

# **A HOLISTIC APPROACH TO JUVENILE OFFENDING**

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## Introduction

On 10 April 2000, the Prime Minister, John Howard and the then Chief Minister of the Northern Territory, Denis Burke issued a joint statement regarding programs to divert juveniles from the Courts. Legislative amendments were passed on 1 June 2000, raising the age of a juvenile for the purposes of criminal justice system from the then defined 16 years to include juveniles who have not attained the age of 18 years.

A formal agreement between the Northern Territory and the Commonwealth to give effect to the joint statement was signed on 27 July 2000. The Agreement includes a commitment by the Commonwealth to fund \$5M for the Juvenile Pre-Court Diversion Scheme and an Aboriginal Interpreter Service per year for four years commencing 1 September 2000. The Commonwealth and the Territory have agreed that a minimum of \$1.3M per annum must be allocated to the development of community-based programs and the provision of program services for juveniles.

The Agreement requires the Northern Territory Police Force to manage the Pre-Court Diversion Scheme. It also requires that a report be provided to the Commonwealth on the performance of the Scheme at 6 monthly intervals. After 12 months, a review of progress in meeting the requirements of the Agreement is required<sup>1</sup>.

A further review of the Agreement 6 months prior to its expiration in 2004 is also required.

The Agreement requires that police must offer diversion to all juveniles who commit a 'minor' property offence in circumstances where the value of the property involved does not exceed \$100.00. Police have the 'discretion' to offer diversion for more serious offences. Some offences are 'excluded' from diversion, based on their serious nature (eg murder and sexual assault).

A Pre-Court Diversion Scheme structure was developed after researching diversion programs throughout Australia and overseas and adapting principles to the Northern Territory environment. This was particularly important with respect to indigenous influencing factors and the remoteness of many Territory communities.

The Scheme commenced on 24 August 2000. The Commissioner of Police immediately issued an Interim Policy Statement and on the 15 March 2001 issued a set of General Orders which provided comprehensive guidelines and instructions to all police officers on how to utilise and manage the Scheme across the Territory. The General Orders also included a list of 'excluded' offences. To coincide with the commencement of the Scheme the Commissioner of Police established a Juvenile Diversion Division incorporating two Juvenile Diversion Units (JDUs), one in Darwin and the other in Alice Springs.

To further support the Scheme, amendments were made to the *Police Administration Act* and passed in the October 2000 sittings of the Legislative Assembly. The amendments to the *Police Administration Act* provide police with the power to divert a juvenile from the criminal justice system utilising one or more of the four levels of diversion created.

## Juvenile Pre-Court Diversion Scheme

The aim of the Juvenile Pre-Court Diversion Scheme is to divert juveniles away from the formal justice system and the Courts. The Scheme provides that the Courts will only be used where offences committed are of a more serious nature or other diversion options have been tried and failed.

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<sup>1</sup> A performance information report (first 12 months) for the review has been provided by the Territory to the Commonwealth. A full review report in terms of the Agreement has been completed by the Commonwealth and will soon be released.

Goals of the Scheme are:

- To provide and maintain an effective alternative to the prosecution and sentencing of young offenders in the formal justice system.
- To encourage young offenders to be responsible members of the community by providing opportunities for positive behavioural change and improvement in life skills through diversion activities.
- To develop relationships and working partnerships between Police, Government and community organisations to ensure that a holistic approach is taken to addressing the issues of youth in the communities.

Commencement of the diversionary process is dependent upon the establishment of a prima facie case against the juvenile.

The principles of the Scheme are:

- to treat young people fairly,
- to support and involve victims
- to take account of the impact on the victim
- encourage parental responsibility
- foster closer police and community interaction
- foster positive social change

The Diversion Scheme provides for different types of responses to juvenile offending. These include:

- verbal and written warnings
- family conferences/formal cautions
- victim offender conferencing
- conditions
- formal or informal community-based programs (including life skills and alcohol, drug and substance abuse programs)
- prosecution

A juvenile can be given multiple informal and formal warnings, conditions and programs. However, repeat offenders who are still considered suitable for diversion, and who consent to diversion, receive progressively intensive forms of intervention with a view to further educating and encouraging positive behavioural change.

Diversion is not a “let off” for juveniles. Although the juvenile and a parent/guardian must consent to the juvenile being diverted, juveniles are not able to use the diversion process to continue to re-offend and avoid punishment.

The Northern Territory Police Force recognises that as a part of growing up many juveniles will make mistakes and should be given opportunities to correct their behaviour prior to becoming involved with the formal justice system. It is also true that some juveniles will not be suitable for diversion and many diversion attempts will be unsuccessful in preventing re-offending. In keeping with the principles and intent of the Scheme, every effort is being made to provide juvenile offenders with a pre-court opportunity to undergo positive behavioural change.

Formal admissions to the offence are not compulsory, but are taken into account in the diversion process. Of course, juveniles must take some responsibility for their actions for the diversion to be successful. Police take into account any special circumstances that may have prevented the juvenile from completing the agreed diversionary program prior to the commencement of any prosecution action.

In circumstances where a juvenile is offered diversion, they may be referred to prosecution if:

- the juvenile refuses to undertake diversion;
- the parent/guardian refuses to allow the juvenile to undertake diversion; or
- the juvenile refuses or fails to comply with diversion arrangements.

An important element of the Scheme is to take account of the needs of the victim. The impact of offending behaviour on the victim is given a high priority in all decisions. Victim/offender conferences are encouraged wherever possible so victims are able to express their feelings and understand why an offence has been committed against them or their property. Of equal importance, the victim/offender conference provides an opportunity for the juvenile to fully understand the impact of their behaviour on the victim.

The Scheme recognises that parents/guardians have an important role to play in the effective diversion of juveniles and the prevention of re-offending. Parents/guardians are almost always the greatest influence in the child's offending behaviour and the most important influence in behavioural change. The Scheme encourages parents/guardians to take responsibility for the actions of their child. In particular, family involvement in family or victim/offender conferencing enables all parties to freely discuss the impact that the child's behaviour has had upon them and further provides an opportunity to determine outcomes likely to assist in behavioural change.

To ensure that the aim and principles of the Scheme are followed, juveniles can only be referred to court if approval is given by a senior police officer. All police officers must seek approval from an "Authorised Officer" (Senior Sergeant or above or the Officer-in-Charge of a Police Station) before charging, bailing and/or refusing bail to a juvenile<sup>2</sup>. Similarly, a juvenile cannot be summonsed to appear in court unless a Superintendent has given approval for the summons to be issued.

The Scheme incorporates widespread consultation with stakeholders from the community, particularly Aboriginal people. It also encourages community groups and organisations to develop suitable programs for juveniles at risk. All Aboriginal Community Police Officers receive training in the diversion process and are utilised wherever possible in the development of programs in the communities.

The Territory is committed to ensuring that the Juvenile Pre-Court Diversion Scheme is flexible, practical, effective and well supported. In this regard, a large number of police have received training in general diversion and the facilitation of victim offender conferences. Juvenile Diversion Units support the operation of the scheme and provide the necessary advice and support to police throughout the Territory.

### **Outcomes in the First 24 Months**

The Agreement between the Commonwealth and the Northern Territory has resulted in the development and implementation of a Juvenile Pre-Court Diversion Scheme (the Scheme) in the Northern Territory that provides a holistic approach to juvenile offending. Unlike the adversarial system, the Scheme is flexible and provides a range of interventions that divert juveniles away from the criminal justice system.

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<sup>2</sup> Juveniles are only charged and bail refused in serious circumstances, eg. The juvenile is at substantial risk of injury, evidence may be destroyed or the offence will be continued.

## **Apprehensions**

A total of 2922 apprehension<sup>3</sup> cases were dealt with in the first 24 months. Of these:

- 66% of all juveniles apprehended were offered diversion
- 34% of juveniles were denied diversion by police for serious offences because the offence was an excluded offence, the offence/circumstances were too serious or the impact upon the victim was such that diversion was not appropriate
- 6% of those offered diversion declined the offer

## **Minor Offences**

During the reporting period 14% of total apprehensions cases<sup>4</sup> were recorded for 'minor' property offences. All of these juveniles who committed only a 'minor' property offence were offered diversion.

## **Serious Offences**

Of the 2922 total apprehension cases:

- 80% of apprehensions were for 'serious' offences<sup>5</sup>, ie. those offences which were not excluded or minor property offences.
- 65% of these more serious offence apprehensions were offered diversion
- 8% of those offered diversion for serious offences declined the diversion

## **Excluded Offences**

Excluded offences accounted for 6% of the total 2922 apprehension cases. These offences can not be offered diversion and included unlawful entries, criminal damage, drug offences, stealing, fraud or deception, escaping custody, very serious traffic offences and very serious offences relating to sexual/aggravated assault.

## **Diversion Referrals – General**

Of the 1812 cases referred to diversion:

- 28% were identified for a verbal warning
- 31% were identified for a written warning
- 33% were identified for a family conference/formal caution
- 8% were identified for a victim offender conference
- 12% of the cases were referred to a program in addition to a conference or warning
- 88% of these diversion cases had successfully completed the diversion at the time of reporting
- 2% of the cases have failed the diversion arrangements/conditions and have been referred to the Court. However, other failures in this period have not been actioned or are still being assessed and are yet to be recorded
- 10% of cases were awaiting or currently undergoing the diversion at the time of reporting.

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<sup>3</sup> One apprehension case may involve several apprehensions of a juvenile and for several offences on each occasion, ie. the figure of 2922 refers to cases not individuals.

<sup>4</sup> These apprehension cases were cases in which the most serious offence was a 'minor' property offence. In many cases a minor property offence is committed in conjunction with a serious offence and in these cases the apprehension case is recorded as relating to a 'serious' offence.

<sup>5</sup> Diversion for 'serious' offences is at the discretion of police. These were generally offences against property or the person.

## Demographics

Demographic figures indicate:

- 79% of all apprehension cases occurred in the major centres of Darwin (47%), Katherine (7%), Tennant Creek (6%) and Alice Springs (18%)
- 21% of all apprehension cases occurred in 27 predominantly indigenous communities outside of the major centres
- 66% of apprehension cases in the major centres were offered diversion
- 66% of apprehension cases in the 27 predominantly indigenous communities were offered diversion
- 59% of the total apprehension cases were indigenous
- 41% of the total apprehension cases were non-indigenous
- 63% of indigenous apprehensions were offered diversion<sup>6</sup>
- 8% of indigenous juveniles offered diversion declined the diversion
- 71% of non-indigenous apprehensions were offered diversion
- 4% of non-indigenous juveniles offered diversion declined the diversion
- 90% of indigenous apprehension cases related to serious and excluded offences
- 81% of non-indigenous apprehension cases related to serious or excluded offences.

Of the total apprehension cases:

- 20% cases were female
- 80% cases were male
- 11% cases were indigenous females
- 9% cases were non-indigenous females
- 49% cases were indigenous males
- 31% cases were non-indigenous males.

Of the indigenous males:

- 58% were offered diversion<sup>7</sup>
- 9% of those offered declined the diversion

Of the non-indigenous males:

- 66% were offered diversion
- 5% of those offered declined the diversion

Of the indigenous females:

- 83% were offered diversion
- 4% of those offered declined the diversion

Of the non-indigenous females:

- 88% were offered diversion
- 1% of those offered declined the diversion

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<sup>6</sup> The lower rate of diversion being offered to Indigenous juveniles is commensurate with the higher rate of serious and excluded offences committed by Indigenous juveniles.

<sup>7</sup> See previous footnote re: higher rate of serious/excluded offences committed.

Of the 222 referrals to programs:

- 50% were indigenous males
- 34% were non-indigenous males
- 6% were indigenous females<sup>8</sup>
- 9% were non-indigenous females

### **Verbal Warnings**

The first 24 months of the scheme saw a large number of juveniles cases, 28% of those participating in diversion, identified to receive verbal warnings for minor and serious offences. This situation has now changed significantly with only 3% of those participating in diversion receiving a verbal warning in the past 12 months. This is a favourable decrease when considering that the greatest prospect of achieving behavioural change lies in a higher level of family involvement in the process.

In the first 12 months of the agreement many of the juveniles received a verbal warning because many police officers were concerned that they would be seen to be too harsh on juveniles by giving the more formal types of diversion. Furthermore, in many cases the juvenile was given the benefit of the doubt and treated as a first time offender. Through an intensive education campaign, police officers have been encouraged in the past 12 months to intervene with the more formal types of diversion which are proving to be the most effective type of intervention. Additionally, many of the juveniles who initially received verbal warnings are now before the police again and the giving of another 'verbal' warning is generally not appropriate if it appears that a pattern of offending or "at risk" behaviour is developing.

### **Written Warnings**

Written warnings were given to 30.5% of those participating in diversion during the reporting period. In the past 12 months the rate of written warning interventions has increased to 35% of diversion interventions. This type of diversion intervention, given generally for very minor offences, requires the police officer to serve the written warning in the company of a parent/guardian of the juvenile. This has the effect of delivering the warning to the juvenile in more formal circumstances and delivering a message to the parents that the juvenile is at risk and that more parental responsibility is required.

Conditions such as a written apology or restitution may also be imposed upon the juvenile at this stage. The written warning plays an important role in involving the parents at an early stage of a juvenile's criminal behaviour and as such is preferred to a verbal warning, wherever possible.

### **Formal Cautions/Family Conference**

Formal Cautions, now known as Family Conferences, were conducted in 33.3% of juvenile cases participating in diversion. In the past 12 months the rate of this type of intervention has increased significantly to 49% of all diversion interventions. This is a significant favourable increase in the rate of use of these types of diversion.

A family conference is generally facilitated by a police officer however it may be conducted by any person who is likely to have a significant impact upon the behaviour of the juvenile. These conferences are conducted in the same manner as a victim offender conference but without the presence of the victim. Family conferences are the first step in involving not only the family but

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<sup>8</sup> The lower referral of both indigenous and non-indigenous females to programs is relative to the lower apprehension rate of females overall.

also others in the community who may assist in changing the juvenile's behaviour. This may include persons such as a tribal elder, community council representative, sporting coach or a schoolteacher. In addition to the conference and in consultation with those involved, the juvenile may be required to undertake conditions and a program/s. This type of diversion intervention is highly favoured by police and the community and the rate of family conferences/formal cautions is expected to continue to increase in the future.

### **Victim Offender Conferences**

Victim offender conferences were conducted in 8% of diversion cases in the first 24 months. However, the rate of use of this type of diversion intervention has increased to 13% in the past 12 months.

Victim offender conferences are regarded as a very effective form of diversion, particularly where the offences are more serious or the juvenile's circumstances are more complex. They provide the best opportunity for the juvenile to be exposed to the harm they have caused and to gain a realistic appreciation of the impact of their behaviour upon others. Victim offender conferences are very often an emotional experience for all involved. For example, in the case of an unlawful entry of premises, the juvenile begins to understand that they broke into someone's life, not just a structure. Once again, any person who may have a positive impact upon the juvenile's behaviour is encouraged to attend. In some cases up to 26 people have attended a victim offender conference. All of these people have the opportunity to express their emotions and to have input into the outcomes. These outcomes may include the imposition of conditions and a program that best suits the needs of the juvenile, the family and the community.

Police act as the facilitator but also have an important role in ensuring that the victims and offenders feel secure from threat in the conference. It is also important to ensure that realistic outcomes are achieved and that any other matters being dealt with by police in respect of the juvenile are taken into account.

The concept of victim offender conferences is particularly well received in Aboriginal communities with some Aboriginal traditional elders stating that they were happy with "the new white fella way" of dealing with young offenders because it was the "old Aboriginal way".

### **Conditions**

Of those juveniles who completed a victim offender conference, 92% had conditions imposed and 45% of those who completed a family conference had conditions imposed. These conditions were in addition to the diversion type (note: conditions do not include referrals to programs). The conditions include verbal and written apologies, restitution, restoration of damage, work for the victim, curfews and imposition of family agreed consequences. All of these conditions had to be monitored by either a caseworker, the police officer who imposed the conditions or the JDU staff.

In many cases the imposition of a condition/s, in addition to the diversion intervention, is all that is required to effect a resolution to the offence, particularly where the offence is of a more minor nature, a first time offence or the juvenile is of a young age. They also play an important role where the offence or circumstances may be more serious and consequences such as the restoration of damage or restitution is the most appropriate outcome. In these circumstances it is important, wherever possible, to relate the behaviour of the juvenile (via conditions) to the offence that was committed to have the juvenile understand the consequences of their actions.



## Programs

Programs referrals generally come under 3 categories; personal, informal and registered programs. Personal programs are those minor personal plans arising out of a conference where the juvenile may have to agree to certain minor personal conditions over a period of time, eg, school attendance, good behaviour or not to be involved with certain individuals.

Informal programs involve tailored activities over a period of time that may be far more onerous and effective than attending a registered program. For example, as an outcome of an informal program, a juvenile may have to provide assistance to an elderly relative, work for the victim, attend a sporting program or perform a community service. Referral to a registered program service is not often necessary or as productive as an informal program.

Registered programs are those programs that are formally registered with the NT Police Juvenile Diversion Division to provide formal services, particularly where services are specialised or more intensive supervision is necessary. These registered programs could include case management through a range of actions, eg. Counselling, employment, special education or substance abuse programs.

Juveniles were referred to programs in 12% of diversion interventions in the first 2 years. However, there has been a significant favourable increase in the rate of program referrals from 6.6% of diversion interventions in the first 12 months to a rate of 23% in the past 12 months. This is due to increased training and education of police officers, the development of further community based programs and case management services and an emphasis at both police and community level on the use of programs wherever possible to assist with behavioural change.

Of those who were referred to programs, 63% were referred to registered programs and 37% to informal programs. Of those juveniles who commenced a program 11% have failed the program whilst 23% of the programs referrals are still active. Program referrals were almost exclusively for the commission of serious offences (221 serious offence cases) and originated from family conferences or victim offender conferences.

There are currently 65 municipal and community government councils and incorporated associations in the Territory. Of these, 134 programs are now registered in 37 communities in the Territory resulting in a 'program uptake' of approximately 57% in the communities in the first 2 years. Programs were registered in 33 predominantly Aboriginal communities outside the major centres of Darwin, Katherine, Tennant Creek and Alice Springs.

However, many of the programs available in some communities are only recorded under the primary location of the service provider, eg. Counselling or training may not be directly available in a community but it can be facilitated through another community or a service provider in another location. In many cases several "sub-programs" are available under a registered program. Many communities have not sought to register a program simply because they have very low levels of juvenile crime and/or social problems are dealt with 'in-house' by the community.

The development of registered programs in the communities is a two-stage process with the first being the development of community service programs and the second being the development of more holistic programs with a range of interventions.

The development of these programs is a difficult task hampered to some extent by the complex issues of health, welfare, education, employment, housing, community government structures, culture, alcohol/substance abuse and dysfunctional families in many of the remote communities. Many of these issues are to be addressed in the development of suitable programs for youth in these communities, which requires a coordinated and consultative approach between all the stakeholders.

## **Community Youth Development Units**

A number of remote communities are being encouraged to develop Community Youth Development/Support Units (CYDU's) which will not only offer a range of programs but further provide a community consultation and coordination source for holistic juvenile interventions. They will also provide a structure for the implementation and coordination of youth development programs provided by the various Government agencies and community based organisations.

The aim is to provide programs/services under the control of the CYDU's that will alleviate youth boredom, give a sense of purpose and develop life skills that will prevent offending and assist the youth to become responsible members of their community. To achieve this aim, programs must provide a range of interventions such as education, sport, recreation, job training, life skills, counselling, mentoring, substance abuse, adventure, employment and community service activities. The programs need to be flexible, continually developing or changing, interesting, challenging and adaptable to suit the individual needs of the juveniles and the community as a whole.

The structure in each community comprises an independent committee to oversee the activities of the CYDU. The committee is made up of key representatives living in the community who can make immediate decisions in respect of juvenile interventions. These representatives include Traditional Elders, Council President, Council Clerk, School Principals, OIC Police, OIC Health, OIC Corrections and any other persons who are key decision makers or likely to have an impact on juvenile behaviour.

The CYDU will receive referrals from police and they will also receive referrals of "at risk" juveniles from other sectors of the community. This may include referrals from a family or a juvenile identified by the committee or local school. However, the programs and services offered by the CYDU are available for all juveniles in the community regardless of whether they are considered to be at risk. In particular, a primary objective of the CYDU is to provide sport and recreation activities for all the youth. Those youth identified as offenders or at-risk have a specific plan developed which could include compulsory attendance at nominated sport and recreation activities, counselling, community service, education or employment training.

The Coordinator of the CYDU reports regularly to the committee on outcomes and needs and receives advice or approvals from the committee on activities. Dependent on the needs of the community and the scope of the program, the CYDU's may directly employ 2-6 people for coordination of youth services, case management of juveniles at risk and sport and recreation or other interventions. In most cases this also includes the utilisation of local people on Community Development Employment Program (CDEP) payments. Any other youth services already in existence in the community such as alcohol and drug awareness or youth well being programs also fall under the umbrella of the CYDU and the committee.

Funding provided for a CYDU under the scheme has ranged from \$300,000 to \$762,000 for a 2-4 year program dependent on the scope of the program and its period of operation. In some instances, the CYDU's are very large in scope due to the 'in-kind' funding from the community including the provision of personnel, accommodation and equipment resources from within the community.

Community Youth Development Units are now operating in Wadeye and Tennant Creek. Further regional CYDU's are about to commence in the Tiwi Islands and Groote Eylandt communities. In addition, negotiations are almost complete with the communities of Borroloola, Galiwinku and Papunya regional communities for the funding of CYDU's in these locations.

## Case Management Services

In the first 12 months of the Agreement it became apparent that the time and processes associated with the case management of juveniles, particularly those with significant problems, were proving onerous for operational police officers in the larger urban centres. Similarly, the JDU's were at times lacking in personnel resources to effectively give adequate time to the case management of juveniles. A number of the juveniles each involved work in excess of 100 hours in effecting the complete process. However, it was important that police remain thoroughly involved in the entire process from apprehension to completion of the diversion to obtain the most effective results.

As a consequence, tenders were advertised for the provision of case management and mentoring services in Darwin, Katherine and Alice Springs. The majority of reported juvenile crime (74%) occurs in these major centres. In considering that the purpose of the Agreement "is to divert juveniles from the criminal justice system in the Territory...", the provision of these services was considered essential to achieving this purpose and effective outcomes with juveniles. The services would allow for a partnership in sharing these workloads in a manner that would compliment operational policing and demands and achieve more effective outcomes with juveniles.

Contracts were awarded to YWCA Darwin, YMCA Katherine and Relationships Australia in Alice Springs<sup>9</sup>. The service providers have been engaged with the objective of alleviating and enhancing the work that has previously been carried out by police in these centres in the diversion of juveniles from the formal justice system. In particular, the work associated with the assessment of juveniles, pre-conference arrangements including interviews and the case management of juveniles on programs.

The service providers are not limited to case managing referrals from police alone. They can receive "at risk" referrals from other agencies or organisations dependent on workloads and police referral commitments.

The contracts also recognise that families and friends often do not support these juveniles and as a consequence they may need someone whom they can communicate with about their problems and get further advice and assistance with personal issues. Each of the service providers provides a mentoring service for juveniles who are referred by police. This mentoring service is available in each location between 0900 hours and midnight seven days a week via a toll free number.

Under the terms of the contracts the service providers will attend all police facilitated family conferences and victim offender conferences and case manage and mentor juveniles who are referred to programs out of these conferences. The service providers will also jointly carry out assessments of juveniles with police prior to the conferences and meet with police case officers and conference facilitators to determine options for behavioural change in juveniles including appropriate programs. They will provide reports on the outcomes with juveniles and if difficulties arise with the juvenile during the program they will contact police in respect of further assessment and options. The concept is based on a close and transparent partnership between police and the case management service providers in influencing behavioural change with juveniles.

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<sup>9</sup> Amounts awarded over 2 ½ years were: YWCA Darwin - \$1.2M, YMCA Katherine - \$1M, Relationships Australia Alice Springs - \$.8M.

## Training

The total numbers of persons now trained in general diversion operation are 714 police officers, 33 Aboriginal Community Police Officers (ACPO's) and 2 police civilian staff. A total of 40 police and 2 civilian staff were trained as instructors in general diversion operation. A further 223 police officers, 6 police civilian staff and 34 non-police were trained in victim offender conference facilitation and 17 police officers were trained as victim offender conference facilitator instructors since the scheme commenced<sup>10</sup>. These totals can not be aggregated to get a total number of police trained because many participated in more than one type of training. However, a conservative estimate of police who have received some form of formal in-classroom diversion training would be 787 police equating to 84% of the police force. In addition to this formal training, all police officers have received significant advice and instructions in diversion via Police Gazette, General Orders, instructional documents, electronic copy and presentations or briefings.

## Juvenile Diversion Units

Juvenile Diversion Units (JDU's) have been established in Darwin and Alice Springs to coordinate the diversion of juveniles from the formal justice system and advise and assist police officers. The units provide the necessary expertise and support to police throughout the Territory, particularly remote police stations. A priority objective of the units is to work closely with remote communities and police in the development of programs that best suit the needs of the juveniles and the community.

In most communities outside of the major centres, the OIC of the local police station undertakes the diversion responsibilities with support from the regional JDU. Aboriginal Community Police Officers play a key role in the diversion process within remote communities and are utilised by the JDU's and local police to assist communities with the understanding of the diversion process, diversion interventions and monitoring the development and operation of suitable programs.

During the reporting period, the JDU's assessed, monitored, reviewed and finalised all 2922 apprehension cases. Of these, 281 apprehension cases were referred to the JDU's for part or full management of the case. The 281 referral cases included the conduct of 126 victim offender conferences, 76 family conferences and the facilitating and monitoring of juveniles on 140 programs. These were generally the more complex cases.

Approved staffing of the JDU's is currently as follows<sup>11</sup>:

### Darwin -

1 x Superintendent  
1 x Senior Sergeant  
2 x Sergeants  
2 x Constables  
1 x Police Auxiliary  
1 x Program/Projects Officer  
1 x Legal Officer  
1 x Administrative Officer

### Alice Springs –

1 x Senior Sergeant  
1 x Sergeant  
2 x Constables  
1 x Program/Projects Officer  
1 x Administrative Officer

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<sup>10</sup> Training in Victim Offender Conference facilitation was conducted by Real Justice (Mr Terry O'Connell).

<sup>11</sup> An internal review has recently been undertaken of personnel needs for effective diversion operation across the Territory. It is anticipated that there will be some movement of personnel to other locations in the future.

## **Community Consultation**

In the first 24 months of the Scheme, in excess of 200 agencies, organisations, service providers and community councils were consulted or briefed on community program development. In addition, more than 1000 community members were briefed on the diversion scheme in personal presentations and meetings conducted by the JDU's. The conduct of many media interviews and the distribution of information documents to the general public have supported these meetings and presentations. Community consultation is ongoing with OIC's of all police stations and JDU's giving priority to community consultation regarding the development of suitable programs and community involvement in diversion actions.

## **Impact of Juvenile Pre-Court Diversion on Court Appearances/Convictions/Sentencing/Detention**

Figures are not yet available for the 24-month period of operation however, figures available for the first 12 months<sup>12</sup> of operation indicate:

- Overall appearances in Court by juveniles were reduced by 31% when compared to the preceding year.
- Appearances for property offences were also reduced by 31%.
- Convictions of juveniles in Court for all offences were reduced by 51%.
- Convictions for property offences by juveniles were reduced by 55%.
- The incidence of juveniles being sentenced to detention for property offences was reduced by 40%.

## **Impact on Re-offending**

The re-offending rate of juvenile cases taking part in pre-court diversion during the first 2 years is 25%. The re-offending rate of juvenile cases referred to the Courts during this same period is 50%. Those juveniles referred to Court were generally considered to have more serious behavioural problems and it is reasonable to expect a higher rate of reoffending.

At the time of preparing this paper, individual re-offending rates of juveniles for each type of diversion were still being analysed.

In terms of individual juveniles 'apprehended' for offences during the 2 year period:

- 1834 individuals were represented in the 2922 apprehension cases<sup>13</sup>
- 74% of juveniles apprehended have not re-offended during this period
- 14% have re-offended once during the period
- 12% have re-offended two or more times in the period
- 26% of juveniles who re-offended accounted for 53% of all the apprehension 'cases'

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<sup>12</sup> The impact of the introduction of Juvenile Pre-Court Diversion on Court associated outcomes was assessed only on outcomes during the first 12 months of operation of the Scheme. The impact will be further assessed during the final review in 2004.

<sup>13</sup> Each apprehension case may have comprised several apprehensions of a juvenile for several offences on each occasion.

## Participant Satisfaction with the Scheme

In a survey<sup>14</sup>, conducted by Menzies School of Health Research, into the satisfaction levels of participants, the survey reports<sup>15</sup>:

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| Service providers  | <ul style="list-style-type: none"><li>• Satisfaction with the process - 95%.</li></ul>   |
| Police   | <ul style="list-style-type: none"><li>• Satisfaction with Victim/offender conferences - 81%.</li><li>• Satisfaction with Family conferences - 88%.</li></ul>   |
| Offenders  | <ul style="list-style-type: none"><li>• Satisfaction with Victim Offender Conferences – 95% re: fairness, 88% re: process.</li><li>• Satisfaction with Family Conferences – 92% re: fairness, 82% re: overall factors</li><li>• Satisfaction with Programs – 94% (100% would agree to participate again)</li></ul> |
| Other Participants<br>(Including victims<br>& parents of<br>juveniles) | <ul style="list-style-type: none"><li>• Satisfaction with Victim Offender Conferences – 97%, 87% re: outcomes.</li><li>• Satisfaction with Family Conferences – 80% average re: overall factors.</li></ul>   |

## Summary

Under the scheme, significant changes have been made to the way police deal with juvenile offenders. Legislative and Police General Orders development has resulted in the introduction of extensive procedural changes to ensure that the principles of the scheme are followed.

For example, in the past a police officer of any rank could directly refer a juvenile to the Courts. On those occasions where the police officer was of the opinion that a matter should not proceed to the Courts he/she had to first obtain the approval of a Commissioned Officer to withdraw the matter and have it dealt with by a formal caution. The implementation of the scheme has reversed these procedures and now requires that a police officer must first obtain the approval of a Commissioned Officer to refer a juvenile to the Courts whilst any police officer may refer a juvenile to diversion. In addition, policy and procedures require that diversion must be thoroughly considered in all matters that do not involve excluded offences. All decisions and cases involving juveniles are also thoroughly scrutinised by the JDU's.

In terms of the Agreement between the Commonwealth and the Northern Territory, all minor property offences were to be offered diversion whilst diversion for more serious offences was at the discretion of police. All 401 apprehension cases related to minor property offences were offered diversion with 4 juveniles declining the offer and being referred to the Court.

In respect of the use of police discretion for more serious offences, police offered diversion in 65% of these more serious cases not including excluded offences. This is a very high level of police discretion being exercised in favour of juvenile diversion for what are generally regarded by the community as serious offences.

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<sup>14</sup> Menzies School of Health Research (2001) **Survey of the Northern Territory Police Juvenile Pre-Court Diversion Scheme** (Conducted on behalf of Northern Territory Police).

<sup>15</sup> This survey was conducted just before the expiry of the first 12-month period. There were a number of influencing factors that impacted upon the conclusiveness of the findings however they do provide an early indication of the success of conferences in terms of satisfaction.

Over the 2 year period there has been a favourable increase in the rate of more formal types of diversions such as family conferences and victim offender conferences and the referral of juveniles to programs. Conversely, the rate of verbal warnings has decreased significantly. This change is due to increased training and education of police in diversion options and procedures, more emphasis on the more effective and formal types of interventions and a reduction in juveniles who are coming before the scheme for their first offence, ie. a verbal warning is no longer appropriate.

There has been a drop in the rate of juveniles being offered diversion from 78.5% in the first 12 months of the Agreement to 54% in the following 12 months (2-year average 66%). This decrease has been expected with the emphasis in the first 12 months on giving as many juveniles as possible a chance to demonstrate that they were worthy recipients of diversion and an expectation that their behaviour would change after the diversion intervention. Of course many of these juveniles have since re-offended or not complied with diversion arrangements and found to be unsuitable for a further diversion at the time of apprehension.

The number of juveniles declining the offer of diversion is also increasing. In many cases the juveniles have found that diversion, particularly through a family or victim offender conference, is not a “let off” and that Court is a better option in respect of consequences. Subsequently the rate of juveniles declining diversion has increased from 2.4% in the first 12 months to 11% in the following 12 months.

The impact of pre-court diversion on appearances in Court/convictions/sentencing and detention is significant. In particular, convictions in the first 12 months were reduced by 51% and detentions were reduced by 40%. It is still too early to determine whether these reductions are a positive long-term indicator of reduced offending by juveniles rather than simply diverting the Courts functions to the Scheme. However, indications are that family and victim offender conferences and programs are resulting in higher levels of reduced reoffending.

Approximately 84% of the police force has now received formal classroom training in diversion with 223 (24%) members of the police force receiving specialist training as victim offender conference facilitators.

In respect of programs, 134 programs have now been assessed and registered with programs being registered in 33 communities outside of the 4 major centres of Darwin, Alice Springs, Katherine and Tennant Creek. Community consultation has been carried out with respect to the operation of the scheme and the development of suitable programs in almost every Territory community.

The first 24 months has seen the commencement of major case management and mentoring services in the communities of Darwin, Katherine and Alice Springs. The services will greatly enhance a community partnership approach to juvenile offending and provide for more effective interventions with juveniles.

The commencement of the case management services to be provided under the concept of the Community Youth Support Unit in a number of key remote communities will greatly enhance the effectiveness of interventions with youth in those communities. Whilst the results of program development to date are noteworthy, the continued development of suitable programs in remote communities will increase opportunities to give juveniles a sense of purpose, develop life skills and prevent offending. However, the behaviour of youth in these communities is a complex issue that requires the commitment and coordinated efforts of all agencies, organisations and the communities themselves.

Victim satisfaction is a very important principle of the scheme and victims are included wherever possible in the outcomes of diversion. This is a vast improvement from the formal justice procedures previously used in which victims were almost always unaware of any outcomes with the juvenile. Victims rarely had the opportunity to have real input into these outcomes or to express to the juvenile the impact of the behaviour. Similarly, the juvenile rarely had the opportunity to understand the impact of their behaviour on the victim.

Satisfaction levels amongst all participants in the Scheme processes are very high, particularly amongst offending juveniles who have indicated in excess of 90% satisfaction with the victim offender conferences, family conferences and programs. Importantly, victims and other participants have also expressed an 87%-97% satisfaction level with the VOC's.

Early indicators show a 50% re-offending rate from Court appearances and a 25% re-offending rate from diversion interventions. However, not enough time had elapsed since commencement of the scheme to accurately evaluate this outcome. Evaluation would also need to take into account that generally the juveniles with more serious behavioural problems are referred to the Courts and therefore a higher rate of reoffending. The impact of Community Youth Development Units on offending in remote communities will also be of importance in the overall evaluation of the scheme.

Caution must be exercised in any evaluation of the success of the scheme on the impact on re-offending alone. Whilst re-offending is a very important aspect, other factors such as an increase in school attendance, a decrease in anti-social behaviour, social well-being, better coordination of youth services and enhanced relationships between police and the community are all important outcomes.

However, long term juvenile behavioural problems in society cannot be effectively impacted upon to any significant degree in the short term. A lack of parental responsibility, society attitudes, environmental factors, bureaucracy and a whole range of other important influencing factors compound juvenile behavioural problems.

Empirical evidence from the operation of the scheme to date indicates that the greatest chance of success in effecting behavioural change with a juvenile lies with the family. Without family support, encouragement, affection, supervision and role modeling many of the juveniles are often over powered by the environment in which they live, despite their best intentions. Unfortunately many of the parents and guardians of offending juveniles also lack life skills and suffer alcohol, drug or emotional problems. The highest rates of success in achieving behavioural change with juveniles involved in diversion are those diversion interventions and programs requiring family commitment, support and involvement in the process.

Positive outcomes associated with the principles of the scheme include the closer involvement between police and the community in resolving juvenile crime and anti-social behaviour issues. In some ways this is a return to traditional community based policing of the past when a police officer would speak with the victim and take an offending child home and discuss the options with the parents. Diversion under the scheme has been developed with the aim of involving all of the people who may have a positive influence in the juvenile's life. This may include family, Aboriginal elders, religious leaders, schoolteachers and sporting coaches to name a few. It also includes consultation and coordination between police, service providers and the communities in the development of programs that will best suit the needs of juveniles and the community.



The Scheme is providing a holistic approach and positive opportunities for the development of life skills and behavioural change in offending youth. It is also providing opportunities for other non-offending youth in many of the remote Territory communities to develop life skills that will prevent them from becoming involved in unlawful activities.

However, it is clearly recognised that significant development in reducing youth offending can not occur with the commitment of police alone, and as such, extensive consultation is continuing across the Northern Territory with community organisations, indigenous leaders and private sector organisations and other Northern Territory Government and Commonwealth Government agencies to develop partnerships and identify suitable diversion responses.