

**Consultation in response to *Practical lessons, fair consequences: Improving diversion for young people in Victoria***



Centre for Multicultural Youth

**youthaffairs**  
COUNCIL OF VICTORIA INC.

---

Youth Affairs Council of Victoria Inc

Level 2, 172 Flinders St, Melbourne VIC 3000

Ph: (03) 9267 3799 Fax: (03) 9639 1622

Website: <http://www.yacvic.org.au> email: [info@yacvic.org.au](mailto:info@yacvic.org.au)

---

Centre for Multicultural Youth

304 Drummond St, Carlton VIC 3053

Ph: (03) 9340 3700 Fax: (03) 9349 3766

Website: [www.cmy.net.au](http://www.cmy.net.au) email: [info@cmy.net.au](mailto:info@cmy.net.au)

---

# Contents

Executive summary.....	3
The project .....	3
Young people's experiences with the justice system.....	3
What works to address offending behaviour in young people .....	4
Introduction .....	5
Method and demographic overview of participants .....	6
1. Experiences with the justice system.....	6
1.1 Warnings, cautions and bonds .....	7
1.2 ROPES Program.....	11
3.3 Youth Justice Group Conferencing.....	13
3.4 Remand.....	15
3.5 Conclusion.....	17
2. What works to address offending behaviour in young people .....	18
2.1 Reducing barriers to access.....	18
2.2 Access to education and training .....	19
2.3 Providing holistic support earlier .....	22
2.4 Minimising the long term impact of justice system involvement .....	25
2.5 Other suggestions from young people .....	26
2.6 Conclusion .....	29
3. Responses to discussion questions .....	30

## **Executive summary**

---

### **The project**

This report has been prepared by the Youth Affairs Council of Victoria (YACVic) and the Centre for Multicultural Youth (CMY), in response to the discussion paper *Practical lessons, fair consequences: Improving diversion for young people in Victoria*. Fourteen young people with experience of the youth justice system were invited to discuss these experiences, reflect upon interventions and programs they were exposed to and suggest strategies for improvement.

### **Young people's experiences with the justice system**

Key findings:

- Not all young people will respond to the same intervention, at the same point in time, in the same way.
- Young people must be clearly aware, and on board with, the purpose of an intervention in order for it to be effective.
- Receiving a warning, caution or good behavior bond was described in three distinct ways by young people: 1) an alarming experience that acted as a deterrent to future offending behaviour; 2) an experience that gave them a bit of a scare and had some impact on their offending behaviour in the short term; 3) a confusing and ineffective experience that lead to the perception they could 'get away with it'.
- The ROPES course was most effective when participants understood the purpose of the day and could clearly link the intervention to their offence.
- Youth Justice Group Conferencing can be a highly effective in providing young people with insight into the consequences of their actions.
- Avoiding detention is a serious deterrent to future offending, particularly for young people who have had experiences in remand.

## **What works to address offending behaviour in young people**

### Key findings:

- Supporting young people to attend programs and appointments can remove the barriers to their involvement in programs designed to address offending behaviour.
- Supporting young people to engage in education, training or work is a valuable way of diverting them from offending behaviour
- Intensive, holistic support from a trusted adult is helpful in supporting young people to address the underlying causes of their offending behaviour and set goals for the future.
- Minimising the long term ramifications of interactions with the youth justice system is important in maintaining young people's belief in their potential to lead a productive and happy life in the future.
- Young people have valuable ideas about ways to decrease rates of re-offending among young people.

## Introduction

---

This report has been prepared by the Youth Affairs Council of Victoria (YACVic) and the Centre for Multicultural Youth (CMY), in response to the discussion paper *Practical lessons, fair consequences: Improving diversion for young people in Victoria*. The report is based on semi-structured qualitative interviews that were conducted with 14 young people who had experienced extensive contact with the youth justice system. It aims to provide an understanding of the role of diversion in their pathways through the youth justice system.

The report begins by describing the consultation method undertaken and providing a demographic overview of the participants. The findings are then presented in three sections:

- Section 1 provides **an overview of participant's experiences with the justice system** including warnings, cautions and good behaviour bonds; the ROPES program; and spending time in remand.
- Section 2 provides **specific insights into the approaches that participants described as successful, or having the potential to be successful, in supporting them to avoid re-offending**. Drawing on a combination of young people's ideas and experiences, it discusses strategies for reducing barriers to access to programs; providing access to education and training; providing holistic support to young people earlier in their interactions with the justice system; and minimising the long term impact of justice system involvement. It also presents additional ideas that young people had when asked what strategies they thought might work for other young people.
- Section 3 draws on the previous sections to **respond directly to the discussion questions outlined in *Practical lessons, fair consequences: Improving diversion for young people in Victoria***.

## **Method and demographic overview of participants**

---

Fourteen young people with experience of the youth justice system took part in semi-structured, qualitative interviews of between 15 and 50 minutes. Participants were invited to discuss their experiences of the youth justice system, reflect upon interventions and programs they were exposed to and suggest strategies for improvement. The interviews were recorded, transcribed, and subject to thematic analysis. The full interview schedule and information relating to informed consent can be found in the accompanying Appendices document.

The demographic profile of the 14 participants was as follows:

- 11 males, 3 females
- Ages ranged from 13 – 26 years (with the majority aged 18 years)
- All participants were from the outer suburbs of Melbourne (North West and South East regions)
- Highest level of educational attainment ranged between Grade 5 and Year 10
- The majority of participants (n = 12) main source of income was Centrelink
- Participants were from a range of cultural backgrounds, (five Anglo-Saxon, two Greek Orthodox, three South Sudanese, one Somali, two Cook Islanders, one Maori)
- Average age of first offence was 13

It is important to note that the young people who took part in this consultation had experienced extensive contact with the justice system. Many of them had also experienced significant disadvantage in their lives. The findings presented below should be considered in this context.

### **1. Experiences with the justice system**

---

All of the young people who took part in the consultation had experienced extensive involvement with the justice system. The majority of this experience was in the youth system, although there was one participant who also had experience of the adult system. Young people's experiences included receiving a warning caution or good

behaviour bond, participating in the ROPES program, taking part in Youth Justice Group Conferencing and spending time in remand. Regardless of the type of intervention two key ideas were consistently evident. Firstly, not all young people responded to the same intervention, at the same point in time, in the same way. Secondly, young people must be clearly aware, and on board with, the purpose of an intervention in order for it to be effective.

## 1.1 Warnings, cautions and bonds

### Key finding:

Receiving a warning, caution or good behavior bond was described in three distinct ways by young people: 1) an alarming experience that acted as a deterrent to future offending behaviour; 2) an experience that gave them a bit of a scare and had some impact on their offending behaviour in the short term; 3) a confusing and ineffective experience that lead to the perception they could 'get away with it'.

Warnings, cautions and good behaviour bonds were received by young people at different stages in their progression through the justice system. Although these interventions varied in severity, they were described by participants in a similar way and so are discussed together in this section. Most participants identified these interventions as positive, in that they offered the opportunity to avoid a more serious consequence. Despite this, there were marked differences in the way that participants assessed the impact of these interventions on their future behaviour.

For some young people, receiving a warning, caution or bond was **an alarming experience that acted as a deterrent to future offending behavior**. This was evident in cases where it was the young person's first serious interaction with police.

Like... they just let me off, gave me a – they read something and then like they came over to my house like two weeks later.... And that made me, oh, I'd better watch out now. Cut out a bit, I didn't but ... Yeah, yeah, it shocked me, because the other times they just took [the scissors] off me, and told me to just fuck off or threatened to me,

so that didn't really bother me, so it's like, yeah. So then we started going the caution, I was like far out, my name is going to be in the system, far out. I didn't want that to happen.

These interventions also appeared to be effective following longer term or more serious offending behaviour where they presented a 'last chance' to avoid more serious consequences. As the following participant explained:

Interviewee: When I was 17 the judge said to me "If you stuff up one more time, that's it. I'll put you in – I'm not going to keep feeling sorry for you". That was probably my wake-up call...

Facilitator: So what effect do you think getting off with the fine and the orders had...?

Interviewee: I walked out of "the court saying "I'm never coming back" pretty much.

Facilitator: Yes? So you think that had a big impact on your future?

Interviewee: Oh shit yes. It made me think 100%; 100% - I've never had a wake-up call like that; literally never – I've never had a wake-up call. It was just "Bang, you keep going the way you're going then I hate to say it but you're going to end up like your brother – in and out – and you're still 20". I don't want to be like that. Fuck that. I've been locked in a fucking cage; I thought "Fuck that". I'd rather be fucking out, you know, having a good time.

Other young people explained that, although the experience of receiving the warning caution or bond 'gave them a scare', these interventions only had a **short term effect on their offending behavior**.

Facilitator: Yeah? So you got a caution for that one, did they say they were going to charge you? Like did they try and give you a scare or was it just a...

Interviewee: No, they just said that I have to go with them and yeah, that I'll possibly be charged and they interviewed me and gave me a caution.

Facilitator: Okay. Do you reckon that experience had any impact on your behaviour at the time?

Interviewee: It did for a while.

Facilitator: Yeah?

Interviewee: And then I got back into it.



These cases suggest that, unless the underlying cause of the behaviour is addressed, cautions may be ineffective. In a few instances, young people stated that receiving a warning or caution had **no impact at all on their offending behaviour**. One young person expressed that receiving a caution actually made their behaviour worse – although they had difficulty expressing why this was the case.

- Interviewee: I got a caution for that... They kept telling me that – if I want to go to jail but I was just laughing at them.
- Facilitator: All right. What kind of impact do you think that experience had on your future behaviour?
- Interviewee: It made it worse to be honest.
- Facilitator: Yeah?
- Interviewee: Yeah I just started getting more serious charges from there.
- Facilitator: Okay. So kind of just getting off with a caution kind of...
- Interviewee: Yeah, I don't know, just didn't make anything better.

Two participants suggested that a lack of structure and clarity around the process and/or the purpose of these interventions made them ineffective. These experiences resulted in **a sense that no-one really cared what they did and that they could 'get away with it'**.

- Interviewee: They gave me the paper, they told me to hold onto this paper, and they told me to wait in the reception area at [Police] Station. I waited there for four hours, I crashed out – they picked me up at about two, I crashed out, by the time I woke up it was just after six o'clock and I was like what the heck... obviously no one has tried to wake me up or anything, so I just left. He specifically said to me before he left if you don't wait here with the paper to get signed or something tomorrow at 11 o'clock in the morning we're coming over to your house to arrest you, and I was like okay then. I left that night, tomorrow – 11 o'clock I was waiting for them to come, I told my mum they're coming at 11 o'clock to arrest me. So we were waiting and they never came, they never showed up. Still to this day it's like that never happened, I see them around too, I see them around the station, they don't say anything. So I'm thinking they must have smoked it or some shit, they didn't do anything...

Facilitator: So how do you think that affected your future behaviour – do you think it changed anything?

Interviewee: That just made me be like I can do it again because nothing happened.

Facilitator: All right, so can you tell me about the first time you sort of got into trouble with the police, what happened?

Interviewee: I was walking around with scissors and a bong and a mix bowl and I had no weed on me or nothing but I was just holding it and then they just took me and just kept me in the back of the divvy van and just left me there for like two hours and then after that... Yeah, they just sat me in the divvy van, they took my stuff, broke it or threw it away. Two hours later they said, “you can fuck off now” and yeah, I just left.

Facilitator: So did they sort of give you a warning or...

Interviewee: No, none of that, they just chucked me in the back of the divvy van, where it was hot as, they didn't turn the air-con on in the back, they just threw me in the back and just said – yeah, just left me there. Yeah, drove me around wherever they went and after two hours, they're “all right, fuck off now”.

Facilitator: Okay. What sort of – how did that impact on you?

Interviewee: That's when I knew some cops are weird, all right, I was pretty happy that they didn't take me in, because they didn't tell my mum and dad, but, kind of some of them are a bit dodgy.

Facilitator: Yeah, did it affect your behaviour in any way?

Interviewee: It made me kind of figure I could get away with a bit more.

Facilitator: Yeah.

Interviewee: Their lenience, they're not really going to care. I thought I could do a bit more than that and I did.

The above examples demonstrate that warnings, cautions and bonds have the potential to be effective deterrents of criminal behaviour for some young people. They also suggest that their effectiveness may be hampered by a lack of clarity around purpose and the consequences of further offending behaviour.

## 1.2 ROPES Program

### Key finding:

The ROPES course was most effective when participants understood the purpose of the day and could clearly link the intervention to their offence.

The majority of the young people interviewed were familiar with the ROPES program, even if they had not participated in it themselves. There was a strong consensus from the interviews that the option to participate in the ROPES program was a positive way of avoiding more serious consequences. Despite this, the experiences of those who had participated varied widely.

The program appeared to be **most effective when participants understood the aims of the day and could clearly link the intervention to their offending behaviour**. In these cases, young people described the experience as beneficial, particularly building positive relationships with the police, the team building activities and avoiding a criminal record. This was particularly effective when young people were able to do the program with the police officer that had charged them.

Interviewee: When I went and did it – you do it with the police officer that you're in trouble with that charged you – the police officer that I did it with was from my area; I'd seen him around before. I don't know, it was just a good sort of bonding experience with the police so you see their side of things like trying to help young offenders not come back into the system.

Facilitator: So you found it a positive experience?

Interviewee: Yes, I did find it a positive experience. It was just good to see it from their point of view and their side – why they want us to get into this and sort of, in a sense, get out of it.

Facilitator: What was that experience like [ROPES]? Did you find it helpful or...?

Interviewee: Yes, it was good. I didn't get in trouble for quite a while.

Facilitator: Yes? So that was a good kind of deterrent?

Interviewee: Yes, bloody oath.

- Facilitator: Just thinking back to your experiences with diversion programs – was there anything that happened that you thought was particularly helpful?
- Interviewee: The ROPES... like the assault being on my record .... I don't know, it sort of worked through some things and made you... when I got there they were saying "We sort of want to get out that the cops aren't all that bad and you don't have to muck up to be cool".
- Facilitator: So it's kind of just like those emotional skills; just building on them and connecting.
- Interviewee: Yes, just a day with the police. It was – I don't know – just a helpful day.

In stark contrast to the examples above, a number of participants reported that they **did not get anything out of the experience and that it was a 'waste of time'**. In these cases, participants appeared to be **unclear about the purpose of the day and did not see its relevance to their offending behaviour**.

- Facilitator: Can you just tell me a bit about the ROPES course? Like what do you think the aims were? Did you think it was helpful?
- Interviewee: I was honestly a little bit confused about it; I didn't really know...
- Facilitator: At the time did you understand what the whole point of the program was?
- Interviewee: No. I just practically ... This is what I'm thinking now from back then is just to show me a natural high of life I guess or to get me off the streets even for a couple of days a week and just to overcome fears I guess. I don't really see what the big... It's got nothing to do with fucking... Sorry for swearing but it's got nothing to do with crime and all that so it's just... Maybe if they did a big exhibition, instead of going to the ROPES Program, they maybe took all the kids to a fucking jail to show them and say "Do you want to end up like them" and that would scare the shit out of them. A kid you know will think "Well, if you want to keep doing this you're going to end up like them sooner or later" and I reckon it would kick in. Once you hit 15, 16 it'll always be in the back of your head not "I'm going to climb a couple or ropes". That's what I think about it these days. Back then I didn't really have an opinion because, yeah...

Another young person described having to wait six months to take part in the ROPES following her initial offence. This made it difficult for her to connect the two events and undermined the effectiveness of the program. Participants who undertook the program without a clear sense of purpose described the experience as **unhelpful or as an 'easy way out'**.

I didn't get nothing out of it to be honest, I just got some crappy laminated piece of paper that said my name and all this other crap. I was like sweet thanks, and then just left."

Everyone that I know, take the ROPES course, done nothing....They just look at it as, Yeah, sweet as, I'm not getting locked up. Sweet as, I just have to do this for a day or something.

Two young people interviewed had a fear of heights. Although their participation in the ROPES program was clearly quite traumatic, this did not necessarily mean that it was a deterrent to future offending behaviour.

Interviewee: I never wanted to experience anything like that again.

Facilitator: You didn't want to do the ROPES Course again?

Interviewee: Never... Like I didn't even – you might as well say I never participated in it ... I couldn't do it. I walked up three steps on the ladder and I looked down and I started freaking out, but the man had to come and get me. I was – like tears were running down my eyes because I couldn't – I couldn't do it man, I was just too scared, I was very scared...

Facilitator: So you think because you felt so scared having to do the ROPES Course you think that stopped you getting into further trouble?

Interviewee: Not really.

### 3.3 Youth Justice Group Conferencing

#### Key finding:

Youth Justice Group Conferencing can be a highly effective in providing young people with insight into the consequences of their actions

Although only one participant interviewed had taken part in Youth Justice Group Conferencing (YJGC), this experience clearly had a profound impact on him. He described thinking at first that he'd gotten off lightly by having this option, but he then reported it as an intense experience that gave him insight into the impact of his actions. A key feature of the success of this intervention appeared to be due to the young person's strong relationship with his mother. Witnessing the impact his actions had upon the victim and the victim's mother was a significant turning point for him.

Interviewee: Yeah, I think because at that point I really didn't care, I was just like, "whatever", I don't like you, I don't like the system. But I think that what – because I got sent to a group conference.

Facilitator: Okay.

Interviewee: And to me, they're like you're going to have to meet the victim and all that. To me, I seriously didn't care.... Yeah and because that was like my first time in court, that was like my first charge and everything. They let me off with a good behaviour bond and like group conferencing...It was either go to Juvie or do that.

Facilitator: Right.

Interviewee: Yeah ... I was just like, yeah, sweet, I'll just do the group conference and that [overtalking]. When I got, actually like, got there – when I actually got to the group conference, fuck, I just saw the look on this guy's face, you know, fuck. It reminded me of my face like the night before I did it, you know, I was like "this cunt's angry, he's scared" and I'm like "fuck". Then I started crying at my group conference.

Facilitator: Yeah.

Interviewee: Because I felt that bad, I don't know, because this guy's mum – the thing that got me was his mum. His mum was there and they were looking at my mum. I was like fuck, if someone done that to me... Fuck, hurt my mum like that, I'd kill them. I knew this lady wanted to kill me. So I was just like – I felt like shit. So I admit, I started crying and then my mum looked at me and my mum started crying. I saw it there, I mean I still know they hate me because this guy – other than that, he'd been held up about five times before that. So his mum wants to – his mother was distraught. She was out of it. I was just like – I felt like shit.... He had to go through like therapy and all that. I don't really care about that. I just felt like – I just saw him, man, he just – it wasn't one of those trying to get me in more trouble by

saying, I had to go through all this counselling, he was pretty legit. He was, he shit himself. He was scared, he was scared.

Facilitator: So did doing that sort of help you avoid a criminal record or was that...

Interviewee: Oh yeah, after – I haven't done anything since.

Facilitator: Yeah, and what do you think the overall aim of having that group conferencing – what's the overall aim of it?

Interviewee: I reckon it was – well it did, I reckon it was just to see what it does to people and try to change them, like look what you're doing to people, kind of stop doing it, and I kind of did.

Facilitator: And it did that for you?

Interviewee: Fuck yeah. Yeah. I started crying man, the only person that can make me cry is my mum. That's the only one – I don't really cry when I get hit, the only person who can make me cry is my mum. And seeing him and his mum, that was like, bang – I thought about me and my mum, if someone did it to me, bang.

This example suggests that **YJGC can be a highly effective in providing young people with insight into the consequences of their actions**. Similar approaches may perhaps be useful in increasing the effectiveness of cautions and warnings.

### 3.4 Remand

#### Key finding:

Avoiding detention is a serious deterrent to future offending, particularly for young people who have had experiences in remand.

Six participants in this study had experiences in detention, the majority of which were negative. For these young people, **avoiding a repeat of these experiences became the catalyst for behaviour change**.

Interviewee: Well it's not like as bad as it seems but it's still not a good place to be.

Facilitator: So do you think that changed you much in terms like okay, I don't want to go back there, so I'm going to...

Interviewee: The last time did.

Facilitator: Yeah?

Interviewee: Because every time I've been remanded I've normally had court like the next day or the two days later or something and I ended up getting out on like orders and probation and stuff and then I got put away for a week and a bit and when I went to court they said no so I had to wait another day and then they said yes and then I was like, yeah. So I stopped everything and that was – I think that was last year, so like a year and a half ago.

Facilitator: So do you reckon just that one day when they were like, no, you're not coming out and sent you back, did that kind of have an impact?

Interviewee: Yeah, that's when I decided to stop everything.

The motivation to avoid detention was particularly evident for one young man who had spent time in adult prison.

Facilitator: So [being in adult prison] was a very different experience from what it was like in the JJ Centre?

Interviewee: Fuck yeah, and I have not re-offended since. In JJ you get milk, you get this, you get the fuck. I'm getting goose bumps just like ...

Facilitator: Just thinking about it?

Interviewee: Yes, there's no way I'm going back to that

Young people also cited different ways in which their experience of detention was impacted by their interactions with other young offenders. Some described feeling vulnerable as a result of being surrounded by older people whose offending behaviour was more severe or long term.

Interviewee: The workers there they were fine, the system itself was fine but the people in it – I don't think I should have been in there. At the age I was, the time I was, I wasn't as advanced as those girls with what they were doing.

Facilitator: So it was actually potentially like the peer group was a worse influence?

Interviewee: Yes, and just telling me that "drugs aren't... drugs they're awesome". When I got out I tried them and got in trouble by the police again.

Others talked about getting into more trouble as a result of fights or altercations with other detainees.



Interviewee: I guess, yes. I just told him “Oh fuck I wouldn’t be able to stand it locked up with fucking animals mate”. I’m the kind of person, I can’t put my head down. You know what I mean?

Facilitator: Yes.

Interviewee: Once I’m in that’s it, I’d probably just stay; I’d be in for good. That’s just the age. I can’t help it, you know what I mean?

For some young people, spending time with other young people in detention actually appeared to act as an incentive.

[Being in JJ] probably made me worse to be honest with you because all my mates are in there and it didn’t really bother me that if I went back – you know, like I knew what it was – the first time was obviously a bit scary but once I – I was 14 when I went into Bradman and I turned 15 not long after and I stuffed up, and so they sent me over to where the older boys were in Turana, and once I knew what the place was like. Obviously before I went there I was a bit scared and that – you know what I mean, but once I sort of settled in and realised it was more fun than anything, you know what I mean? It didn’t really worry me about getting out and going back in, I was sort of in and out for all that – right up until I was 17. So no I don’t think it changes you, it all – I don’t know about today but back then it was a lot – you know, it was a fun for a kid I think, so yeah...

Despite this young person describing remand as ‘fun’, overall participants shared the view that remand was something to be avoided. This was a significant deterrent for many of the participants, particularly those who had actually spent time in remand.

### **3.5 Conclusion**

This section has provided an overview of young people’s direct experiences with Youth Justice. Specific findings relating to each intervention included:

- Receiving a warning, caution or good behavior bond was described in three distinct ways by young people: 1) an alarming experience that acted as a deterrent to future offending behaviour; 2) an experience that gave them a bit of a scare and had some impact on their offending behaviour in the short term; 3)

a confusing and ineffective experience that lead to the perception they could 'get away with it'.

- The ROPES course was most effective when participants understood the purpose of the day and could clearly link the intervention to their offence.
- Youth Justice Group Conferencing can be highly effective in providing young people with insight into the consequences of their actions.
- Avoiding detention is a serious deterrent to future offending, particularly for young people who have had experiences in remand.

Two key themes were also evident regardless of the type of intervention:

- Not all young people will respond to the same intervention, at the same point in time, in the same way.
- Young people must be clearly aware, and on board with, the purpose of an intervention in order for it to be effective.

## **2. What works to address offending behaviour in young people**

---

Throughout the interviews young people spoke positively about times where they had received holistic support to address the things that lead to their offending behaviour. This support included reducing barriers to accessing programs and appointments and helping them to get into education, training or employment. In most cases this support was received following serious offences and several young people in the sample reflected that having this support at an earlier stage – prior to the escalation of their offending behaviour – would have been helpful.

### **2.1 Reducing barriers to access**

#### **Key finding:**

Supporting young people to attend programs and appointments can remove the barriers to their involvement in programs designed to address offending behaviour.

Young people reflected that attending programs and appointments was challenging – particularly if the programs were far from where they lived.

There was a bit of an issue because the first ROPES course...That was the second one I was talking about where we met. The first one, my Mum had to drive me all the way to Bacchus Marsh and we got lost because we didn't actually know where it was and that's why I didn't end up doing the first ROPES Program.

Motivation was also an issue, particularly when young people were required to attend several services. Workers could easily mitigate this problem by **providing transport to young people or simply reminding them that there was somewhere they needed to be.**

Someone saying: 'All right, you've got an appointment today'. You know?... I had appointments every day and Monday I'd have to see Youth Justice, Tuesday a psychiatrist, Wednesday – drug and alcohol and [case worker], Thursday I'd see [a different case worker] and Friday I'd see Youth Justice again. Mate I done it easy as. Just the whole fact always these workers saying 'All right, you've got an appointment. Do you need help getting picked up?'

Once the barrier of getting to appointments was addressed, many young people found that their involvement in programs and with workers was invaluable.

## 2.2 Access to education and training

### Key finding:

Supporting young people to engage in education, training or work is a valuable way to divert them from offending behaviour

Young people consistently spoke positively about **interventions that supported them to get into education and training or finding work.** Getting involved in education or training or finding work increased young people's confidence. It also gave them a sense of purpose and something productive to do with their time.

Facilitator: Okay, so was there any programs or anything that happened to you with your experience in the justice system that you found particularly helpful in terms of just getting you...

Interviewee: Well the [Youth Services], which is this place, has helped me get jobs.

Facilitator: Yeah?  
Interviewee: They've done my resume twice now, which has got me jobs each time.  
Facilitator: Yeah, so you can just come in here and...  
Interviewee: Yeah, help me look for work and useful programs and stuff. Yeah, I think Brosnan is the place that got me into my TAFE to do my Certificate II in Automotive.  
Facilitator: Cool, and do you think you would have found out about that otherwise?  
Interviewee: No.

Facilitator: Have you had any support with finding a job and writing a resume?  
Interviewee: Yeah, who was it, me and [my worker] wrote my resume when he was working with me.  
Facilitator: Cool. Do you think that's something you would have been able to do on your own if you didn't have that kind of help?  
Interviewee: No, because I didn't have a clue what to do.

[My worker] walked around the streets with me, handing in resumes which was good.

As with the examples above, several participants noted that, without the support of these workers, it is unlikely that they would have taken this initiative on their own. Other young people spoke positively about opportunities to **work or study in their area of interest**. For example, a young person who had stolen cars was engaged in a mechanics course, and stated that it changed things as he realized he could earn money for something that he loved doing.

Like me with cars, I used to steal cars but I never used to think of work and I might get to drive them, work on them, be around them every day and not get into trouble for it. You know, I'd get paid for it.

Ideas about education, training and employment also featured heavily in young people's suggestions of things the justice system could do to help reduce rates of re-offending.

Facilitator: Okay. All right, what do you think, in your opinion, what do you think a helpful way of working with young people who break the law would be to stop them from getting into trouble?

Interviewee: Helping them get a job.

Facilitator: Yeah.

Interviewee: Work really fixes it all up.

Interviewee: Just have a place where it's all types of little courses in there. Short courses like woodwork, something like this because maybe if... Give them a free lunch because they'll be thinking "Well, if I do this and get a free lunch I can save a bit of money". Then you can go to them afterwards saying "Hey mate, you've done pretty good for these last two weeks, how about you go here and try and get yourself a job?" and the kid might well think "Well, fuck" you know. I reckon anyway this ...

Facilitator: So you reckon the real main thing is education?

Interviewee: Yes, its hands down because ...

Facilitator: Getting some skills ...

Interviewee: You learn maths, you socialise with a lot more people, you get out, you mature.

Again, pre-employment programs that tap in to young people's areas of interest were a key feature of these suggestions. For example, engaging young people charged with vandalism as a result of graffiti in art programs as a means of showing them they could put their talent to good use.

...they have talent you know, why waste it on graffiti if you can put it on a picture.

If you're doing the crime, if you're actually hurting people to get to the car and all that you must have something involved and like a car so get a job in it. You can get paid for it, people go "Thank you" and you feel good so that's just me. I know my other friends I used to steal cars with, they now, now they're older, work on cars and they love it.

A course. Let's say if kids have a lot of knife charges or something like that, maybe getting them a course or a job in something about knives because they're going to want to go to work and make them and something like that.

Supporting young people to engage in education, training or employment increased their confidence, gave them purpose and got them thinking about a future beyond the justice system.

### 2.3 Providing holistic support earlier

#### Key finding:

Intensive, holistic support from a trusted adult is helpful in supporting young people to address the underlying causes of their offending behaviour and set goals for the future.

As noted above, case workers were often helpful in supporting young people to get to appointments and programs and get into education, training or employment. Case workers also played an important role in **supporting young people to address the underlying causes of their offending behaviour and think more positively about their future**. In most cases this support was received following serious offences and several young people in the sample reflected that **receiving this support at an earlier stage would have been helpful**.

Access to a trusted adult played an important role in supporting young people to understand and address the role personal decisions could play in addressing their offending behaviour.

- Interviewee: Like [my worker] said – my other worker – she goes ‘Don’t mix your drinks; try and stick to a six-pack’ and I’ve been doing that. One night I just fucking got actually shit-faced and ended up getting done with criminal damage getting in fights all night.
- Facilitator: So just making little changes that can help?
- Interviewee: Yes, exactly.

Others described the more general benefit of having someone to talk to and provide then with support.

Interviewee 1: Like [the youth workers] just talk to you, like to tell you – like they help you out if you've got problems, if you've got any issues, family issues, like they help you with the job and stuff, courses.

Interviewee 2: Me – like I got to go see the youth justice for – I don't know for how long, so like I can keep me out of trouble, I'd have to go see youth justice, I'd have to see them for one year, and at that time don't get yourself in trouble, if you get yourself in trouble you get to go into custody.

Facilitator: And did that work for you?

Interviewee 2: Yeah, so like I got like heaps of support, family support, worker's support, yeah.

Yeah that's because I was low at one time in my life and then I was talking to this worker, this really nice worker... and she was talking to me – she goes I can help you, if you let me help you I will help you, and she's like but if you want me to help you've got to at least try and help yourself. I was like okay, so I started doing this program with her, seeing her every week, telling her my problems like my drug habits and that. She was helping me and then she helped me get into TAFE, she's helping me get a job, she's helping me do a lot of things – trying to get into detox. So I'm like that's good, you know, and then I don't want to be there anymore, I want a job, I want to travel the world because I know the world is going to end. There is a lot of things I want to do before I die and I have to start it now.

Having someone in their life who took the time for them and who believed in their abilities helped young people to identify future aspirations and goals. This in turn appeared to lead to reduced offending as young people who had goals for the future avoided behaviour that might jeopardise things they now wanted to achieve. Holistic youth work can assist young people to find future goals, and with the steps as to how to start to work towards these things:

And also because I'm getting over it, growing up, you know, fuck this man, I want to finish my job, get my apprenticeship, get it over and done, because I want to travel. You know, I want to go to America and Europe and all that.

I reckon it should be to help them realise what they're doing and how their future is going to turn out...I mean actually help them like, like sit them down and what they want to do with their life and whatever. Tell them by doing this, it's not going to work, man. Instead of just telling them, actually help them to get them along, like help them do what they want to do – all that stuff.

It is important to note that young people did not always describe interactions with workers positively. The effectiveness of the interventions described above often hinged on the quality of the relationship that was developed between the worker and the young person.

Facilitator: Yeah, what was it about him that made him really good at his job as opposed to other kind of workers you would have had in the past?

Interviewee: We just got along really well.

Facilitator: Yeah, easy to talk to and...

Interviewee: Yeah, he got me into a lot of programs.

Facilitator: What do you reckon made him such a great youth worker?

Interviewee: I don't know.

Facilitator: You guys just kind of got along well?

Interviewee: Yeah.

Facilitator: Did he ever give you a hard time for getting into trouble or was he always pretty understanding or was it his kind of attitude...

Interviewee: Not really, like we'd muck around a lot.

Facilitator: Yeah? Was he someone that you could talk to easily?

Interviewee: Yeah.

Facilitator: So if you were having any problems you felt comfortable going to him?

Interviewee: Yeah, pretty much.

I don't know, first off make everyone feel comfortable, once they're comfortable they will just open up themselves pretty much, I don't know. So offer the support, if they want it they want it, if they don't they don't, there's not much you can do about it. It's all a waiting game I guess, my worker had to wait ages before I rocked up, so – yeah I don't know. Once I got comfortable with them and she opened up a bit and I opened up a bit it just – have a crack at it and we're all good, what the hell, it's funny – yeah.



Several young people discussed the irony of receiving holistic support only after having committed a serious offence. Many reflected that having access to this level of support earlier would have been helpful and may have influenced their pathway through the justice system in a positive way.

Parole hands down is a lot easier than youth supervision or anything. The support you get mate, is unbelievable and that's God's honest truth and it should be the other way around... The simple fact is that I had a lot more support when I got out on the parole than what I did when I didn't even put a foot into a jail. You know what I mean?... I had more support when I got out and that's why I finished parole because I've had the support there.

The experiences of these young people suggest that providing holistic support earlier may stop young people from progressing further into the justice system. It also points to the value of interventions that address the underlying issues that lead to offending behaviour and the importance of case workers who have the time and the skills required to develop relationships and rapport with young people.

## **2.4 Minimising the long term impact of justice system involvement**

### **Key finding:**

Minimising the long term ramifications of interactions with the youth justice system is important in maintaining young people's belief in their potential to lead a productive and happy life in the future.

Many participants identified their offending behaviour as 'a stage' that would run its course. They believed that they would **'grow out of it' and did not anticipate ongoing interactions with the law in their adult life.**

know a lot of the things I did when I was young – people are saying you should know right from wrong – I did but I didn't see the ultimate consequences, what I'm seeing now, this sort of going in and out of prison and struggling to stay out of jail, I didn't see that back then. I think that's one thing people have got to understand, until you

turn – I reckon at least 21 or 22 you don't actually know, the extent of what you're doing, you know what I mean.

It would just make me feel weird, like I'm going to grow out of this dude, I'm going to be older and then that's still there, like it will just make me feel like shit. See but that will keep me down and bring me down, and I'll feel like shit and I'll stay like that, and that's why I'm like – because I judge myself really badly sometimes, fucked. So yeah if I was just there forever that would just do your head in, so I just have to make sure that I didn't get convicted and then I live happier, so yeah.

Others reflected upon issues they are currently facing, or will face in their future, because of their criminal behaviour.

Facilitator: How important was [not having a criminal record] for you?

Interviewee: That was very important because I wanted to do a course and you can't have any like criminal records or anything, and because it's with children – a childcare course.

I was also worried about not being able to get a proper job and working child care – stuff like that – just certain things you want to do in life that a criminal record is going to hold you back from and having a diversion course or having a program that you can go into that sort of helps you get back into civilisation – whatever. It could have really helped and improved some people's quality of life and where they're going to go in life really.

These experiences suggest that minimising the long term ramifications of interactions with the youth justice system is important in **maintaining young people's belief in their potential to lead a productive and happy life in the future.**

## 2.5 Other suggestions from young people

### Key finding:

Young people have valuable ideas about ways to decrease rates of re-offending.

Throughout the interviews, **young people were enthusiastic to suggest things that they thought might be helpful in reducing offending behaviour** in young people. The majority of suggestions were consistent with the themes elicited from participants experiences and so are incorporated above. In addition young people made suggestions about family involvement, the need for more recreational and social activities and more chances to develop positive relationships with police.

A number of participants highlighted that having their family involved in the process would have had a greater, positive impact upon them.

police is one thing and some people are more scared of the police than they are their parents but I'd sort of be more disappointed and "Fuck" you know – I don't know, sort of think about it – think about it more if your parents said something to you instead of maybe a stranger.

Yeah, that's for me because most people like, they're families are a bit more broken up and all that, but for me, family – if you get my family involved, yeah, that would get to me bad. Like a lot of people are, if you bring their family involved, bang, it gets to them. There's a lot of people with family problems and all that, so bringing their family in will just make it even worse.

As this participant notes, involving family in diversion programs is not necessarily suitable for all young people.

When asked what would have helped them stay out of trouble, many participants highlighted the need for more positive, accessible social and recreational activities. They also commented that there was a need for incentives and rewards for positive behaviour, such as receiving free tickets to a soccer game. This highlights the fact that often young people can state that negative social behaviour attracts resources and programs (often from youth services and police), whereas positive behaviour isn't always rewarded in terms of practical recreational opportunities.

I'd make – if I could design a program I'd make like a program for kids like them – yeah, like I'd make computers, everything, outings, paint, whatever. Music and – music, like a lot of things that kids like to do at that age you know, yeah...

Participant: They should give out Melbourne Show tickets, because that'd be good.

Facilitator: That would help people to stop reoffending?

Participant: Yeah.

Facilitator: How is that?

Participant: Because if you know you're going to be getting that, so you might as well behave yourself.

Some young people described a need for ongoing relationship building programs with the police that would address the stigmatization and discrimination that they felt. This was particularly the case with young people from migrant and refugee backgrounds. Young people advised that ongoing programs should be developed with local police that they are likely to encounter on an ongoing basis around their local area:

I reckon more improved programs, better improved programs than – I reckon. Like most of them with the local police because there's no point in doing it with the – like with the police that's not even part of like a local – around the area because you don't get to know each other and stuff, yeah I reckon...

Facilitator: Is there anything from your experience that you think made things worse or was particularly unhelpful?

Interviewee: Yeah, cocky cops. Some cops. They tell you you're a bad cunt, they tell you you're fuck – like trying to piss you off. Those cops that try to piss you off. It's like they're egging you on to fuck up. ...And they're telling you you're a fuck up and all that... "All right, then, I'll be a fuck up then. All right, so..." ...Even though it's what they want, you just do it to get – you just – they piss you off. I have been put in the back of the van, pepper sprayed and then dropped off a bloody Noble Park Maccas a couple of times for standing at the station....It's like – it makes you want to get them back....It's like, it makes us – it makes me want to do more, like, I can't do more shit. But I kind of realise that, no fuck it, if you want to beat them, play their own game, don't do it.

The ideas and experience shared throughout the interviews suggests **that young people have ideas that may be helpful in improving justice system responses.**

## **2.6 Conclusion**

This section has provided an overview of interventions that helped young people avoid future contact with the justice system. It found that:

- Supporting young people to attend programs and appointments can remove the barriers to their involvement in programs designed to address offending behaviour.
- Supporting young people to engage in education, training or work is a valuable way to divert them from offending behaviour
- Intensive, holistic support from a trusted adult is helpful in supporting young people to address the underlying causes of their offending behaviour and set goals for the future.
- Minimising the long term ramifications of interactions with the youth justice system is important in maintaining young people's belief in their potential to lead a productive and happy life in the future.
- Young people have valuable ideas about ways to decrease rates of re-offending.

### 3. Responses to discussion questions

Based on the findings outlined above, this section will respond to the discussion questions outlined in *Practical lessons, fair consequences: Improving diversion for young people in Victoria*.

**Discussion Q1** In what circumstances do you think diversion is an appropriate response to a young person who has committed crime?

- **Effective diversion options are critical for young people** in terms of addressing early offending behaviour, avoiding a criminal record, and preventing further entrenchment or institutionalisation in the justice system.
- We recommend that **multiple diversion options be available to all young people at all stages along the justice continuum**, to match the various causes of offending, the severity of offence, and the diversity of young people themselves. This will ensure that young people are consistently offered every chance of succeeding in the future, ultimately resulting in significant savings and benefits to the community as a whole.

**Discussion Q3** How well do current diversion programs address the criminal behaviour of young people with whom you have contact?

- YACVic and CMY recommend that it is essential to **develop a multiplicity of diversion options to meet the various needs of young people**, given that the current impact of diversion programs appear to be inconsistent.
- **Diversion programs can be an effective deterrent, particularly if young people and their families understand the relevance, conditions and purpose** of the diversion activity. Although interviews were conducted with a relatively small sample of young people, **some interventions appeared to have a greater impact than others**. Youth Justice Group Conferencing – where the family was involved and the young person was supported to confront

the consequences of his behaviour upon others – appeared to have a strong deterrent effect.

- **Diversion approaches that attempt to address the underlying causes or risk factors leading criminal behaviour appear more likely to have a long-term impact.** Holistic support that engages with the causes of young people's offending behaviour, is culturally relevant, whilst supporting engagement with education or employment is essential in supporting long-term change.

**Discussion Q5** Do you think there should be circumstances in which a young person can avoid a criminal record? If yes, in what circumstances should this occur? What other records, if any, of the offending behaviour should be kept?

- Avoiding a criminal record is critical in order for young people to secure employment and to carve out a positive future for themselves. Offending behaviour was often viewed by young people as a phase; something they would move on from once they entered into adulthood.
- Employing a **strategy of harm minimisation** therefore is fundamental to ensuring that young people are given every opportunity to move forward to become law abiding adults and productive members of society. **Strategies that help young people avoid criminal records and support effective engagement with education and employment** are therefore crucial to ensuring that young people are able move positively into their future.

**Discussion Q7** Can you provide examples of coordination efforts that have worked well for young people who are coming to the attention of police? What do you think makes these effective?

- Several interviewees were involved in an innovative project coordinated by CMY (Brimbank Young Men's Project), that targets young men from African backgrounds who are disengaged (or at high risk of becoming disengaged) from

education, training and employment; have had contact with the police or justice system; and are experiencing other difficulties with settlement. This project has **a strong focus on assertive youth outreach and engagement**, employing the skills of **a youth worker from African background who has both cultural and linguistic expertise** to engage these young men, primarily through group activities.

- The project has **developed strong partnerships and coordination with local police**, through ongoing relationship building activities to reduce stigma from both the police and young people's perspectives – a critical factor given several **young people from refugee and migrant backgrounds interviewed cited racism and stigma from police as something that exacerbated their offending behaviour**. Additionally, some of these young people may have had negative experiences of authorities prior to arriving in Australia due to the refugee experience.
- The project has played a key role in **coordinating a number of relevant services**, including local government, housing, drug and alcohol and mainstream youth services to effectively engage and **provide 'wrap around support' for these young people**.
- YACVic and CMY recommend the expansion of such programs, particularly for young people with specific cultural needs who may need tailored or culturally relevant support, both as a an early intervention approach or more formal diversionary initiative.

**Discussion Q10** What is your experience of the accessibility of diversion options?

- Young people should have **equal and consistent access to appropriate diversion programs** that are assessed to meet their specific needs across all regions of Victoria, and should not be limited by their geographical location.
- We recommend that **early stage diversion programs be implemented in a consistent and transparent manner**, so as to reduce the discretionary response by police. The lack of consistency or follow up on many of the current



diversion programs in the early stages often contributed to young people feeling like they were being discriminated against or unfairly perused.

- A more **holistic, coordinated support system**, available and accessible for all young people in early contact with the justice system, would ultimately lead to cost savings and better outcomes for both young people, families and society as a whole.

**Discussion Q11** Within current resource constraints, what measures could be implemented to improve availability and use of diversion programs?

- As stated in *Practical Lessons, Fair Consequences*, diverting young people from the criminal justice system through early opportunities to address their offending can result in significant savings not just through limiting contact with the youth justice system but with the criminal justice system as a whole. Despite this, the **evidence presented above suggests that often more intensive support is still reserved for individuals at the tertiary end of the youth justice system.**
- YACVic and CMY recommend that **early intervention through the use of targeted diversion programs should be deployed at the primary end of the justice system**, to prevent the escalation of offending. Beyond the cost benefits of early intervention, targeted early stage diversion programs will have the added bonus of reducing stigma attached to the young person through the disruption of anti-social behaviour and limiting future interactions with the law.

**Discussion Q12** For what groups do you think it is desirable to develop targeted interventions?

- **Targeted interventions should take into account the impact of young people's personal situation on their behaviour.** Preliminary assessment of a young person's situation could help identify the appropriate diversion response for the situation, particularly for young people whose circumstances are more complex.

- This approach can provide an **early identification system designed to intervene at a crucial stage of a young person life**, with the aim of providing structure and support aimed at limiting future interactions with the justice system. This approach is underpinned by a holistic response and should be a coordinated effort.
- Additionally, it is YACVic's and CMY's experience that there is a **strong need for culturally specific strategies for particular groups of young people** who may be overrepresented in the justice system or who are coming to the attention of police, such as young people from African or Pacific Islander backgrounds. YACVic and CMY recommend the **scaling up of targeted, culturally relevant and holistic interventions for such groups in regions where these young people are highly represented**.

**Discussion Q13** Do you have examples of particular diversionary interventions that have worked effectively for groups with specific needs? If so, what do you think makes these programs effective?

- For the justice system to be equitable it must be ensured that everybody has an **understanding of the legal process and the options that are available to them**. It was clear from our findings that youth from culturally diverse backgrounds often struggled to comprehend the processes involved and were therefore less likely to feel that they were treated fairly.
- Similarly it is integral that **families, particularly those from migrant and refugee backgrounds** who may lack understanding of Australian systems, **are involved and informed around young people's interactions with the justice system**. Several young people interviewed noted that the involvement of family had a strong positive impact on them, or recommended that more of an effort to involve family, where possible, would have been helpful in reducing their offending behaviour.
- It is YACVic and CMY's experience that **bi-cultural youth workers or 'cultural mentors' play a critical role for young people from migrant and refugee**

**backgrounds** in terms of effective diversion or early intervention. Existing programs demonstrate that skilled, bi-cultural workers can play a powerful role in effectively engaging with ‘difficult to reach’ young people, strengthening connections to family and community, whilst acting as a broker to coordinate with relevant services and police. These programs can act as both a form of early intervention or a more formal diversion.

**Discussion Q5** Do you think there should be specified principles underpinning diversion in Victoria? If so, what should those principles be?

- YACVic and CMY strongly advocate for the **principles underpinning diversion to be guided by international best practice** as outlined in the *United Nations Convention on the Rights of the Child* and the *United Nations Standard Minimum Rules for the Administration of Juvenile Justice 1985 (Beijing Rules)*, including a non-discriminatory system that operates in the best interests of the child, encourages the meaningful participation of young people in the decision-making process, values the role of the family and use judicial intervention only as a last resort.

YACVic and CMY strongly support the introduction of the following guiding principles in developing diversion responses in Victoria’s youth justice system:

#### **A. Harm minimisation**

The **overarching aim of any diversion program should be to facilitate young person’s smooth transition from the youth justice system into becoming a productive member of society**. Designing interventions that help promote social behaviour, ensure restorative justice and limit long term negative effects on the individual should be a priority. This includes avoiding punishments that will have long lasting effects upon young people or pose a serious future barrier to them living a fulfilling adult life. It also includes avoiding criminal convictions or

institutionalisation while promoting self sufficiency through programs that encourage pro social behaviour, work skills or education.

### **B. Holistic support**

YACVic and CMY strongly recommend that **a holistic approach must be the central component of any intervention. Supporting young people to overcome disadvantage and social stratification is key in changing behaviour** and helping improve the lives of at risk young people. Young people who come into contact with the criminal justice system have often experienced disadvantage. Early diversion programs will be more effective if they address the underlying causes of offending behaviour.

### **C. Consistency**

Access to diversion programs appears ad hoc and inconsistent at present. **Developing a clear pathway through which young people are referred to diversion programs is a critical step in providing consistency and fairness in the youth justice system.** This will reduce the possibility that individuals are being dealt with unfairly or denied legitimate alternatives.

### **D. Clarity and transparency**

At present it appears that some diversion programs lack the clarity of purpose crucial to success. Diversion programs must be designed and delivered in a way that **ensures the overall goal of the program is clear and relevant to participants.** People participating in these diversion programs should be aware of the goal of those programs and why these programs are being made available to them at that stage.

### **E. Cultural Competency**

YACVic and CMY's experience demonstrates the **importance of cultural competency at all stages and interactions with the justice system**. Effective diversion should be underpinned by a range of organisational capacity building strategies aimed to develop cultural competency at all levels. This includes staff training, engaging bi-cultural workers, secondary consultation, implementing policies and procedures and culturally appropriate program design