

CHAPTER TWO

CRIME PREVENTION PROGRAMS

2.1 INTRODUCTION

Term of Reference (a) of this Inquiry requires the Committee to examine and report on crime prevention programs in the context of the Juvenile Justice System.

From the Committee's research throughout the Inquiry it is clear that crime prevention is the key to an effective policy on Juvenile Justice. Indeed, the issue of crime prevention is fundamental to the successful working of many of the recommendations contained in this Report.

Information presented to the Committee has shown that the cost of juvenile crime is very high. A witness before the Committee explained in evidence:

"Drawing on some work by the Institute of Criminology, in the Kids In Justice Report we were able to guesstimate at best a cost of \$250 million a year in direct costs of juvenile crime's damage and injuries and another \$150 million a year in indirect costs, insurance premiums and the like. It is a very expensive business for the state."¹

Despite the expense incurred from juvenile crime, including the expense used in policing, legal services and courts, and corrections, the Committee has heard that there has yet to be developed in this state an effective means of dealing adequately with such offending. According to a paper tabled at a briefing given by representatives of the New South Wales Police Service:

"the New South Wales Juvenile Justice System does not effectively prevent or reduce the involvement of children and young people in criminal or anti-social behaviour."²

The Committee has heard that a number of factors have contributed to the limited measures undertaken to address juvenile crime, and recidivism, including:

a failure to identify and address the causes of juvenile offending,

¹ Evidence (M. Hogan) 19.12.91 p.25

² NSW Police Service. 1990 p.2

a failure to include juvenile crime, "in the formulations of social and economic policy,"³ and

a failure to take into account local and cultural issues and to satisfactorily involve local communities in juvenile crime prevention strategies.

The Committee notes that such omissions have meant that the initiation of effective crime prevention programs as part of a co-ordinated policy has, to date, been limited and inconsistent.

Evidence received by the Committee reveals that in many instances the nature and extent of juvenile offending has been misrepresented, and media reports of it exaggerated. Whilst the Committee acknowledges that there are some juveniles who commit very serious offences it notes that "for the most part, the "criminal careers" of juveniles are over by the time they are of age." Moreover, juvenile crime is "most often minor in nature and quickly passes. Typical of the offences committed by juveniles are offences against public order, street offences and minor dishonesty offences... It is apparent that the media has a view of the state of juvenile crime that is very different from the conclusion that can be drawn from available statistics. **There is clear indication from the court and cautioning statistics that there is no juvenile crime wave.**"⁴

It has been submitted to the Committee that:

"juveniles are disproportionately under-represented in arrest rates for serious offences, both personal and property; and over-represented in arrest rates for offences such as car theft, burglary, and "good order" offences; serious assaults are overwhelmingly committed by young adult males, as opposed to juveniles; a disproportionately small number of juveniles commit a large proportion of juvenile offences; there have been some increases in the seriousness of offences for which juveniles are apprehended; young people are less likely to cause injury and to use a weapon, and cause less damage or injury when committing an offence than adults..."⁵

³ Hogan. 1990 p.5

⁴ Submission 30. p.2 (Emphasis added)

⁵ Submission 33. p.21

In its submission to the Inquiry, the then Department of Family and Community Services noted that "for those young offenders who appear in court, statistics have consistently indicated that approximately 60% of those on their first court appearance do not subsequently re-offend."⁶

According to a further submission, provided by the Association of Child Welfare Agencies:

"There are some (in fact many) adolescents who will be caught breaking the law once and for whom this will be their only contact with the juvenile justice system...These adolescents will generally not re-offend - not because of the threat of heavy penalties - but because of the understanding they have about the consequences of their behaviour...There is a group of adolescents for whom serious offending behaviour is the result of disjointed and deprived care conditions much earlier in life. These are the recidivist offenders who, in all likelihood, end up in our gaol system...there are identifiable indicators for the social welfare system early in childhood and early adolescence which, if ignored, will give a high probability of offending behaviour which must then be treated expensively and with less than optimum results."⁷

In noting this evidence the Committee considers that any appropriate or effective response to juvenile crime must be based on an understanding of the causes of offending behaviour as well as a proper understanding of the extent and nature of that behaviour.

Further evidence presented to the Committee has revealed that the nature of crime can be affected by the local community and that crime mainly affects those communities that are the most disadvantaged and where services are the most limited. The Committee notes from a submission from the Public Interest Advocacy Centre for instance, that:

"... the impact of crime is very unequally distributed across the community. It is the vulnerable and marginalised who are most likely to be victimised, and upon whom being victimised has the most effect. They are the least able to protect themselves from crime (insurance, security), to isolate themselves from it geographically (moving away) and to ameliorate its damage (fewer financial resources)."⁸

⁶ Submission 1. p.5

⁷ Submission 41. p.1

⁸ Submission 82. pp.11-12

These factors, the Committee has heard, raise a number of issues including the role of local government in implementing crime prevention strategies and the need to examine specific services, facilities and even environmental features within a community. According to one witness before the Committee:

"Where we put our car parks and shopping centres and our railway stations and child care centres and the like all have an impact on crime. Where we put our windows in our building developments which determine whether or not there is natural surveillance, are all very important issues."⁹

For juvenile crime to be responded to appropriately all the issues raised above need to be acknowledged. In this regard, a commitment to effective juvenile crime prevention must be seen as a priority of government. Included in this would be a recognition of the need to evaluate any juvenile crime prevention strategy to ensure its effectiveness at potentially reducing crime and cost.

The Committee understands that in New South Wales there have been a number of initiatives operating that deal specifically with juvenile crime prevention. These include such projects as the Youth and the Law Project and the crime prevention workshops being undertaken by police General Duties Youth Officers, in conjunction with the Department of School Education. It has also heard of broader programs, such as that undertaken by the Redfern Aboriginal Corporation which sees as one of its outcomes, crime prevention. The Committee's resources and time frame have not allowed it to make a detailed analysis of all initiatives operating in New South Wales. Rather, whilst drawing on some specific examples, the Committee proposes to deal with the issues relating to the establishment of crime prevention programs, generally.

In examining the issue of Crime Prevention Programs for the Inquiry, the Committee has taken a broad approach. That is, drawing on the evidence and the submissions received, the Committee felt that it could only properly approach the issue of Crime Prevention Programs by examining the issue of juvenile crime and its prevention, generally. The Committee has therefore attempted to look at a range of issues that have relevance to the prevention of juvenile offending. Where appropriate, recommendations have been made on these broader issues.

The Committee acknowledges that a proper response to juvenile offending requires the development of long term strategies. In this regard, the Committee does not propose to offer any "quick fix" solutions. Rather, it hopes through its observations and recommendations, to assist people with a better understanding of the nature and causes of

⁹ Evidence 19.12.91 p.6

juvenile crime and to suggest strategies that might be implemented to minimise offending behaviour, in the long term.

2.2 FEATURES OF JUVENILE OFFENDING

Evidence received by the Committee throughout the Inquiry has shown that tackling juvenile crime involves tackling a number of very complex issues. As the Kids in Justice Report observed:

"Juvenile crime is a complex social and economic phenomenon. No single cause can explain it."¹⁰

From the evidence received the Committee accepts that for some offenders, age can be a significant factor in offending behaviour. It believes also, that deeper, more far-reaching factors may contribute to the behaviour of others. The Kids in Justice Report observed that among the many factors associated with juvenile offending:

"juvenile crime can be accounted for as a consequence of such factors as social change, urbanisation, poverty, difficulties in integration, exclusion from the mainstream, lack of opportunities, gender, increased temptation of but lack of access to disposable goods, economic crises and the exigencies of "growing up". It is clear that there are strong links between social disadvantage, deprivation and particular sorts of crime and its control...

More specifically, it has clear connections with unemployment, homelessness, school alienation, family breakdown, drug abuse, boredom and inactivity, low morale and poor self-image, inadequate community, family and youth support services, etc. Criminal statistics consistently show an over-representation of the unemployed, the poor, the poorly educated, of Aboriginal people, and of those living in particular socio-economic areas, in property, street crime and street offences, as perpetrators and as victims."¹¹

The Committee has heard much testimony regarding many of these factors. It has also, heard that many young female offenders, particularly those in custody, have been victims of child sexual abuse.

¹⁰ Submission 33. p.27

¹¹ White. 1989 cited in the Kids in Justice Report p.27

Whilst the Committee acknowledges that unemployed people are not necessarily predisposed to criminal behaviour it has received testimony that unemployment coupled with other factors, may affect a young person's involvement in the Juvenile Justice System.

2.3 TRADITIONAL RESPONSES TO JUVENILE CRIME

The Committee has heard that responses to juvenile crime have consistently tended to focus on the "end" result, that is, when the offending behaviour has already occurred. Specifically, responses to juvenile crime have tended to concentrate on the policing, adjudication and sentence of the offender rather than on finding consistent and effective strategies to try to preventing offending behaviour; indeed, it is in those areas that most of the resources of the Juvenile Justice System have been historically directed. Evidence presented to the Committee, as well as information gathered from studies show that such responses have done little to minimise offending behaviour or to curb the costs associated with such behaviour.

The Committee notes for instance, that increasing police numbers in certain areas may not necessarily stop offending behaviour. For example, in examining such increases in Bourke from the period 1976-1986, Cunneen and Robb found in their study, "Criminal Justice in North West New South Wales" that:

"this policy of increasing police strength has not been successful in improving Aboriginal/police relations... nor in increasing feelings of security within the community... nor in dramatically changing rates of offending... The failure of a policy of simply increasing police strength is a clear indication of a failure to see public disorder and crime as a social phenomenon not amenable to simple "deterrence"."¹²

Further, considerable evidence has been put to the Committee that tougher penalties and incarceration, whilst a very costly response to juvenile crime, are a largely ineffective deterrent to offending behaviour. From the Committee's visits to Juvenile Justice Centres, Members heard that up to two-thirds of detainees had been incarcerated on a previous occasion. A submission to the Committee from the Factory Youth Centre noted in relation to incarceration, that:

¹² Cunneen. 1987 p.211

"to isolate the child from its perceived "normal" situation in a family would run the risk of the same child developing even more "abnormal" behaviour. The answer is to look at the cause and not the symptoms of juvenile anti-social behaviour. Far better to prevent it at an earlier age by the intervention of suitable support..."¹³

Moreover, according to the evidence of a young person who had contact with the Juvenile Justice System:

"I don't reckon the juvenile detention centres are doing much, they are just learning more when they go in... the (kids) I hang around there is a lot of them that have been in and out of detention centres..they still keep getting charged, they still keep getting into trouble and it is not doing much. All they are doing is just getting locked up, that's all they are doing, the same routine."¹⁴

Common to much of the evidence received by the Committee is the fact that crime prevention programs that target specifically those young people most at risk of entering and becoming entrenched in the Juvenile Justice System can only be effective if there is early identification of the factors contributing to offending behaviour and that proper intervention strategies are implemented prior to the commencement of criminal activity. The Committee has also heard that taking away the temptations to offend can also go some way to prevent potential criminal behaviour by a young person.

From a purely cost-benefit analysis, a study for the Australian Institute of Criminology maintains that:

"Though we analysed conventional and experimental methods of both processing and preventing delinquency, we believe a strong economic argument can be made for directing resources away from the criminal justice system and into social programs in order to prevent delinquent behaviour. By focusing on educational, health, housing and employment problems of the young and disadvantaged, it may well be possible to reduce our need to put increasing resources into the criminal justice system."¹⁵

Consistent with much of its evidence, the Committee endorses this finding.

¹³ Submission 58. p.1

¹⁴ Evidence 29.1.92 p.4

¹⁵ Potas. 1990 p.4

As much of the information received by the Committee acknowledges, there needs to be commitment by government at all levels in order that effective responses to juvenile crime can be put in place.

Information put to the Committee notes the significance of the establishment of a specific Government Unit or Division dealing with crime prevention issues. The Committee notes that the establishment of a special Division within the Attorney-General's Department could significantly address those issues. The Committee considers that the establishment of such a Division could be effective in co-ordinating the roles and responsibilities of relevant Departments and Offices, and local councils, to assist in the formulation of policies and strategies relevant to crime prevention. That Division should also liaise with relevant Federal Departments on this issue. The Committee considers that a priority of that Division would be juvenile crime prevention.

Recommendation No. 1:

That a Crime Prevention Division be established within the Attorney-General's Department, a priority of which is to develop policies and strategies relevant to juvenile crime prevention.

Recommendation No. 2:

That a consultation and liaison process, similar to the French Bonnemaison Scheme, be established under the co-ordination of the proposed Crime Prevention Division of the Attorney-General's Department, so that State Government Departments and Offices, the Federal Government, local councils and relevant community organisations can assist in the formulation of long term policies and strategies relevant to juvenile crime prevention.

The Committee considers that relevant State Government Departments and Offices would include the Office of Juvenile Justice, the Police Service, the Department of Local Government and Planning, the Department of School Education, the Department of Community Services, the Department of Health, the Department of Housing, the Department of Industrial Relations, Employment, Training and Further Education, the Technical and Further Education Commission, the Department of Sport, Recreation and Racing and the Office of Aboriginal Affairs.

Recommendation No. 3:

That any initiatives and strategies designed to prevent juvenile offending should be based on an appreciation and recognition of the causes of such offending, an assessment of how the offending might affect particular communities and an understanding of the needs, including the cultural needs of particular communities.

2.4 INVOLVEMENT IN THE JUVENILE JUSTICE SYSTEM - SOME RELEVANT FACTORS.

2.4.1 Accommodation

Evidence presented to the Committee has indicated that homelessness or inadequate accommodation may be seen as a significant contributing factor to involvement in the Juvenile Justice System. According to Dr Ian O'Connor, who conducted interviews with young people for the Human Rights and Equal Opportunities Commission Inquiry into Homeless Youth:

"The interviews showed that homeless young people engaged in a wide variety of offending, from avoiding fares on public transport to robbery with violence in order to survive and supplement their income."¹⁶

Moreover, among the findings of the Girls at Risk Report was that:

"The circumstances that often bring girls before the courts on both welfare and criminal proceedings arise from a lack of safe, supportive accommodation."¹⁷

The Committee has heard that for many young people there is no real choice about leaving home; many are victims of violent and sexually abusive family lives, many have irreconcilable conflicts with family members, and for others there merely is not enough income in the family home to allow them to stay. Many of these young people who "end up on the streets" or in transient accommodation, subsequently become involved in substance abuse and prostitution.

¹⁶ Human Rights and Equal Opportunities Commission. 1989 p.49

¹⁷ Women's Co-ordination Unit. 1986 p.130

For young women who must leave home, the problem can be particularly pronounced. The Committee acknowledges that life on the streets for girls is more dangerous than for boys. The Committee has heard that without adequate supports these girls can be more vulnerable to drug abuse and can quickly enter a cycle of self-destructive behaviour.

The Girls at Risk Report observed that:

"Most girls interviewed were living in an out-of-home situation through no fault of their own. Indeed many girls said they would like to be living at home with their family. However, for most (of those) girls this was not possible."¹⁸

The Committee notes that Department of Housing criteria for rental housing assistance, includes that an applicant be 18 years of age. The Committee has been informed that:

"There is limited provision for people under 18 years of age to be allocated public housing where they can demonstrate they have adequate living skills and are able to meet normal tenancy obligations. Housing would also be considered where the client has access to, and accepts, appropriate community support services."¹⁹

Information provided to the Committee by the Department of Housing indicates that that Department administers certain programs, funded by the Federal Government, that are relevant to the needs of young people. These include the Local Government and Community Housing Program and the Crisis Accommodation Program (CAP), "the capital program which complements the Supported Accommodation Assistance Program administered by the Department of Community Services."²⁰

The Committee has also been informed that:

"a number of refuges, including those for youth, have been built/acquired since the program's inception. The proposed budget allocation for CAP is \$13,511,000 in 1991/92. The draft State Plan for CAP in 1991/92, which is yet to be considered by the State and Commonwealth Ministers, recommends some \$4.8M worth of projects targeted specifically for youth services."²¹

¹⁸ Women's Co-ordination Unit. 1986 p.62

¹⁹ Submission 85. p.1

²⁰ Ibid

²¹ Submission 85. pp.1-2

The Committee notes that funds from the joint Federal and State Mortgage and Rent Assistance Program support "the Community Tenancy Scheme where subsidies are paid to community groups to access (mainly) private rental housing for sub-lease to eligible households, including youth."²²

The Committee heard in evidence of an independent community residential program, known as the Stepping Out program, jointly funded by the Department of Housing and the Department of Community Services, that caters for female incest survivors. According to evidence before the Committee:

"The staff provide a combination of counselling, and basically clinical care for the problems arising out of incest abuse. (There is) support work for dealing with any of those outcomes including going to court to give evidence, those sort of things. (There is also) support for the development of independent living skills. It provides self-esteem development. They have group outings, things like that... The worker comes round and checks that the washing up is being done and the garbage is getting out and the bills are being paid, and those sort of things. The idea is that it is a medium term stay, they then move on to independent living. I think that it is a successful model for providing secure accommodation."²³

The Committee is aware also of some residential programs run by the Sydney City Mission, including project Triple Care. The Sydney City Mission operates a Crisis Centre as well, in Kings Cross, Sydney. The Committee notes that this Centre:

"has 9 beds, short term but deals with up to a thousand young people per year, providing counselling, assistance, direction and crisis accommodation."²⁴

The Committee has been informed by a number of sources that current levels of available accommodation to young people are inadequate. Some evidence has indicated that youth accommodation services are not meeting the demand of present levels of homelessness.

Further information presented to the Committee has noted that some accommodation services are closed at night and other accommodation services, including refuges, are closed during the day, because of staffing shortages. The Committee notes that this may result in some young people spending a lot of time "on the streets".

²² Submission 85. p.2

²³ Evidence 25.10.91 p.13

²⁴ Submission 88. p.2

The Committee notes that fostering can be a significant accommodation alternative for some young people. This issue is looked at in Chapter Six.

Recommendation No. 4:

- **That the Department of Community Services and the Department of Housing increase the provision of services that can provide safe and suitable crisis, medium-term supported and long-term accommodation for those young people who are homeless and either cannot return home or cannot remain at home.**
- **That such services provided by the relevant Departments be suitably staffed and provide a range of relevant programs including independent living skills, and any relevant counselling.**
- **That girls who can no longer remain at home and who may have been subject to violence and abuse should have available accommodation that caters specifically for girls, is staffed by women, and offers a range of programs suitable to the needs of girls.**
- **That accommodation services should be responsive to the needs of specific groups, including young Aboriginal people and young people from non-English speaking backgrounds.**

2.4.2 Family Breakdown and Abuse

Evidence presented to the Committee revealed that in certain cases family breakdown may contribute to a young person's involvement in anti-social behaviour. The Committee has heard that family breakdown may involve the separation of the parents, and the subsequent feelings of loss that may ensue for the child or, it can include violence and abuse by one family member against another. Whilst the Committee acknowledges that not all children from such families end up in the Juvenile Justice System, it does believe that where there are no appropriate supports available, a dysfunctional background may contribute to some young people becoming involved in that system.

According to a submission presented to the Committee:

"If young children are growing up in a family home where they experience abuse or neglect, they will not learn the skills to engage in responsible social relationships when they are older. The effective identification, assessment and treatment of abuse and neglect during the early critical

years of a child's life can mean the difference between healthy relationship building and destructive behaviours."²⁵

Further evidence received by the Committee has indicated that violence in families can contribute significantly to a child later exhibiting violent behaviour.

With regard to girls the Committee has been told on numerous occasions that many girls involved in the Juvenile Justice System have been victims of abuse, often by a family member. Evidence presented to the Committee by Ms Helen Campbell, a solicitor with expertise in the area of women and girls and the law commented, when asked her opinion on why some girls become involved in the Juvenile Justice System:

"Overwhelmingly, I believe it to be a direct reaction to an abusive home environment. I seldom if ever come across a girl in trouble that had a secure and supportive home."²⁶

This view was corroborated by many of the witnesses who gave evidence before the Committee in relation to girls.

Other factors cited included low self-esteem, involvement with young male offenders and a desire to assert oneself.

A major thrust of evidence to the Inquiry was that a large proportion of girls first had contact with the Juvenile Justice System by way of a welfare-related matter, that often had direct relevance to abuse or neglect at home. The issue of girls in this context is discussed further below.

A submission provided to the Committee noted that:

"Young people who have experienced ongoing sexual or other abuse, usually have low self-esteem, poor motivational ability and often lack maladaptive coping and survival mechanisms. Coupled with a lack of adequate or secure housing, emotional and financial support, they become at high risk of involvement in criminal behaviour:

- (a) as a means of acting out frustration and aggression;
- (b) to support themselves and/or their alcohol dependencies;

²⁵ Submission 41. p.2

²⁶ Evidence 25.10.91 pp. 3-4

- (c) to gain acceptance or improve status amongst their peers."²⁷

Consistent with its evidence, the Committee considers that a means of reducing potential breakdown in families is to provide support at an early stage. Assisting parents with suitable parenting skills has been seen as one effective strategy that can assist vulnerable families.

The Committee recognises the value and importance of family support programs that can help prevent families that are experiencing conflict, from breaking down.

It also recognises that there needs to be a range of services available to young people who may be experiencing difficulties in the home, particularly for those who have experienced abuse.

The Committee notes that a responsibility of the Department of Community Services is to provide and fund programs and services to assist families experiencing crisis and to assist children subjected to abuse. Evidence presented to the Committee suggested that currently, resources are limited and staff in areas of family support and child abuse carry very large case loads. Service delivery can therefore be restricted. Some evidence presented to the Committee indicated that in some cases, both the Department and non-Government organisations are unable to meet the demand of people seeking assistance.

In consideration of services to families experiencing crisis and potential breakdown, and to those children subjected to abuse, the Committee considers that there needs to be available to the Department of Community Services adequate resources to ensure that those services can be appropriately delivered. The Committee considers that the provision of such services should be delivered jointly by the Department of Community Services and relevant non-government organisations, that are adequately funded and accredited. The Committee's position on service delivery and accreditation is outlined in Chapter Six.

The Committee notes that the provision of relevant and adequately resourced services that are directed towards families experiencing crisis and breakdown and to children who are victims of violence and abuse, can be crucial to assisting children from such backgrounds develop with greater stability and security. This, the Committee notes, may lessen the possibility of any future offending behaviour.

²⁷ Submission 45. p.1

Recommendation No. 5:

- That resources be made available to the Department of Community Services, to ensure that there are adequate services available to assist families experiencing crisis and breakdown. The provision of such services should be delivered jointly by the Department and relevant non-government organisations, that are properly funded and accredited. Relevant liaison with Federal Departments on this issue should also take place.
- That a range of accommodation and counselling services for young people who are victims of neglect, violence and abuse be further developed under co-operative schemes with the Department of Community Services and properly funded and accredited non-government organisations. There should be specific services of this kind for girls, staffed by women.

2.4.3 Education - Schooling and Training

The Committee's evidence has shown that learning problems and problems at school, even at a young age, may be a contributing factor to a juvenile later engaging in offending behaviour. According to one commentator:

"Many of the children who are experiencing difficulties at home and school will ultimately enter the welfare and judicial processes. They increasingly feel alienated from mainstream society (Burdekin 1989). The recommendations of the Homeless Children Inquiry suggest that our schools need to be structured in ways that will better meet the needs of all pupils and so prevent alienation or reduce risk in youth... At the heart of the issue is the need for the various agencies and institutions dealing with at risk youth to communicate their respective knowledge so that the best available intervention and services can be applied."²⁸

Among the problems that the Committee has noted that can be typical of a young offender who has had difficulties at school are that he or she has been an under-achiever, manifests behavioural problems or is a habitual truant. As case histories have demonstrated to the Committee, often these young people may first become suspended or expelled from school before engaging in further anti-social or criminal behaviour.

²⁸ Thorley-Smith. 1991 p.167

Thorley-Smith identifies those groups that require specialist educational, emotional and physical support resources as including:

- " . behaviour disordered or conduct disordered youth;
- . violent, acting out youth;
- . homeless youth, neglected youth and/or those in need of care and protection;
- . young offenders and youth in custody;
- . youth gangs;
- . refugee youth;
- . abused youth;
- . emotionally disturbed youth; and
- . self-injurious or suicidal youth."²⁹

The Committee has heard that early school intervention for a child that exhibits learning or behavioural problems may avert any later criminal behaviour that child may become involved in. The study for the Australian Institute of Criminology observes that:

"There is strong empirical evidence to suggest that pre-school based prevention strategies - such as pre-school education - reduce the potential for individuals to engage in delinquent behaviour. Components of these programs that appear to be successful include well-trained staff, a low staff to pupil ratio, good relations between staff and parents and the use of an effective curriculum model derived from principles of child development. (and further) There is strong empirical evidence to suggest that school-based strategies focused on low-income schools can reduce delinquency levels."³⁰

Information provided to the Committee relates to the Parents as Teachers program, co-ordinated by the Department of School Education and currently being piloted in three schools in New South Wales. This program recognises that a child's first and most influential teacher is his or her parent. The program seeks to empower parents through the provision of practical information and guidance which will assist their children to develop skills that are essential to later learning.³¹ The pilot program is available to first time parents who enrol through the local school before their child is six weeks old. There are three elements of the program including:

²⁹ Thorley-Smith. 1991 p.169

³⁰ Potas. 1990 pp.2-3

³¹ NSW Department of School Education. p.4

1. monthly home visits by trained parenting consultants that allow for the provision of programs for individual families;
2. monthly group meetings for parents of similar aged children and three monthly meetings of all families in the program;
3. developmental screening of children by the Department of Health.³²

Parents as Teachers is based closely on the American program of the same name, available throughout the state of Missouri and in a number of other school districts throughout the United States. Research on this program since its pilot implementation in 1981 has shown that it improves later school performance, and is a far better identifier of families at risk (of child abuse or neglect) than traditional methods of categorising families. Children who have come through the program do better at school and have more self confidence, regardless of socio-economic background.

Recommendation No. 6:

That relevant programs of pre-and early school intervention, such as the Parents as Teachers program, which can assist in the identification of behavioural or learning problems in a child and offer support to parents be encouraged, supported and developed by the Department of School Education, Department of Health and the Department of Community Services.

The Committee notes from a submission provided by the Department of School Education that that Department provides the following services and programs to youth at risk:

1. Generic Student Welfare Services;
2. School Counsellor Service;
3. Itinerant Support Teachers;
4. Home School Liaison Officers;
5. Behaviour and Attendance Programs;
6. Support Classes and Units in Regular Schools;
7. Joint Units and Facilities (in conjunction with the Department of Health which provides the therapy and residential services);
8. Conduct Disorder Units;
9. Community Care Program (for detained young offenders).³³

³² Langham. 1991 p.4

³³ Submission 89. pp.3-4

The Committee supports and encourages such education programs that may assist young people who are at risk of entering the Juvenile Justice System. The Committee notes particularly, from its evidence, the valuable service provided by Home School Liaison Officers and their work with school non-attenders. The Committee encourages the provision of this service throughout New South Wales. The issue of Home School Liaison Officers is discussed further in Chapter Six.

The Committee understands that the Department of School Education provides in some schools a specific program on crime prevention with the New South Wales Police Service.

The Committee notes that the Office of Youth Affairs co-ordinates services that are relevant to the educational needs of young people and may assist those who can be at risk. Among those are the Helping Early Leavers (HELP) Program, the Circuit Breaker Program and the Koori Youth Program. Information presented to the Committee outlines those services as follows:

"HELP targets unemployed early school leavers and young people at risk of leaving school early. It is designed to remove barriers to further education, training and employment by assisting young people to improve their basic literacy and numeracy skills and self esteem. Circuit Breaker assists young people of non-English speaking backgrounds (NESB) at risk in their transition from school to further education, training or employment. It is an intervention program which helps these young people to bridge the gap between school and future options. Koori Youth Program is directed to increasing literacy and numeracy skills and self esteem of young Aboriginal people. A focus of the program is increasing cultural identity and pride to assist young people through school or to enter further education, training and employment."³⁴

The Committee considers that the programs noted above may be significant in assisting some young people who may be at risk of entering the Juvenile Justice System because of learning problems or because of disadvantage that may prevent them from utilising future opportunities.

The Committee understands that young Aboriginal people can face difficulties with mainstream education and the whole schooling environment. Some factors contributing to this include the historical failure of the education system to address fully issues that are culturally appropriate to Aboriginal students, a lack of teachers that are Aboriginal and

³⁴ Submission 89. p.8

who might provide role models for Aboriginal students within the school environment, and discrimination. Drawing on Australia wide figures from the Department of Employment, Education and Training the Kids in Justice Report notes that:

"Education participation rates amongst Aboriginal and non-Aboriginal people highlights the stratification in educational and future employment patterns amongst specific social groups. Amongst 16-17 year olds, only 31.6% of Aboriginal people stay in school or college whereas 74.6% of non- Aboriginal young people do."³⁵

The Committee notes that the establishment in the Office of Youth Affairs of the Koori Youth Program may be one means of addressing these issues in New South Wales. It supports the continued development of the program in increasing the literacy and numeracy skills and fostering the self esteem of young Aboriginal students and thereby encouraging them to remain within the education system. The Committee commends the new initiatives forecast by the Department of School Education, in the area of Aboriginal Education, including the establishment of a new two unit Aboriginal Studies syllabus for Years 11-12, the Priority Schools Program, the creation of 200 positions of Aboriginal Education Assistants and the creation of 10 positions of Regional Aboriginal Community Liaison Officers. The Committee notes that these initiatives may go some way to help redress the problems and disadvantages experienced by many young Aboriginal people in the school system.

The Committee understands that the Federal Department of Employment Education and Training, under the auspices of the Aboriginal Tutorial Scheme funds Homework Centres that aim to provide a facility and tutorial assistance for children when doing their homework. The Centres are targeted to Aboriginal children, although non-Aboriginal children may use them also.³⁶ The Committee strongly commends and supports the use of Homework Centres.

Recommendation No. 7:

That the Department of School Education in consultation with the Department of Employment, Education and Training, examine the feasibility of establishing Homework Centres throughout New South Wales that can assist disadvantaged young people.

³⁵ Submission 33. p.30

³⁶ Discussion, Department of Employment, Education and Training. 21.2.92

- . That the extended use of school and community premises be examined as an option for facilities from where Homework Centres may operate out of school hours and which may be staffed by those other than the particular school's teachers.

As well as effective schooling the availability of appropriate vocational and training programs for young people has implications for future employment opportunities. The Committee understands that training programs need to be situated in areas that are readily accessible to young people and that they need to be diverse enough to be suitable to the needs of all young people including Aborigines, young people from non-English speaking backgrounds and girls. The Kids in Justice Report argues that:

"In order to overcome some of the problems facing disadvantaged young people there needs to be more integration of welfare, education and training which pays attention to the specific short-term and long-term needs of young people and the communities in which they are based."³⁷

The Committee notes that the Joint Secondary Schools TAFE Program allows students entering years 11 and 12 to elect to study certain subjects from vocational TAFE courses as part of their regular schooling. Should courses be studied in year 12 the results appear on the Higher School Certificate. Approximately 11,300 students from both government and non-government schools were enrolled in almost 700 Joint Secondary Schools TAFE courses in 1991. Classes are usually held in TAFE colleges, generally during school hours. Students enrolled in the courses have a greater opportunity to "increase their educational and vocational aspirations and options by including vocational areas of study within a general education."³⁸

2.4.4 Unemployment

The Committee considers that current levels of unemployment among young people are unacceptably high. The Committee has heard that unemployment is one of a number of factors which may contribute to a young person becoming involved in the Juvenile Justice System. Lack of income and limited economic independence, together with feelings of low self-esteem, hopelessness and resentment from being unable to find work and purchase goods, are just some factors the Committee has heard which may lead a young person to offend. Moreover, it has been submitted that as more young people become

³⁷ Submission 33. p.31

³⁸ NSW Technical and Further Education Commission. 1991 p.2

unemployed they will be more visible in public places and could, as a consequence attract greater police attention and intervention.

Evidence has been supplied to the Committee of young people committing so-called "survival" crimes, that is, crimes which relate generally to accessing food, clothes and even accommodation. The Committee has been told that such offences may be attributed to the current tough economic times and the inability of these young people to find work and hence obtain a reasonable income. In acknowledging the study of White (1989) the Kids in Justice Report observed that:

"As young people are increasingly excluded from the formal waged economy, so they come to rely on the informal waged economy or the criminal economy for their survival."³⁹

The Committee has heard that unemployment among youth is very high in certain areas of New South Wales. Some evidence taken by the Committee noted that the parents of many unemployed young people are also unemployed. According to a police witness who testified before the Committee:

"There are stories in my particular area of youth unemployment in the vicinity of 60 per cent. I have nothing to confirm or deny that but I know it is a major problem and very disheartening for young people not to look forward to even a prospect of employment. It has been suggested that in many instances this can result in the parents being unable to provide adequate support or care for the families."⁴⁰

Evidence presented to the Committee indicates that unemployment rates among young Aborigines and young people from some non-English speaking backgrounds can be particularly high. The Committee has heard that for these young people the problems of finding a job can be compounded by existing discrimination in certain areas of employment.

The Committee understands that for many young people there is a sense of hopelessness about finding employment. Members have heard that this in turn may lead to disharmony and conflict within families, drug and or alcohol abuse and involvement in criminal activity. For those who have experienced long-term unemployment, the difficulties of re-entering the workforce can be greatly pronounced.

³⁹ Submission 33. p.28

⁴⁰ Evidence 28.1.92 p.21

The Committee notes that young people may be entitled to certain types of income assistance benefits. For young unemployed people these can include, Job Search Allowance, which generally starts at 16 years of age and Young Homeless Allowance. Information from the Department of Social Security shows that Job Search Allowance for 16-17 year olds payment is between \$59.90 and \$128.30, depending on the income of the parents; for 18-28 year olds living at home the rate is \$154.20 per fortnight; for independent 18-20 year olds the rate is \$ 234.20 per fortnight. In relation to Young Homeless Allowance, the rate is \$211.80 per fortnight for 16-17 year olds. To qualify for this allowance a young person must have lived away from home for two weeks and cannot return because of, for example, domestic violence or abuse. However the Committee notes that a Special Benefit may be paid to those facing severe financial hardship and who do not qualify for specific benefits. Newstart and other training allowances commence after a young person has been on Job Search Allowance for one year. Other benefits available to young people include Sickness Allowance, Disability Support Pension for those who are medically certified as unable to work and generally who are aged 16 and over.⁴¹

Information provided to the Committee suggests that benefits in respect of young people out of work fail to consider that many young people are forced to be economically independent of their families and their income assistance must cover expenses for accommodation, food and other necessities. The Report of the Inquiry into Homeless Children by the Human Rights and Equal Opportunity Commission, observed that:

"The existing youth income support system assumes that families will support their unemployed adolescents... The needs of young people who do not live at home, at least in terms of physical sustenance and shelter, are identical to those of single adults without dependents."⁴²

That same Report found that:

"The evidence, both in Australia and elsewhere, is compelling. Homeless children and young people who cannot return to their families, cannot find employment and cannot get income support are sometimes forced, **in a matter of days (not weeks)**, into criminal activity or prostitution to survive."⁴³

⁴¹ Discussion, Department of Social Security, 25.3.92

⁴² Human Rights and Equal Opportunity Commission. 1989 p.148

⁴³ Human Rights and Equal Opportunity Commission. 1989 p.162 (Emphasis theirs)

The Committee understands that a priority of Governments at both a Federal and State level is to enhance employment training and programs for young people, particularly at the moment when current levels of youth unemployment are so high.

The Committee notes that the Department of Industrial Relations, Employment, Training and Further Education administers three major project areas under the "First Chance" Youth Employment and Training initiative. These are:

- . Get Started Employment Program,
- . Work Experience Program, and
- . Enterprise Training for Youth.

The First Chance initiative was announced in early 1992 and is in the process of being implemented.

The Get Started Employment Program funds incorporated community organisations to provide relevant services to young school leavers. The Committee notes that target groups include:

"Individuals leaving years 9, 10, 11 and 12 of the N.S.W. secondary school system having completed their studies in 1991. Participants from special needs groups, such as Aborigines, individuals from non-English speaking backgrounds and the disabled will be ensured access to assistance under the program."⁴⁴

The aim of the Work Experience Program is:

"to improve the ability of unemployed youth to obtain long term employment by providing vocational orientation and skills through work experience placements."⁴⁵

⁴⁴ NSW Department of Industrial Relations, Employment, Training and Further Education. 1992(a) p.2

⁴⁵ NSW Department of Industrial Relations, Employment, Training and Further Education. 1992(b) p.3

Enterprise Training for Youth Program aims to:

"develop structured on-the-job training for young people aged between 15 and 25 years for a twelve month period."⁴⁶

Evidence from a number of sources has shown that employment training and relevant programs which can assist a young person expand his or her job opportunities may have significant implications for the Juvenile Justice System. For this reason the Committee commends and encourages the development of the "First Chance" Program.

Recommendation No. 8:

That Government initiatives in the area of youth employment and training programs be encouraged and developed. That where appropriate, a liaison process to achieve this aim, be established between the New South Wales Department of Industrial Relations, Employment, Training and Further Education and the proposed Crime Prevention Division of the Attorney General's Department and the Federal Government.

2.4.5 Leisure, Recreation and Entertainment

Throughout the Inquiry, the Committee has heard that the availability of appropriate and constructive leisure, recreation and entertainment alternatives can have some effect on whether a young person may come in contact with the Juvenile Justice System. The Committee has been told that some young people who have limited access to adequate leisure, recreation and entertainment programs or facilities may, in conjunction with other factors, including unemployment, be vulnerable to involvement with that system.

The Youth and the Law Project, a crime prevention project-based scheme in Campbelltown, recognised the need for improved entertainment facilities for young people in the Macarthur region. The Committee notes that:

"The Project is based largely on the belief that many crimes perpetrated by young people are based on unfulfilled needs. Young people have a need for interesting and entertaining things to do, a need for security and a safe

⁴⁶ NSW Department of Industrial Relations, Employment, Training and Further Education. 1992(c) p.1

environment, a need for employment and creative and productive pastimes, a need for socialising with their peers, a need to take risks and to be independent and a need for success. When one or more of these needs are not met, young people can, amongst other alternatives, take out their frustration through activities which are destructive to society - vandalism, theft, shop stealing, violence and others."⁴⁷

One young person gave the following evidence to the Committee in relation to the issue of appropriate leisure and entertainment facilities for young people:

"Are there enough places, do you think for young people (in your area)?.....*Not really.*

"What do kids do in their spare time if there aren't enough places?".....

Just hang around on the streets talking until they get tired of something and then they go home, or they end up doing crime."⁴⁸

The Committee has heard also, that often, leisure for some young people can be perceived as suspicious behaviour. In this regard, the Committee notes that "hanging around" the streets, often at night can be perceived in this way as the young people are then particularly obvious. The Committee was told that this can be a particular issue between police and Aboriginal young people. Evidence presented to the Committee indicated that some young people, both Aboriginal and non-Aboriginal, can be subject to inappropriate questioning for being on the streets, particularly if there is a group of them. It has been put to the Committee that where adults may similarly congregate in public spaces, similar questioning rarely occurs. The Committee notes that in many different cultures gathering on the street can be a common and legitimate form of leisure or recreation.

The Committee has heard that with levels of unemployment among youth currently very high, the incidence of young people using the streets and public space as a place of leisure may increase. Whilst the Committee understands that it may be undesirable for some that young people congregate on the streets particularly at night, it believes that such activities should not be grounds for inappropriate questioning of young people by police officers.

⁴⁷ Engel. 1991 pp.11-12

⁴⁸ Evidence 29.1.92 pp.2-3

The Committee notes that a barrier to many young people becoming involved in constructive and appropriate leisure, entertainment and recreation can be the cost. It notes also, that many programs that operate after school hours can terminate when a child reaches the age of twelve.

The Committee considers that the establishment of constructive leisure, recreational and entertainment alternatives for young people depends on the particular needs of each community, including those of the young people and the involvement of community members. The particular interests of Aborigines, girls, young people from non-English speaking backgrounds and young people from rural areas, should be assessed in this regard to determine what appropriate alternatives might be set up for them. Further information noted by the Committee shows that young people can especially benefit from programs that they are encouraged to devise themselves.

Recommendation No. 9:

That the proposed Crime Prevention Division of Attorney General's Department, the Department of Sport, Recreation and Racing, and local councils, in consultation with community organisations and members of local communities, collaboratively develop appropriate strategies for the implementation of constructive leisure, recreation and entertainment programs and facilities for young people throughout New South Wales, particularly in areas where there are high rates of involvement in the Juvenile Justice System.

2.5 ABORIGINAL YOUNG PEOPLE

Throughout the Inquiry the Committee has consistently heard that Aboriginal young people are over-represented throughout all processes of the Juvenile Justice System. This finding has been comprehensively documented both in the Kids in Justice Report (1990) and particularly, the Report of the Royal Commission into Aboriginal Deaths in Custody (1991). The Committee strongly believes that the high level of Aboriginal young people involved in the Juvenile Justice System is in no way a reflection that young people from such communities are more predisposed than others to criminal activity. Rather, the Committee acknowledges that a number of far-reaching factors, including levels of poverty within Aboriginal communities, unemployment, difficulties in the mainstream education system and systemic racism can contribute to their involvement in the system.

A submission prepared by the Office of Aboriginal Affairs, citing a 1988 Family and Community Services Report on Aboriginal Young People in the New South Wales Criminal Justice System, noted the following:

"Aboriginal young people make up 25% of the N.S.W. institutional population, yet their proportion in the State's 10-17 year population is only about 1.8%. While no bias is evident at the Court level there is clear evidence of bias against Aborigines at the Police level. The prosecution decisions of over forty Police stations revealed that, at every station, Aborigines received less cautions and citations and more charges for similar offences. This bias is not necessarily caused by individual racism but may be the result of a "structural racism" e.g. unemployed children receive more punitive outcomes from Police; this affects Aboriginal children as they have a very high rate of unemployment. It is also clear that Aboriginal children have much higher rates of detection for crime generally - it is likely that this is due to greater offending by Aboriginal children and a greater likelihood of apprehension by the Police. Many country towns in N.S.W. with less than 20% Aborigines have over 50% Aboriginal apprehensions."⁴⁹

That same submission noted that:

"towns with equal-sized Aboriginal populations can have different rates of apprehensions. For example: Nowra and Bourke, Griffith and Lismore.

These differences are largely dependent upon:

- (a) the integrity and control exercised by the local Aboriginal community and the related factor
- (b) the relationships between the Aboriginal community and the power brokers in the town."⁵⁰

Evidence presented to the Committee by members of Aboriginal communities confirmed that young Aboriginal people's involvement in the Juvenile Justice System is related to a number of factors including poverty, unemployment, difficulties with mainstream schooling, lack of appropriate, including culturally appropriate leisure and recreational alternatives and alcohol and/or drug abuse. The Committee heard that at the core of

⁴⁹ Submission 46.

⁵⁰ Ibid

many of these issues was the fact that discrimination can still exist in many areas of Australian life, thereby alienating many young Aboriginal people.

Evidence of an effective training and employment program, the Redfern Aboriginal Corporation (a Community Development Employment Program) was presented to the Committee. The Committee understands that the Redfern Aboriginal Corporation pays young Aboriginal people the equivalent of approximately half of the unemployment benefit to train, within their own community for 15 hours per week, in a particular trade. The Committee heard that the program allows young Aboriginal people to gain particular skills that offer greater opportunities in employment and provides them with a sense of pride, confidence and increased self-esteem. The Committee heard also, that the program operating in Redfern had a significant effect on the reduction of crime in that area.

The Committee commends and encourages the development of this program. It endorses the Community Development Employment Program which allows Aboriginal people to gain particular skills and enhance the opportunities for future employment.

The Committee recognises also, the importance of Aboriginal culture and history being taught in schools (for both Aboriginal children and non-Aboriginal children).

One witness who has worked extensively with young Aboriginal offenders commented that she encourages Aboriginal young people to attend cultural events within their area and tries to instil in them pride in their Aboriginality and culture. The Committee recognises the value of such an approach. As the witness observed in a tabled document, "Koori kids have natural talents and abilities in the arts, crafts, music and dance and sports"; talents which, the Committee noted, should be encouraged and enhanced.⁵¹

Common to much of the evidence received from representatives of Aboriginal communities, as well as from our own research has been that crime prevention strategies for Aboriginal youth can be more effective if they involve Aboriginal communities in the decision-making and implementation process.

As Recommendation 62 of the Royal Commission into Aboriginal Deaths in Custody states:

"That governments and Aboriginal organisations recognise that the problems affecting Aboriginal juveniles are so widespread and have such potentially disastrous repercussions for the future that there is an urgent need for governments and Aboriginal organisations to negotiate together to devise strategies designed to reduce the rate at which Aboriginal juveniles

⁵¹ Evidence 6.12.91

are involved in the welfare and criminal justice systems and, in particular, to reduce the rate at which Aboriginal juveniles are separated from their families and communities, whether by being declared to be in need of care, detained, imprisoned or otherwise."⁵²

Recommendation No. 10:

- **That Aboriginal communities and organisations relevant to Aboriginal youth be encouraged, supported and funded to develop relevant crime prevention strategies for young Aboriginal people.**
- **That a liaison process between such communities and the proposed Crime Prevention Division of the Attorney General's Department be developed to facilitate this process.**

2.6 YOUNG PEOPLE FROM NON-ENGLISH SPEAKING BACKGROUNDS

Evidence presented to the Committee has shown that the particular ethnic background of a young person does not predispose him or her to criminal behaviour. The Committee has heard however, that some young people from particular non-English speaking backgrounds may become involved in the Juvenile Justice System for a number of reasons. Certain young people who have come from countries of war or unrest, and/or have lost members of their families can, without appropriate supports, be vulnerable to entry into the Juvenile Justice System. Other young people from non-English speaking backgrounds, who may be alienated from school, who cannot find work and whose parents may be unemployed also (just as this situation may occur for people from English speaking backgrounds), or who have difficulty adjusting to a predominantly Anglo-Celtic culture may similarly be vulnerable to involvement with the Juvenile Justice System.

According to evidence presented to the Committee in relation to young people from non-English speaking backgrounds and those from recently arrived migrant communities:

"Kids come to this country and they feel alienated perhaps from their parents' culture to a lesser or greater extent, depending on individual situations. But, in particular, alienation from mainstream Australian society, and I think that this is an experience that they feel very strongly in the education system in schools and so on."⁵³

⁵² Royal Commission into Aboriginal Deaths in Custody. 1991(a) p.45

⁵³ Evidence 29.1.92 pp.26-27

Evidence presented to the Committee indicates that some young people from certain non-English speaking backgrounds can be particularly visible to police by reason of their particular ethnic features or actions. The Committee heard in evidence that:

"(some young people from non-English speaking backgrounds) haven't got, I suppose, whether it is jeans, whether it is clothes, whether it is being able to go to the pictures, the things I suppose we grow up taking for granted and the cheapest recreational thing is hanging around... you feel much better if you are with other people and you are sitting down talking rather than sitting on your own. You feel much more comfortable if you are from similar backgrounds, from similar situations... It costs nothing and you do not feel isolated from anyone else. The obvious results from that are, when you look at the unemployment figures for the 15 to 19 year olds, the highest unemployment figures for that particular age group are the Arabic, the Vietnamese and the Islander communities. Visually, they are the ones that are seen to be hanging around and to our local police force, that is a problem...There is inappropriate questioning that I know that really jumps the bounds of what legal rights young people have."⁵⁴

The Committee considers that for some young people from non-English speaking backgrounds, there needs to be available appropriate supports set up to assist them in their adjustment to their new lives. Moreover, the Committee has heard that there needs to be a greater understanding of other cultures within our systems which would assist in the formulation of effective crime prevention strategies for youth from non-English speaking backgrounds for the long term. For example, according to a Children's Court Magistrate who gave evidence before the Committee:

"let's look at (say) the Vietnamese history. Who of us in this room knew anything about Vietnam at school. We just didn't learn it. It is time now that kids learn about (it) - because these Vietnamese children are with us forever. The same with our Lebanese children, they are with us forever. Greek, Italian...They should all be learning that in school so that these kids belong..."⁵⁵

⁵⁴ Evidence 29.1.92 pp.30-31

⁵⁵ Evidence 10.12.91 pp.16-17

Recommendation No. 11:

That ethnic communities and organisations relevant to youth from non-English speaking backgrounds be encouraged, supported and funded to develop relevant crime prevention strategies for young people from non-English speaking backgrounds. That a liaison process between such communities and the proposed Crime Prevention Division be developed to facilitate this process.

2.7 GENDER

The Committee has heard that the vast majority of crime committed by juveniles is perpetrated by young males. Whilst girls represent a small proportion of those who have contact with the Juvenile Justice System, the underlying reasons for their involvement can be far-reaching.

Evidence presented to the Committee showed that girls can enter into criminal behaviour for a number of reasons. As outlined above, the Committee has heard that many girls enter the system because of an abusive home environment. The Committee heard that often that environment may lead to a girl running away from home and/or becoming involved in substance abuse which can then lead to criminal activity.

Extensive evidence put before the Committee showed that many girls who have had contact with the welfare system end up in the Juvenile Justice System.

Research undertaken by the Women and Girls in Custody Sub-Committee of the New South Wales Prisons Coalition found the following:

- "Girls are more likely than boys to come before court the first time for welfare reasons rather than for criminal charges.
- Girls are sometimes charged with a minor criminal offence when police have been to respond to a domestic conflict.
- Girls in state care who rebel against the institutional regime may be reported to the police, by staff responsible for their care, charged with a criminal offence and transferred to a detention centre.
- Girls who are state wards are forty times more likely to be detained in custody than other girls. Boys who are state wards are seventeen times more likely to be detained in custody than non state wards.

Girls who are state wards are frequently unable to meet the bail conditions regarding an approved place of residence and, by default, remain in detention.

Studies have repeatedly found that girls charged with criminal offences have a history of being sexually abused at home.

A large proportion of girls before court for criminal offences are drug dependent."⁵⁶

The Girls at Risk Report observed that:

"In some instances girls go to extraordinary lengths to have their needs acknowledged and responded to. All too often the response is to deal punitively with the behaviour rather than address the circumstances that have led to the behaviour."⁵⁷

Evidence received by the Committee indicated that there are very limited programs that cater specifically for girls in the system and those at risk of entering the system. Since boys represent the greater "at risk" and offender population, programs and services seem to be geared more towards their needs and boys tend to dominate those programs that are available. Our information has shown that any effective crime prevention program that hopes to keep girls out of the system as much as possible must be based upon their special needs, including cultural needs, and be sensitive to those with an abusive background.

The issue of state wards has not been independently examined in great detail by the Committee. However, evidence received in relation to this issue indicates that state wards are a particularly vulnerable group to involvement in the Juvenile Justice System. The Committee considers that the Department of Community Services and the Office of Juvenile Justice should continue to monitor the numbers of state wards in the Juvenile Justice System with a view to developing strategies as to how best such young people might be diverted from contact with that system.

Further evidence presented to the Committee, indicated that within the small percentage of girls in custody a significant number, relative to their population in the wider community, are Aboriginal. Dr Kerry Carrington, a witness before the Committee, who

⁵⁶ Submission 65. p.1

⁵⁷ Women's Co-ordination Unit. 1986 p.9

has researched extensively in the area of girls in the Juvenile Justice System noted in her submission that:

"Rates of female delinquency in N.S.W. are not surprisingly correlated with the indicators of social disadvantage...In my statistical analysis of female delinquency in Local Government Areas of N.S.W., the single most over-represented group were girls from Aboriginal communities..."

Among the reasons suggested for this, included the over-policing of those communities as well as:

"the fact that Aboriginal youth are the single most over-represented cohort in the ward population...It is my firm belief that some, if not many, of the Aboriginal youth in detention centres today, would not be there if they had not been forcibly, and often unnecessarily removed from their families and communities as children by child welfare authorities."⁵⁸

Throughout various sections of the Report the Committee has outlined its recognition of the complex factors that can contribute to Aboriginal girls, specifically, entering the Juvenile Justice System.

In relation to the issue of girls generally, who present as at risk of entering the Juvenile Justice System the Committee acknowledges that special attention should be given to addressing their needs. Accordingly, the Committee considers that a position should be established in the Office of Juvenile Justice to examine and develop, among other things, strategies that might best prevent such girls entering the Juvenile Justice System.

Recommendation No. 12:

That due to the special needs of girls, a position of Policy Officer (Girls) be created within the Office of Juvenile Justice to specifically examine issues affecting girls and develop policies on how these issues might be addressed. One of the responsibilities of that position would be to liaise with the proposed Crime Prevention Division regarding the implementation of appropriate strategies to prevent girls from entering the Juvenile Justice System. (See also Recommendation No. 79)

⁵⁸ Submission 31. p.4

2.8 THE ROLE OF THE POLICE

The Committee believes that the Police Service can play a significant role in the establishment of strategies and programs that deal with juvenile crime prevention. Generally, these programs are co-ordinated by the General Duties Youth Officers (GDYOs) or through the Federation of New South Wales Police Citizens Youth Clubs.

Evidence presented to the Committee reveals that merely increasing police numbers to patrol certain areas where there is a perceived need does not offer an effective long-term strategy for crime prevention. Some evidence has even suggested that increased police presence in an area, without a commensurate level of other relevant services, can often exacerbate problems relating to crime and crime control.

The Committee has received evidence from a number of sources in relation to the position of General Duties Youth Officers and the role they play in juvenile crime prevention.

According to one witness:

"A lot of general duties youth officers run what we call crime prevention workshops and they are a joint exercise often between a school, whether it be a primary school or a high school and police officers and the local patrol where we join together with the teachers at the school and through the process of a two day workshop, look at some of the issues concerning crime, concerning the relationship of young people and police, concerning the relationship of also teachers and young people and the police and how we can all work together. Things like self-esteem are looked at. The rights and responsibilities of young people are looked at. The commission of crime and why young people commit crime and alternatives to committing crime and sit down and work out some positive goals with the young people to hopefully reduce crime."⁵⁹

Moreover, the Committee notes that:

"Most of the GDYOs target those young people in the area known to police. They concentrate on establishing constructive relationships with these young people, working on the premise that many of them are in need of protection and assistance which it is impossible to offer to people who do not trust you and see you as the enemy. Once the officer is able to gain

⁵⁹ Evidence 28.1.92 p.6

the trust of a young person, he/she is then in a position to assist and work with that young person to prevent further offending."⁶⁰

However, the Committee understands that any local initiative involving the General Duties Youth Officers depends on the discretion of the Patrol Commander. Moreover, the Committee notes that budgets for such initiatives are generally received locally and from the community.

In Chapter Three the Committee will be discussing the creation of a position of Police Youth Officer which it recommends will be developed from existing General Duties Youth Officer positions which currently do not operate from all police stations. That Chapter recommends that at least one Police Youth Officer position be established in each patrol area.

The Committee considers that the Police Youth Officer should have an educative role in the area of juvenile crime prevention and continue to develop the programs undertaken by the General Duties Youth Officer. The Committee anticipates that the development of such programs can be especially useful if utilised in conjunction with other community-based initiatives that have the support of government and the support and input of a range of representatives of the local community.

Without limiting the recommendations made in Chapter Three, the Committee makes the following recommendations in relation to the proposed position of Police Youth Officers and their role in relation to juvenile crime prevention.

Recommendation No. 13:

That consistent with Recommendation 30, regarding the development of the position of Police Youth Officer, that Officer co-ordinates and develops programs of the kind undertaken by General Duties Youth Officers in relation to prevention of juvenile crime. Appropriate liaison should be established between those officers and the proposed Crime Prevention Division.

⁶⁰ McDonald. 1991 p.118

2.9 A ROLE FOR THE LOCAL COMMUNITY THROUGH LOCAL GOVERNMENT

Evidence presented to the Committee reveals that the local community through local government can play a crucial role in the development of crime prevention strategies and programs. It has been submitted that as the nature of crime can be different from area to area and local communities have differing needs, local governments are better placed to identify and address those needs.

At a Conference organised by the Australian Institute of Criminology entitled "Local Government: Creating Safer Communities", speaker Barbara Armitage observed that:

"The interest in locally based Crime Prevention Projects stems partly from research which highlights the local nature of certain types of crime (Reiss 1986, Hope and Shaw, 1988, Currie, 1988). For example, crimes such as burglary, vandalism and car theft tend to be committed in local areas by local residents. Some communities experience higher levels of crime than others. These communities more often than not suffer from other disadvantages, such as poverty and low standards of housing. Crime is not evenly spread across society, which strongly indicates that the nature of a community and its institutions may influence local crime trends."⁶¹

The Committee has examined some local government initiatives in various jurisdictions both here and abroad. The Committee has received information on the schemes operating in the Waverley municipality, as well as crime prevention programs in England and France. The Victorian Good Neighbourhood Program is based on the French Bonnemaison scheme.

The Committee notes that there are a number of advantages in basing crime prevention programs at a local level that are co-ordinated through local government. Among those the Committee notes that:

- " local government is more aware of and therefore can be responsive to the needs of the particular community which it serves, including the particular cultural needs;
- local government is in frequent touch with community representatives including the residents, the police, business people and community organisations;

⁶¹ Armitage. 1991 pp.4-5

local government has "existing responsibilities which can have a significant impact on crime prevention e.g., Statutory Development Control responsibilities, design and control of open space areas and public parks, social planning and involvement in community service areas."⁶²

In the course of its Inquiry the Committee has examined the system of youth crime prevention in France, which relies heavily on the support and initiatives of local councils and the local community. Known as the "Bonnemaison System", it has been operating in France for a number of years. Bonnemaison grew out of the direct response by the French Government to the dramatic rise in juvenile crime during the summer of 1981 in the disadvantaged areas of Lyons and Marseilles.⁶³

Among the immediate approaches taken by the government to the escalation in crime was the establishment of camps and holiday activities over the summer period for young people who did not have any appropriate leisure or recreational alternatives.

An inquiry into ways of tackling the underlying problems associated with juvenile offending rates in France subsequently followed and it was proposed by the chair of that inquiry, Gilbert Bonnemaison, that a three tiered system of crime prevention committees be set up. In 1983, these committees came into effect.

The three committees are represented at all stages of French government. The Conseil Communaux are the local crime prevention committees and operate in individual towns and cities throughout France. According to King:

"There has been no attempt to impose crime prevention committees on unwilling local councils; but there has nevertheless been an impressive take-up, with two-thirds of towns and cities of over 30,000 inhabitants having introduced a Conseil Communal by 1987."⁶⁴

Among the programs undertaken by local crime prevention committees are:

"training programs and job-finding schemes for disadvantaged young people; the encouragement of unemployed young people to devise and claim for grants for sporting, theatrical, educational and recreational projects; the employment of young trainees in schemes to reduce bullying and violence in schools; and schemes to help young drug users, to provide

⁶² Armitage. 1991 p.6

⁶³ King. 1987 p.29

⁶⁴ King. 1987 p.42

supportive accommodation for them and to divert their energies away from self-destructive activities into such directions as theatrical and sporting interests... **All local crime control agencies, local and central government departments and voluntary agencies co-operate with local councillors in providing the stimulus in terms of funding, resources and expertise for projects to be generated.**⁶⁵

As well as these programs and the holiday programs, the Bonnemaïson system has seen the establishment of a number of youth centres throughout France providing a facility for young people to raise concerns about employment, training and accommodation among other things, with experts in those areas from the local community. Such people can also assist the young people in finding solutions to their concerns.⁶⁶

In terms of the effectiveness of the Bonnemaïson system, Mr William Corneloup, a representative of Gilbert Bonnemaïson, commented in the press that French crime had fallen by 20% through the adoption of the system.⁶⁷ The Bonnemaïson system offers an example of how local initiatives, with the support of government at all levels can be effective in the area of juvenile crime prevention.

The Committee notes, however, that local councils in France (and England, where local council crime prevention programs exist also) can differ substantially in size from those in New South Wales. In this regard the Committee is mindful of the problems that may face smaller, rural councils for instance, should such programs be implemented without first being evaluated.

The Committee notes the projects undertaken by Waverley and Fairfield Local Councils. Those projects, in examining crime prevention generally, evaluated what the community felt were the most pressing issues relating to crime in their areas and assessed the most effective means of tackling such crime. The projects sought also to seek out means that might provide community members with greater feelings of security.

In relation to the Waverley area, the project began in 1989. A meeting of the Project Advisory Committee was convened, chaired by an Alderman, with members drawn from the local Police, the local Legal Aid Commission Office, the Youth Centre, the Neighbourhood Centre and the local community. As well as seeking the views of community representatives, the Project also looked at the ways in which "Council policies and functions could play a crime prevention role." In this regard, "the concept of "Crime Prevention Through Environmental Design" is one of a number of situational crime

⁶⁵ Ibid (Emphasis added)

⁶⁶ King. 1987 p.42

⁶⁷ Male. 1991

prevention strategies whereby developers, planners and residents seek to design out opportunities for crime from their physical surroundings."⁶⁸

Among the initiatives undertaken by Waverley Council for the crime prevention project were:

- the development of a Control Plan on Community Crime Prevention which provides guidelines for the design of structures and the surrounding environment that could lessen the opportunities to offend, incorporates means of dealing with crime prevention through the up-keep of public facilities including parks, and makes provision for advice to members of the community on how they might maintain their physical environment in order to deter offending behaviour in their area;
- the establishment of Precinct Committees which offered residents the opportunity to participate in the decision making process of the Council;
- the provision of funding for a domestic violence support service.⁶⁹

Recommendation No. 14:

- **That the proposed Crime Prevention Division of the Attorney General's Department examine the feasibility of implementing a juvenile crime prevention scheme throughout New South Wales that gives greater responsibility and a greater role to local councils. In undertaking this evaluation, the Crime Prevention Division should examine systems operating in other jurisdictions, as well as local council initiatives in New South Wales.**

⁶⁸ Armitage. 1991 p.13

⁶⁹ Armitage. 1991 p.14-16
