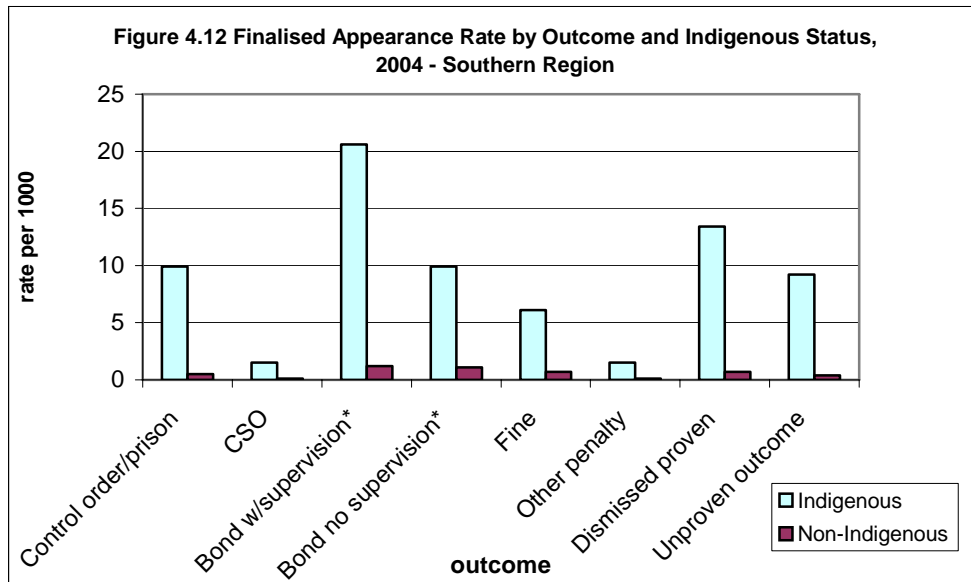
Figure 4.11 shows the comparative rate of court outcomes for Indigenous young people for the five year period 2000-2004. Control orders have declined from their level in 2000. Bonds with supervision have increased since 2000.



Note: \* includes probation and suspended sentence

<sup>36</sup> See Appendix 1, Tables A.18 and A.19 for supporting data.

Figure 4.12 shows the comparative rates between Indigenous and non-Indigenous court outcomes for 2004. Rates are much higher for Indigenous young people in all outcome areas.

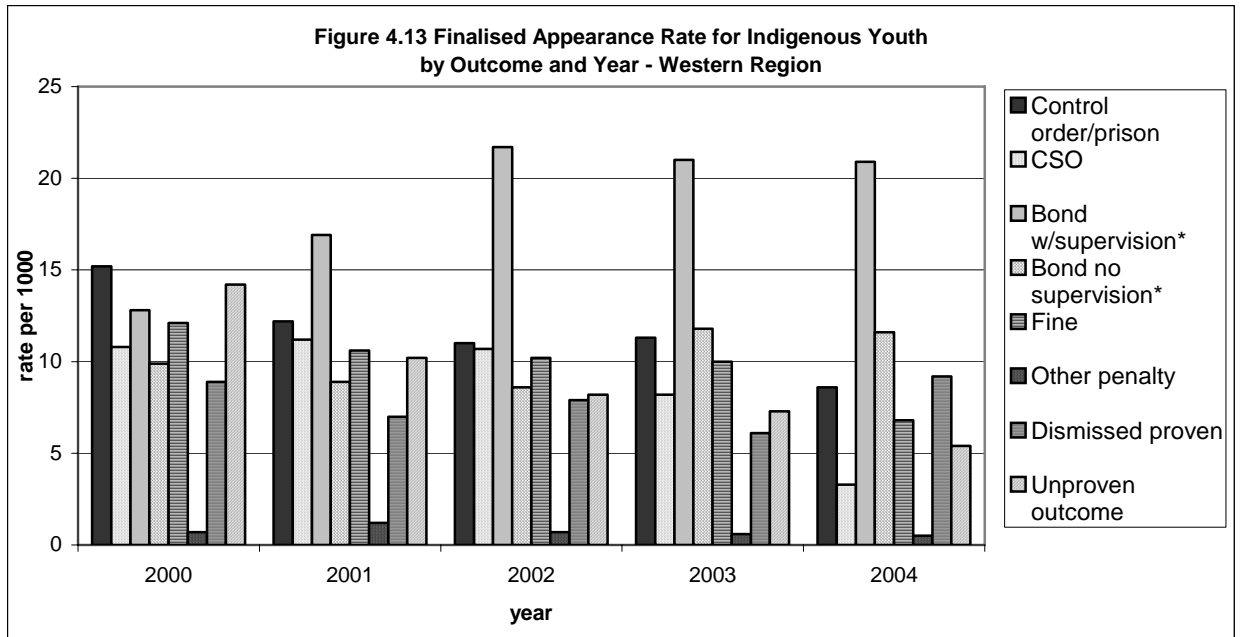


Note: \* includes probation and suspended sentence

#### 4.2.8 Western

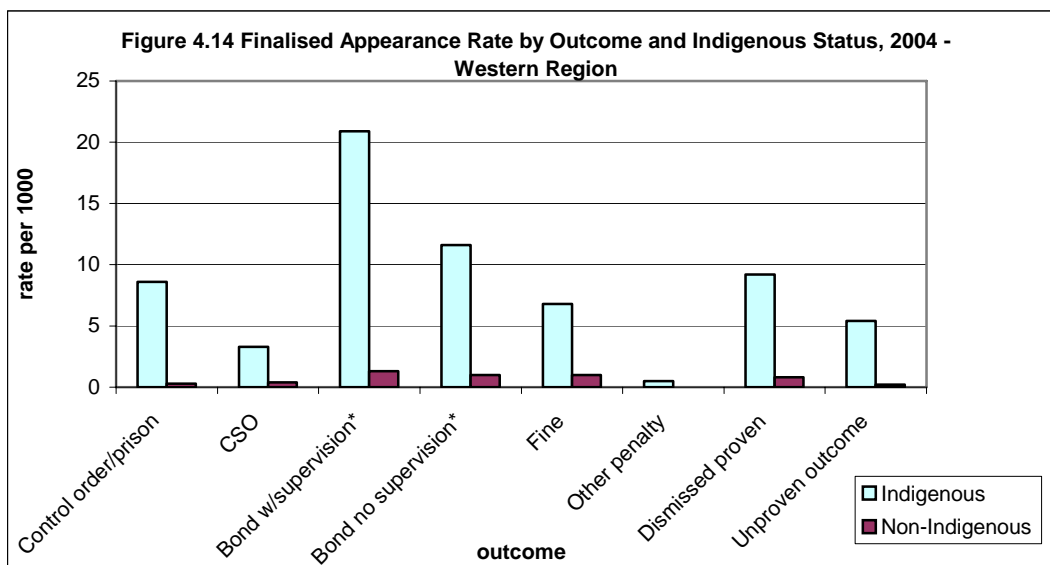
The following Figures 4.13 and 4.14 show specific data for the Southern region.<sup>37</sup> Figure 4.13 shows the comparative rate of court outcomes for Indigenous young people for the five year period 2000-2004. Control orders have declined substantially from their level in 2000. CSOs have also declined. Bonds with supervision have increased since 2000.

<sup>37</sup> See Appendix 1, Tables A.20 and A.21 for supporting data.



Note: \* includes probation and suspended sentence

Figure 4.14 shows the comparative rates between Indigenous and non-Indigenous court outcomes for 2004. Rates are much higher for Indigenous young people in all outcome areas.



Note: \* includes probation and suspended sentence

#### 4.2.9 Improving Policing, Court and Diversionary Processes

The following Figures 4.15 to 4.21 focus on areas where process can be improved.<sup>38</sup> These include the following:

- increasing conferencing
- decreasing court appearances by way of arrest and charge rather than attendance notice
- decreasing control orders for under 15 year olds
- decreasing control orders for less serious offences
- decreasing control orders for those who have not previously had a CSO
- decreasing control orders for those with less than three previous convictions

Figure 4.15 shows the proportion of Indigenous young people who had their first conviction without previously attending a youth justice conference. Most Indigenous young people are still attending court with no previous opportunities to participate in a YJC. In four out of five regions over 80% of Indigenous appearances have not previously attended a YJC.

This is particularly disturbing given that research suggests YJCs are more successful than court in reducing re-offending (Luke and Lind 2002). We also note that the proportion of young people appearing in court without previously attending a YJC has increased over the 2000-2004 period, and the situation is also problematic for non-Indigenous youth.<sup>39</sup>

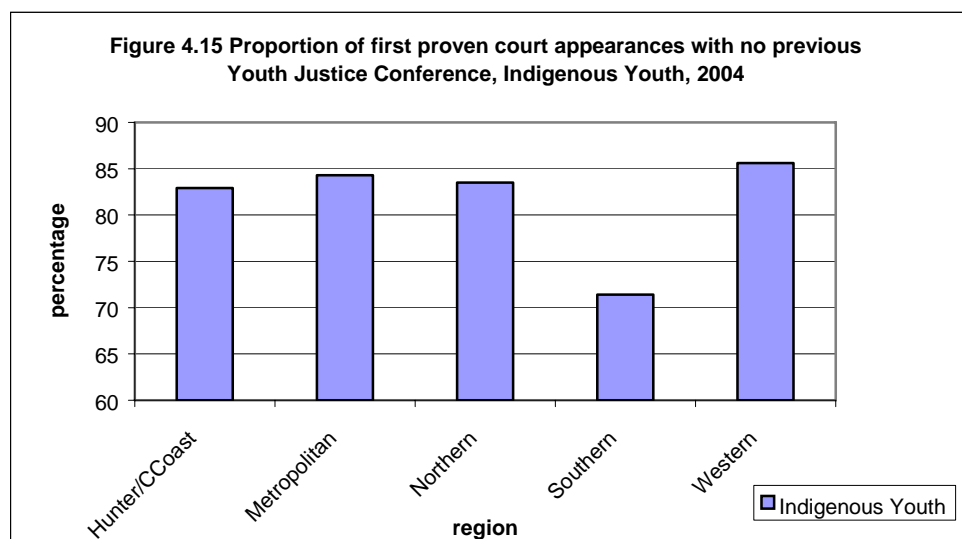


Figure 4.16 shows the proportion of court appearances by way of arrest and charge, rather than alternative processes of CAN. There are still very high levels of charge – particularly in the Metropolitan region. However, we note a large drop in most

<sup>38</sup> Supporting data for the Figures used in this section can be found in Appendix 1 Tables A.22 to A.28

<sup>39</sup> See Appendix 1, Table A.22

regions in 2004 from previous years (except in the Metropolitan region)<sup>40</sup> as a result of the introduction of new processes (see Chapter 3 for discussion)

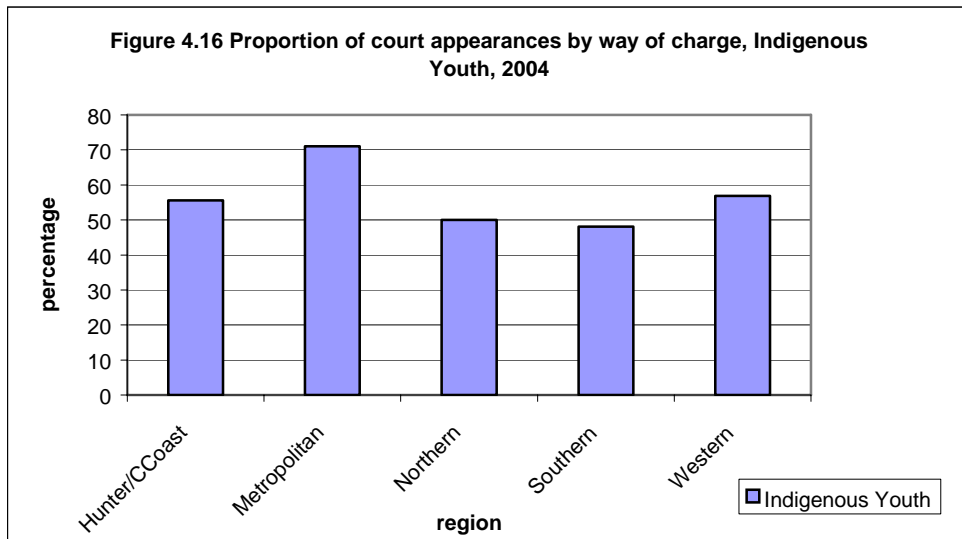
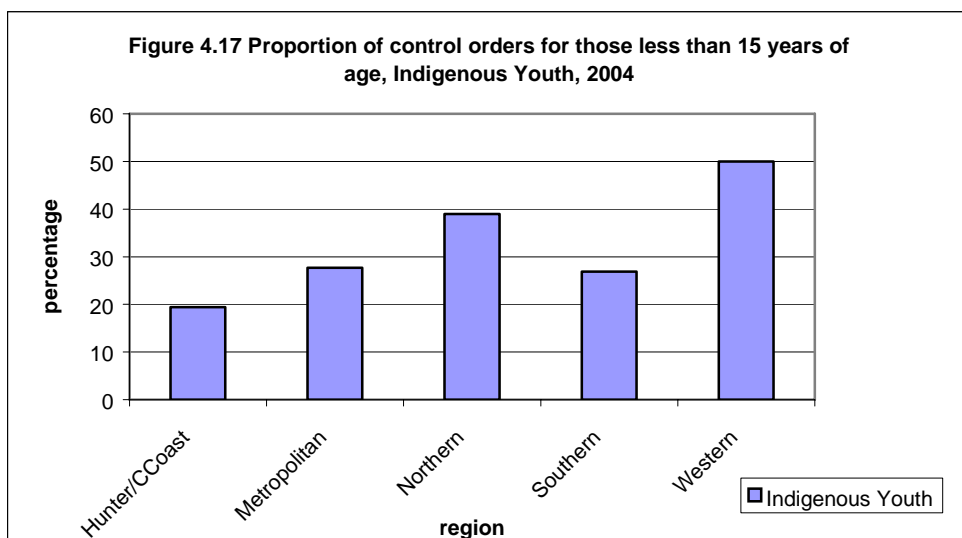


Figure 4.17 shows the proportion of control orders in 2004 for those who are less than 15 years of age. There are significant differences between regions with Northern and Western regions having particularly high use of control orders with very young clients. The figure shows that in the Western region 50% of control orders for Indigenous young people involved children under the age of 15 years. The average over the five year period for the Western region was 31%.<sup>41</sup>

The data shown in Figure 4.17 implies the need for strategic interventions by DJJ, in cooperation with the Children’s Court, to reduce incarceration of Indigenous young people from this age group.



<sup>40</sup> See Appendix 1, Table A.23

<sup>41</sup> See Appendix 1, Table A.24



Figure 4.18 shows the percentage of control orders for matters involving less serious offences in 2004. By 'less serious offences' we are referring to drug offences, property damage, public order, traffic, justice and miscellaneous offences. The use of control orders for less serious offences is an issue in the sentencing of Indigenous young people in Southern region. This has been the case over the five year period 2000-2004.<sup>42</sup>

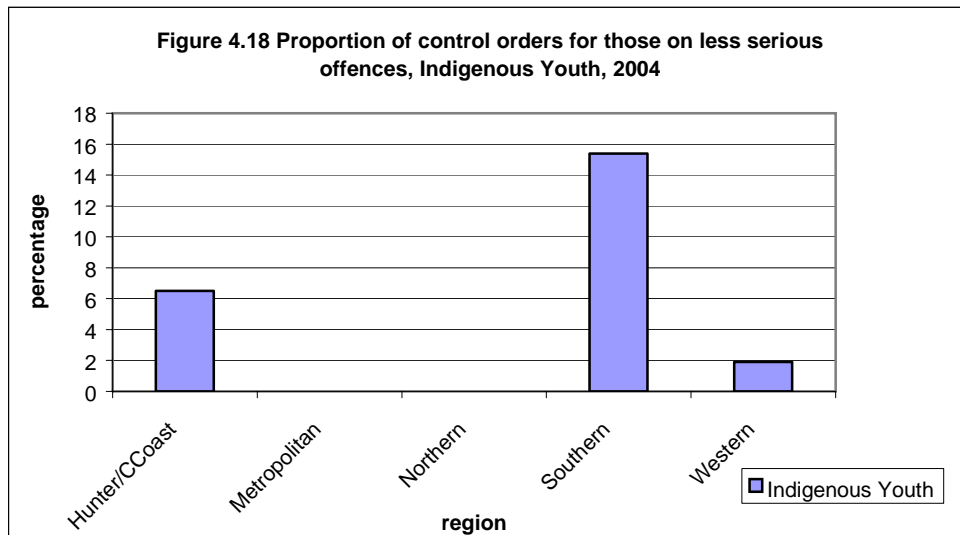


Figure 4.19 shows the proportion of control orders for Indigenous young people where they have not previously been given a CSO. In all regions the proportion is over 50% of the cases, and is particularly high in the Metropolitan region. The proportion of control orders without previous CSOs has increased over the five year period.<sup>43</sup>

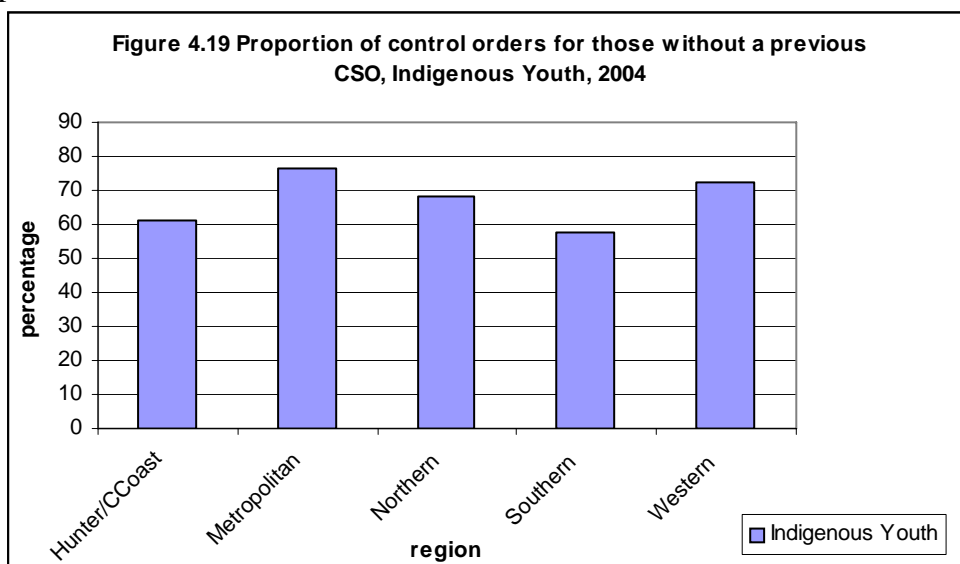


Figure 4.20 shows the proportion of control orders where there was no previous proven court appearance. In other words this is a measure of the use of control orders

<sup>42</sup> See Table A.25 in Appendix 1.

<sup>43</sup> See Table A.26 in Appendix 1.

for Indigenous first offenders. Generally the proportion is low, although there is a disparity, with Metropolitan and Northern regions much higher than other areas. This may suggest more serious ‘first’ offending, or a difference in sentencing across regions.

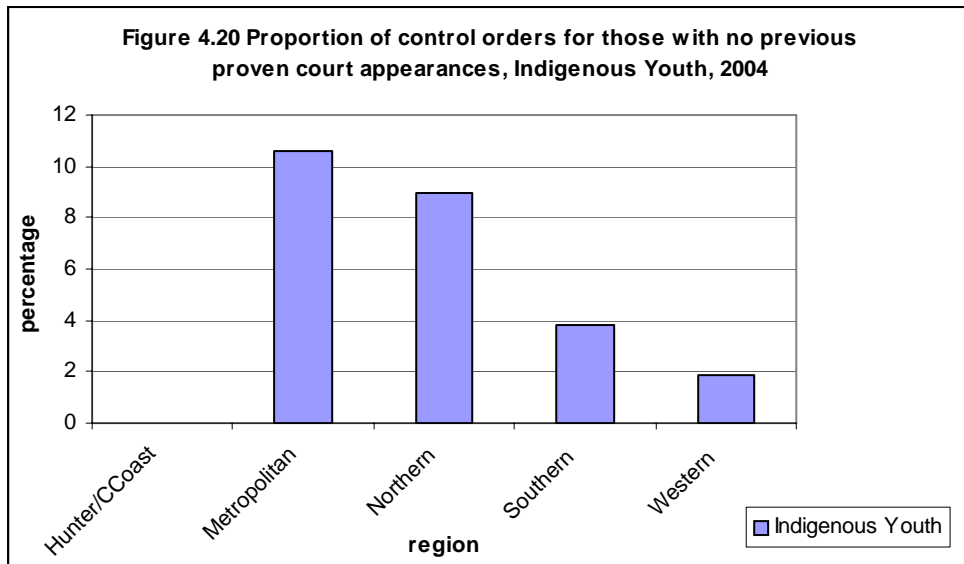
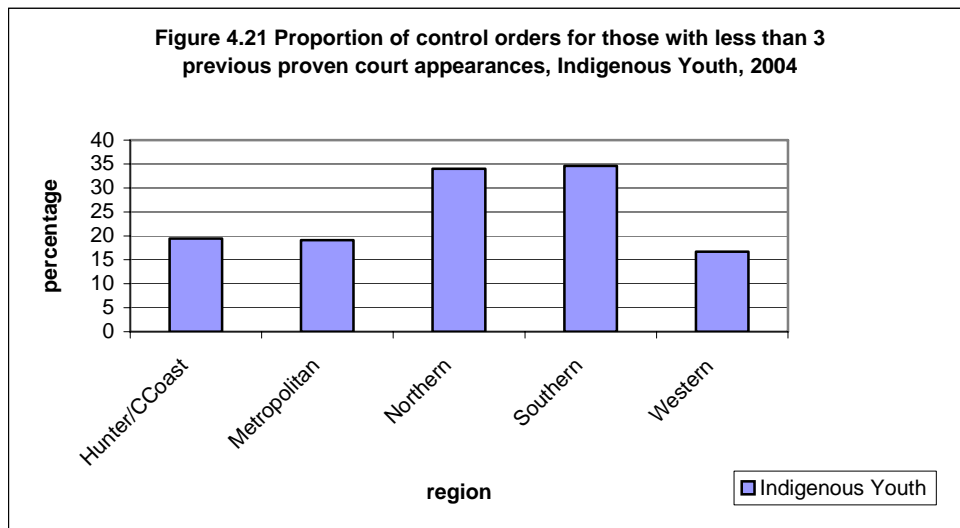


Figure 4.21 shows the proportion of control orders where there were less than three previous proven court appearances. In other words this is a measure of the use of control orders for Indigenous offenders without long criminal histories. The Northern and Southern regions stand-out as areas where control orders are used more frequently with offending with shorter criminal histories.



### **4.3 FINDINGS, IMPLICATIONS AND RECOMMENDATIONS RELATING TO COURT APPEARANCES**

There has been a drop in court cases for Indigenous young people since the introduction of the AORSP. In 2004 the number of Indigenous finalised matters (1705) was 7.1% lower than in 2001, and 15.1% lower than in 2000. However, non-Indigenous finalised matters have also decreased by 12.5% since 2000.

Finalised court appearances as a rate per 1000 of the 10-17 Indigenous population have dropped by 21% (from 81.3 to 64.0 per 1000). The non-Indigenous rate has also declined by 18%.

The most significant difference between the way Indigenous and non-Indigenous young people are dealt with by the courts is in the use of control orders. On average over the five year period control orders comprised 16.7% of Indigenous court outcomes compared to 9.9% of non-Indigenous outcomes.

The percentage of court outcomes that resulted in a control order for Indigenous young people decreased over the five year period from 16.9% of all outcomes in 2000 to 15.1% in 2004. There has also been a slight drop in the rate of Indigenous over-representation for control orders between 2000 and 2004.

The use of supervised orders increased by 10.6 percentage points for Indigenous outcomes during the five year period, from 19% of all outcomes in 2000 to 29.6% in 2004.

Indigenous young people consistently have a much greater proportion of theft-related offences finalised in court compared to non-Indigenous young people (38.3% of Indigenous finalised matters in 2004 compared 27.6% of non-Indigenous matters).

Indigenous court appearances are younger and more likely to be by females than non-Indigenous appearances.

Consistent with the police intervention data, Western and Northern regions have the *most* Indigenous court appearances over the five years. In 2004 the highest *rates* are in the Northern and Southern regions.

Finalised court appearances for Indigenous young people have dropped in all regions except Southern where they have increased in 2004. The regional analysis shows that there are variations in the rates at which control orders are imposed and there are variations in the extent to which there has been a decline in the use of control orders.

There are also variations in how juvenile justice process might be improved. For example, Western region has the highest proportion of Indigenous court appearances where young people have not previously had the benefit of a Youth Justice Conference. The Southern region, by contrast, has a comparatively high proportion of Indigenous young people receiving control orders for less serious offences.

**Recommendation 16 Court Appearances and Court Outcomes**

The evaluation has provided a preliminary regional analysis of differences in court processes and sentencing patterns. The analysis suggests that reductions in court appearances and in the incarceration of Indigenous young people could be attained through strategic interventions by DJJ, in cooperation with the Children's Court, which are regionally and court specific. Such a strategy might focus on, for example, reducing the use of control orders for Indigenous young people under 15 years of age, particularly in the Northern and Western regions, or reducing the use of control orders for less serious offences in the Southern region. It is recommended that the Manager of the Aboriginal Unit develop a strategic initiative, including

- \* Specific analysis of further DJJ resource requirements to provide courts with alternatives in identified areas
- \* Further specific regional research to prioritise locations and the outcomes sought
- \* The establishment of a joint initiative between DJJ and the Judicial Commission to monitor juvenile sentencing patterns.

## **5. RECIDIVISM**

As noted previously, a major goal of the AORSP is to reduce re-offending by Indigenous young people, in particular those receiving a control order.

There are two major methodological difficulties in trying to identify if a particular program has reduced re-offending:

- The problem with measuring re-offending, and
- The problems associated with attributing any change in re-offending to the effects of the program.

These issues are discussed below.

### **5.1 MEASURING RE-OFFENDING**

The present analysis uses subsequent offences<sup>44</sup> resulting in youth justice conferences and proven children's court appearances as a proxy for re-offending. This measure excludes other subsequent formal interventions such as warnings, cautions and infringement notices. However, it does at least tend to cover the more serious matters.

We realize this is a limited measure. Problems with linking individual identities across the police and court information systems make it very difficult to include all legal sanctions in re-offending analyses at this time. Nonetheless the court appearance and conference data should at least provide a useful indicator of changes in re-offending rates.

For this study re-offending rates for all those with a finalised court appearance or youth justice conference in the six month period July to Dec 2000 are compared with those in the six month period July to Dec 2003. Those with unknown Indigenous status have been excluded from the analysis.

This allows a comparison of re-offending rates before and after the implementation of the AORSP. Court and conference data was available to December 2004 allowing a minimum follow-up period of 12 months. As adult court appearance information was not available in this study, follow-up is less than 12 months for those turning 18 during the period.

### **5.2 ATTRIBUTING ANY CHANGE TO THE AORSP**

Without random allocation of young people to treatment and control groups it is very difficult to be sure if any change in re-offending patterns is due to the program or a range of other factors such as changes in general police or court practices, demographic changes such as increasing average age, or changes in community

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<sup>44</sup> The earliest offence date for matters at a finalised court appearance and the earliest arrest date for matters at a youth justice conference must be within the follow-up period for it to be counted as a re-offence. Many court appearances and conferences in the follow-up period are for offences that occurred before the follow-up period and are therefore not considered re-offences in this analysis.

relationships or attitudes. In the case of evaluating a ‘strategic plan’ the problem is further exacerbated because of multiple programs and strategies within the plan. As noted in Chapter One the AORSP has 60 strategies across nine KRAs.

For the purposes of this study a number of measurable characteristics known to generally influence offending rates are included in the analysis and regression techniques have been used to try to isolate the effects of these variables. While this approach does not take account of all measurable and unmeasurable influences on re-offending rates, it should help to exclude the main factors likely to skew the results.

In order to give a readily understood and broad perspective for the reader a number of indicators have been used to measure re-offending in this paper: the proportion who have re-offended in 3, 6 and 12 months; the average number of days to re-offence and the average reappearance rate. The short follow-up periods in this study however make it difficult to effectively test whether there has been a change in offence seriousness of re-offences.

### 5.3 THE PROPORTION WHO RE-OFFEND

Tables 5.1 to 5.3 show re-offending within three, six and twelve months respectively, for Indigenous and non-Indigenous young people.

**Table 5.1**  
**Comparison of Pre and Post AORSP by Indigenous Status. Proportion Re-offending within 3 months**

Re-offended within three months	Indigenous		non-Indigenous	
	No.	%	No.	%
Pre-AORSP	241	26.2	351	19.0
Post-AORSP	170	22.7	215	16.7

Chi-square: not significant for Indigenous or non-Indigenous

**Table 5.2**  
**Comparison of Pre and Post AORSP by Indigenous Status. Proportion Re-offending within 6 months**

Re-offended within six months	Indigenous		non-Indigenous	
	No.	%	No.	%
Pre-AORSP	345	40.6	524	31.9
Post-AORSP	257	37.3	338	29.3

Chi-square: not significant for Indigenous or non-Indigenous

**Table 5.3**  
**Comparison of Pre and Post AORSP by Indigenous Status. Proportion Re-offending within 12 months**

Re-offended within 12 months	Indigenous		non-Indigenous	
	No.	%	No.	%
Pre-AORSP	396	55.9	581	44.0
Post-AORSP	282	49.1	351	39.1

Indigenous: Chi-square = 5.89, df = 1, p < 0.05

Non-Indigenous: Chi-square = 5.26, df = 1, p < 0.05

The above three Tables show that the proportion of Indigenous young people who re-offend is higher than non-Indigenous young people over three, six and twelve month periods.

Tables 5.1 to 5.3 also show that the proportion of young people who re-offend has decreased for both Indigenous and non-Indigenous offenders when comparing the pre and post AORSP periods. This result is not surprising given other changes that have occurred over the same period. Our measure of re-offending is subsequent proven court appearances and conferences, and in earlier chapters we have shown that police have reduced their use of these options when compared with warnings, cautions and infringement notices. This means that those who do actually re-offend are more likely to receive a warning, caution or infringement notice rather than a court appearance or conference and will thus be missed in our analysis of re-offending.

More relevant for this study is whether the decrease in re-offending has been greater for Indigenous offenders than for non-Indigenous offenders. The data suggests that the degree of change has been similar for the two groups with a 12.2% drop in the proportion of Indigenous offenders that re-offend within twelve months compared with 11.1% for non-Indigenous offenders.

When the analysis is restricted only to those receiving control orders a similar pattern emerges. Both Indigenous and non-Indigenous offenders show a drop in the number who have reappeared within 12 months – a 15.4% decrease for Indigenous offenders and 12.8% for the non-Indigenous. This difference is not statistically significant.

**Table 5.4**  
**Comparison of Pre and Post AORSP by Indigenous Status - Proportion Re-offending within 12 months - Control Orders Only**

Re-offended within 12 months	<i>Indigenous</i>		Non-Indigenous	
	No.	%	No.	%
Pre-AORSP	65	72.2	62	71.3
Post-AORSP	44	61.1	41	62.2

Chi-square: not significant for Indigenous or non-Indigenous

## 5.4 TIME TO RE-OFFEND

A more detailed look at the time to re-offend can be obtained by using a Cox proportional hazards regression. This type of survival analysis builds an estimate of the proportion who have re-offended at any time during the follow-up period and is able to effectively use more of the available data.<sup>45</sup> In addition the regression model helps to separate the effects of the different factors in determining the re-offending rate. For example, it can separate the effect of changes in the demographics of the offender population over time and give a better estimate of the sole effect of changes in policing practice.

In this analysis the effects of gender, age at first appearance, age at reference appearance<sup>46</sup>, number of previous proven appearances, number of previous control orders, most serious previous offence and whether pre- or post-AORSP have been calculated. Table 5.5 below summarizes the results, those in bold are statistically significant.

**Table 5.5**

**Cox Proportional Hazards Model of Time to Re-offend for Indigenous Offenders in Both the Pre and Post AORSP Groups**

Variable	DF	Parameter Estimate	Standard Error	Chi-Square	Pr > ChiSq	Hazard Ratio
Females vs Males	1	-0.22255	0.09592	5.3834	0.0203	<b>0.800</b>
Increasing age at first appearance	1	-0.16390	0.04039	16.4648	<.0001	<b>0.849</b>
Increasing age at reference appearance	1	0.06992	0.04299	2.6454	0.1038	1.072
Increasing number of previous proven appearances	1	0.09028	0.01594	32.0685	<.0001	<b>1.094</b>
Increasing number of previous control orders	1	-0.03876	0.03674	1.1130	0.2914	0.962
Decreasing prior offence seriousness	1	0.06431	0.04198	2.3474	0.1255	1.066
Post AORSP vs pre AORSP	1	-0.28523	0.08632	10.9193	0.0010	<b>0.752</b>

Note: 1794 records, 941 censored

Table 5.5 shows results for Indigenous offenders only. The analysis indicates that females, those with later first court appearances or conferences and those in the post AORSP period all have a lower likelihood of re-offending. Those with a greater number of prior proven appearances are more likely to re-offend.

<sup>45</sup> Including 'censored' records – those where there was no re-offending by the end of the follow-up period or by age 18 - and those from early in the comparison period that had more than 12 months follow-up.

<sup>46</sup> The reference appearance is that appearance tested for re-offending.



The Hazard ratio estimates the size of each effect independently. For example, females are 20% (ie 1 - 0.800) less likely to re-offend than males and those appearing post AORSP are 25% (ie 1 - 0.752) less likely to re-offend than those appearing pre-AORSP.

The same analysis carried out for non-Indigenous offenders produces a hazard ratio of 0.735 for post vs pre AORSP appearances, confirming that the re-offending rates for both Indigenous and non-Indigenous offenders have dropped by the same amount<sup>47</sup> and that the AORSP appears to have had little measurable effect on Indigenous re-offending rates.

When restricted to those who had control orders the Cox regression results are shown in Table 5.6.

**Table 5.6**  
**Cox Proportional Hazards Model of Time to Re-offend for Indigenous Offenders in Both the Pre and Post AORSP Groups – Control Orders Only**

Variable	DF	Parameter Estimate	Standard Error	Chi-Square	Pr > ChiSq	Hazard Ratio
Females vs males	1	0.07750	0.28172	0.0757	0.7832	1.081
Increasing age at first appearance	1	-0.17234	0.09691	3.1622	0.0754	0.842
Increasing age at reference appearance	1	0.08618	0.11291	0.5826	0.4453	1.090
Increasing number of previous proven appearances	1	0.06009	0.03836	2.4543	0.1172	1.062
Increasing number of previous control orders	1	0.00697	0.07107	0.0096	0.9219	1.007
Decreasing prior offence seriousness	1	-0.02438	0.09772	0.0623	0.8030	0.976
Post AORSP vs pre AORSP	1	-0.55988	0.26404	4.4961	0.0340	<b>0.571</b>

241 records, 96 censored

In this case the hazard ratio for the pre- and post-AORSP comparison is 0.571 indicating a 43% reduction in the likelihood of re-offending for Indigenous young people on control orders. In comparison the hazard ratio for non-Indigenous offenders on control orders is 0.341 or a 66% reduction. While the numbers are small, these results suggest that the AORSP has not increased the number of days to re-offend for Indigenous young people released from a control order.

## 5.5 AVERAGE NUMBER OF REAPPEARANCES

Another test of re-offending involves the reappearance rate, that is the number of reappearances per year.

<sup>47</sup> An alternative Cox regression for both Indigenous and non-Indigenous offenders in the pre-AORSP period provides an estimate that Indigenous offenders are 12% more likely to re-offend than non-Indigenous offenders. The same regression for the post-AORSP period estimates this value at 10%. In other words there is no significant difference since AORSP has been introduced.

Table 5.7 below compares the mean reappearance rate for Indigenous and non-Indigenous offenders. Both groups show a significant decrease over time in their mean reappearance rate, but the relative decrease for Indigenous offenders is larger (18% for Indigenous offenders compared to 9% for non-Indigenous offenders).

**Table 5.7**  
**Comparison of Pre and Post AORSP by Indigenous Status. Reappearances per Year.**

Reappearances per year	Indigenous		non-Indigenous	
	No.	mean	No.	mean
Pre-AORSP	984	0.875	2022	0.620
post-AORSP	810	0.716	1437	0.565

Indigenous: Kruskal-Wallis Chi-square = 13.46, df = 1, p < 0.05

Non-Indigenous: Kruskal-Wallis Chi-square = 6.90, df = 1, p < 0.05

At first view this seems to indicate that perhaps the AORSP has made an impact. However a negative binomial regression, using the same independent variables as in the Cox regression, was carried out for Indigenous offenders to try to estimate the separate contributions to the decrease. The results are summarised in the table below and indicate that once other factors such as gender, age and prior record are taken into account the drop in reappearance rate is very similar for Indigenous and non-Indigenous offenders.

In the regression table below the ratio of incidence rates has a similar meaning to the hazard ratio in the Cox regression of days to re-offend. As can be seen there is a near-significant (p = 0.0513) estimate of a 17% reduction (1-0.8306) in reappearance rate post-AORSP. The same regression carried out only with non-Indigenous offenders estimates a 19% reduction for post AORSP, reinforcing the picture that the AORSP has not had a noticeable effect on Indigenous re-offending rates<sup>48</sup>. When other factors are taken into account (such as differences in criminal history) it appears that the drop in reappearance rate is no greater for Indigenous than non-Indigenous offenders and at this stage the AORSP does not appear to have had an effect on reappearance rates of Indigenous offenders.

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<sup>48</sup> An alternative negative binomial regression for both Indigenous and non-Indigenous offenders in the pre-AORSP period provides an estimate that Indigenous offenders have a 20% higher re-offending rate pre-AORSP. The same regression for the post-AORSP period estimates this value at 17%. This further supports the conclusion that the AORSP has not reduced the re-offending rate of Indigenous offenders.

**Table 5.8****Negative Binomial Model of Reappearance Rate for Indigenous Offenders in Both the Pre and Post AORSP Groups**

Parameter	DF	Estimate	Standard Error	Wald 95% Confidence Limits		Chi-Square	Pr > ChiSq	Ratio of incidence rates
Intercept	1	-8.6056	0.4539	-9.4953	-7.7159	359.41	<.0001	
Females vs males	1	-0.1214	0.1026	-0.3224	0.0797	1.40	0.2367	0.8857
Increasing age at first appearance	1	-0.0622	0.0478	-0.1559	0.0314	1.70	0.1926	0.9397
Increasing age at reference appearance	1	0.2210	0.0523	0.1185	0.3234	17.86	<.0001	<b>1.2473</b>
Increasing number of previous proven appearances	1	0.0970	0.0202	0.0574	0.1366	23.05	<.0001	<b>1.1018</b>
Increasing number of previous control orders	1	0.0935	0.0480	-0.0005	0.1875	3.80	0.0513	1.0980
Decreasing prior offence seriousness	1	0.0665	0.0478	-0.0273	0.1602	1.93	0.1645	1.0687
Post AORSP vs pre AORSP	1	-0.1856	0.0952	-0.3723	0.0011	3.80	0.0513	0.8306
Dispersion	1	1.0624	0.0948	0.8919	1.2656			

Observations used = 1794

Table 5.9 below shows the results when the analysis is restricted to those receiving control orders. The regression in Table 5.9 indicates a marginally significant reduction in the rate of reappearance of 40% for Indigenous offenders after control orders. The same analysis for non-Indigenous offenders indicates a decrease of 24% over time. However this result is not statistically significant.

**Table 5.9**  
**Negative Binomial Model of Reappearance Rate for Indigenous Offenders in**  
**Both the Pre and Post AORSP groups – Control Orders Only**

Parameter	DF	Estimate	Standard Error	Wald 95% Confidence Limits		Chi-Square	Pr > ChiSq	ratio of incidence rates
Intercept	1	-9.0890	1.3845	-11.8026	-6.3755	43.10	<.0001	
females vs males	1	-0.2625	0.3119	-0.8737	0.3488	0.71	0.4000	0.7692
Increasing age at first appearance	1	-0.0432	0.1095	-0.2578	0.1713	0.16	0.6928	0.9577
Increasing age at reference appearance	1	0.3057	0.1310	0.0490	0.5624	5.45	0.0196	<b>1.3576</b>
Increasing number of previous proven appearances	1	0.0286	0.0425	-0.0547	0.1120	0.45	0.5007	1.0291
Increasing number of previous control orders	1	0.1726	0.0825	0.0110	0.3343	4.38	0.0363	<b>1.1884</b>
decreasing prior offence seriousness	1	-0.0997	0.1128	-0.3207	0.1213	0.78	0.3766	0.9051
post AORSP vs pre AORSP	1	-0.5179	0.2938	-1.0938	0.0580	3.11	0.0779	0.5957
Dispersion	1	0.7683	0.1862	0.4778	1.2353			

Note: Observations used = 241

In summary, this re-offending analysis has found that there has been a significant reduction for both Indigenous and non-Indigenous offenders in the re-offending rates<sup>49</sup> when they are compared before and after the introduction of the AORSP.

This reduction is found for all three measures of re-offending used: the proportion who have re-offended in a certain period, the average days to re-offend and the rate of reappearance over twelve months. It is also found both for all offenders during the period, as well as those who had control orders. However there is no measurable evidence on the basis of the data that the AORSP has caused this reduction in re-offending as the decrease has been the same for both Indigenous and non-Indigenous offenders.

Changes in police intervention patterns over the period have resulted in greater use of cautions, warnings and infringement notices, and thus lower proportional use of

<sup>49</sup> Within the context of our previous definition and caveats regarding 're-offending'.

conferences and court appearances. It is most likely that this has been one cause of the apparent reduction in re-offending as these non-court, non-conference options were not able to be included in the re-offending analysis.

It is arguable the AORSP itself has played some small role in the overall shift in police practices as it re-emphasised the need for greater use of diversionary strategies.

## **5.6 FINDINGS, IMPLICATIONS AND RECOMMENDATIONS RELATING TO RE-OFFENDING**

The measures we have used for re-offending are limited. However, they should cover more serious offences. Three different measures of re-offending confirm the picture of re-offending summarised below.

- The proportion of Indigenous young people who re-offend is higher than non-Indigenous young people over three, six and twelve month periods.
- The proportion of young people who re-offend has decreased for both Indigenous and non-Indigenous offenders when comparing the pre and post AORSP periods.
- The degree of change has been similar for the two groups with a 12.2% drop in the proportion of Indigenous offenders that re-offend within twelve months compared with 11.1% for non-Indigenous offenders.
- When the analysis is restricted only to those receiving control orders a similar pattern emerges. Both Indigenous and non-Indigenous offenders show a drop in the number who have reappeared within 12 months – a 15.4% decrease for Indigenous offenders and 12.8% for the non-Indigenous. This difference is not statistically significant.
- Time to re-offend analysis confirms that the re-offending rates for both Indigenous and non-Indigenous offenders have dropped by the same amount and that the AORSP appears to have had little measurable effect on Indigenous re-offending rates.
- Another test of re-offending involves the reappearance rate, and both Indigenous and non-Indigenous groups show a significant decrease over time in their mean reappearance rate.

In summary, the re-offending analysis has found that there has been a significant reduction for both Indigenous and non-Indigenous offenders in the re-offending rates when they are compared before and after the introduction of the AORSP. This reduction is found for all three measures of re-offending used. However there is no measurable evidence on the basis of the data that the AORSP has caused this reduction in re-offending as the decrease has been the same for both Indigenous and non-Indigenous offenders.

### **5.6.1 Future Analysis of Re-Offending**

To give a better picture of re-offending in future evaluations of Department of Juvenile Justice policies it would be advantageous to have access to details of adult offences and of interventions other than just conferences and proven court appearances.

The NSW Bureau of Crime Statistics and Research *Re-offending database* combines DJJ information about conferences and Children's Court appearances with adult court information and thus allows follow-up after age 18. However this still leaves out the majority of formal police interventions: warnings, cautions and infringement notices. These are recorded in the COPS system but difficulties in linking individual's identities in COPS and those in the *Re-offending database* have restricted the use of the combined information in re-offending analyses.

The inclusion of the formal police interventions of warnings, cautions and infringement notices is important not only to provide a more complete picture of re-offending. It is also important given that the focus of reform in juvenile justice over the last decade has been on the use of alternatives to formal court proceedings for young offenders.

**Recommendation 17 Re-Offending**

It is recommended that DJJ request the NSW Bureau of Crime Statistics and Research to extend its *Re-Offending Database* to include COPS information about alternative interventions of warning, cautions and infringement notices. The methods the Bureau has used to date to match identities from the DJJ and adult court databases could be extended to the COPS data.

**Recommendation 18 Re-Offending**

It is also recommended that databases be maintained in a timely fashion so that evaluation studies can be completed with less delay and thus have more relevance. The timeliness of information is especially important in re-offending analyses as longer follow-up periods allow a more complete picture of re-offending. The present study, carried out in late 2005 was only able to access data up to the end of 2004. This restricted both the choice of the original offence period for study and the length of follow-up period.

## 6. DETENTION: SENTENCED AND REMAND

This section of the evaluation considers various aspects of the detention centre population and recent changes to that population. The initial discussion is on comparative rates of detention. The final section deals with issues related to remand and sentenced populations.

### 6.1 NATIONAL COMPARISONS JUVENILE DETENTION

National data on juvenile detention is available to 30 June 2004 and provides a snapshot at the last day of each quarter. Generally juvenile detention rates in New South Wales are above the national average. Indeed over the last 23 years for which data is available, the only time the rate in New South Wales was lower than the national figure was on 30 June 1985. Table 6.1 below shows the last six years to 30 June 2004, with New South Wales consistently above the national average, and well above the other major eastern States of Victoria and Queensland.

**Table 6.1 Juvenile Detention. Australia**  
**Rate per 100,000 Persons Aged 10-17 in Juvenile Detention as at 30 June 1999-2004**

Year	NSW	VIC	QLD	WA	SA	TAS	NT	ACT	AUS
1999	39.4	11.8	33.7	57.1	20.9	55.5	57.3	44.0	32.8
2000	38.5	10.1	24.7	51.9	36.2	40.5	49.5	41.2	30.7
2001	32.2	12.7	20.3	43.3	34.4	67.0	24.0	68.4	27.9
2002	28.0	10.9	22.7	35.1	28.9	47.3	83.8	41.4	25.0
2003	30.5	14.4	23.2	46.3	43.7	34.6	92.1	64.2	29.1
2004	27.2	11.7	20.6	51.9	31.5	32.7	39.8	45.1	25.5

Source: adapted from Veld and Taylor 2005:17.

The data in Table 6.1 is shown in Figure 6.1 and compared for New South Wales and Australia. Figure 6.1 shows a decline in juvenile detention rates over the period.

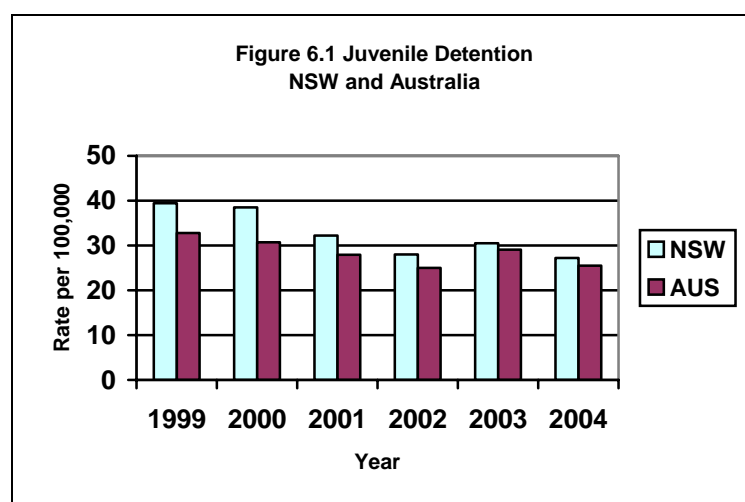


Table 6.2 shows the rate of detention for Indigenous young people throughout Australia at the end of each quarter for the period 1999 to 2004. New South Wales has had higher rates of incarceration for Indigenous young people than most States.

**Table 6.2 Juvenile Detention. Indigenous Young People  
Rate per 100,000 Persons Aged 10-17 in Juvenile Detention, Quarterly 1999-2004**

Year	NSW	VIC	QLD	WA	SA	TAS	NT	ACT	AUS
<b>1999</b>									
31Mar	365.6	225.0	369.6	714.3	320.9	-	222.4	261.8	389.9
30Jun	365.6	225.0	330.5	714.3	213.9	-	101.1	261.8	357.5
30Sep	326.2	202.5	234.8	564.8	363.6	-	101.1	392.7	303.9
31Dec	302.7	247.5	234.8	664.5	213.9	-	121.3	261.8	306.4
<b>2000</b>									
31Mar	347.0	192.2	289.2	676.9	182.7	-	59.3	241.0	326.3
30Jun	398.1	85.4	244.4	590.3	304.5	-	108.8	241.0	323.9
30Sep	295.8	149.5	215.9	543.1	304.5	-	98.9	241.0	278.1
31Dec	281.2	128.2	175.2	495.9	345.1	-	197.8	722.9	272.3
<b>2001</b>									
31Mar	337.0	116.7	257.4	599.2	248.3	-	129.2	283.7	309.5
30Jun	384.9	175.0	240.2	623.2	165.6	-	59.6	851.1	318.1
30Sep	412.4	213.9	197.3	623.2	289.7	-	59.6	851.1	324.2
31Dec	349.6	77.8	197.3	623.2	413.9	-	139.2	709.2	312.0
<b>2002</b>									
31Mar	331.0	125.8	254.9	545.6	454.2	-	135.5	535.5	313.8
30Jun	312.4	125.8	234.7	430.3	394.9	-	145.2	401.6	281.4
30Sep	327.2	215.6	206.4	522.6	473.9	-	193.6	937.1	312.7
31Dec	345.8	89.8	182.1	576.3	572.7	-	203.3	0.0	310.4
<b>2003</b>									
31Mar	402.8	219.8	222.1	741.6	495.6	186.5	181.1	512.8	362.3
30Jun	339.2	169.1	237.4	578.4	610.0	133.2	152.5	384.6	320.9
30Sep	314.5	219.8	195.3	682.2	324.1	53.2	162.0	641.0	303.9
31Dec	318.0	219.8	187.6	652.6	228.7	293.0	114.4	256.4	294.3
<b>2004</b>									
31Mar	352.2	290.5	226.5	697.8	390.0	183.5	83.6	495.7	329.2
30Jun	372.5	193.7	200.9	654.6	390.0	104.9	74.3	619.6	312.9

Source: adapted from Veld and Taylor 2005:25.

Figure 6.2 shows that the New South Wales rate has been consistently higher than the national rate, except for the March and December quarters of 1999.



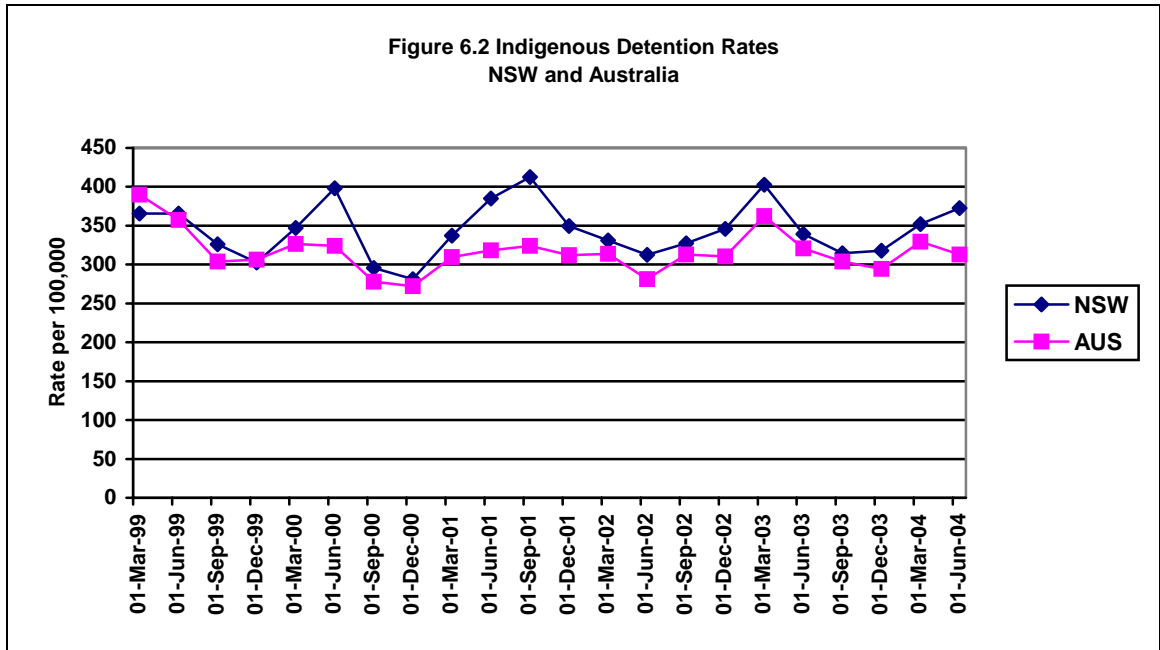


Table 6.3 shows the rate of detention for non-Indigenous young people throughout Australia on a quarterly basis for the period 1999 to 2004. New South Wales has generally tended to have higher rates of incarceration for non-Indigenous young people than the other eastern States of Victoria and Queensland. It has also been higher than the national rate, although at the 30 June 2004 the difference was slight.

**Table 6.3 Juvenile Detention. Non-Indigenous Young People.  
Rate per 100,000 Persons Aged 10-17 in Juvenile Detention, Quarterly 1999-2004**

Year	NSW	VIC	QLD	WA	SA	TAS	NT	ACT	AUS
<b>1999</b>									
31Mar	28.0	11.3	15.1	23.7	20.9	-	27.5	5.6	19.9
30Jun	27.2	10.0	15.9	18.9	15.2	-	27.5	39.3	19.0
30Sep	24.7	14.7	18.0	20.3	23.5	-	41.3	14.0	20.2
31Dec	22.3	10.3	11.2	16.4	16.5	-	41.3	19.6	16.1
<b>2000</b>									
31Mar	23.1	9.0	13.7	19.1	19.6	-	24.7	28.1	17.2
30Jun	24.1	9.4	10.8	19.1	27.9	-	19.8	36.5	17.8
30Sep	21.8	10.6	8.8	22.0	25.3	-	29.7	39.3	17.2
31Dec	21.1	9.6	8.8	16.3	29.8	-	29.7	25.3	16.2
<b>2001</b>									
31Mar	17.4	11.4	9.9	13.2	31.6	-	46.9	27.9	15.5
30Jun	19.3	11.1	7.3	9.0	30.4	-	0.0	53.0	15.1
30Sep	21.4	10.7	8.9	16.5	23.4	-	13.4	41.9	16.2
31Dec	16.1	10.5	7.8	24.6	28.5	-	20.1	47.4	15.5
<b>2002</b>									
31Mar	17.0	11.8	8.9	17.4	22.9	-	20.4	19.7	14.7
30Jun	17.0	9.6	9.7	10.8	17.2	-	40.8	33.8	13.5
30Sep	18.6	9.1	10.9	10.8	21.6	-	27.2	22.5	14.2
31Dec	16.7	8.9	10.9	12.3	22.2	-	27.2	28.2	13.8
<b>2003</b>									
31Mar	16.6	10.7	10.0	13.1	26.7	45.0	20.7	39.9	15.4
30Jun	18.0	12.6	9.5	12.7	24.8	27.4	48.4	57.1	16.1
30Sep	19.2	9.6	11.0	13.6	19.7	47.0	13.9	48.5	15.8
31Dec	16.3	8.6	7.3	15.5	19.7	37.2	20.8	37.1	13.7
<b>2004</b>									
31Mar	15.3	8.6	8.4	13.6	22.4	46.8	0.0	40.4	13.7
30Jun	12.6	9.5	8.7	12.6	19.2	27.3	13.9	31.7	12.2

Source: adapted from Veld and Taylor 2005:27.

Figure 6.3 shows a comparison between New South Wales and Australia for non-Indigenous detention rates. The last national quarterly figures for 30 June 2004 show that New South Wales had a rate close to the national rate. Figure 5.3 also shows the longer term decline in non-Indigenous detention rates for both NSW and Australia generally.

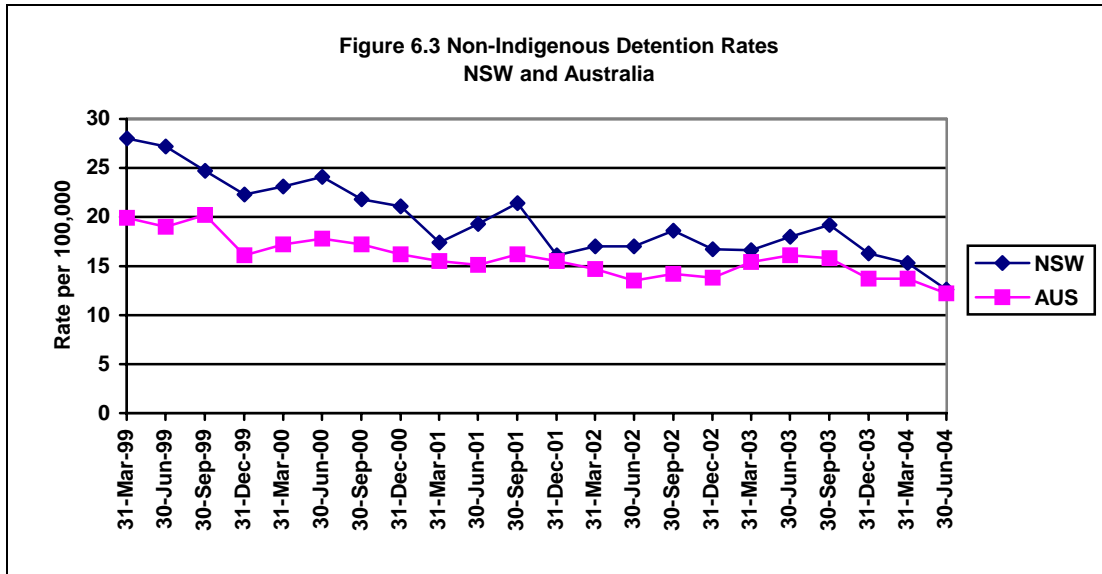


Figure 6.4 compares the Indigenous and non-Indigenous rates for New South Wales over the period 31 March 1999 to 30 June 2004.

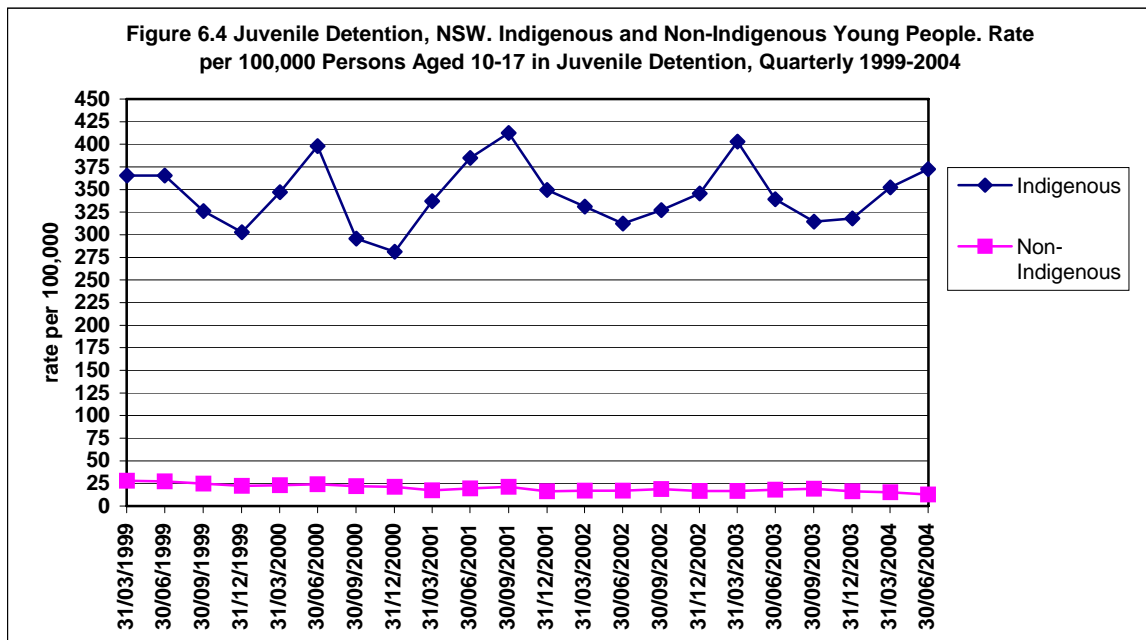


Table 6.2 and Figure 6.4 show that quarterly detention rates for Indigenous young people fluctuated, however the lowest rates for Indigenous detention over the 22 quarterly periods from 31 March 1999 to 30 June 2004 were in the September and December quarters of 2000 – prior to the introduction of the AORSP. Since then rates of Indigenous detention have been consistently higher, nor is it possible to discern any longer term decline from the beginning 1999.

An alternative measure of detention used by the Productivity Commission in the Report on Government Services (SCRGSP 2005) is to base the yearly rate on the average detention centre population at each quarter of the financial year – in other words the four quarterly rates are averaged to give an annual rate. This shows a

decline in Indigenous detention rates to June 2001 and an increase since then (that is, an increase since the introduction of the AORSP).

**Table 6.4 Average Rate of Detention of Indigenous Young People Aged 10-17 Years in Juvenile Detention, per 100,000 persons. As at 30 June 1999 to 30 June 2003.**

Year	New South Wales		
	Indigenous	Non-Indigenous	Over-Representation
1999	393.9	40.6	9.7
2000	343.5	35.5	9.7
2001	324.9	31.1	10.4
2002	351.4	30.0	11.7
2003	353.8	30.3	11.7

Source: adapted from SCRGSP (2005), Tables F.3 and F.6

<http://www.pc.gov.au/gsp/reports/rogs/2005/prefacef.pdf> Accessed 5/12/05.

Note: Detention rates based on average population of juvenile corrective institutions on the last day of each quarter of the financial year.

Table 6.4 also shows that non-Indigenous detention rates have been declining from June 1999 to June 2002 and steady since then. As a result of this decline and the increase in Indigenous rates, the rate of over-representation of Indigenous young people in detention is higher now than prior to when the AORSP was introduced.<sup>50</sup>

### 6.1.1 Age of Indigenous Young People in Detention

National data is also available on the age of young people in detention. We are particularly concerned with children under the age of 15 years in detention because of the long-term impact and increased likelihood that this group will become entrenched in the juvenile justice and then criminal justice system.<sup>51</sup>

**Table 6.5 Juvenile Detention. New South Wales and Australia. Indigenous and Non Indigenous by Number of Persons Aged 10-14 in Juvenile Detention at 30 June 1999-2004**

Year	New South Wales				Australia			
	<i>Indigenous</i>		<b>Non-Indigenous</b>		<i>Indigenous</i>		<b>Non-Indigenous</b>	
	No	%	No	%	No	%	No	%
1999	15	55.6	22	44.4	47	49.0	49	51.0
2000	19	78.9	12	21.1	59	61.5	37	38.5
2001	21	68.8	15	31.3	59	59.0	41	41.0

<sup>50</sup> Change in the rate of over-representation is affected by both Indigenous and non-Indigenous rates. For example, if both the Indigenous and the non-Indigenous rates of incarceration are declining, then there may be no difference in the rate of over-representation. If the non-Indigenous rate is falling faster than the Indigenous rate then the level of over-representation may increase. This result is shown above in the increase in Indigenous over-representation in detention.

<sup>51</sup> Recent evidence to support this outcome can be found in Lynch, Buckman and Krenske (2003).

<b>2002</b>	13	66.7	11	33.3	42	54.5	35	45.5
<b>2003</b>	19	66.7	14	33.3	47	55.3	38	44.7
<b>2004</b>	20	80.0	5	20.0	44	62.8	26	37.2

Source: adapted from Veld and Taylor 2005:20.

Table 6.5 shows that the proportion of under 15 year olds in detention in New South Wales who are Indigenous is consistently greater than the proportion nationally.

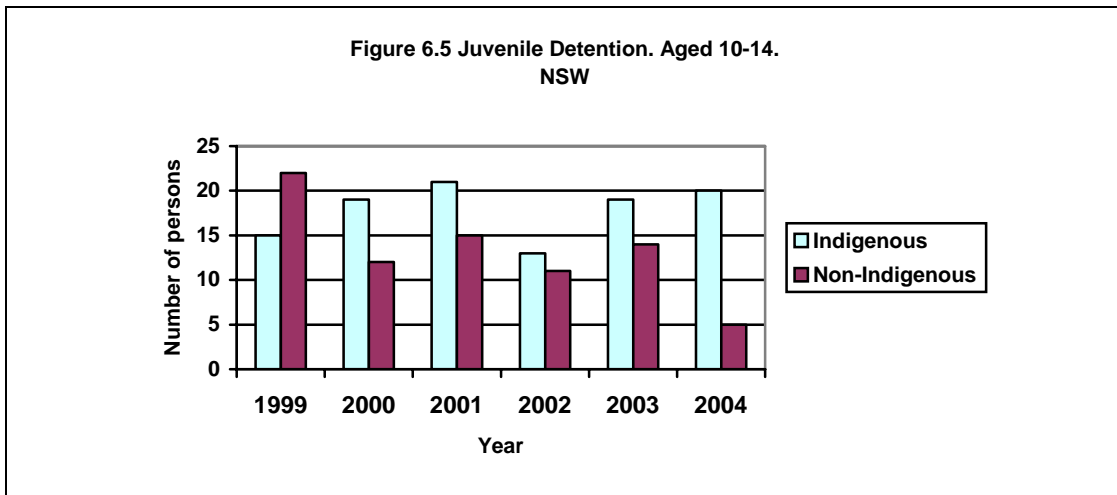


Figure 6.5 shows that the number of non-Indigenous under 15 years olds in detention has trended downwards since 1999. However, the number of young Indigenous detainees has increased from a low at June 2002.

In summary, by national standards New South Wales has relatively high Indigenous and non-Indigenous rates of detention. Quarterly detention rates fluctuate, however the lowest rates for Indigenous detention over the 22 quarterly periods from 31 March 1999 to 30 June 2004 were in the September and December quarters of 2000 and prior to the introduction of the AORSP.

The average annual detention rates (based on four days of the year) show a decline in the rate of Indigenous youth incarceration from 1999 to 2001 and an increase since then. Thus Indigenous detention rates have increased since the introduction of the AORSP. Non-Indigenous rates have declined, and as a result, the level of Indigenous over-representation in NSW detention centres has increased to 11.7.

At 30 June 2004 some 80% of juvenile detainees aged 10-14 years were Indigenous. The proportion of Indigenous young people in this detainee group has increased since the AORSP was introduced.

## 6.2 SENTENCED AND REMAND

There have been changes to the law which make it more difficult for magistrate's to grant bail, and allow for more restrictive bail conditions to be imposed on certain categories of offenders. These legislative changes impact on the work of DJJ staff and

affect the number of DJJ clients. The *Bail Amendment (Repeat Offenders) Act 2002* removed the presumption in favour of bail for a very wide range of people: anyone on a bond or order who re-offends, anyone who has previously failed to appear, or has previously, been convicted of an indictable offence. Research by BOCSAR found that there was no increase in the bail refusal rate for juvenile offenders in the first 18 months of operation. However, this research does not deal with the broader issue of bail conditions and breaches of bail (Fitzgerald and Weatherburn 2004).

The *Justice Legislation Amendment (Non-association and Place Restriction) Act 2001* NSW. allows a court to make a 'non-association order', prohibiting the offender from associating with specified person(s). The court may also make a 'place restriction order', prohibiting the offender from visiting a specified place or district.

The *Law Enforcement Legislation Amendment (Public Safety) Act 2005* came into effect in December 2005. The legislation removes the presumption in favour of bail for certain public order offences. However, the introduction of this legislation is well outside the timeframe of the evaluation.

A key issue to emerge in consultations with DJJ staff was the issue of an apparent increase in Indigenous young people being remanded in custody. It was widely reported that Indigenous young people were picked-up on breach of bail, or bail refused. Bail restrictions such as curfews and restrictions on movement (for example, not to enter a central business district) meant that young people were breached and brought into the system early and unnecessarily.

We have investigated the matter further and the research indicates that there has been an increase in the remand population for Indigenous young people.

The data in this section comes from the DJJ CIDS database via the department's Regional Review Reports and lists the number of young people in custody on control orders or remand at the end of each month. The period covered is from Jan 2000 to June 2005 and thus gives a more recent picture of custody levels than that provided by the AIC data.

### **6.2.1 Control Orders<sup>52</sup>**

Figure 6.6 below shows the total number of young people in custody at the end of each month sentenced to a control order and the number of these that are Indigenous. As can be seen the total number in control dropped in the first half of the period and has begun to rise to earlier levels since July 2004. The linear trends indicate that there has been a small overall decline in the number of Indigenous young people on control while the number of non-Indigenous young people on control has risen slightly.

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<sup>52</sup> In this chapter, s19 orders are included in the term control order.

Figure 6.6 Control - number of clients at the end of each month by Indigenous status  
January 2000 to June 2005

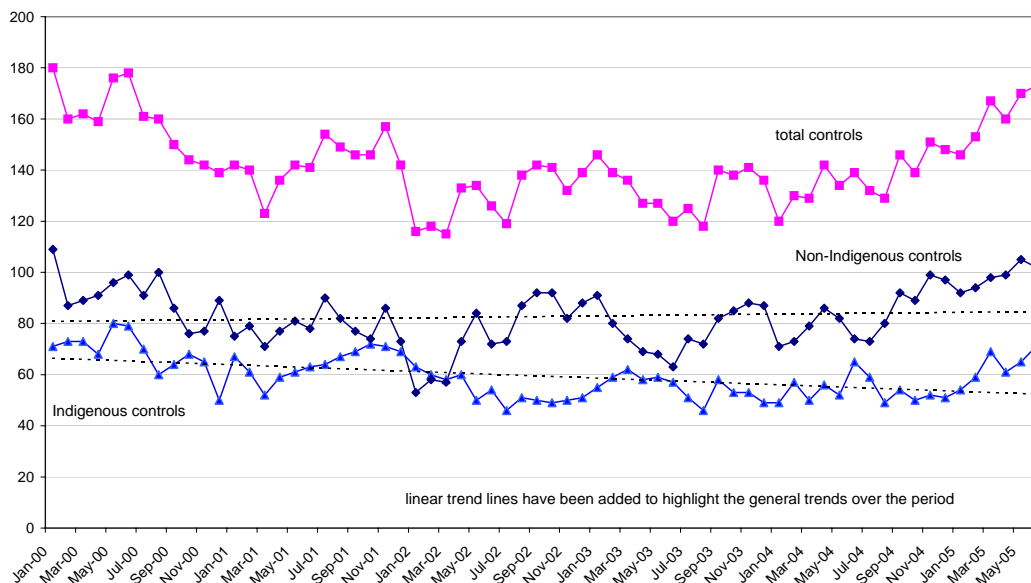
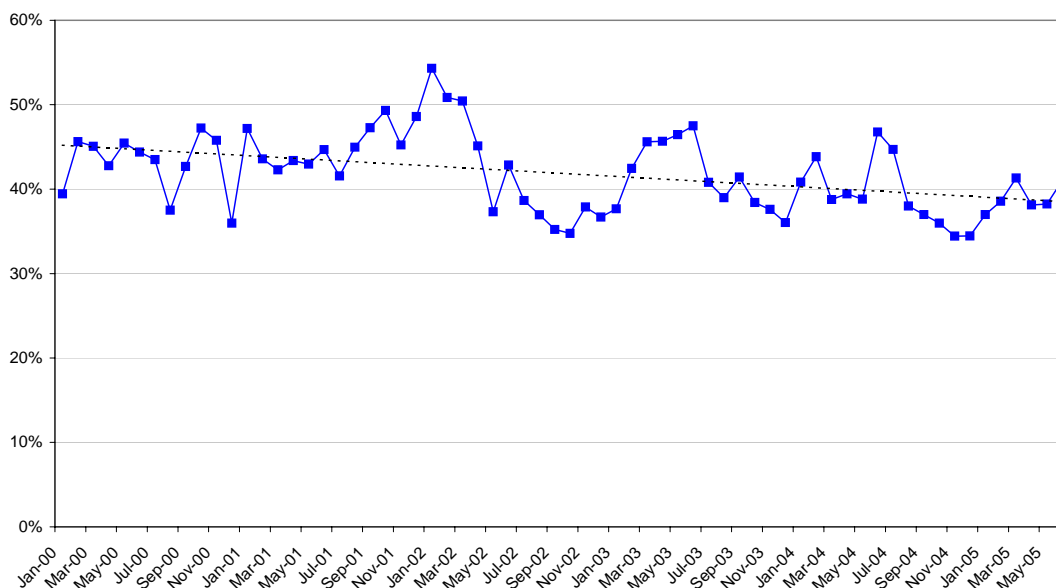


Figure 6.7 shows the proportion of those on control who are Indigenous and shows more clearly the decline in the proportion in detention who are there as sentenced control order detainees. It shows that the Indigenous proportion of those on control has dropped slightly from around 45% to 40% during the period. Because of the overall recent increases in total control numbers this percentage drop has not resulted in a reduction in total Indigenous offenders under control since the introduction of the AORSP.

Figure 6.7 Control - percentage of Indigenous clients at the end of each month  
Jan 2000 to June 2005



The recent increase in the total of those on control as shown in Figure 6.6 is not due to an increase in the proportion of those on less serious offences or those less than 15

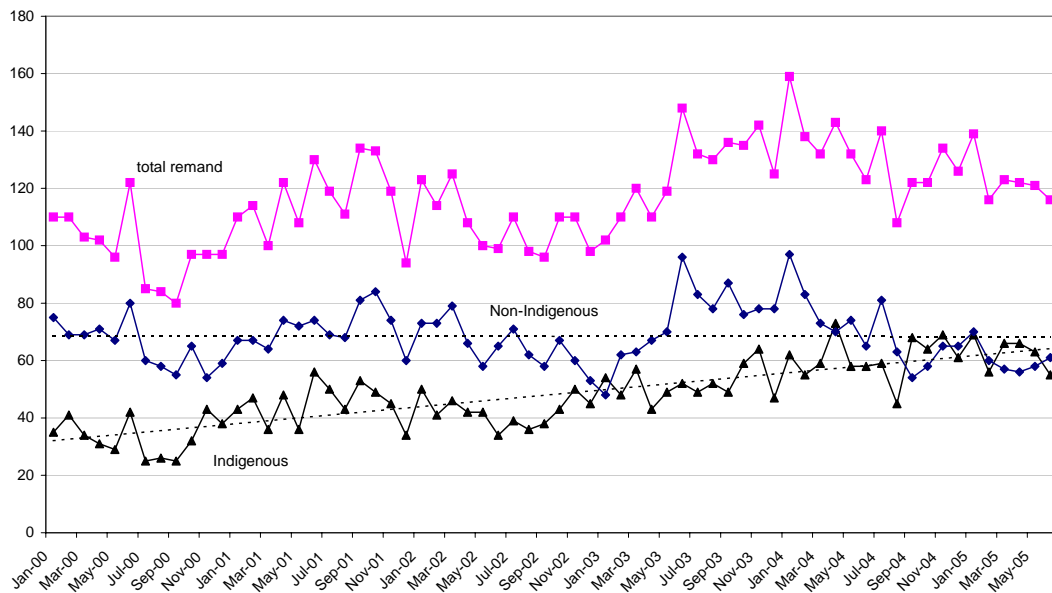
years of age or of females – all these have remained fairly constant as a proportion of total controls. It is likely that the increase is due to an increase in the average length of control orders rather than the total number of control orders, particularly as the data in previous sections indicate that there has been a drop in total and Indigenous control orders given by the courts in the 2004 calendar year.

The state pattern is largely reflected in the individual regional patterns with generally very similar numbers of those in detention on control at the beginning and end of the period. The most noticeable change has been a drop of about 20% in the total and Indigenous controls from the Northern Region, which has been offset by small increases in the Western and Southern regions. This may have arisen as a result of transfers out of Acmena Detention Centre after disturbances there in 2004 and 2005.

### 6.2.2 Remand

In contrast to detainees on control orders, the total number on remand has risen steadily over the period, as shown in Figure 6.8.

Figure 6.8 Remand - number of clients at the end of each month by Indigenous status  
Jan 2000 to June 2005

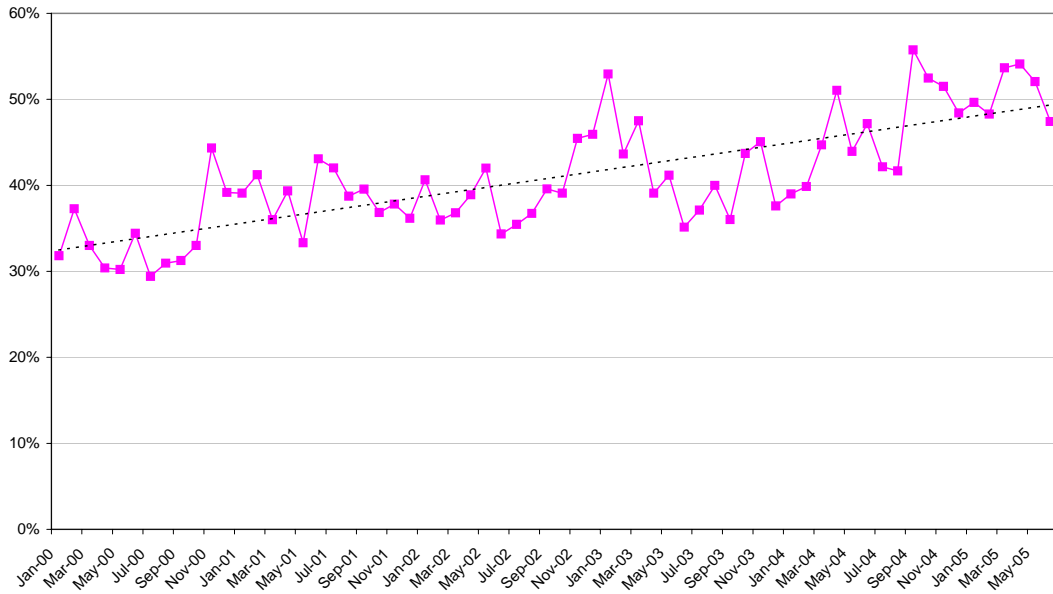


The trend lines in Figure 6.8 show that during the period from the beginning of 2000 till mid 2005 the number of Indigenous young people in detention on remand has risen steadily. By way of contrast the number of non-Indigenous remandees has remained fairly constant.

Figure 6.9 shows that the proportion of Indigenous young people on remand has risen from around 30% to around 50% of all remands over the period. The proportion of Indigenous young people on remand now exceeds the proportion of those on control who are Indigenous.

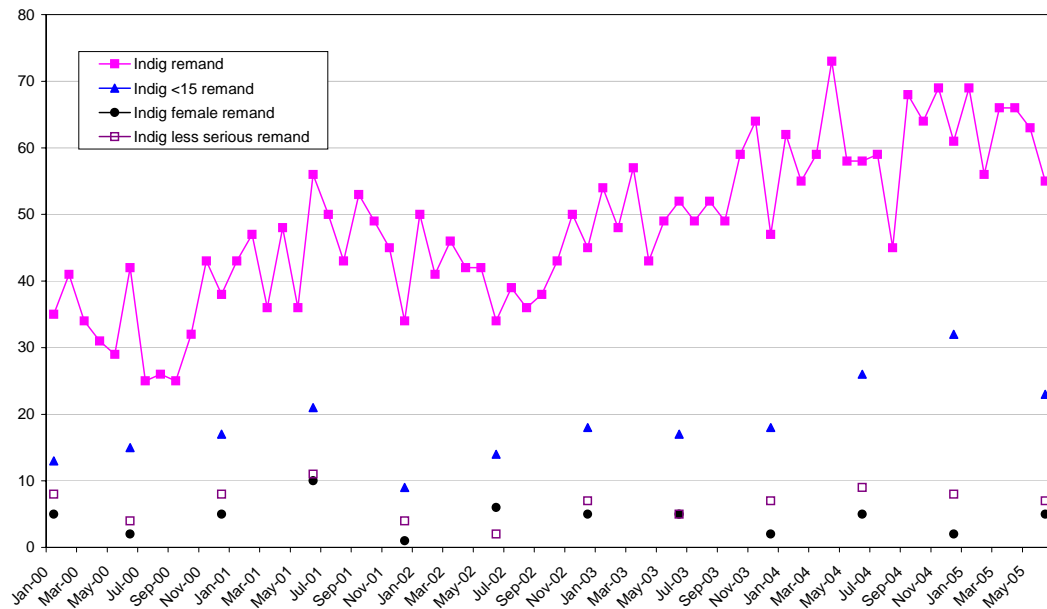


Figure 6.9 Remand - percentage of Indigenous clients at the end of each month  
Jan 2000 to June 2005



As Figure 6.10 below shows there is evidence that much of this increase is due to an increase in the proportion of younger Indigenous young people on remand. This is a worrying trend given the longer term effects of entrenching very young people in the detention centre population. It also shows the need for bail alternatives for this specific group of young people.

Figure 6.10 Remand - number of Indigenous clients at the end of each month - total, <15 years, less serious offences, female  
Jan 2000 to June 2005



There have been increases in the number of Indigenous young people on remand in every region over the period with the exception of Metropolitan region. The greatest increase has been in the Western region from 7 in January 2000 to 19 in June 2005.

In summary, a major driver of the increased incarceration and over-representation of Indigenous young people in custody has been the growing Indigenous remand population. A further worrying aspect to this is that many of those refused bail and remanded in custody are under 15 years of age.

**Recommendation 19 Remand, Brokerage and Bail**

A systematic approach to dealing with the remand issue needs to be developed, including identifying the reasons for the specific increase in Indigenous remand. In the immediate period, it is recommended that greater use of brokerage monies be made available to young people on bail requiring supported accommodation and that under 15 year olds be prioritised.

It is also recommended that greater resources be made available to achieve more effective case management in relation to bail. The work of the temporary appointments of bail intake officers in the Northern region should be monitored for possible expansion in other regions.

## **7. FUTURE DEVELOPMENTS**

This final section of the evaluation deals with future issues in the development of a new Aboriginal Strategic Plan.

### **7.1 CONSULTATIONS WITH DJJ STAFF ON THE AORSP**

During 2005 a number of consultations took place with DJJ staff (both Aboriginal and non-Aboriginal) in regard to the AORSP. Where appropriate issues raised in the consultations have been included in previous sections of the report, particularly chapter 2. However, in this final part we provide the results of the consultations on the broader issue of the strengths, limitations and future directions of the AORSP as identified by staff. The key issues to emerge from these meetings follows.

#### **7.1.1 Awareness of the AORSP**

There was a relatively large number of staff who were not aware of the AORSP. Certainly because of the evaluation interviews taking place, most staff attempted to refresh their memories concerning the AORSP. However, most said that the strategy did not inform their work, and many admitted that they were not aware of the AORSP. The AORSP had some promotion when it was first released, but not more recently.

Lack of awareness arose because there was not an education component included in the roll-out of the AORSP, and there was a lack of involvement in development and planning around the AORSP. While some staff might be aware that the AORSP exists they are not aware of its content. There is no procedure to implement the AORSP and it is not seen as part of core business.

#### **7.1.2 Consultation Process in the Development of the AORSP**

There was a perceived lack of consultation with staff in the development of the AORSP, including Centre and Community staff and this led to a lack of ownership.

There was also a lack of consultation/information with magistrates, police, education and DOCS, which was seen to be particularly important given the role these agencies have in bringing young people into the juvenile justice system. There needs to be 'buy-in' from all relevant agencies.

Agencies that work in the Centres such as school education need to be directly involved in the development of the AORSP.

The Youth Drug Court needs to be included in the AORSP. Aboriginal young people make-up a high percentage of clients of the Youth Drug Court – at the time of consultations in September 2005, Indigenous young people were one third of all young people on the program.

There was also a perceived need to coordinate the AORSP with other justice agency policies such as the NSW Police Aboriginal Strategic Plan and the *Aboriginal Justice Plan*.

### **7.1.3 Problems with the Current AORSP**

For most people the AORSP was not a 'tool for change', the AORSP had a lack of connectedness with people 'on the ground' in the Department, and it did not 'filter down' to the local level.

Typical comments were, 'The AORSP does not facilitate change. It was more of a statement than a strategy, and the current KRAs do not facilitate change'. One regional manager stated that while a strategy or policy was needed, 'the current one hasn't been helpful. A lot of it stated the obvious and was not relevant to workers. The reporting mechanisms were all over the place'.

At present the AORSP defines philosophy and attitudes in dealing with Aboriginal young people, but it does not provide for targeted programs to achieve those end goals. The failure to develop more targeted goals and the failure to include greater connectedness with magistrates and police was shown in the ongoing problem of what DJJ staff saw to be the use of unreasonable or overly onerous bail conditions and supervisory order conditions. These conditions set the young person up to fail because of non-compliance. That failure then leads to further criminalisation and more punitive sentences.

There was a view that the 'KRAs need to change. They are too broad, too ambitious and too cumbersome... They need to be simple, targeted and achievable'. Other staff thought that there should be a focus on diversion rather than over-representation. The focus on over-representation tended to be negative whereas a focus on improving diversion for Aboriginal young people could be far more positive.

'The KRAs encourage "siloing" of specific Departmental functions (eg JJCS, JJC, Specialist Services, YOA, etc). They need to be redeveloped with the young people as the focus rather than the organisation'.

However, other staff thought the KRAs did not require change but rather commitment to their implementation.

The Plan was seen as something of a 'toothless tiger'. It did not achieve goals of community development or empowerment, partly because of the lack of local ownership, and also because it did not provide a process utilising local community knowledge. Although DJJ cannot address situations in communities where there is a lack of basic services and dysfunction, it can provide a process for greater community development in dealing with young people's offending behaviour. For example, this might be through supporting assisting mentoring in the local community, or brokerage of local organisations for post-release support.

A/PSOs expressed disappointment with the existing Plan – that it was too much of a knee-jerk reaction, that it did not impact on the over-representation of Aboriginal young people and that it needed to be built-up from the local level.

A submission from one regional manager best sums-up the concerns:

A number of factors have impacted on the effectiveness of the strategy. These factors include:

- A lack of ownership and therefore commitment to the strategy across all levels of the organisation
- A lack of resourcing generally to support initiatives that would deliver outcomes (both regionally and within the Aboriginal Unit)
- Absence of performance indicators to measure effectiveness
- The lack of a databank to assist in measurement and evaluation and the need for a 'whole of government' approach to the causes of youth crime

This, in turn, has led to an unhealthy cynicism regarding the AORSP.

#### **7.1.4 Funding and Lack of Resourcing for the AORSP**

The greatest single failing identified by staff was that there was never any funding attached to the Plan when it was introduced. According to one interviewee there were budgets originally attached to the strategies when the AORSP was being developed. As one regional manager stated,

There are no dollars attached to the AORSP which makes it very difficult to develop programming structures necessary to provide strategies for the implementation [of the Plan].

The regions have been required to implement the Plan without any enhancement to regional budgets. The practical difficulties of operating without a budget were expressed in one example where there was an Aboriginal Consultative Committee established but no funding to maintain it, and the members were requesting payment for attendance. As a consequence the consultative committee stopped functioning. Similarly, elders days and cultural days were established at some detention centres but these require resources to be maintained. JJCS managers were also critical of the lack of resources. As one stated, 'There was not enough action tied to it [the AORSP]. There were no initiatives, nor money and no resources'.

It was also noted that there was a lack of funding for the development of community-based programs that specifically address the needs of Aboriginal young people. For example, in one JJCS office, a number of staff had completed the 'Journey to Respect' training but budgetary constraints meant that it was not operated. Centre managers had similar complaints. A manager in another region stated the following.

'Our Journey to Respect' is a good example [of the problems with the AORSP]. By all accounts this is an excellent program. However, there is no budget or strategy to roll-out this program. Whilst other programs such as 'Targets for Effective Change' have the endorsement of the Programs Committee and budgetary allocations, JTR does not have such Departmental endorsement.

The Department has disputed this view by staff, stating that it has spent \$243,000 on development, training and implementation of the program to date – the expenditure for 2005/06 alone is expected to be \$103,000. The program has the endorsement of the Executive Committee.

Some DJJ staff contrasted the lack of resourcing for the AORSP with DOCS 'Families First' which had resources provided at a local level, and generated local ownership. It was linked to other agencies and driven by the Premier's Department which gave an increased level of legitimacy. There were expectations that DJJ, police, crime prevention and DOCS would all be involved.

### **7.1.5 Reporting on AORSP**

The initial system of reporting back on the AORSP fell into disuse because it was difficult and frustrating. Difficulties with the reporting process identified by staff were:

- overly complex reporting requirements,
- reports required too frequently,
- lack of a template for reporting back on the implementation of the AORSP,
- tendency to report activities rather than outcomes,
- lack of follow-up on reports, and
- failure to develop a standard data report for the Department on Indigenous matters.

There needs to be a reporting back system in place, and it needs to include measurable indicators and be specific in format. As one regional manager stated, 'It is important to measure results. There needs to be specific targets which are set and reported against. Setting local targets also encourages ownership.'

It was suggested by a number of staff that reporting back should be through the Business Plans of the various regions and units. The Business Plan provides the opportunity to identify the key issues, how they will be addressed and how they relate to the Department's KRAs.

### **7.1.6 The Importance of the AORSP**

It was widely recognised that the importance of the AORSP was to provide a framework for working with Indigenous young people, and that an Indigenous Strategy was needed by the Department. The existence of the AORSP highlighted the need for a specific set of departmental responses to the issue of Indigenous over-representation in the juvenile justice system.

For some the AORSP has been important in maintaining programs in Centres that are specific for Indigenous young people, such as Journey to Respect, and elders programs. Arrangements between one Centre and the Aboriginal Medical Service were driven by the Plan, and these included access to a range of services including dental, and mental health services and sexual health workers. In another area the development of bail initiatives and bail plans which included the young person's families and solicitors were a result of the AORSP.

Some staff felt that DJJ was more aware of Indigenous over-representation as an issue which needs to be addressed as a result of the AORSP. For example, the AORSP has made JJOs more aware of the need for understanding the use of culturally specific services for Indigenous young people.

The AORSP has assisted in recognising the need for whole-of-government or inter-agency collaboration to address issues. For example, the YJC argue for the development of new KRAs based on effective local collaboration and cooperation

with the NSW Police Service to improve diversionary rates for Indigenous young people under the YOA.

There was widespread support among DJJ for maintaining a strategy (and/or policies) for the Department's work with Aboriginal young people.

### **7.1.7 A Strategy or A Policy?**

There was significant discussion in the meetings with staff on the issue of whether there should be an Indigenous over-representation strategic plan, or whether a policy (or policies) would be more appropriate.

Many staff were of the view that it should be a policy that had specific accountabilities. One regional manager and A/PSO noted the following:

It is the region's view that a strategy is not sufficiently strong enough to ensure all levels of staff in the Department are referring to and maintaining their responsibilities to the AORSP. A policy is seen as having 'more teeth' and would enable the integration into the daily operation of all staff duties to reduce Aboriginal over-representation in the justice system.

There was also the recognition that the Strategy could maintain a focus on Indigenous issues, as well as incorporate specific policies. These policies might cover programs (both Indigenous-specific and mainstream), cultural awareness training, advocacy, funded services, 24(1)c and so on forth.

In January 2004 a draft Discussion Paper was produced on the issue of an Aboriginal Policy Framework. It was noted that a policy framework would assist in ensuring a consistency of approach for staff and managers when performing duties with Aboriginal staff and clients and consistency in the decision-making process. Further, 'a policy framework will set the direction of the service deliverer and provide consistency of the delivery of appropriate and adequate services. It will also assist staff to comply with legislation, policies and procedures'.<sup>53</sup>

Areas of policy need that were identified at the 2003 Aboriginal Staff Conference were as follows:

- The Role of Aboriginal Staff
- Community Family Visits
- Detention Family Visits
- Attendance at Funerals
- Attendance at ARAC meetings, ASAC meetings and Aboriginal Staff Conference
- NAIDOC week responsibilities

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<sup>53</sup> Draft Discussion Paper. Aboriginal Policy Framework, Department of Juvenile Justice, January 2004. p.2



In terms of Indigenous clients and over-representation, one issue that must be noted is that the areas of policy need that have been identified above are mostly related to staff issues rather than clients. The clear articulation of Indigenous Policy is important for the way the Department operates. At present it would appear that there is a need for policies relating to Indigenous staff<sup>54</sup>, policies relating to non-Indigenous staff (eg cultural awareness training) and policies relating to Indigenous clients of the Department which should be covered by a clearly articulated policy (including attendance at funerals, family visits to detention centres, 24(1)c, etc. )

It is beyond the scope of this evaluation to consider the precise future policy framework for the Department in relation to Indigenous issues. However, it is clear that policy development is critical for improving the Department's work with Indigenous clients.

### **7.1.8 Further Issues for a Future Aboriginal Strategic Plan**

There were a number of issues raised in the consultations that were not subjects dealt with the AORSP. These included Aboriginal young women, classification, YLSI and rural issues.

#### *Aboriginal Young Women*

There is not enough recognition of the needs of Indigenous young women. There are inadequate specific programs, there are specific needs for community-based accommodation and there is a need to develop specific strategies to reduce the number of Aboriginal girls on remand.

#### *Classification*

There was some concern that Aboriginal young people were moved away from family and support because of re-classification, even though the reclassification might be to a lower level. As Centres are classified, a young person can be moved away from their families to a Centre matching their classification (for example, from Orana in Dubbo to Riverina in Wagga). There was a perceived need to match classification with the case management plan.

The classification process was supposed to enable young people to move closer to their community near the time of their release. This hasn't worked in practice because of the shortage of bed spaces which then limits the movement of DJJ clients

#### *YLSI*

Isolation from communities, movement from one house to another and lack of opportunities mean that Indigenous young people score high on risk assessment.

The questions are seen as not culturally specific and too generalised. One counsellor stated, 'Often things perceived by the YLSI as a weakness can also be seen as strengths'. Another stated,

CIMS is supposed to now provide a process whereby interventions in custody are based on the scores generated by the YLSI. But Koori young people come up with

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<sup>54</sup> These policies should be developed in the context of the Aboriginal Torres Strait Islander Employment and Career Development Strategy.

higher scores across more domains. It is a very simplistic way of developing strategies to deal with young people.

Other JJCS staff noted, 'it is a blunt instrument that doesn't give a true assessment of either risk or strengths... there is a need to develop tools which are specific to Indigenous young people and rely on departmental expertise'.

#### *Metropolitan / Rural*

Regional staff felt there needed to be greater differentiation in a future Plan between rural and metropolitan needs and issues. There needs to be the ability to localise any AORSP to meet local conditions and local initiatives. As one regional manager stated, there is a need 'to pick out specific issues which are relevant to the region – it might be employment, or programs or custody rates going up'.

#### **Recommendation 1 Aboriginal Strategic Plan**

It is recommended that a new Aboriginal Strategic Plan be developed. In the context of this Strategic Plan it is recommended that specific Departmental policies be developed covering in particular

- \* matters relating to Indigenous clients such as programs (both Indigenous-specific and mainstream), advocacy, funded services, 24(1)c attendance at funerals.
- \* matters relating to Indigenous staff issues such as attendance at ARAC meetings, ASAC meetings, Aboriginal Staff Conferences and NAIDOC week responsibilities.
- \* matters relating to non-Indigenous staff issues such as cultural awareness training

#### **Recommendation 2 Aboriginal Strategic Plan**

It is recommended that in the development of a new Aboriginal Strategic Plan, there is the following:

- \* A broad consultation process with staff on the Strategy
- \* An educational component in the roll-out of the Strategy
- \* Adequate resourcing to enable compliance
- \* The development of performance indicators
- \* Either an enhanced Regional Review Report or a specific Indigenous Report to facilitate reporting on outcomes, and timely access to that Report for all staff responsible for managing the implementation of the Aboriginal Strategic Plan.
- \* The development of specific policies within the overall Strategy
- \* A reporting process that can be incorporated into existing business plan reporting

## **7.2 THE CHANGED POLICY CONTEXT**

Future development in Indigenous juvenile justice strategic planning needs to consider changes in the broader policy framework across government agencies in NSW. The *Aboriginal Justice Plan* and the *Two Ways Working Together* provide a whole of government framework within which the Department of Juvenile Justice needs to 'fit' its Indigenous strategies.

### 7.2.1 New South Wales Aboriginal Justice Plan 2004-2015

The *Aboriginal Justice Plan* provides the basis for a coordinated response to justice issues affecting Indigenous people in New South Wales.

The goals of the New South Wales *Aboriginal Justice Plan* are:

- to reduce the number of Aboriginal people coming into contact with the criminal justice system,
- to improve the quality of services for Aboriginal people, and
- to develop safer communities.

These goals have a direct resonance with the Department of Juvenile Justice in their work with Indigenous young offenders and specifically in relation to providing diversionary strategies for young people and rehabilitative programs for young people convicted of offences.

The *Aboriginal Justice Plan* has seven principles to guide decision-making. Given that the Plan provides an over-arching framework for dealing with Indigenous justice issues, then these principles could well provide a framework for further development specifically within juvenile justice. While all the principles are important, particular attention is drawn to numbers 1, 3 and 4.

1. As Aboriginal people understand their own problems and issues, they are best placed to find innovative ways to address them.
3. Connection to culture and family and the wider Aboriginal community is an essential component of protecting and supporting all members of the community
4. The responsibility for addressing the underlying causes of crime in Aboriginal communities is shared by Aboriginal communities, governments and the broader community.

The *Aboriginal Justice Plan* has seven strategic directions: Aboriginal children, Aboriginal young people, community well-being, sustainable economic base, criminal justice system, systemic reform, leadership and change.

The Department of Juvenile Justice has some role to play in all of these strategic directions. Of particular importance to the work of the Department are the Strategic Directions in the *Aboriginal Justice Plan* of Aboriginal young people (no 2), and the criminal justice system (no 5).<sup>55</sup>

In particular, Strategic Action Five ‘Reduce the overrepresentation of young Aboriginal people in the criminal justice system’ potentially covers the aims of the AORSP. In the long term there needs to be articulation between a Departmental Aboriginal strategy and the NSW *Aboriginal Justice Plan*. Specific strategic actions identified within Strategic Direction 5 which are relevant to the Department of Juvenile Justice’s response to Indigenous over-representation are:

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<sup>55</sup> Both *Aboriginal Justice Plan* Strategic Direction 2 and 5 can be found in Appendix 3.

- The establishment of local community justice mechanisms is of direct relevance to the work of the Department in relation to community services, youth conferencing and detention centres.
- Addressing the needs of Aboriginal juveniles in detention centres has specific actions relating to the Department including the delivery of programs.
- The development of diversion and intervention strategies to reduce offending behaviour and the development of community-based options includes the work of the Department.
- Further developing post-release support and community controlled alternatives to detention are actions which the Department needs to address.

As noted above, given the overlap between some strategies identified in both the Justice Plan and the AORSP there needs to be greater connection between the two documents. In addition the *Aboriginal Justice Plan* has identified new areas where the Department could usefully expand its responses to Indigenous youth. Any future DJJ Aboriginal Strategic Plan needs to connect itself to the broader strategies identified in the NSW *Aboriginal Justice Plan*.

### **7.2.2 Two Ways Working Together NSW Aboriginal Affairs Plan 2003 – 2012**

The *Two Ways Working Together* Plan is a 10 year plan which has important implications for the development of a Department of Juvenile Justice Aboriginal Strategic Plan.

*Two Ways Working Together* acknowledges that the NSW Government recognises that Aboriginal people know best the needs of their community. The Plan establishes ways to make sure that Aboriginal people have a strong voice in planning and deciding how their needs and aspirations are met. According to the Plan, the NSW Government will negotiate with Aboriginal people how government services will be delivered at local and regional level.

*Two Ways Working Together* contains a government requirement that the processes and agreed strategies will be followed by all agencies. There will be targets and a monitoring system to ensure agencies are held accountable for actions and results. In addition CEOs of government agencies will be held accountable through their performance agreements.

The overall objectives of the Plan are to:

- develop committed partnerships between Aboriginal people and Government
- improve the social, economic and cultural and emotional wellbeing of Aboriginal people in New South Wales

The Plan notes that to achieve its objectives there is a requirement for:

- changing the way Government works with Aboriginal people
- enhancing the skills and capacity of Aboriginal communities and individuals

- achieving real and measurable improvements for Aboriginal people in health, education, economic development, justice, housing and infrastructure, families and young people
- supporting and affirming Aboriginal peoples' culture and heritage including a commitment to Aboriginal self-determination.

The Plan has two core elements:

- **Making Services Work** which establish what business needs to be done
- **New Ways of Doing Business with Aboriginal People** which establishes how business will be done

### **Making Services Work**

In relation to what needs to be done, Aboriginal communities and government agencies agreed that the 7 priority areas for action in New South Wales are

- Health
- Education
- Economic Development
- Justice
- Families and Young People
- Culture and Heritage
- Housing and Infrastructure

A cluster group of key government agencies and Aboriginal peak bodies has been formed for each of the priority areas. Each cluster group is led by a lead agency. The Department of Juvenile Justice has membership to a number of these cluster groups. However in terms of the core business of the Department, the Justice Cluster Group is the most important and is discussed below.

### **New Ways of Doing Business with Aboriginal People**

This section of the Plan is aimed at changing the way that Government works with Aboriginal people to ensure an effective whole of government approach, and greater sensitivity, flexibility and responsiveness within agencies in the way they work with and deliver services to Aboriginal people.

Given the importance of a whole-of government approach and inter-agency cooperation across departments working in the justice arena, this commitment has important implications for the future development of an Aboriginal Strategic Plan or Policy within juvenile justice.

#### **7.2.3 Justice Cluster Action Plan**

The Justice Cluster was established as a result of the *Two Ways Working Together* Plan. A Justice Cluster Action Plan was developed in 2004. It has five 'Desired Result Areas'.

- The justice system responds to the needs of Aboriginal communities and openly engages Aboriginal communities to reduce offending and the over-representation of Aboriginal people in the criminal justice system

- The provision of appropriate support and diversionary programs for young Aboriginal offenders reduces the use of incarceration, minimises negative effects of the criminal justice system and promotes the development of responsible adults
- A reduction in the factors that contribute to offending brings healing and creates safe and strong Aboriginal communities
- The creation of employment, education and training opportunities, and the engagement of Aboriginal communities in the broader economy, creates a sustainable economic base for Aboriginal people
- A continuous process of innovation and reform in government services ensures the emerging and diverse needs of Aboriginal people are met.

The second 'Result Area' relates directly to the work of the Department of Juvenile Justice. The focus of the result area is the provision of support and diversionary programs for Indigenous young offenders. There are a range of intermediate results which have been set, and some 29 'Actions' to be undertaken to achieve those intermediate results.<sup>56</sup> The intermediate results include the following:

- Pilot intensive court supervision program for Aboriginal young offenders is evaluated
- Family and community-based bail support and accommodation mechanisms and program are implemented
- Aboriginal young people are assured of full access to all interventions under the Young Offenders Act.
- Aboriginal community based sanctions and programs are established for young Aboriginal people who commit criminal offences.
- Access to sexual assault counselling, sexual education services and legal advice is provided for all young Aboriginal people held in detention centres
- Standards for the provision of health services for young Aboriginal people in detention are established, implemented and monitored. Standards focus on providing effective health assessments on reception to a detention centre, access to immediate medical and dental services, and resources for psychological services, and facilitating offenders' transition back to the community.
- Educational and training needs of Aboriginal young people in detention centres are identified.
- A program of ongoing yearly review of services to young Aboriginal people in detention is established.
- Specific Aboriginal case management planning is implemented that provides for opportunities to access prison-based programs and services.
- Specific transitional programs facilitate the return of young Aboriginal people in the criminal justice system to community and education and training
- Pathways between custody and the community are developed to ensure effective transfer of information services and program support
- Culturally based programs and program delivery models address the criminal, behavioural, social and emotional needs of juveniles in detention centres through Aboriginal community engagement and remuneration

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<sup>56</sup> Although these look likely to be reduced in the 2005 version of the Plan.

- Appropriate transportation policies for remanded juveniles appearing in court.
- Alternative mechanisms to remand are provided.

Generally the 29 ‘actions’ identified in the Justice Cluster Action Plan mirror the strategic actions identified in the *Aboriginal Justice Plan*.

Strategic performance indicators, trends and targets are yet to be finalised for the Justice Cluster Action Plan. However, at present the following have been set for Result Area 2.

- Aboriginal youths aged 10-17 yrs coming into contact with the Police
- Court appearances by Aboriginal youths by offence type
- Rate of court appearances per 1,000 Aboriginal youth by gender
- Access to diversionary options by Aboriginal young offenders
- Incarceration rates for juvenile offenders per 100,000 population by Aboriginality and rate/ratio of over-representation
- Juveniles in custody (sentenced or remanded) by Aboriginality
- Reported incidents in juvenile detention centres (by Aboriginality?)

**Recommendation 3 *Two Ways Working Together and the Aboriginal Justice Plan***

The NSW *Aboriginal Justice Plan* identifies a range of *strategies* directly relevant to the Department of Juvenile Justice. The *Two Ways Working Together* Aboriginal Affairs Plan provides for a *process* of engagement and partnership with Aboriginal communities.

It is recommended that the Department of Juvenile Justice develop its Aboriginal Justice Strategy in a manner that is directly connected to and consistent with these broader framework agreements.

### 7.3 FUTURE KEY RESULT AREAS

It has been noted in this evaluation that the existing AORSP contains KRAs which basically focus on the administrative structure of the Department (ie JJCS, Specialist Programs and IPU, Juvenile Justice Centres, staffing, etc).

An alternative approach is to first establish a goal/s for the department’s Indigenous Juvenile Justice Strategic Plan. Two goals, consistent with the NSW *Aboriginal Justice Plan*, are suggested below.

*Goal 1 Reduced Contact between Indigenous young people and the Juvenile Justice System through a Reduction in Offending and Re-offending*

*Goal 2 Effective and equitable provision of services to Indigenous clients of the Department of Juvenile Justice*

It is important to identify the essential outcomes (or KRAs) required to meet the identified goals. This is in contrast to the previous AORSP where many of the KRAs were essentially the Department’s administrative branches.

Some suggestions for Essential Outcomes (Key Result Areas) are below.

- *Improved service provision to Aboriginal clients by all Aboriginal and non-Aboriginal staff*
- *Increase in the use of alternatives to court and custody for Aboriginal young people, and successful completion of these outcome plans and non-custodial orders.*
- *Increased referral and successful completion of specialist services and other programs, including the development of Indigenous programs*
- *Increase in the use of DJJ community-funded services, particularly Aboriginal-funded services, and successful completion of programs*
- *Decrease in custody rates [remand and control]*
- *Improved inter-agency cooperation in meeting the needs of Indigenous young offenders.*

It has been recommended in this evaluation that any future Aboriginal Strategic Plan derive from a process of consultation. The above list is merely some suggestions. However, a lesson that can be drawn from this evaluation is that the outcomes which are identified need to be as concise and achievable as possible, and regions and specialist branches within the Department need to be able to prioritise outcomes areas for their particular circumstances.

### **7.3.1 Monitoring**

In 2002 the Aboriginal Unit proposed to the Executive the establishment of an Inter-Departmental Monitoring Committee on AORSP implementation. The Inter-Departmental Committee was never established.

The argument put forward was that the AORSP Key Result Areas encompass cross portfolio and interagency partnerships. The successful implementation of the AORSP is reliant on an alignment of these partnerships to the goals of the strategy, thus ensuring that outcomes are achieved through cooperation and collaboration.

The AORSP identifies that a departmental implementation committee be established to monitor the progress of the AORSP implementation.

#### ***Objective***

This Inter-Departmental Monitoring Committee will assess the ongoing activity of the department and advise of issues arising from implementation for consideration and decision by the DJJ Executive Committee as well as inform their relevant department of issues affecting their jurisdiction.

#### ***Composition***

The composition of the Inter-Departmental Monitoring Committee includes representation from both Government departments and non-Government organisations. It is proposed that representation includes the following:

- Premiers Department
- Department of Aboriginal Affairs
- Aboriginal and Torres Strait Islander Commission
- Juvenile Justice Advisory Council



- Aboriginal Legal Service
- Aboriginal Justice Advisory Council
- Attorney General's Department
- Juvenile Crime Prevention Advisory Committee
- Police Service
- Department of Health
- Aboriginal Medical Service
- Australian Local Government Association
- NSW Aboriginal Land Council
- Department of Education and Training
- Aboriginal Education Consultative Group

#### **Recommendation 4 Inter-Departmental Monitoring Committee**

It is recommended that an Inter-Departmental Monitoring Committee be established to monitor the implementation of any future Aboriginal Strategic Plan, and that its composition reflect the earlier proposal of the Aboriginal Unit.

### **7.3.2 Future Statistical and Data Reporting Processes**

Interim evaluation reports to the Aboriginal Unit made a number of recommendations relating to the evaluation of the AORSP. It is worth reiterating the main recommendations were:

1. Six monthly reports rather quarterly reports.
2. An AORSP Report Template
3. The development of a specific Indigenous data report (covering both region and state) for the purposes of complying with the AORSP reporting requirements, or in the alternative Regional Review Reports which have data items relevant to the AORSP.

During 2004 recommendations 1 and 2 above were implemented. However, without a properly staffed Aboriginal Unit to follow-up on reports, many sections of the department simply stopped reporting on the AORSP. Given that the 'life' of the existing AORSP has finished, the recommendations relating to six monthly reports and a report template are no longer relevant. Further, the recommendation is that reporting take place through the Business Plan reporting process.

However, the issue of the interim recommendation 3 above is still relevant. Improving data systems is also consistent with the recent Auditor-General's recommendation that 'the Department design its data systems to provide maximum flexibility to meet both operational and corporate needs so that it can extract quality performance data to measure the effectiveness of its activities' (Sendt 2005:21).

The existing Regional Review Report contains significant data relating to Aboriginal clients.<sup>57</sup> However, there are gaps which we have previously identified in this

<sup>57</sup> For example: Part 1 shows what the number and proportion of each major type of court order goes to ATSI during each of the last six six-monthly periods both in text and graphic form. It also gives a time series of ATSI intervention rates per 1000.

Part 2 provides the same data in comparison across management units (eg regions or offices within regions) for the last six months.

evaluation and we have made recommendations for improvements. There are also reporting requirements for the Justice Cluster Action Plan, and it is expected there will be reporting requirements for the NSW *Aboriginal Justice Plan*. We leave open the question whether the Department might be better served with a specific Indigenous Review Report which satisfies both the requirements for any future DJJ Aboriginal Strategic Plan, as well as external reporting requirements. Whatever reporting process is used it needs to be made available regularly not only to regional managers and division heads but also the Aboriginal Unit and A/PSOs.

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Part 3 reiterates all the data in Part 2 just for ATSI offenders. It provides the data available for all offenders just for ATSI

Part 4 compares key indicators for the last six months comparing each major ethnic group incl ATSI.

Part 5 provides more detailed info on key outcomes such as control, remand, appeal, CSO, JJC supervision and specialist supervision with a separate detailed time series chart for ATSI on each outcome.

## REFERENCES

- Fitzgerald, J. and Weatherburn, D. (2004) 'The Impact of the Bail Amendment (Repeat Offenders) Act 2002', *Crime and Justice Bulletin*, No 83, BOCSAR, Sydney.
- Luke, G. and Lind, B. (2002) 'Reducing Juvenile Crime: Conferencing versus Court', *Crime and Justice Bulletin*, No 69, Sydney. New South Wales Bureau of Crime Statistics and Research.
- Lynch, M., Buckman, J. and Krenske, L. (2003) *Youth Justice: criminal Trajectories*, Research and Issues Paper No 4 July 2003, Crime and Misconduct Commission, Brisbane.
- SCROGSP (2005) *Report on Government Services 2005*, Productivity Commission, Melbourne. <http://www.pc.gov.au/gsp/reports/rogs/2005/prefacef.pdf> Accessed 5/12/05
- Sendt, R.J. (2005) *Auditor-General's Report, Performance Audit. Managing and Measuring Success, Department of Juvenile Justice*, The Audit Office of NSW, Sydney.
- Trimboli, L. (2000) *An Evaluation of the New South Wales Youth Justice Conferencing Scheme*, New South Wales Bureau of Crime Statistics and Research, Sydney.
- Veld, M. and Taylor, N. (2005), *Statistics On Juvenile Detention in Australia 1981 – 2004*, Technical and Background Paper No 18, Australian Institute of Criminology, Canberra. <http://www.aic.gov.au/publications/tbp/tbp018/tbp018.pdf> Accessed 5/12/05

## APPENDIX 1

**Table A.1 Intervention Type by Indigenous Status and Year - Hunter/Central Coast**

Year	Indigenous Status											
	Indigenous						Non-Indigenous					
	%						%					
	outcome						outcome					
	CAN	Caution	Charged	Conference	Infringement Notice	Warning	CAN	Caution	Charged	Conference	Infringement Notice	Warning
2000	12.8	20.6	50.4	4.9	2.1	9.1	10.5	26.7	26.9	4.3	10.9	20.7
2001	8.6	20	53.7	4.9	1.9	10.9	7	29.6	25.4	3.6	7.9	26.4
2002	6.7	18.5	54.7	3.8	2.9	13.5	4.6	27.1	22	2.8	11.2	32.4
2003	11.9	14.8	55.6	3.4	3.1	11.3	6	27.7	21	2.3	12.5	30.5
2004	9.6	16.1	54.1	2	6.9	11.3	6.2	26.1	20	2.2	14.7	30.7
Total	9.9	17.7	53.9	3.7	3.6	11.3	6.8	27.4	23	3	11.5	28.2

**Table A.2 Intervention Rate by Indigenous Status and Year - Hunter /Central Coast**

Year	Indigenous Status											
	Indigenous						Non-Indigenous					
	rate						rate					
	outcome						outcome					
	CAN	Caution	Charged	Conference	Infringement Notice	Warning	CAN	Caution	Charged	Conference	Infringement Notice	Warning
2000	17.8	28.9	70.5	6.8	3.0	12.8	5.4	13.7	13.8	2.2	5.6	10.6
2001	12.3	28.3	76.2	7.0	2.6	15.5	3.7	15.6	13.4	1.9	4.2	13.9
2002	10.6	29.5	87.1	6.0	4.6	21.5	2.3	13.9	11.3	1.4	5.7	16.6
2003	21.6	27.0	101.2	6.2	5.6	20.5	3.1	14.2	10.8	1.2	6.4	15.7
2004	17.4	29.0	97.6	3.6	12.4	20.4	3.3	14.0	10.7	1.2	7.9	16.5
Average	15.9	28.5	86.5	5.9	5.6	18.1	3.6	14.3	12.0	1.6	6.0	14.7

**Table A.3 Intervention Type by Indigenous Status and Year - Metropolitan**

Year	Indigenous Status											
	Indigenous						Non-Indigenous					
	%						%					
	outcome						outcome					
	CAN	Caution	Charged	Conference	Infringement Notice	Warning	CAN	Caution	Charged	Conference	Infringement Notice	Warning
2000	16.4	12.2	54.1	2.3	1.7	13.3	12.5	26.7	29.2	2.6	10.2	18.7
2001	10.5	13.9	54.6	2.9	3	15.1	7.8	24.8	27.1	2.6	12.3	25.4
2002	7.5	14.1	52.9	2.5	6.4	16.6	4.7	22.7	21.7	2.4	16.5	32.1
2003	8.8	15.8	47.3	1.7	9.1	17.3	3.7	17.1	15.2	1.6	24.8	37.5
2004	10.1	17.3	45.4	1.4	7.5	18.3	4.5	18.7	15.8	1.6	22.1	37.3
Total	10.4	14.8	50.6	2.1	5.8	16.3	6.3	21.6	21.1	2.1	17.9	31

**Table A.4 Intervention Rate by Indigenous Status and Year - Metropolitan**

Year	Indigenous Status											
	Indigenous						Non-Indigenous					
	rate						rate					
	outcome						outcome					
	CAN	Caution	Charged	Conference	Infringement Notice	Warning	CAN	Caution	Charged	Conference	Infringement Notice	Warning
2000	31.6	23.4	104.1	4.5	3.3	25.7	5.0	10.6	11.6	1.0	4.0	7.4
2001	23.1	30.7	120.2	6.4	6.5	33.3	3.5	11.0	12.1	1.1	5.5	11.3
2002	17.1	32.1	120.4	5.7	14.6	37.7	2.3	11.0	10.5	1.2	8.0	15.6
2003	20.9	37.6	112.5	4.1	21.6	41.2	2.1	9.8	8.7	0.9	14.2	21.5
2004	23.7	40.6	106.3	3.3	17.5	42.9	2.1	8.9	7.5	0.8	10.5	17.8
Average	23.3	32.9	112.7	4.8	12.7	36.2	3.0	10.3	10.1	1.0	8.5	14.7

**Table A.5 Intervention Type by Indigenous Status and Year - Northern**

Year	Indigenous Status											
	Indigenous						Non-Indigenous					
	%						%					
	outcome						outcome					
	CAN	Caution	Charged	Conference	Infringement Notice	Warning	CAN	Caution	Charged	Conference	Infringement Notice	Warning
2000	14.3	12.6	51.3	4	1.5	16.4	12.1	30.7	20.8	7.4	4.1	24.8
2001	7.8	17.1	48.4	3.5	1.9	21.3	8.7	30.4	22.7	3.3	6.1	28.7
2002	9.3	18.4	49.3	4.3	2.2	16.7	8.7	28.7	20.2	5.2	9.2	28
2003	10.5	17.3	46.7	3.2	2.4	19.9	6.8	27.9	18.9	2.6	9.4	34.3
2004	11.1	14.7	48.4	3.8	2.7	19.4	6.4	25.5	17.1	5.5	11.3	34.2
Total	10.6	16.1	48.8	3.8	2.1	18.7	8.5	28.7	19.9	4.8	8	30.1

**Table A.6 Intervention Rate by Indigenous Status and Year - Northern**

Year	Indigenous Status											
	Indigenous						Non-Indigenous					
	rate						rate					
	outcome						outcome					
	CAN	Caution	Charged	Conference	Infringement Notice	Warning	CAN	Caution	Charged	Conference	Infringement Notice	Warning
2000	57.6	50.7	207.2	16.0	6.0	66.2	7.1	18.0	12.2	4.3	2.4	14.6
2001	30.1	65.9	186.6	13.5	7.4	82.0	5.4	18.8	14.0	2.1	3.7	17.7
2002	42.4	84.1	225.6	19.8	9.9	76.3	5.5	18.0	12.6	3.3	5.8	17.5
2003	44.3	73.0	196.5	13.6	10.1	83.7	4.4	18.1	12.2	1.7	6.1	22.2
2004	42.5	56.2	185.4	14.5	10.3	74.5	3.5	14.0	9.4	3.0	6.2	18.8
Average	43.4	66.0	200.3	15.5	8.7	76.5	5.2	17.4	12.1	2.9	4.8	18.2

**Table A.7 Intervention Type by Indigenous Status and Year - Southern**

Year	Indigenous Status											
	Indigenous						Non-Indigenous					
	%						%					
	outcome						outcome					
	CAN	Caution	Charged	Conference	Infringement Notice	Warning	CAN	Caution	Charged	Conference	Infringement Notice	Warning
2000	19.5	20.1	41.3	5.6	1.5	12	11.1	29.3	24.2	5	7.2	23.2
2001	13.2	20.9	45.2	3.6	2.3	14.8	6.3	32.2	23.1	4.1	9.5	24.7
2002	11.7	16.5	51.2	4.5	5.4	10.7	5.5	21.6	17.1	2	23.7	30.1
2003	14.4	14.9	47.7	3.2	7.5	12.4	6.4	20.7	17.2	2.1	16.5	37.1
2004	9.8	13.7	59.2	2	5.4	9.9	5.6	19.1	20.1	2.9	14.8	37.5
Total	13.4	16.9	49.5	3.7	4.7	11.9	6.8	24	19.9	3.1	15.2	31

**Table A.8 Intervention Rate by Indigenous Status and Year - Southern**

Year	Indigenous Status											
	Indigenous						Non-Indigenous					
	rate						rate					
	outcome						outcome					
	CAN	Caution	Charged	Conference	Infringement Notice	Warning	CAN	Caution	Charged	Conference	Infringement Notice	Warning
2000	37.5	38.7	79.6	10.7	2.9	23.1	4.9	13.0	10.7	2.2	3.2	10.3
2001	29.5	46.9	101.5	8.1	5.3	33.2	2.9	15.0	10.7	1.9	4.4	11.5
2002	32.1	45.2	140.5	12.3	14.7	29.4	3.5	13.8	10.9	1.3	15.1	19.2
2003	38.9	40.5	129.3	8.6	20.3	33.5	3.6	11.7	9.8	1.2	9.4	21.1
2004	23.7	33.2	143.7	5.0	13.0	24.1	2.9	9.9	10.4	1.5	7.7	19.5
Average	32.4	40.9	118.9	8.9	11.2	28.6	3.6	12.7	10.5	1.6	8.0	16.3

**Table A.9 Intervention Type by Indigenous Status and Year - Western**

Year	Indigenous Status											
	Indigenous						Non-Indigenous					
	%						%					
	Outcome						outcome					
	CAN	Caution	Charged	Conference	Infringement Notice	Warning	CAN	Caution	Charged	Conference	Infringement Notice	Warning
2000	14.2	13.1	45.5	2.9	2.9	21.5	15.2	27.9	21.6	4.7	8.2	22.4
2001	11.6	14	41.1	3.2	2.7	27.4	10.3	30.2	22.6	4	6.2	26.7
2002	11	15.3	41.3	3.5	3.7	25.2	10.5	25.8	24.5	2.5	7.6	29.1
2003	11.6	15.9	39.8	3.6	3.3	25.9	9.3	23.9	20.4	4.7	8.7	33
2004	11.9	16.8	38.4	3.4	2.9	26.7	8.9	27.5	18.5	3.7	8	33.4
Total	12.1	15	41.2	3.3	3.1	25.3	10.9	27.1	21.6	3.9	7.7	28.8

**Table A.10 Intervention Rate by Indigenous Status and Year - Western**

Year	Indigenous Status											
	Indigenous						Non-Indigenous					
	rate						rate					
	outcome						outcome					
	CAN	Caution	Charged	Conference	Infringement Notice	Warning	CAN	Caution	Charged	Conference	Infringement Notice	Warning
2000	70.2	64.6	225.2	14.4	14.2	106.1	10.1	18.6	14.4	3.1	5.5	14.9
2001	58.8	70.7	208.0	16.1	13.7	138.6	7.3	21.4	16.0	2.8	4.4	18.9
2002	54.6	76.2	205.3	17.6	18.6	125.4	6.8	16.5	15.7	1.6	4.9	18.6
2003	59.4	81.0	203.3	18.4	16.6	132.2	6.2	15.8	13.5	3.1	5.8	21.8
2004	49.9	70.0	160.3	14.1	12.0	111.5	4.8	14.9	10.0	2.0	4.3	18.1
Average	58.6	72.5	200.4	16.1	15.0	122.8	7.0	17.4	13.9	2.5	5.0	18.5

**Table A.11 Most serious court outcome by Indigenous Status and Year by Frequency. NSW**

	Indigenous Status													Total
	Indigenous						Non-Indigenous							
	Year						Year							
	2000	2001	2002	2003	2004	Total	2000	2001	2002	2003	2004	Total		
	N	N	N	N	N	N	N	N	N	N	N	N	N	
Control order/prison	340	334	287	269	258	1488	340	320	351	292	262	1565	3053	
CSO	215	181	178	157	116	847	327	302	288	213	222	1352	2199	
Bond/prob/susp sent with super	382	448	494	467	505	2296	873	1030	980	891	803	4577	6873	
Bond/prob/susp sent - no super	281	197	188	247	274	1187	584	447	420	568	656	2675	3862	
Fine	271	175	213	192	151	1002	443	364	348	377	388	1920	2922	
Other penalty	17	29	12	12	20	90	40	42	34	46	38	200	290	
Dismissed proven	249	183	152	144	208	936	437	374	225	249	338	1623	2559	
Unproven outcome	254	288	182	182	173	1079	380	650	256	356	288	1930	3009	
Total	2009	1835	1706	1670	1705	8925	3424	3529	2902	2992	2995	15842	24767	

**Table A.12: Court Outcome by Indigenous Status and Year - Hunter/Central Coast**

	Indigenous Status											
	Indigenous						Non-Indigenous					
	%						%					
	Year					Total	Year					Total
	2000	2001	2002	2003	2004		2000	2001	2002	2003	2004	
Control order/prison	21	18.8	19.3	15.2	16.4	18.2	13	10.3	9.5	11	8.8	10.5
CSO	8.3	2.9	4.7	7.3	8.5	6.3	7.3	6	9.2	8.4	9.8	8
Bond w/supervision*	21.5	27.9	33.9	32.1	26.5	28	31.5	26.9	32.1	31.9	28.3	30
Bond no supervision*	14.6	3.4	6.4	9.7	18.5	10.6	12.3	6.8	10	13.1	23.8	12.9
Fine	5.9	1.9	7	8.5	6.3	5.8	8.1	8	13.7	8.4	6	8.8
Other penalty	0.5	1.4	0.6		1.1	0.7	1.7	1.2	1	2.6	1.8	1.6
Dismissed proven	19	18.3	17	15.2	13.8	16.7	15.9	17.5	15.9	13.8	12.3	15.2
Unproven outcome	9.3	25.5	11.1	12.1	9	13.6	10.2	23.4	8.7	11	9.5	13
Total	100	100	100	100	100	100	100	100	100	100	100	100

Note: \* includes probation and suspended sentence

**Table A.13: Appearance Rate by Outcome, Indigenous Status and Year - Hunter/Central Coast**

	Indigenous Status									
	Indigenous					Non-Indigenous				
	Year					Year				
	2000	2001	2002	2003	2004	2000	2001	2002	2003	2004
	rate	rate	rate	rate	rate	rate	rate	rate	rate	rate
Control order/prison	12.8	11.4	9.4	7.0	8.5	0.6	0.6	0.4	0.5	0.4
CSO	5.1	1.8	2.3	3.4	4.4	0.3	0.3	0.4	0.3	0.4
Bond w/supervision*	13.1	16.9	16.6	14.9	13.8	1.5	1.5	1.4	1.3	1.2
Bond no supervision*	8.9	2.0	3.1	4.5	9.7	0.6	0.4	0.4	0.5	1.0
Fine	3.6	1.2	3.4	3.9	3.3	0.4	0.4	0.6	0.3	0.3
Other penalty	0.3	0.9	0.3	0.0	0.6	0.1	0.1	0.0	0.1	0.1
Dismissed proven	11.6	11.1	8.3	7.0	7.2	0.8	0.9	0.7	0.6	0.5
Unproven outcome	5.7	15.5	5.4	5.6	4.7	0.5	1.3	0.4	0.5	0.4
Total	61.0	60.7	49.0	46.4	52.1	4.7	5.4	4.4	4.2	4.3

Note: \* includes probation and suspended sentence



**Table A.14: Court Outcome by Indigenous Status and Year - Metropolitan**

	Indigenous Status											
	Indigenous						Non-Indigenous					
	%						%					
	Year					Total	Year					Total
2000	2001	2002	2003	2004	2000		2001	2002	2003	2004		
Control order/prison	17.5	16	16.5	14.8	12.9	15.7	10.6	9.3	12.7	10	9	10.3
CSO	7	7	4.9	6.3	4.9	6.1	9.9	8.1	10.5	7.5	8.1	8.9
Bond w/supervision*	25.3	27.2	35.2	33.5	32.6	30.3	25	29.2	32.7	31.9	28.4	29.3
Bond no supervision*	13.8	12.3	9.6	15.3	14.8	13.1	18.2	13.1	15.2	19.5	20.3	17
Fine	11.3	8.2	11.3	9.4	5.5	9.3	10.7	8.9	10.2	8.3	9.2	9.5
Other penalty	0.8	1.6	1	0.3	1.4	1	0.9	1.2	1.6	1.9	1.7	1.4
Dismissed proven	9.7	11.3	7.4	7.1	11.2	9.4	10.8	10	5.7	6.2	10.3	8.7
Unproven outcome	14.8	16.3	14	13.4	16.7	15.1	13.9	20.3	11.4	14.7	13	15
Total	100	100	100	100	100	100	100	100	100	100	100	100

Note: \* includes probation and suspended sentence

**Table A.15: Appearance Rate by Outcome, Indigenous Status and Year - Metropolitan**

	Indigenous Status									
	Indigenous					Non-Indigenous				
	Year					Year				
	2000	2001	2002	2003	2004	2000	2001	2002	2003	2004
rate	rate	rate	rate	rate	rate	rate	rate	rate	rate	
Control order/prison	12.6	11.4	9.6	7.3	6.5	0.5	0.5	0.5	0.4	0.3
CSO	5.0	4.9	2.9	3.1	2.5	0.5	0.4	0.4	0.3	0.3
Bond w/supervision*	18.2	19.2	20.4	16.5	16.4	1.2	1.5	1.3	1.2	1.0
Bond no supervision*	9.9	8.7	5.6	7.6	7.4	0.9	0.7	0.6	0.7	0.7
Fine	8.2	5.8	6.6	4.6	2.8	0.5	0.5	0.4	0.3	0.3
Other penalty	0.6	1.2	0.6	0.1	0.7	0.0	0.1	0.1	0.1	0.1
Dismissed proven	7.0	8.0	4.3	3.5	5.6	0.5	0.5	0.2	0.2	0.4
Unproven outcome	10.7	11.5	8.1	6.6	8.4	0.7	1.1	0.5	0.6	0.5
Total	72.2	70.7	58.0	49.3	50.2	4.8	5.2	4.0	3.8	3.6

Note: \* includes probation and suspended sentence

**Table A.16: Court Outcome by Indigenous Status and Year - Northern**

	Indigenous Status											
	Indigenous						Non-Indigenous					
	%						%					
	Year					Total	Year					Total
2000	2001	2002	2003	2004	2000		2001	2002	2003	2004		
Control order/prison	13.7	23.1	19	19.1	18.4	18.4	5.8	9.3	12.4	6.9	8.8	8.5
CSO	13.1	10.3	13.2	12.6	10.5	12	6.7	7.8	9.6	7.2	6.7	7.5
Bond w/supervision*	15.6	18.3	21.4	22.3	27.6	20.9	20.7	28.2	30.1	21.8	22.2	24.2
Bond no supervision*	15.1	11.9	14.4	16.3	15.8	14.8	17.7	16.1	18	23.4	25.1	20.3
Fine	16.8	11.9	16	13.5	11	14	22.2	17.6	16	24.8	23.2	21.1
Other penalty	0.9	2.2	0.2	0.6	1.1	1	1.1	1	0.8	0.7	0.4	0.8
Dismissed proven	13.9	8.5	6.6	6.4	8.8	9.1	19	8.3	7.3	7.6	9	10.5
Unproven outcome	10.8	13.9	9.2	9.2	6.8	10	6.7	11.7	5.9	7.6	4.7	7.2
Total	100	100	100	100	100	100	100	100	100	100	100	100

Note: \* includes probation and suspended sentence

**Table A.17: Appearance Rate by Outcome, Indigenous Status and Year - Northern**

	Indigenous Status									
	Indigenous					Non-Indigenous				
	Year					Year				
	2000	2001	2002	2003	2004	2000	2001	2002	2003	2004
	rate	rate	rate	rate	rate	rate	rate	rate	rate	rate
Control order/prison	14.1	17.8	14.4	15.2	14.6	0.3	0.5	0.6	0.4	0.5
CSO	13.4	7.9	10.0	10.0	8.3	0.4	0.4	0.4	0.4	0.4
Bond w/supervision*	16.0	14.1	16.3	17.8	22.0	1.2	1.4	1.3	1.2	1.3
Bond no supervision*	15.5	9.1	10.9	13.0	12.6	1.1	0.8	0.8	1.3	1.5
Fine	17.2	9.1	12.2	10.7	8.8	1.3	0.9	0.7	1.3	1.4
Other penalty	0.9	1.7	0.2	0.4	0.9	0.1	0.1	0.0	0.0	0.0
Dismissed proven	14.2	6.5	5.0	5.1	7.0	1.1	0.4	0.3	0.4	0.5
Unproven outcome	11.1	10.7	7.0	7.3	5.4	0.4	0.6	0.3	0.4	0.3
Total	102.3	77.0	76.0	79.5	79.7	5.9	4.9	4.5	5.4	6.0

Note: \* includes probation and suspended sentence

**Table A.18: Court Outcome by Indigenous Status and Year - Southern**

	Indigenous Status											
	Indigenous						Non-Indigenous					
	%						%					
	Year					Total	Year					Total
2000	2001	2002	2003	2004	2000		2001	2002	2003	2004		
Control order/prison	19.5	16.4	16.8	13.6	13.8	16	9.3	10.3	12.1	6.3	10.7	9.7
CSO	9.2	13	12.8	3.4	2.1	8	9.9	9.9	10.9	5.2	1.3	7.3
Bond w/supervision*	22.4	37.3	36.2	32	28.6	31.1	31.4	34.8	41.6	30.6	26.6	32.6
Bond no supervision*	16.1	10.2	9.4	11.6	13.8	12.3	15.5	11.7	14	24.3	23.5	18
Fine	13.8	5.1	8.7	7.5	8.5	8.7	11.8	8.5	8.9	12.5	15	11.5
Other penalty	1.1	.	1.3	2.7	2.1	1.4	2.2	1.1	0.8	1.4	1.3	1.4
Dismissed proven	12.1	3.4	8.1	15	18.5	11.5	12.7	9.6	7.4	11.5	14.1	11.2
Unproven outcome	5.7	14.7	6.7	14.3	12.7	10.9	7.1	14.2	4.3	8.3	7.5	8.3
Total	100	100	100	100	100	100	100	100	100	100	100	100

Note: \* includes probation and suspended sentence

**Table A.19: Appearance Rate by Outcome, Indigenous Status and Year - Southern**

	Indigenous Status									
	Indigenous					Non-Indigenous				
	Year					Year				
	2000	2001	2002	2003	2004	2000	2001	2002	2003	2004
	rate	rate	rate	rate	rate	rate	rate	rate	rate	rate
Control order/prison	14.0	11.7	9.9	7.8	9.9	0.5	0.4	0.5	0.3	0.5
CSO	6.6	9.3	7.5	1.9	1.5	0.5	0.4	0.4	0.2	0.1
Bond w/supervision*	16.1	26.7	21.4	18.3	20.6	1.5	1.5	1.6	1.3	1.2
Bond no supervision*	11.5	7.3	5.6	6.6	9.9	0.8	0.5	0.5	1.0	1.1
Fine	9.9	3.6	5.2	4.3	6.1	0.6	0.4	0.3	0.5	0.7
Other penalty	0.8	0.0	0.8	1.6	1.5	0.1	0.0	0.0	0.1	0.1
Dismissed proven	8.7	2.4	4.8	8.6	13.4	0.6	0.4	0.3	0.5	0.7
Unproven outcome	4.1	10.5	4.0	8.2	9.2	0.4	0.6	0.2	0.4	0.4
Total	71.7	71.6	59.1	57.2	72.2	4.9	4.3	3.9	4.3	4.7

Note: \* includes probation and suspended sentence

**Table A.20: Court Outcome by Indigenous Status and Year - Western**

	Indigenous Status											
	Indigenous						Non-Indigenous					
	%						%					
	Year						Year					
	2000	2001	2002	2003	2004	Total	2000	2001	2002	2003	2004	Total
Control order/prison	18	15.6	14	14.8	12.9	15.1	9	5.4	12.3	13.3	6	9.2
CSO	12.7	14.3	13.5	10.8	5	11.4	13.2	14	7.7	5.8	8.3	9.9
Bond w/supervision*	15.2	21.6	27.5	27.5	31.6	24.4	22.2	29	38.2	27.8	25.2	28.3
Bond no supervision*	11.7	11.3	10.8	15.4	17.5	13.2	17.4	15	13.4	14.3	20.3	16.1
Fine	14.3	13.5	12.9	13.1	10.3	12.9	18.1	14.8	16	19.8	20.1	17.7
Other penalty	0.8	1.5	0.8	0.8	0.7	0.9	1.2	1.3	0.3	0.3	0.3	0.7
Dismissed proven	10.5	9	10	8	13.9	10.2	11	8.3	8.3	9.3	14.9	10.3
Unproven outcome	16.8	13.1	10.4	9.5	8.1	11.7	7.8	12.2	4	9.5	4.9	7.8
Total	100	100	100	100	100	100	100	100	100	100	100	100

Note: \* includes probation and suspended sentence

**Table A.21: Appearance Rate by Outcome, Indigenous Status and Year - Western**

	Indigenous Status									
	Indigenous					Non-Indigenous				
	Year					Year				
	2000	2001	2002	2003	2004	2000	2001	2002	2003	2004
	rate	rate	rate	rate	rate	rate	rate	rate	rate	rate
Control order/prison	15.2	12.2	11.0	11.3	8.6	0.6	0.3	0.6	0.8	0.3
CSO	10.8	11.2	10.7	8.2	3.3	0.8	0.8	0.4	0.3	0.4
Bond w/supervision*	12.8	16.9	21.7	21.0	20.9	1.4	1.7	2.0	1.6	1.3
Bond no supervision*	9.9	8.9	8.6	11.8	11.6	1.1	0.9	0.7	0.8	1.0
Fine	12.1	10.6	10.2	10.0	6.8	1.1	0.9	0.8	1.2	1.0
Other penalty	0.7	1.2	0.7	0.6	0.5	0.1	0.1	0.0	0.0	0.0
Dismissed proven	8.9	7.0	7.9	6.1	9.2	0.7	0.5	0.4	0.5	0.8
Unproven outcome	14.2	10.2	8.2	7.3	5.4	0.5	0.7	0.2	0.6	0.2
Total	84.6	78.3	79.0	76.4	66.2	6.3	5.9	5.3	5.9	5.1

Note: \* includes probation and suspended sentence

**Table A.22 Proportion of first proven court appearances with no previous Youth Justice Conference**

	Indigenous Status											
	Indigenous						Non-Indigenous					
	%						%					
	Year					Total	Year					Total
	2000	2001	2002	2003	2004		2000	2001	2002	2003	2004	
Hunter/CCoast	70.5	38.9	50.0	60.0	82.9	59.7	74.5	46.9	59.3	69.0	83.6	65.6
Metropolitan	82.2	68.6	72.6	78.4	84.3	77.2	79.9	69.8	73.8	78.2	86.9	77.4
Northern	73.3	60.8	70.7	68.1	83.5	72.4	82.1	65.9	69.8	85.8	92.7	81.3
Southern	79.2	59.6	64.3	82.1	71.4	71.0	85.5	72.9	74.5	80.2	88.5	80.9
Western	67.5	63.9	77.7	74.6	85.6	74.0	81.2	71.4	79.5	81.7	92.6	81.4
Total	74.2	61.0	71.3	72.9	83.0	72.7	80.4	66.9	72.5	79.2	88.5	77.5

**Table A.23 Proportion of court appearances by way of charge**

	Indigenous Status											
	Indigenous						Non-Indigenous					
	%						%					
	Year					Total	Year					Total
	2000	2001	2002	2003	2004		2000	2001	2002	2003	2004	
Hunter/CCoast	72.7	82.2	77.2	73.9	55.6	72.4	64.2	71.0	79.9	70.8	51.3	67.5
Metropolitan	71.3	75.5	81.0	72.4	71.0	74.3	66.6	71.5	79.9	71.8	69.2	71.6
Northern	68.5	74.6	76.7	72.8	50.0	68.3	48.4	61.9	62.6	55.6	36.0	51.8
Southern	67.8	76.3	81.7	78.9	48.1	69.6	64.9	68.8	73.6	63.9	49.2	63.6
Western	69.9	68.7	72.5	71.2	56.9	68.2	53.3	59.6	65.5	55.1	45.6	55.8
Total	69.9	74.4	77.0	72.9	56.6	70.2	62.1	68.9	75.5	66.3	56.5	65.8

**Table A.24 Proportion of control orders for those less than 15 years of age**

	Indigenous Status											
	Indigenous						Non-Indigenous					
	%						%					
	Year					Total	Year					Total
	2000	2001	2002	2003	2004		2000	2001	2002	2003	2004	
Hunter/CCoast	37.2	23.1	24.2	12.0	19.4	24.6	14.5	22.0	15.8	9.5	28.6	17.7
Metropolitan	27.1	34.6	28.8	26.9	27.7	29.3	23.8	22.8	19.0	16.0	17.1	20.1
Northern	30.3	27.0	30.2	36.3	39.0	32.5	41.4	5.6	43.2	40.0	23.3	30.2
Southern	29.4	37.9	48.0	35.0	26.9	35.1	23.3	24.1	48.4	47.8	14.7	30.6
Western	36.0	23.3	26.9	22.9	50.0	31.2	29.7	14.3	30.2	39.6	28.6	30.9
Total	31.8	28.4	30.0	28.6	35.7	30.8	24.4	20.3	25.6	24.3	20.2	23.1

**Table A.25 Proportion of control orders for those on less serious offences**

	Indigenous Status											
	Indigenous						Non-Indigenous					
	%						%					
	Year					Total	Year					Total
	2000	2001	2002	2003	2004		2000	2001	2002	2003	2004	
Hunter/CCoast	18.6	2.6	3.0	-	6.5	7.0	9.1	8.0	2.6	2.4	2.9	5.5
Metropolitan	-	-	-	-	-	-	-	-	-	-	-	-
Northern	-	1.7	-	-	-	0.4	27.6	11.1	18.2	3.3	11.6	14.3
Southern	5.9	10.3	8.0	20.0	15.4	11.2	13.3	6.9	9.7	8.7	2.9	8.2
Western	2.2	2.7	1.5	2.9	1.9	2.3	5.4	4.8	2.3	1.9	4.8	3.4
Total	0.9	0.6	1.4	1.9	2.3	1.3	0.3	0.3	0.3	1.7	-	0.5

\*Less serious offences are defined in this paper as drug property damage, public order, traffic, justice and miscellaneous offences.

**Table A.26 Proportion of control orders for those without a previous CSO**

	Indigenous Status											
	Indigenous						Non-Indigenous					
	%						%					
	Year					Total	Year					Total
	2000	2001	2002	2003	2004		2000	2001	2002	2003	2004	
Hunter/CCoast	41.9	46.2	48.5	60.0	61.3	50.3	61.8	62.0	60.5	42.9	77.1	60.5
Metropolitan	49.4	64.1	69.7	78.8	76.6	65.5	66.1	72.8	76.4	72.9	76.7	72.8
Northern	47.2	50.4	55.2	51.0	68.0	54.4	51.7	69.4	65.9	70.0	58.1	63.2
Southern	44.1	51.7	52.0	55.0	57.7	51.5	60.0	58.6	71.0	87.0	70.6	68.7
Western	53.9	49.3	65.7	51.4	72.2	57.5	54.1	42.9	51.2	81.1	47.6	59.4
Total	48.5	53.0	59.9	57.6	68.6	56.9	62.4	67.5	69.8	70.9	70.6	68.1

**Table A.27 Proportion of control orders for those with no previous proven court appearances**

	Indigenous Status											
	Indigenous						Non-Indigenous					
	%						%					
	Year					Total	Year					Total
	2000	2001	2002	2003	2004		2000	2001	2002	2003	2004	
Hunter/CCoast	4.7	-	-	-	-	1.2	3.6	8.0	7.9	2.4	14.3	6.8
Metropolitan	3.5	3.8	6.1	9.6	10.6	6.1	15.3	19.0	19.5	14.6	21.7	18.0
Northern	2.2	2.6	9.4	5.9	9.0	5.8	17.2	11.1	15.9	10.0	14.0	13.7
Southern	2.9	-	4.0	5.0	3.8	3.0	3.3	6.9	12.9	4.3	14.7	8.8
Western	4.5	6.8	6.0	8.6	1.9	5.7	13.5	#VALUE!	4.7	5.7	4.8	6.3
Total	3.5	3.3	6.3	6.7	6.2	5.0	12.4	14.1	15.4	9.9	17.2	13.7

**Table A.28 Proportion of control orders for those with less than 3 previous proven court appearances**

	Indigenous Status											
	Indigenous						Non-Indigenous					
	%						%					
	Year						Year					
	2000	2001	2002	2003	2004	Total	2000	2001	2002	2003	2004	Total
Hunter/CCoast	7.0	7.7	-	-	19.4	7.0	27.3	18.0	28.9	16.7	25.7	23.2
Metropolitan	21.2	25.6	25.8	26.9	19.1	23.8	40.7	44.6	51.8	49.3	50.4	47.1
Northern	13.5	19.1	32.3	30.4	34.0	25.9	17.2	30.6	40.9	36.7	32.6	32.4
Southern	17.6	27.6	32.0	15.0	34.6	25.4	33.3	24.1	51.6	17.4	38.2	34.0
Western	15.7	13.7	28.4	31.4	16.7	21.0	59.5	38.1	32.6	28.3	14.3	35.4
Total	15.6	18.9	26.1	26.0	26.0	22.0	37.9	36.6	45.6	37.0	39.7	39.5



## **APPENDIX 2**

### **Consultations**

#### *Baxter Detention Centre 13/9/05*

Steve Wilson, centre manager  
Doug Buchanan, regional director

#### *Juniperina Detention Centre 15/9/05*

Frank Prothero, centre manager  
Judy Mullins, assistant manager client services  
Gayle Curtin, acting assistant manager generalist  
Deni Fowle, AOD counsellor  
Bruce Cunningham, acting unit manager  
Gail deLucia, nurse, Justice Health  
Desiree Innes, clinical psychologist  
Rhona Barker, classification officer  
Chris O'Neill, assistant school principal  
Sylvia Kilby, JJO, Wollongong JJCS

#### *Orana Detention Centre 20/9/05*

Danny Rocsiaros, acting manager  
John Edwards, acting assistant manager client services  
Fran Willis, relieving school principal  
Tenneile Wilton, AOD counsellor  
Raquel Arenas, clinical psychologist

#### *Keelong Detention Centre 22/9/05*

Vicki Pearce, acting manager  
Rod Broad, youth officer  
Gerald Peggs, unit manager  
George Gunter, youth officer

#### *Reiby Detention Centre 23/9/05*

Michael Vita, manager  
Kate McKeehan, assistant manager client services  
John Morgan, school principal  
Eric Murray, unit coordinator

#### *Cobham Detention Centre 27/9/05*

David Kirwan, manager  
Jane Marchant, assistant manager client services

#### *Acmema Detention Centre 30/9/05*

Glen Sullivan, manager  
Janette Byrne, classification office  
Angela Scott, centre psychologist  
Bill Colbran, acting unit manager  
Jeanette Liva, SOP counsellor  
Paul Donovan, youth officer

Dean Luadsman, youth officer

*Riverina Detention Centre 6/10/05*

Chris Simpson, manager  
Jill Curtois, acting assistant manager client services  
Tammie Smith, AOD counsellor  
Joseph Griffin, acting unit manager  
Darcy Smith, unit coordinator  
Georgina O'Neill, youth officer  
David O'Neill, youth officer  
Frances Jomantas, intern psychologist

*Campbelltown JJCS 23/9/05*

Andrew Green, manager  
Justin Beckett, counsellor  
Phillipa Evans, counsellor  
Andrea Bartolo, JJO  
Steve Struchan, JJO

*Dubbo JJCS and Regional Office 20/9/05*

Scott Griffith, regional manager  
Suzi Colahan, JJCS manager  
Craig Biles, JJO  
Kevin Jones, acting JJO  
Julie Hillian, juvenile justice counsellor

*Southern Regional Office 22/9/05*

Steve Miller, regional manager  
Rob Johnston, A/PSO  
Anne Pascoe,

*Metropolitan Regional Office 27/9/05*

Kylie Wilson, executive officer  
Neville Butt, project officer  
Cynthia Grayston Riley, A/PSO

*Blacktown JJCS and IPU 4/10/05*

Bernadette Logo, acting manager, JJCS  
Ann Lewis, manager, Blacktown IPU  
Melanie Tilbury, clerical officer, IPU  
Shelraw Muniswamy, juvenile justice counsellor (SOP), IPU  
Nicole Duda, juvenile justice counsellor, IPU  
Anna Saad psychologist (forensic program) IPU  
Su-Gi Heng, juvenile justice counsellor, IPU  
Chris Cornell, JJO  
Andrew McTavish, JJO  
Errol Pushong, JJO  
Wendy Laresq, JJO  
Melissa Preston, assistant manager JJCS  
Gina , JJO

Chris Donzow, JJO  
Spiro Manolopoulos, juvenile justice counsellor, IPU  
Sam Schuster, JJO  
Gary Dillon, JJO

*Lismore JJCS and Regional Office 29/9/05*  
Anne Meagher, regional director, Northern  
Lynda Saville, JJO Glen Innes/Lismore  
Linda Casuarina, relief JJO  
Jennifer Parke, manager YJC, Lismore.

*Grafton JJCS, 29/9/05*  
Paul Dwyer, manager  
Darryl Towney, JJO  
Rhonda Toms, JJO

*Wagga Wagga JJCS, 6/10/05*  
Peter Bruton, manager  
Lee Simpson, A/PSO  
Barbara Wealands, JJO  
Betty Egan, JJO  
Kerryn Weeden, YJC manager  
Margaret Glasson, JJO  
Lynne Caton, JJO

*Sydney JJCS and Stanmore IPU 28/9/05*  
Bronwyn Manion, manager, Sydney JJCS  
Lianna Lavers, JJO  
Jennifer Anderson, JJO  
Kelly Rochow, juvenile justice counsellor (VOP), Stanmore IPU  
Caryn Hollier, juvenile justice counsellor, Stanmore IPU  
Kristy Chauura, juvenile justice counsellor, Stanmore IPU  
Christian Cabrera juvenile justice counsellor (SOP), Stanmore IPU  
Mercelle Jordan, JJO  
Michael Gray, JJO  
Dominic van Gestel, manager, Stanmore IPU  
Stephanie Hermes, JJO  
Louise Kemp, assistant manager, Stanmore IPU  
Rose Nean, JJO  
John Mozejko, JJO  
Cathy Donoso, JJO  
Rachel Burrow, JJO

*Youth Drug Court, Joint Assessment Team, 29/9/05*  
Sebastian James, manager JART  
Alex Mitchell, assistant manager JART  
Louise Andrews, JJO  
Amy Gentle, JJC  
Eleanor Duncan, JJO  
Sharon Summer. JJC

*Consultations 2003/04*

Northern Region Exec Meeting 12 /2/03

Metropolitan Region Exec Meeting 12/1/03

SouthWest Region, Southern Cluster Exec Meeting 25/2/03

Grafton JJCS 4/3/04

Acmena JDC 4/3/04

Dubbo JJCS 29/4/04

Orana JDC 29/4/04

## **APPENDIX 3**

### **ABORIGINAL JUSTICE PLAN**

#### **STRATEGIC DIRECTIONS 2 AND 5.**

##### ***Strategic Direction 2. Aboriginal Young People***

Objective: Build the skill capacity, self-worth and resilience of Aboriginal young people to create healthy young individuals.

##### **Strategic Actions**

###### **1 Create vibrant and functioning young Aboriginal people.**

Improve Aboriginal young people's participation in organised sport, art and community activities.

Develop community managed programs for young Aboriginal people at risk of offending, that provide rehabilitation, cultural healing and personal development services.

Develop strategies to address Aboriginal youth suicide and self harm.

Reduce the number of homeless young Aboriginal people by reshaping programs and services that provide access to quality housing.

Develop state-wide strategies to reduce family violence in Aboriginal communities.

###### **2 Build the knowledge base of young Aboriginal people's understanding about their legal rights and obligations.**

Improve Aboriginal young people's knowledge of their rights under the criminal, civil and family law, through targeted information and education strategies.

###### **3 Support Aboriginal young people to maximise education and employment opportunities.**

Engage Aboriginal communities to work with schools and develop learning styles and teaching techniques that meet the cultural and educational needs of young Aboriginal people to ensure their outcomes are equal to those of non-Aboriginal young people.

Support young Aboriginal people's employment opportunities through specific Aboriginal transitional programs (vocational education training school programs) from school to work.

Support young Aboriginal people to continue their education through specific programs for transition from school to entry into all forms of higher education.

###### **4 Improve quality of services to Aboriginal young people to meet their specific needs.**

Actively improve the quality of health services to young Aboriginal people through initiatives that address the special needs of young Aboriginal people.

Establish services to specifically meet the mental and emotional health needs of Aboriginal young people, particularly throughout adolescence.

###### **5 Reduce the overrepresentation of young Aboriginal people in the criminal justice system.**

Examine options for Aboriginal community-based sanctions for young Aboriginal people who commit criminal offences.  
Improve Aboriginal young people's knowledge of their rights to services, particularly in relation to contact with the police.  
Develop Aboriginal crime prevention strategies that specifically provide for young Aboriginal people.  
Consider community-based policing programs to provide Aboriginal young people with full access to all interventions under the Young Offenders Act.  
Examine options for community-based and operated programs that aim to provide new sentencing options as alternatives to custody.  
Ensure access to sexual assault counselling services for young Aboriginal people held in detention centres.  
Analyse educational and training needs of Aboriginal young people in detention.  
Conduct ongoing yearly reviews of services to young Aboriginal people in detention.  
Examine family and community-based bail support and accommodation mechanisms and programs.  
Consider introducing specific transitional programs for young Aboriginal people in the criminal justice system to facilitate their return to their community as well as access to education and training.  
Improve access to services for young Aboriginal people who are victims of crime, specifically violent crime.

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### ***Strategic Direction 5: Criminal Justice System***

Objective: Create a justice system that openly engages Aboriginal communities to reduce offending and the over-representation of Aboriginal people and responds to the needs of Aboriginal communities.

#### **Strategic Actions**

##### **1 Improve Aboriginal community trust and confidence in the criminal justice system by establishing local Aboriginal community justice mechanisms.**

Examine options for recognising Aboriginal community justice mechanisms particularly those that will encourage partnerships with the judiciary.  
Establish community justice groups in Aboriginal communities with an identified need.  
Establish statewide Aboriginal community-based sentencing mechanisms for suitable categories of offences.  
Develop a model of Aboriginal community policing.  
Explore the use of Aboriginal community supervision agreements to manage community-based sentences and parole e.g. similar to Western Australia.  
Provide ongoing research and evaluation of community justice mechanisms to develop new areas for action and international best practice.  
Encourage and remunerate Aboriginal people's involvement and representation on panels, boards or youth conferencing services that brings a cultural and family perspective to the decision making process for Aboriginal offenders.

**2 Reduce offending and re-offending in Aboriginal communities by targeting specific areas of over representation.** Use a inter-agency “Offence Targeting”

model to develop strategies to reduce:

road and traffic offences

alcohol related assaults

public order offences

offences against justice procedures

property damage

break and enter and theft offences in Aboriginal communities.

**3 Improve the quality of services to Aboriginal victims of crime.**

Develop Aboriginal responses to Aboriginal victims of crime.

Develop an Aboriginal cultural model of counselling for Aboriginal victims of crime.

Establish and implement international best practice models for criminal justice responses to Aboriginal victims.

**4 Address the needs of Aboriginal juveniles in detention centres.**

Develop culturally based programs and program delivery models that address the criminal, behavioural, social and emotional needs of juveniles in detention centres through Aboriginal engagement and remuneration.

Review transportation policies for remanded juveniles appearing in court.

Continue to review the use of detention centres for young Aboriginal people and explore alternatives to both custody and remand.

**5 Establish responsive policing that meet Aboriginal community’s crime concerns.**

Continue to review NSW Police training to improve the focus on cultural and racism awareness, community policing, Aboriginal community partnership programs, police and Aboriginal relations, and measurements and use of alternatives to arrest.

Work with NSW Police to achieve localised and locally negotiated strategies for policing of public space in Aboriginal communities.

Work with NSW Police to achieve localised mechanisms to allow Aboriginal communities to determine and direct responses to local crime concerns.

Develop problem solving and community policing approaches with bottom up, participative decisions with local Aboriginal groups.

Review police internal reporting and management processes in relation to measures to assess alternatives to arrest, Aboriginal community partnership programs, and police and Aboriginal community relations.

Directly involve local Aboriginal communities in establishing and managing local policing priorities, including methods of policing and the provision of locally managed and delivered Aboriginal cultural awareness programs.

Ensure adequate payment of Aboriginal community members involved in decision-making processes.

**6 Ensure Aboriginal defendants have full access to bail.**

Encourage statewide Aboriginal community involvement in bail processes.

Examine options for developing family and community based bail support and accommodation mechanisms and programs.

Review bail legislation and administrative processes to ensure Aboriginal

defendants have full access to bail.

Examine legislative options for judicial officers to consider bail with community-based support.

### **7 Maintain the highest quality court services and legal representation for Aboriginal people.**

Encourage the highest possible standard of court services to Aboriginal communities through a specific Aboriginal client service strategy for registry, counter information and all other court services.

Encourage the highest possible standard of legal representation for Aboriginal people at court, including competency-based training for legal representatives. Consider means to improve judicial education on Aboriginal issues and provide ongoing training particularly training on Aboriginal culture and racism awareness.

### **8 Ensure that criminal justice processes act to reduce offending behaviours to reduce the number of Aboriginal defendants proceeding through the criminal justice system.**

Develop Aboriginal diversion and intervention strategies to target specific offences and offending behaviours at each intervention point in the criminal process, including sentencing options.

Develop and utilise a full range of Aboriginal community based alternatives to avoid Aboriginal prosecution for minor summary offences.

Gradually develop options for statewide Aboriginal community controlled alternatives to prison and juvenile detention.

Trial and evaluate intensive court supervision program for young Aboriginal offenders.

Explore options for community-based sentences for Aboriginal women, such as home detention, as alternatives to prison to cater for family and other needs of Aboriginal women.

### **9 Establish high quality services for Aboriginal inmates to facilitate their transition into the community and reduce the likelihood of their re-offending.**

Improve community-based support mechanisms for the children of Aboriginal prisoners.

Consider culturally-based healing programs to address physical, social, emotional and mental health needs of Aboriginal prisoners.

Provide access to health services for Aboriginal prisoners, targeting problem areas such as review of medications and sexual assault counselling.

Develop Aboriginal case management planning that provides for opportunities to access prison-based programs and services.

Consider amending parole legislation to encourage engagement with Aboriginal communities and respect cultural differences when making decisions.

Consider options for Aboriginal parenting programs for Aboriginal prisoners.

Develop pathways between the community and custody to ensure effective transfer of information services and program support within a through care framework.

Establish localised community based support and visiting programs for Aboriginal prisoners.

Establish an Aboriginal women's healing place that provides welfare services, post release, case management, cultural programs counselling and health services for



Aboriginal women serving full-time prison terms.  
Establish alternatives to the Mother and Children's Program that cater for Aboriginal mothers in prison and incorporates the extended Aboriginal family.  
Ensure that Aboriginal prisoners receive sexual assault services that apply a culturally based healing framework which extends into the community.  
Examine options to enable Aboriginal women to serve sentences in the community as an alternative to prison in an environment that caters for the family, and other needs of Aboriginal women.  
Work with housing providers to support Aboriginal prisoners upon their release from custody.  
Further develop Aboriginal community-based post release support programs, such as that coordinated by the Yulla Wirri Nurai Aboriginal Women's Post Release organisation.  
Review legislative and policy provisions to better assist Aboriginal offenders' transition back into communities.  
Deliver accredited TAFE and bridging courses to assist Aboriginal inmates to gain qualifications and apprenticeships that articulate into university courses by correspondence.  
Establish economic development programs in prisons to provide employment opportunities for offenders following their release in the community.

**10 Establish the ongoing review and reform of criminal legislation, policy and initiatives to ensure they meet the needs of Aboriginal communities.**

Implement Aboriginal impact statements for all criminal law proposals.  
Ensure ongoing Aboriginal community input to monitor, review and evaluate the impact of criminal laws and criminal justice policy on Aboriginal people and develop innovative solutions to Aboriginal justice problems.  
Examine options for legal recognition of emerging cultural practices, in negotiation with Aboriginal communities.  
Formalise a partnership between the AJAC and the NSW Sentencing Council that allows for the provision of culturally responsive sentencing advice.  
Undertake ongoing review of sentencing practices and principles as they apply to Aboriginal offenders.