

**Submission
No 116**

COMMUNITY SAFETY IN REGIONAL AND RURAL COMMUNITIES

Organisation: Justice Reform Initiative

Date Received: 30 May 2024



Co-Patrons in Chief

The Honourable Sir William Deane AC KBE
The Honourable Dame Quentin Bryce AD CVO

Patrons

We are supported by over 120 patrons who are eminent Australians, crossing party political lines.

Yirranma Place - 262 Liverpool Street, Darlinghurst NSW 2010

JUSTICE REFORM INITIATIVE SUBMISSION TO THE NSW LEGISLATIVE ASSEMBLY COMMITTEE ON LAW AND SAFETY

30th May 2024

ABOUT THE JUSTICE REFORM INITIATIVE	3
FRAMING OF THE APPROACH OF THE JUSTICE REFORM INITIATIVE.....	4
A SNAPSHOT OF CHILDREN’S IMPRISONMENT IN NSW	6
THE IMPRISONMENT OF DISADVANTAGE.....	7
FOLLOWING THE EVIDENCE	8
WHAT DOES NOT WORK TO REDUCE YOUTH CRIME?.....	9
WHAT DOES WORK TO REDUCE YOUTH CRIME?	10
EVIDENCE BASED EARLY INTERVENTION AND PREVENTION	10
EVIDENCE-BASED CASE STUDIES:	12
CHILD SKILLS TRAINING AND BEHAVIOURAL CHANGE PROGRAMS (AUSTRALIA AND INTERNATIONAL)	12
COMMUNITIES THAT CARE (AUSTRALIA AND INTERNATIONALLY)	12
PARENTING PROGRAMS (AUSTRALIA AND INTERNATIONAL)	12
SPORT PROGRAMS (AUSTRALIA AND INTERNATIONAL)	12
TARGETED EARLIER INTERVENTION PROGRAM (NSW DEPARTMENT OF COMMUNITIES AND JUSTICE)	13
EVIDENCE BASED TERTIARY, PLACE BASED, AND COMMUNITY LED RESPONSES FOR CHILDREN AND YOUNG PEOPLE	13
A PLACE TO GO (New South Wales)	14
BACKTRACK YOUTH SERVICES IMPACT REPORT (New South Wales)	14
DEADLY CONNECTIONS (NEW SOUTH WALES)	14
MARANGUKA JUSTICE REINVESTMENT PROJECT	14
TALDUMANDE (BAIL ASSISTANCE LINE) (New South Wales)	15
TED NOFFS FOUNDATION (QUEENSLAND AND New South Wales).....	15
THE Y NSW (ALTERNATIVE SUSPENSION PROGRAM)	15
TRIPLE CARE FARM (NSW).....	15
WEAVE (CREATING FUTURES) EVALUATION (New South Wales)	16
YOUTH ON TRACK (NSW)	16
YUWAYA NGARRI-LI.....	16
PRE-COURT DIVERSION FOR CHILDREN (AUSTRALIA)	16
BROADMEADOW CHILDREN’S COURT PILOT (NEW SOUTH WALES)	17
YOUTH DIVERSION IN NSW & RESTORATIVE JUSTICE CONFERENCING.....	17
CONCLUSION	19

The Justice Reform Initiative welcomes the opportunity to provide a submission to the NSW Legislative Assembly Committee on Law and Safety into Community Safety in Regional and Rural Communities.

We view this inquiry as an important opportunity for the NSW Government to engage with the evidence about what works to reduce crime and to build safer communities. We look forward to engaging with the committee on the significant evidence base about community led alternatives that work to reduce crime in regional and rural NSW. We would especially welcome the opportunity to meet with members of the Committee in person to expand on the detail of the evidence base and what works to build safer communities.

This submission is focused on the evidence around 'what works' to reduce youth crime and reduce recidivism for children and young people. We provide examples of the kinds of programs that already have an evidence base that are operating in NSW. For more detailed National and International examples of evidence-based alternatives please see the Justice Reform Initiative's 'Alternatives to Incarceration in NSW Report' [here](#).

ABOUT THE JUSTICE REFORM INITIATIVE

The Justice Reform Initiative was established in September 2020 with a goal to reduce Australia's harmful and costly reliance on incarceration. We seek to reduce incarceration in Australia by 50% by 2030 and build a community in which disadvantage is no longer met with a default criminal justice system response.

Our growing list of patrons include 120 eminent Australians, including two former Governors-General, former Members of Parliament from all sides of politics, academics, respected Aboriginal and Torres Strait Islander leaders, senior former judges, including High Court judges, and many other community leaders who have added their voices to the movement to end the cycle of incarceration in Australia.

We also have more than 170 supporter organisations that have joined the movement to reduce incarceration. These include the Australian Medical Association, The Law Council of Australia, the Federation of Ethnic Community Councils, the Australian Council of Churches, the Public Health Association of Australia, and multiple First Nations-led organisations and service-delivery organisations that have expertise working with people who have been impacted by the justice system.

The Justice Reform Initiative seeks to work with parliamentarians from all sides of politics, policy makers, people with experience of the justice system, and people of goodwill across the country to embrace evidence-based criminal justice policy in order to reduce crime, reduce recidivism and build safer communities.

We are working to shift the public conversation and public policy away from building more prisons as the primary response of the criminal justice system and move instead to proven alternative evidence-based approaches that break the cycle of incarceration. We are committed to elevating approaches that seek to address the causes and drivers of contact with the criminal justice system. We are also committed to elevating approaches that see Aboriginal and Torres Strait Islander-led organisations being resourced and supported to provide appropriate support to Aboriginal and Torres Strait Islander people who are impacted by the justice system.

New South Wales patrons of the Justice Reform Initiative include:

- **Professor Emerita Eileen Baldry AO FASSA FRSN.** Professor Emerita of Criminology, University of New South Wales
- **Professor Larissa Behrendt.** Professor of Law and Director of Research at the Jumbunna Indigenous House of Learning at the University of Technology Sydney
- **Jody Broun.** Inaugural female co-chair of the National Congress of Australia's First People
- **Nicholas Cowdery AO KC.** Former Director of Public Prosecutions NSW
- **Bill Crews AM.** Founder of the Rev. Bill Crews Foundation, broadcaster and National Living Treasure
- **The Honourable Bob Debus AM.** Former Attorney General of NSW and former Federal Minister for Home Affairs
- **The Hon John Dowd AO KC.** Former Attorney General of NSW, former Justice of the Supreme Court of NSW and Vice President of the International Commission of Jurists
- **John Feneley.** Former Mental Health Commissioner NSW
- **The Hon Geoff Gallop AC.** Former Premier of Western Australia and currently Emeritus Professor in the Faculty of Arts and Social Science at the University of Sydney
- **The Hon Katrina Hodgkinson.** Former Minister for Primary Industries (including lands and water), former Minister for Small Business, former Assistant Minister for Tourism and Major Events
- **Dan Howard.** Former President, NSW Mental Health Review Tribunal. Former Commissioner, Special Commission of Inquiry into the Drug 'Ice'
- **Ken Marslew AM.** CEO of Enough is Enough
- **The Honourable Ruth McColl AO SC.** Former Justice of the NSW Court of Appeal
- **Dr John Paget.** Former Assistant Commissioner NSW Corrective Services, CEO SA Correctional Services and NSW Inspector of Custodial Services
- **The Honourable Greg Smith SC.** Former Attorney General of NSW and former Minister for Justice (including Juvenile Justice and Corrective Services)
- **Dr John Vallance.** Former NSW State Librarian
- **Yvonne Weldon AM.** City of Sydney Councillor. Former Chairperson of Metropolitan Local Aboriginal Land Council. Former Aboriginal Strategic Coordination Manager at Youth Justice NSW

FRAMING OF THE APPROACH OF THE JUSTICE REFORM INITIATIVE

The approach to youth justice in NSW requires transformative change. If we want to reduce crime, there are four broad key areas of reform that provide a framework for understanding the different kinds of changes that are required in order to build a different justice system for children.

1. **Community sector reform**, including increased and sustainable **resourcing for supports, services and programs outside of the justice system**. This includes long-term and coordinated resourcing for evidence-based programs and supports that have been shown to prevent and reduce contact with the justice system. There is

the need for increased resourcing and access to: early intervention and prevention services; child-centred and family-inclusive holistic wrap around support services; culturally modelled support for First Nations children and their families and communities; access to mental health and social and emotional wellbeing support; access to alcohol and other drug support; access to disability support; access to bail support; access to supported accommodation; access to throughcare and post-release support; and access to placed based supports.

2. **Justice system reform.** This includes changes to **policing** (different first responder models, different use of discretionary powers); changes to **courts** (specialist children's court models; restorative and transformative justice opportunities) and changes to the way that children who are currently imprisoned are treated (this means an urgent shift from the current model of harmful detainment to one that that genuinely respects the human rights of children who are incarcerated, is child-centred and trauma-aware).
3. **Legislative reform.** This includes raising the minimum age of criminal responsibility; ending mandatory sentencing; restoring the presumption in favour of bail and embracing a human rights framework. This means assessing all proposed legislative and regulatory frameworks that govern youth justice and detention, and auditing all existing legislative and regulatory frameworks, to ensure they are consistent with Australia's international obligations under the following United Nations Conventions to which Australia is a signatory (the *Convention on the Elimination of All Forms of Racial Discrimination*; the *International Covenant on Civil and Political Rights*; the *International Covenant on Economic, Social and Cultural Rights*; the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* and the *Optional Protocol to the CAT*; and the *Convention on the Rights of the Child*).
4. **Systems change reform.** This includes recognising and responding to youth justice as a whole-of-government and whole-of-community responsibility; locating the responsibility for children who are at risk of justice system involvement *outside* of the justice system; recognising the pipelines between child-protection and education with youth justice and implementing a whole-of-government strategy to address this. Systems change reform also includes ensuring transparent and independent monitoring of places of detention and government implementation of recommendations made through such mechanisms.

The evidence shows that while there is no single 'fix' to reduce the numbers of children in the justice system and to reduce youth crime, there are multiple proven, cost-effective reforms that can work together to bring about change. Many of these reforms are already catalogued in government and non-government reports and reviews. In addition, there are clear examples and case studies, both in Australia and internationally, that point to approaches led by the community and health sectors which can make a profound difference in disrupting entrenched criminal justice system trajectories for children.

Decades of evidence shows us that for the vast majority of children, imprisonment and punitive responses don't work to deter or to address the drivers of crime. Prison is in fact 'criminogenic'. The experience of going to prison makes it more likely that someone will go on to re-offend and return to prison.

Across the country governments on both sides of politics have regularly adopted a 'tough on crime' approach to justice policy which has resulted in increasing numbers of people in prison. Although these kinds of approaches can be politically popular, they have been

ineffective at reducing cycles of incarceration, ineffective at building safer communities and very expensive.

The over-use of imprisonment in NSW has been particularly harmful for First Nations communities who are disproportionately impacted by incarceration. It has also caused immense harm to children, people with disabilities, people with mental health conditions and people experiencing homelessness.

Recidivism rates show us that the current approaches are not working. It is necessary to take a clear-eyed and evidence-based approach to criminal justice, forming policy and practice around what *works* – not what is popular or based on political point-scoring.

The over-incarceration of children in New South Wales, especially First Nations children, requires immediate action. Currently we are unnecessarily incarcerating thousands of children each year – often on remand, and for short periods of time. Children are being ‘managed’ in prisons, rather than receiving support, care, programs, education, and opportunities in the community. In this submission, we argue that it is possible to address the drivers of children’s incarceration, reduce crime and reduce the number of children in contact with police, and incarcerated in NSW.

It is important that we build on the substantial evidence base about ‘what works’ to reduce crime and incarceration in NSW and re-orient our approach to one that prioritises community led diversionary and support options. What might happen for instance, if police, magistrates and judges in NSW were able to easily refer children who came into contact with the justice system into community led alternatives? What might happen if community led programs and supports that have an evidence base of addressing the drivers of incarceration, were accessible to all children who are at risk of contact, or in contact with the justice system? Pre-charge diversion programs, bail support and accommodation, First Nations place based alternatives, intensive family support, early intervention and prevention programs already exist. There is evidence to show that these can disrupt cycles of incarceration. What might happen if our legislative framework and implementation genuinely regarded detention only as a last resort? What might happen if children attending court were always given the option of a specialist children’s court? For those children currently in prison, what might happen if rather than being placed in punitive detention centres, there was a genuinely therapeutic and human rights-based approach, in which children were able to access supports, education, cultural and family connections, and holistic healthcare?

Currently in regional and rural NSW there are extremely limited community led alternatives for children that are available to courts to use as diversionary, bail support and sentencing options. There is also very limited access to specialist support for children who are at risk. However, for children who are able to access such supports, the outcomes are highly effective. There are many effective services on the ground doing excellent work in NSW and around Australia, but these are chronically under-resourced, are often unable to meet demand, and they are often inaccessible to children living in remote and regional areas. As a consequence, these services do not have the capacity to make a significant impact on rates of crime and rates of incarceration. These projects are also often operating in a policy context where the investment in punitive policing and incarceration models effectively nullifies the impact of those programs designed to interrupt cycles of incarceration and disadvantage.

In NSW on an average night there are 200 children and young people in custody. The total number of children who cycle in and out of prison over the course of the year is significantly higher than the average nightly number. When designing policy responses to crime, recidivism and over-incarceration, it is the flow through data that requires close attention. The Report on Government Services (ROGS) data shows us that in 2022-2023 there were **2,760 children released from custody in NSW**.¹ Children have on average 2 releases from custody over the course of a year.² On an average day in 2022-23, **77% of children in prison in NSW were unsentenced**.³ The most recent BOCSAR data shows that in NSW **66.4% of incarcerated children are First Nations children**.⁴

THE IMPRISONMENT OF DISADVANTAGE

Most children who enter the youth justice system come from backgrounds where they have already experienced disadvantage and trauma, with a significant number also having experienced out of home care. Prison and criminal justice system contact increases disadvantage and disconnection. Children in the youth justice system need family and community support, education, and life opportunities, not punishment that compounds disconnection and disadvantage.

For many decades, the social determinants of health research have shown the way that social and structural factors (including poverty, disadvantage, geography, and access to supports and services) impact on health outcomes and life expectancy. More recently, Australian researchers have used linked administrative data to unpack the social determinants of incarceration.⁵ These include:

1. having been in out of home (foster) care;
2. receiving a poor school education;
3. being Indigenous;
4. having early contact with police;
5. having unsupported mental health and cognitive disability;
6. problematic alcohol and other drug use;
7. experiencing homelessness or unstable housing; and
8. coming from or living in a disadvantaged location.⁶

Recent research from the Victorian Youth Parole Board notes of the children in custody:

- 55% had experienced being subject to a child protection order;
- 72% had experienced abuse, trauma or neglect as a child;
- 50% had experienced family violence;
- 62% had accessed mental health support in relation to their diagnosed mental illness;
- 28% had a history of self-harm, suicidal ideation or suicide attempts;
- 29% had an active cognitive difficulty diagnosed or documented by a professional;
- 66% had a history of use or misuse of alcohol;
- 87% had a history of use or misuse of drugs (illicit or prescription).⁷

Comparable findings have emerged from other studies around Australia into the drivers of children's incarceration. A 2015 survey of young people in custody in NSW confirmed that only 27% of survey participants had attended school in the six months prior to entering custody, with the median school leaving age at just 15 years.¹⁹ In addition, 53.6% of respondents indicated they had at least one parent who had been in prison, and First Nations young people were twice as likely to have at least one parent who had been in prison.¹⁹ 66.4% of First Nations young people has a previously incarcerated parent.⁸

1 in 5 children under youth justice supervision in Australia come from areas of extreme social and economic disadvantage.⁹ In addition, children who received an alcohol and other drug treatment service have been found to be 30 times as likely as the Australian population to be under youth justice supervision.¹⁰

Surveys of children in prison also indicate that children who are subject to care and protection orders have an increased likelihood of coming into contact with the criminal justice system. Children in prison are more likely to have a history of abuse and neglect and to have experienced family violence, and less likely to have attended school in the period prior to their imprisonment.¹¹ 19% of adults in prison in Australia had previously been incarcerated by the government as a child on at least one occasion.¹² For First Nations people in prison, 25% have previously been imprisoned by the government as a child on at least one occasion.¹³

The fact of disadvantage¹⁴ cannot be used to discount the consequences of crime. However, it is crucial to understand the context in which most crime is committed¹⁵ in order to build and implement effective policy to reduce the numbers of people in custody and strengthen genuine alternatives to prison.

FOLLOWING THE EVIDENCE

This submission argues that there is an opportunity for the NSW Government to expand its investment in evidence-based programs and services run by the community sector (especially First Nations-led organisations) to keep the community safe, address the social drivers of contact with the criminal justice system and provide ‘off-ramps’ out of the justice system.

The collective findings of multiple evaluations demonstrate the efficacy of community-led approaches that address the social drivers of contact with the justice system and over-incarceration. Similarly, the evaluations of alternative models of policing, court and prison outlined in this report demonstrate how interactions with the justice system – when they are non-punitive and focus on addressing the drivers of criminal justice system contact – can move people away from the justice system. There is a growing recognition by governments around Australia of the importance of both investing in evaluation, and the importance of building programs and policies that build on this evidence.¹⁶

Despite this evidence base, we have only seen a piecemeal approach to resourcing, expanding and evaluating alternative approaches to incarceration in New South Wales. Community-led programs are already doing considerable work in breaking cycles of disadvantage for people impacted by the justice system. First Nations communities and First Nations community-led organisations are leading this work, often achieving remarkable outcomes with very limited support and resourcing.

While excellent programs exist, the policy and legislative environment in New South Wales still drives too many children and young people into prison – children who would be more likely to stop offending if they received support in the community to address the drivers of criminal justice system involvement. The often-limited scope and capacity of existing programs means that many children and young people who are at risk of imprisonment, or at risk of recidivism, do not receive the support they require to get out of the justice system. A significant funding shift is needed to ensure all children in NSW can receive effective support, care, connection, and opportunity in the community rather than being ‘managed’ in

the justice system. This support needs to be available for both children and adults across their life course and at different stages of contact with the justice system.

In New South Wales there is a need to invest in programs that have a strong evidence base in terms of breaking cycles of criminal justice system involvement. This will enable an increase in the availability, scope and capacity of these programs. Examples of these kinds of programs are outlined in this submission.

There is an opportunity in NSW to move away from the current approach, which prioritises incarceration and policing, in terms of both policy settings and resourcing.

There is enormous stakeholder expertise and goodwill in New South Wales. A growing coalition of First Nations leaders and communities, researchers, community sector practitioners, people with lived experience of incarceration, young people and diverse advocates are all committed to sharing this expertise and supporting decision-makers in NSW to develop and properly resource evidence-based approaches to youth justice. It is important that leaders in parliament and government first acknowledge the policy failure of responses to youth justice and incarceration in NSW and second, to work alongside stakeholders – who are standing by and ready to assist – to move towards a justice system that genuinely builds a safer community.

Alongside investing in evidence-based alternatives to incarceration, it is also necessary to continue to build and improve the evidence base in New South Wales, particularly for community-led programs. The community sector has not historically had the resources or opportunity to evaluate the efficacy of its work in a manner that can easily contribute to the growing body of research in this area. Community-led organisations need to be funded adequately to both deliver services and have access to independent and transparent evaluation that generates high-quality data. There is an opportunity for the NSW Government to build genuine partnerships with researchers, service providers, First Nations communities and other experts in the sector to continue to build the evidence base of what works in NSW.

There are multiple points of intervention that can make a difference, and that there are many examples of programs that work. However, it is necessary to scale up the resourcing, capacity and geographical scope of these programs to fully realise their potential to reduce recidivism and criminal justice system contact.

WHAT DOES NOT WORK TO REDUCE YOUTH CRIME?

The bulk of this submission is focused on evidence-based alternatives to youth justice responses and ‘what works’ to reduce youth crime. However, it is also important to point to what doesn’t work when we look at the evidence. Decades of research show us that prison is ineffective when it comes to controlling crime or protecting the community.¹⁷ It is also clear that recidivism and re-incarceration rates are higher when children spend longer-periods incarcerated.¹⁸ Pre-sentence detention has also been associated with a 33% increase in recidivism for children.¹⁹

Sending people to prison does not reduce the likelihood of future offending. Increasing the length of sentences and expanding the reach of sentencing legislation does not work to deter people from committing crime and also doesn’t reduce the likelihood of offending. In

summary, **imprisonment often leads to more crime – not less, and the threat of harsher penalties doesn’t work to deter.**

We need to be very clear that the threat of harsher penalties, tougher bail legislation, expansion and net-widening of laws, longer prison sentences and mandatory sentencing does not reduce crime.²⁰ Even in the United States, which is the only Western democracy to retain the use of Capital Punishment, there is no evidence that the threat of the death penalty has any impact on homicide rates.²¹

There are a number of reasons why ‘deterrence’ in the form of the threat of harsher penalties is unsuccessful when it comes to improving community safety. Research has consistently shown that individuals who commit crime are rarely thinking of the consequences of their actions. This is because the context in which most crime is committed often does not lend itself to someone rationally weighing up the consequences of their actions. This is further exacerbated for children and adolescents given the pre-frontal cortex, which controls the brains executive functions, is still developing.²² This means that children and adolescents are still developing the cognitive processes required in planning, controlling impulses, and weighing up the consequences of decisions before acting. Much crime is conducted in chaotic or desperate circumstances and is impacted by drug and alcohol use. The threat of harsher penalties or longer sentences is not something that most people who engage in offending are considering at the moment they are committing crime.²³

Although threatening harsher penalties has populist appeal and making promises about ‘getting tough on crime’, tightening bail laws and bringing in harsher penalties has too often become a hallmark of politicised policy making (including in recent times in NSW), all of the evidence indicates that this does not work to build community safety. There is a need to address the social drivers of criminal justice system contact including the entrenched and intersecting disadvantage experienced by over-imprisoned populations.²⁴ This means properly resourcing the community to deliver supports that genuinely allow and support people to build their lives in the community instead of being held in ineffective and expensive prison environments that cause more harm.

WHAT DOES WORK TO REDUCE YOUTH CRIME?

EVIDENCE BASED EARLY INTERVENTION AND PREVENTION

In 2008, the Special Commission of Inquiry into Child Protection Services in NSW (‘the Special Commission’) reported that 28% of male and 39% of female children in youth justice had a history of out-of-home care (OOHC).²⁵ In 2010, an examination of 111 NSW Children’s Court files revealed that 34% of young people appearing before the court were, or had recently been, in OOHC, and that children in care are 68 times more likely to appear in the Children’s Court than other children.²⁶ Children are placed in OOHC when it is considered to be in their best interests. This might be because the child is at risk of abuse or mistreatment, the child’s parents are incapable of providing adequate care, or the child needs alternative accommodation during a time of family conflict. NSW has the largest number of children in OOHC (15,895 children as of 30 June 2021) compared to all other states and territories in Australia.²⁷

The increased likelihood of children in OOHC coming into contact with the criminal justice system reinforces the importance of early intervention services to reduce the numbers of children needing to be placed into care. The Special Commission noted the importance of well-resourced and co-ordinated universal maternal and infant health services, early childhood and care services, and home visiting programs. It also recognised the need for more secondary services that target families who may exhibit risk factors for child abuse and neglect and need additional support to alleviate identified problems to prevent them from escalating in the child protection system – or prevent the family entering the system in the first place. It recommended putting more resources towards targeted secondary services with an early intervention focus, including sustained home visiting, parent education, supported playgroups and counselling services. The Special Commission also reinforced the need for well-resourced tertiary services that target children and families where child abuse or neglect has already occurred.²⁸

It is clear that investment in a wide variety of community-based early intervention and developmental crime prevention policies and initiatives is key to preventing offending and diverting children away from the justice system in New South Wales.²⁹

Early intervention (secondary crime prevention) aims to intervene early in an individual's developmental pathway to address risk factors associated with offending and strengthen protective factors that support engagement in pro-social behaviour.³⁰ Early intervention commonly occurs early in life, but it can also occur later in life at a crucial transition point on a pathway into the justice system.³¹ Children who are at-risk of justice system involvement often experience a number of individual, family, peer, school and community risk factors such as disconnection from education, unstable home environments, homelessness and poverty.³² Programs that work to reduce contact with the justice system tend to address a multitude of these factors at once.³³

Primary crime prevention focuses on modifying 'criminogenic' factors in physical and social environments to stop crime before it is committed.³⁴ Although there has been some investment in early intervention programs in NSW, this resourcing has been piecemeal. Primary crime prevention initiatives are lacking in NSW and Australia, despite their demonstrated crime prevention potential.³⁵

While there are clear limitations to studies that focus primarily on costs, these findings are important in framing the significance of the impact of early intervention and prevention, not just financially, but in terms of a range of social and health wellbeing measures. A study of children at-risk of criminalisation in New South Wales found that 7% of individuals under the age of 25 will account for half the estimated cost of the state's social services by the time they are 40 years old. Additionally, 1% of this cohort will be responsible for 32% of NSW's justice service costs, highlighting that early intervention targeting a small percentage can reduce future costs significantly.³⁶

A recent economic analysis of early intervention resourcing in Australia found that one dollar invested in early childhood education yields a return of two dollars.³⁷ The cost of late intervention in Australia has been estimated to be \$15.2 billion per year, including \$2.7 billion (18%) for youth crime.³⁸ Research findings support investing in capacity-building strategies that scale-up community-based approaches to early intervention. Building on the success of relatively small-scale and economically efficient community-led innovations that create the conditions for healthy development pathways early in life can be a path to larger-scale crime prevention.³⁹

There remains a genuine opportunity in New South Wales to further invest in early intervention responses and build capacity for sustainable, scalable, place-based primary

youth crime prevention.⁴⁰ Alongside this investment, adjacent research is needed in this area so that there is sufficient high-quality data and evaluations that can drive evidence-based policy and investment. There is a particular need for longitudinal studies, using some form of matched-group comparisons at the baseline to determine the impact of existing and new early intervention programs to reduce offending and improve community safety.

EVIDENCE-BASED CASE STUDIES:

CHILD SKILLS TRAINING AND BEHAVIOURAL CHANGE PROGRAMS (AUSTRALIA AND INTERNATIONAL)

In young people, the pre-frontal cortex (the part of the brain that controls executive functioning) is still developing. This means that children and young people are still developing the cognitive processes required to plan, control impulses and weigh-up the consequences of decisions before acting.⁴¹ There are various examples of programs that aim to build children's skills and cognitive abilities in areas that are often related to antisocial behaviour and offending (for example, self-control, impulsiveness, perspective and delayed gratification). Systematic reviews examining randomised-controlled trials of child skills training programs reported such interventions decrease antisocial behaviour by anywhere between 24–32% among the participants.⁴² Similarly, systematic reviews of interventions that involve cognitive-behavioural therapy have shown effects on youth offending with anywhere between a 21–35% reduction in recidivism among the participants.⁴³

COMMUNITIES THAT CARE (AUSTRALIA AND INTERNATIONALLY)

There is strong evidence that primary prevention models – such as the Communities That Care (CTC) model⁴⁴ – are successful in mobilising communities to address factors that increase the risk of justice system involvement. These risk factors include harmful substance use, low academic achievement, early school leaving and violence. A recent study evaluated the impact of the CTC model across communities in Victoria, Australia, between 2010 and 2019. This study supports the existing evidence that shows that CTC prevents youth crime at a population level. The findings demonstrate significant reductions in crimes associated with CTC including a 2% annual reduction in risk for crimes against persons and a 5% annual reduction in risk for crimes of property and deception.⁴⁵

PARENTING PROGRAMS (AUSTRALIA AND INTERNATIONAL)

The parenting programs found to be the most effective at reducing antisocial behaviour and youth crime include parent–child interaction therapy, the Triple P (Positive Parenting Program) and the Incredible Years Parenting Program.⁴⁶ These programs typically involve training and education that supports parents to develop positive parenting skills and strong relationships with their children.⁴⁷ Systematic reviews of parenting program evaluations have estimated such interventions have resulted in anywhere between a 34–48% reduction in problematic child behaviour.⁴⁸

SPORT PROGRAMS (AUSTRALIA AND INTERNATIONAL)

There are limited evaluations in Australia with sound designs that evaluate the effectiveness of sport programs in preventing and reducing crime. However, a recent systematic review and meta-analysis of 13 control-group evaluations (two in Australia and the remainder

overseas) found sport programs significantly protect against offending behaviour and related antisocial attitudes as well as significantly increase self-esteem and psychological wellbeing.⁴⁹

TARGETED EARLIER INTERVENTION PROGRAM (NSW DEPARTMENT OF COMMUNITIES AND JUSTICE)

The NSW Department of Communities and Justice's Targeted Earlier Intervention (TEI) program seeks to deliver a wide variety of support to children, young people, families and communities. Recognising that each local community has different priorities and needs, the TEI program seeks to be flexible, responsive and locally based. Services are delivered under two broad streams:

- **Community Strengthening** – activities that build cohesion, inclusion and wellbeing across all communities, and empower First Nations communities;
- **Wellbeing and Safety** – activities that support families and individuals and provide opportunities for personal development.⁵⁰

All TEI service providers are required to develop a program logic within their first year of service delivery. The program logic provides a framework for monitoring and evaluating service activities and helps service providers link program activities with client outcomes. The program logic is reviewed annually. The Department of Communities and Justice (DCJ) has published several examples of program logics from service providers on its website.⁵¹ These indicate the services provided under the TEI program by these providers and the outcomes delivered. Examples include:

- Big Fat Smile Supported Playgroup for children in Wollongong, Shellharbour and Kiama who have a developmental delay or disability, which has resulted in a range of positive outcomes including increased school attendance, improved health, and improved engagement with supports and services;⁵²
- Birrang Enterprise which works to alleviate disadvantage among First Nations children and families in the Orange LGA by providing a range of community activities designed to improve engagement and participation. The outcomes include: improved connection to culture and community, improved health, increased skills, and increased ability to have basic needs met;⁵³
- San Remo Neighbourhood Centre Links Youth Support Service which works with young people aged between 12 and 18 years in the Central Coast LGA through a range of programs including social participation, family capacity building and educational skills and training. The outcomes include: increased participation in community events, better informed decision making, reduced risk of entry into the child protection system and increased school attendance and achievement.⁵⁴

EVIDENCE BASED TERTIARY, PLACE BASED, AND COMMUNITY LED RESPONSES FOR CHILDREN AND YOUNG PEOPLE

Children – especially First Nations children – need off-ramps from the criminal justice system into effective community-based supports and interventions. Tertiary prevention programs occur after a young person has offended or after a person has become a victim of crime, with the aim of preventing recidivism and repeat victimisation.⁵⁵ Like adult programs, community-led services and strategies for children and young people in contact with the

justice system encompass diversion and sentencing alternatives, in-prison programs and post-release support. Children and youth-focused options consider the specific needs of children and young people and their families.

A PLACE TO GO (NEW SOUTH WALES)

The A Place to Go pilot has been operational in the Nepean Police Area Command and Parramatta Children's Court since November 2018. The program aims to improve supports and deliver a better service response for 10 to 17-year-olds in contact with the justice system, with a focus on young people on remand. It draws on services from across New South Wales Government and non-government service providers to deliver a coordinated and multiagency service solution that can support young people to change their life trajectory. A Place to Go uses a young person's contact with police and/or the court as an opportunity to intervene early and link them with appropriate community supports and services, court liaison staff, cross-agency panels and dedicated short-term transitional accommodation. An independent evaluation found that young people were supported in finding stable and appropriate accommodation, accessing health services, removing barriers to education and connecting with their communities.⁵⁶

BACKTRACK YOUTH SERVICES IMPACT REPORT (NEW SOUTH WALES)

Over the last 10 years, the intensive, holistic and relational case work provided by BackTrack Youth Services has supported 1000 children and young people at-risk of criminal justice system involvement or who are entrenched in the justice system. An impressive 87% of the young people who leave BackTrack transition into employment or education. A University of New South Wales report about the impact of the program on the local community in Armidale found a 35% reduction in crime because of the engagement of young people in the program.⁵⁷

DEADLY CONNECTIONS (NEW SOUTH WALES)

Deadly Connections is a specialist Aboriginal-led organisation based in NSW working to break cycles of disadvantage and trauma and address the overrepresentation of Aboriginal people in the child protection and justice system/s. Deadly Connections offers a range of different programs and services for justice-impacted individuals including people leaving prison. In 2022, Deadly Connections published an impact report overviewing the outcomes of the organisation's services between 2019 and 2021. The report also highlighted the findings of an independent outcomes evaluation of Deadly Connections' work. These findings included that there was a 42% improvement in health and wellbeing and a 40% increase in connection to Aboriginal culture. Of the clients that had already participated in the Breaking the Cycle program (focused on people with recent justice involvement), 41% reported improved wellbeing compared to clients that were new to the program.⁵⁸

MARANGUKA JUSTICE REINVESTMENT PROJECT

The independent review of the Maranguka Justice Reinvestment Project at Bourke in 2016–17 found a 23% reduction in domestic violence offending; 38% reduction in the number of youth proceeded against for driving offences, increased rates of school retention and estimated savings of \$3.1 million over the course of a year.⁵⁹ The close partnership between the community and police was critical to the success of this work, with regular meetings between police and community members, sharing of data, and working together to identify community members in need.⁶⁰

TALDUMANDE (BAIL ASSISTANCE LINE) (NEW SOUTH WALES)

The Bail Assistance Line (BAL) takes referrals for children and young people aged 12 to 17 years who have come into contact with the law (but have not committed a crime that warrants detention at the time of arrest) and are in need of crisis accommodation. The child or young person is given a placement (for a maximum of 28 days) and provided with a range of supports to transition to longer-term accommodation or a return to home if it's legally able and safe for them to do so. Supports during the placement may include advocacy and referral pathways for employment, education, health, drug and alcohol and disability services as well as other case management services. Fees for the service are covered by Taldumande Youth Services, Youth Justice NSW and the Bail Assistance Line.⁶¹ An evaluation released in 2021 showed that while the numbers of children and young people accessing the service was extremely low, those placed by BAL were 10.5% less likely to be in any form of custody within six months of their contact date, compared with those children and young people who couldn't be placed due to lack of services.⁶²

TED NOFFS FOUNDATION (QUEENSLAND AND NEW SOUTH WALES)

The Ted Noffs Foundation runs a residential alcohol and other drug treatment service called Program for Adolescent Life Management (PALM) for young people aged 13 to 18 years old with problematic substance and crime-related behaviours. A recent evaluation of this program analysed three pre-referral trajectories of convictions (no or low, moderate or high-incline convictions) for over 891 young people referred to the PALM service in New South Wales. This study found treatment was associated with a significant decrease in convictions for the high-incline convictions trajectory, with 4.36 fewer convictions on average over five years post referral.⁶³

THE Y NSW (ALTERNATIVE SUSPENSION PROGRAM)

Originally created in Canada, the Alternative Suspension Program is currently being piloted in NSW by The Y NSW. When an incident, accumulation of incidents, or reasons for concern occur (that would warrant a suspension), partner schools have the capacity to refer the student to the program with the permission of their parent/s. Once referred, a program youth worker supports the young person through a range of individual and group activities as well as their schoolwork. Return to school involves a range of meetings with the young person, their parents, youth worker and the school. The youth worker conducts follow-ups at 4-6 weeks post program (with the young person, their parents and the school) and 3 months post program (with the school). The purpose of the program is to reframe the period of suspension as a positive and highly supported experience.⁶⁴ An evaluation of the program in Canada found that up to 9 months after the program more young people who had completed the program than young people from a control group had met school academic expectations and improved their behaviour at school. Furthermore, the decrease in the number of disciplinary actions for young people who had completed the program was significantly higher (61.5%) than for the control group (39.6%).⁶⁵

TRIPLE CARE FARM (NSW)

Triple Care Farm is a youth drug and alcohol program offering withdrawal, rehabilitation and aftercare support for people aged 16 to 24 years of age from anywhere in Australia. Located on 110 acres in the NSW Southern Highlands, the program is voluntary, holistic, evidence-based and offers the following time options: 2 - 4 weeks (Withdrawal Program) or 12 weeks (Residential Rehabilitation). Up to 6 months of aftercare is provided to support young people

on their return to the community. An evaluation showed that six months after completion of the Withdrawal Program, 80% of young people had a reduction in chronic use of drugs and alcohol; 80% of young people were engaged in training or education; and 100% were in stable housing.⁶⁶ Triple Care Farm is run by Mission Australia. An evaluation using a 'Social Return on Investment' frame by Social Ventures Australia in 2015, found that the program facilitated long term, sustainable changes amongst a cohort of young people with multiple, intersecting and complex disadvantage. It specifically noted positive improvements in physical and mental health and well-being, stronger relationships with friends and families, and increased engagement in education and employment. The evaluation also noted a strong economic return on investment, noting that \$39.5 million worth of social value was generated. For every \$1 invested in the program, approximately \$3 of social value was created.⁶⁷

WEAVE (CREATING FUTURES) EVALUATION (NEW SOUTH WALES)

This independent three-year evaluation of the Weave Creating Futures program (which provides intensive, culturally safe case work support to Aboriginal young people on release from custody) found that only 4.11% of the 93 young people who engaged in the program over the period of the evaluation reoffended. This compared to BOCSAR reoffending rates for young Aboriginal people, which are 57.30% for a comparable cohort.⁶⁸

YOUTH ON TRACK (NSW)

Youth on Track is delivered by Youth Justice NSW in partnership with a range of NGO service providers. The voluntary, early intervention program supports children and young people aged 10 to 17 years old who have received one or more cautions, conferences or charges, and who are likely to re-offend. The program works with NSW Police, schools, community groups, and other members of the community to engage children and young people and their families to reduce their risk of re-offending or committing a more serious offence. To be eligible for Youth on Track, a child or young person must have offended in, live in or go to school in a specified list of program locations.⁶⁹ A 2021 snapshot of the program showed:

- 62% of participants reduced their risk of re-offending after 3 months in the program;
- 79% of participants reduced their risk of re-offending after 6 months in the program;
- 100% of participants reduced their risk of re-offending after completing the program;
- Contact with police was substantially reduced during the reporting period 2017-2021.⁷⁰

YUWAYA NGARRI-LI

Yuwaya Ngarri-li is a community-led partnership between the Dharriwaa Elders Group and the University of New South Wales. It aims to improve the wellbeing, social, built and physical environment and life pathways of Aboriginal people in Walgett, NSW, through collaboration on evidence-based initiatives, research and capacity building. A 2022 report from Yuwaya Ngarra-li evaluating change in youth justice outcomes since the commencement of the partnership in 2018 showed there were overall increases in diversions in 2019 and 2020 (but decreases again in 2021); overall reductions in charges and court cases; and reductions in youth custody episodes. It noted the need for ongoing work to embed systemic change.⁷¹

PRE-COURT DIVERSION FOR CHILDREN (AUSTRALIA)

Children and young people may undertake pre-court diversion that involves an intervention (for example they are required to participate in a formal diversion program) or no intervention (for example they just receive a caution, reprimand or warning).⁷² Systematic reviews of studies that compare children who were diverted with children who were processed through formal court proceedings show pre-court diversion is associated with a decrease in recidivism anywhere between 9–36%.⁷³ Pre-court diversion programs that include services and supports have been found to be significantly more effective than diversion on its own.⁷⁴

BROADMEADOW CHILDREN'S COURT PILOT (NEW SOUTH WALES)

The Broadmeadow Children's Court Pilot (Pilot) is a multiagency service program that provides a coordinated response to the needs of children and young people coming before the Broadmeadow Children's Court in Newcastle. The Pilot also operates at Singleton and Raymond Terrace Courts. All young people who present before Broadmeadow Children's Court have access to integrated, multidisciplinary support from the court-based team. This team provides support to the child or young person through the court process and assists the child or young person to engage with specialist services, supports and education pathways. An independent evaluation of the pilot found that:

- The pilot supported children and young people to address a wide range of needs, including urgent and immediate needs;
- Children and young people were supported to find accommodation, access mental health supports, engage in an appropriate educational pathway or employment and access victim's services;
- There is evidence that the initiative offers the court alternatives to placing children and young people on bonds, community service orders or in custody, as participation in the Pilot can be a factor in the decision of the court when sentencing children and young people.⁷⁵

YOUTH DIVERSION IN NSW & RESTORATIVE JUSTICE CONFERENCING

In NSW, a legislative framework for diversion away from the court system for young people who commit criminal offences is outlined in the *Young Offenders Act 1997* ('YOA'). Under the YOA, a young person who commits a criminal offence may be sanctioned with a police warning or caution, referred to a Youth Justice Conference (YJC), or formally charged and dealt with by the Children's Court. The legislation has four primary objectives:

- (i) to establish a scheme which offers alternatives to court proceedings;
- (ii) to provide a direct and efficient response to juvenile offending;
- (iii) to ensure YJCs utilise a community-based approach involving all the affected parties, emphasise restitution and acceptance of responsibility by the person who has committed the offence, and meets the needs of the victim and the person who has committed the offence; and
- (iv) to address the over-representation of Aboriginal and Torres Strait Islander children in the criminal justice system through the use of warnings, cautions and YJCs.

According to the NSW Bureau of Crime Statistics and Research (BOCSAR) the YOA has been effective in diverting young people from custody (including First Nations young people). After the introduction of the YOA, there was a reduction in the likelihood of ever ending up in custody for both Indigenous and non-Indigenous young people, and the time taken to receive a custodial order after the first proven court appearance lengthened.⁷⁶

BOCSAR research involving an analysis of all young people who were first cautioned, conferenced or convicted of an offence in the NSW Children's Court in 1999 found that a large percentage (42%) of young people coming into contact with the NSW criminal justice system were not reconvicted of a further offence. For a large number of young people who offend, the evidence suggests that they will essentially mature or age out of further criminal conduct, and that a system of warnings and cautions serves to divert them from further contact with the criminal justice system.⁷⁷ This is supported by further research published by BOCSAR in 2019, which found that cautioning young people who commit comparatively minor criminal offences – and who have not previously been referred to court – results in a lower risk of reoffending than referral to court. The possible reasons for this include the notion that contact with the formal criminal justice system through the courts is stigmatising and that the penalties courts impose on young people (e.g. detention) are themselves criminogenic.⁷⁸

The evidence on the impact of restorative justice on reoffending is mixed. According to 2012 research from BOCSAR, restorative youth justice conferences under the YOA are no more effective than the NSW Children's Court in reducing juvenile reoffending among young people eligible for a conference.⁷⁹ However, there is a significant body of research which suggests that restorative justice has positive impacts for both victims and young people who commit offences. Research indicates that restorative justice may be effective for people who are more prolific, preventing some people who commit offences from further criminal activity and slowing the offending of others. There is also evidence to indicate that it is more effective for young people who commit violent rather than property offences,⁸⁰ when they are remorseful and when their conference outcomes are reached via consensus.⁸¹ According to an internal 12-month program evaluation in Queensland in 2018, 59% of young people who participated in restorative youth justice conferencing did not reoffend within six months of their conference.⁸² The Queensland Government has invested over several years \$65.1 million towards restorative youth justice conferencing.⁸³ 77% of participants either did not reoffend or decreased the magnitude of their offending in that time.⁸⁴

Regardless of reoffending outcomes, restorative youth justice conferencing results in positive outcomes for victims and communities through actions that repair the harm caused by the young person's offending.⁸⁵ 70% of victims in Queensland reported youth justice conferencing helped them to 'manage the effects of the crime'.⁸⁶

Jesuit Social Services run restorative justice conferences in Victoria and the Northern Territory. A recent evaluation by Swinburne University found that this group conferencing was associated with a reduction in recidivism of between 24–40% compared to mainstream justice processes. This evaluation also found conferencing was extraordinarily cost-effective (running one conference costs about the equivalent of keeping a child in custody for four days).⁸⁷

Internationally, studies have found restorative justice conferencing is cost effective in terms of reducing repeat reoffending.⁸⁸ In New Zealand, family-group conferences are used at different stages of interaction with the youth justice system,⁸⁹ including where there is an intention to charge, as a court-ordered option pre-or post-sentencing, when a young person is remanded (to explore alternative community-based options), and where there is a care and protection consideration (for children aged 10 to 13 years old).⁹⁰ Importantly, this model focuses on ensuring young people receive community-based supports that address the drivers of offending.

There have been some important critiques in Australia of the way in which restorative conferencing has not always adequately engaged in a meaningful or respectful way with First Nations communities. The research in this space notes the importance of ensuring

restorative programs are developed and implemented by First Nations communities with appropriate self-determination and resourcing.⁹¹

CONCLUSION

There are many effective programs being delivered for children and young people in New South Wales, but piecemeal resourcing and service silos are preventing these best-practice approaches from having a systemic impact. Both mainstream and specialist services must be accessible in terms of providing effective support to individuals in contact with the justice system. They must be based on the community-led and holistic approaches that we know will work to reduce contact with the system and break the cycle.

Community-led services and place-based responses should be funded in ways that genuinely build sustainable long-term service delivery capacity. This includes the capacity to adequately pay staff and develop a professionalised workforce. Short-term and pilot projects, inadequate funding for staff and overly onerous reporting requirements can make the core business of quality service delivery, together with staff retention, more difficult than it needs to be. Limited resourcing for evaluation makes measurement of success difficult. The lack of transparency in terms of program evaluations in New South Wales compounds this issue, with very little publicly available evaluation data limiting knowledge-sharing between providers and across sectors on what works.

Services also need to be resourced to improve their capacity to be accessible and available to all people at every point in the justice system. Too often people are not able to access services because there are explicit and implicit exclusion criteria. For instance, many people on remand cannot access services in prison. Programs and services are often not available for people in both remote and regional areas. Additionally, many people are excluded from services because they have multiple and co-existing support needs (for example, alcohol and other drug dependence and a mental health condition). Services and programs are frequently not supported or resourced to provide the long-term, intensive, holistic, wrap-around support that the research makes clear is highly effective at reducing justice system involvement.

Multiple specialist services are needed throughout New South Wales that can cross geographic boundaries, given that many children incarcerated in the state's youth detention centres are not imprisoned anywhere near their intended place of residence in the community. Services must be able to incorporate the critical element of pre-release engagement and in-reach into the correctional centres. Workers must be able to visit clients and begin the process of engagement prior to release to sustain connection during the chaotic post-release period.

New South Wales already has innovative place-based and community-led initiatives achieving solid outcomes with minimal resourcing. There is an opportunity to build on what works in the state to drive long-term and sustainable change.

Investing in evidence-based services instead of incarceration will break entrenched cycles of engagement with the criminal justice system and recidivism. In addition to creating substantial cost-savings to government this approach will have significant benefits for populations who have too often been 'managed' in justice systems rather than being supported in the community.

'Tough on crime' rhetoric does not make the community safer, nor does our current over-use of imprisonment. If we genuinely want to build a safer, more cohesive community, we need to invest in community-led programs that address the drivers of crime and incarceration.

We need programs that provide opportunities for children that are trapped in the cycle of justice system involvement to rebuild their lives in the community. We need to embrace a criminal justice model that genuinely relegates prisons to a position of last resort, and instead centres community-led interventions that really work to break cycles of disadvantage, reduce reoffending, and build safer communities.

-
- ¹ Australian Institute for Health and Welfare (2024). Youth detention tables, table S104a + S104b
- ² Australian Institute for Health and Welfare (2024) Youth Justice In Australia [Website] accessed 28th March 2024 <https://www.aihw.gov.au/reports/youth-justice/youth-justice-in-australia-annual-report-2022-23/contents/detention>
- ³ Australian Institute for Health and Welfare (2024). Youth detention population in Australia 2023, tables S14 and S32
- ⁴ NSW BOCSAR (2024) Custody Statistics [Website] accessed 27th May 2024, https://www.bocsar.nsw.gov.au/Pages/bocsar_custody_stats/bocsar_custody_stats.aspx
- ⁵ Ruth McCausland and Eileen Baldry, *Who Does Australia Lock Up? The Social Determinants of Justice*, International Journal for Crime, Justice and Social Democracy, April 2023.
- ⁶ Ruth McCausland and Eileen Baldry, *Who Does Australia Lock Up? The Social Determinants of Justice*, International Journal for Crime, Justice and Social Democracy, April 2023.
- ⁷ https://www.parliament.vic.gov.au/file_uploads/Youth_Parole_Board_Annual_Report_2021-22_vp7sJptq.pdf
- ¹⁹ Justice Health & Forensic Mental Health Network and Juvenile Justice NSW. 2017. *2015 Young People in Custody Health Survey: Full Report*. 14, 17-18.
- ¹⁹ Justice Health & Forensic Mental Health Network and Juvenile Justice NSW. 2017. *2015 Young People in Custody Health Survey: Full Report*. 14, 17-18.
- ⁸ Remond M *et al.* 2023. Intergenerational incarceration in New South Wales: Characteristics of people in prison experiencing parental imprisonment. *Trends & issues in crime and criminal justice* no. 663. Canberra: Australian Institute of Criminology. <https://doi.org/10.52922/ti78863> [Website] accessed 24 March 2024, <https://www.aic.gov.au/publications/tandi/tandi663>
- ⁹ Australian Institute of Health and Welfare (2024) Youth Justice in Australia 2022-223 [Website] Accessed 28th March 2024, <https://www.aihw.gov.au/reports/youth-justice/youth-justice-in-australia-annual-report-2022-23/contents/summary>
- ¹⁰ Australian Institute of Health and Welfare (2024) Australia's welfare 2024: Youth Justice. [Website] Accessed 24 March 2024 <<https://www.aihw.gov.au/reports/australias-welfare/youth-justice>> .
- ¹¹ Youth Parole Board (2021) Victoria Government Annual Report 2020-21, 31; Justice Health & Forensic Mental Health Network and Juvenile Justice NSW. (2017). *2015 Young People in Custody Health Survey: Full Report*. 14; Australian Law Reform Commission, *'Pathways to Justice – Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples'* (ALRC 2017) (Report No 133, December 2017) 73-74.
- ¹² Australian Institute of Health and Welfare (2023) The Health of People in Australia's Prisons [Website] Accessed 28th March 2024 <https://www.aihw.gov.au/reports/prisoners/the-health-of-people-in-australias-prisons-2022/contents/socioeconomic-factors/detention-history>
- ¹³ Australian Institute of Health and Welfare (2019). The health of Australia's prisoners 2018. Cat. no. PHE 246. Canberra: AIHW. 21. Table S16.
- ¹⁴ For example; Australian Institute of Health and Welfare (2023) The Health of People in Australia's Prisons [Website] <https://www.aihw.gov.au/reports/prisoners/the-health-of-people-in-australias-prisons-2022/contents/about>;
- ¹⁵ For example, see analysis in Cunneen, Baldry, Brown, Schwartz, Steel and Brown (2013) *Penal Culture and Hyperincarceration: The Revival of the Prison*, Routledge.
- ¹⁶ Leigh, A (2023) Address to Evidence and Implementation Summit, Treasury, <https://ministers.treasury.gov.au/ministers/andrew-leigh-2022/speeches/address-evidence-and-implementation-summit-melbourne>
- ¹⁷ Productivity Commission. (2021). Australia's Prison Dilemma.
- ¹⁸ See <https://www.sentencingproject.org/reports/why-youth-incarceration-fails-an-updated-review-of-the-evidence/> for more evidence.
- ¹⁹ Walker, S. C., & Herting, J. R. (2020). The impact of pretrial juvenile detention on 12-month recidivism: A matched comparison study. *Crime & Delinquency*, 66(13-14), 1865-1887.
- ²⁰ Knight, B. (2020). Do harsher punishments deter crime? <https://newsroom.unsw.edu.au/news/business-law/do-harsher-punishments-deter-crime>; Doob, A. N., Webster, C. M., & Gartner, R. (2014). Issues related to harsh sentences and mandatory minimum sentences: General deterrence and incapacitation. *Criminological Insights*. <https://www.crimsl.utoronto.ca/research-publications/faculty-publications/issues-related-harsh-sentences-and-mandatory-minimum>;
- ²¹ Chan, J., & Oxley, D. (2004). The deterrent effect of capital punishment: a review of the research evidence. *Crime and Justice Bulletin*, NSW Bureau of Crime Statistics and Research. <https://www.bocsar.nsw.gov.au/Publications/CJB/cjb84.pdf>
- ²² Bonnie, R. J., & Scott, S. E. (2013). The teenage brain: Adolescent brain research and the law. *Current Directions in Psychological Science*, 22(2), 158-161. <https://journals.sagepub.com/doi/pdf/10.1177/0963721412471678>

- ²³ Anderson, A (2002) The Deterrence Hypothesis and Picking Pockets at the Pickpockets Hanging, in American Law and Economics Review, Vol. 4. No. 2; Ritchie, D (2011) Does Imprisonment Deter, Sentencing Advisory Council of Victoria.
- ²⁴ McCausland, R & Baldry, E (2023) *Who Does Australia Lock Up? The Social Determinants of Justice*, International Journal for Crime, Justice and Social Democracy, April 2023.
- ²⁵ The Hon James Wood, AO QC, Report of the Special Commission of Inquiry into Child Protection Services in NSW, November 2008, 556.
- ²⁶ K.McFarlane (2010), 'From Care to Custody: Young Women in Out-of-Home Care in the Criminal Justice System', *Current Issues in Criminal Justice*, 2010, Volume 22, Number 2, 346.
- ²⁷ Australian Institute of Health and Welfare (2022), Child Protection in Australia 2020-21, 15 June 2022, available at <<https://www.aihw.gov.au/reports/child-protection/child-protection-australia-2020-21/contents/out-of-home-care/how-many-children-were-in-out-of-home-care>> (accessed 29 September 2023).
- ²⁸ The Hon James Wood, AO QC, Report of the Special Commission of Inquiry into Child Protection Services in NSW, November 2008, 381-382, Recommendation 10.5.
- ²⁹ Commonwealth of Australia (1999). *Pathways to prevention: Developmental and early intervention approaches to crime in Australia*, https://eprints.qut.edu.au/4482/1/4482_report.pdf.
- ³⁰ Brantingham, P. J. & Faust, F. L. (1976). 'A conceptual model of crime prevention'. *Crime & Delinquency*, 22(3):284-296.
- ³¹ Commonwealth of Australia (1999). *Pathways to prevention: Developmental and early intervention approaches to crime in Australia*, https://eprints.qut.edu.au/4482/1/4482_report.pdf.
- ³² Farrington, D. (2007). 'Childhood risk factors and risk-focused prevention', *The Oxford handbook of criminology*; Vinson, T., Rawsthorne, M., Beavis, A. & Ericson, M. (2015). *Dropping off the edge 2015: Persistent communal disadvantage in Australia*. http://k46cs13u1432b9asz49wnhcx-wpengine.netdna.ssl.com/wp-content/uploads/0001_dote_2015.pdf; Drum, M. & Buchanan, R. (2020). 'Western Australia's prison population 2020: Challenges and reforms', The University of Notre Dame Australia and the Catholic Archdiocese of Perth, <https://doi.org/10.32613/csos/2020.2>; Odgers, C. (2015). 'Income inequality and the developing child: Is it all relative?'. *American Psychologist*, 70(8):722-731; Australian Institute of Health and Welfare (2015). *Vulnerable young people: Interactions across homelessness, youth justice and child protection – 1 July 2011 to 30 June 2015*, cat. no. HOU 279, Canberra; Australian Institute of Health and Welfare (2018). *National data on the health of justice-involved young people: A feasibility study*, cat. no. JUV 125, <https://www.aihw.gov.au/reports/youth-justice/health-justice-involved-young-people-2016-17/summary>.
- ³³ Commonwealth of Australia (1999). *Pathways to prevention: Developmental and early intervention approaches to crime in Australia*, https://eprints.qut.edu.au/4482/1/4482_report.pdf.
- ³⁴ Brantingham, P. J. & Faust, F. L. (1976). 'A conceptual model of crime prevention', *Crime & Delinquency*, 22(3):284-296.
- ³⁵ Brantingham, P. J. & Faust, F. L. (1976). 'A conceptual model of crime prevention', *Crime & Delinquency*, 22(3):284-296; Battams, S., Delany-Crowe, T., Fisher, M., Wright, L., McGreevy, M., McDermott, D. & Baum, F. (2021). 'Reducing incarceration rates in Australia through primary, secondary, and tertiary crime prevention', *Criminal Justice Policy Review*, 32(6):618-645, <https://doi.org/10.1177/0887403420979178>.
- ³⁶ New South Wales Government (2019). *Forecasting future outcomes: Stronger communities investment unit – 2018 insights report*. <https://apo.org.au/sites/default/files/resource-files/2019-07/apo-nid246396.pdf>.
- ³⁷ The Front Project (2019). *A smart investment for a smarter Australia: Economic analysis of universal early childhood education in the year before school in Australia*.
- ³⁸ Teager, W., Fox, S. & Stafford, N. (2019). *How Australia can invest early and return more: A new look at the \$15b cost and opportunity*, Early Intervention Foundation, The Front Project and CoLab at the Telethon Kids Institute, Australia, p. 5, <https://colab.telethonkids.org.au/siteassets/media-docs---colab/col/i/how-australia-can-invest-in-children-and-return-more---final-bn-not-embargoed.pdf>.
- ³⁹ Homel, R., Freiberg, K. & Branch, S. (2015). 'CREATE-ing capacity to take developmental crime prevention to scale: A community-based approach within a national framework', *Australian & New Zealand Journal of Criminology*, 48(3):367-385.
- ⁴⁰ Homel, R., Freiberg, K. & Branch, S. (2015). 'CREATE-ing capacity to take developmental crime prevention to scale: A community-based approach within a national framework', *Australian & New Zealand Journal of Criminology*, 48(3):367-385.
- ⁴¹ Bonnie, J. R. & Scott, E. S. (2013). 'The teenage brain: Adolescent brain research and the law', *Current Directions in Psychological Science*, 22(2):158-161, <https://journals.sagepub.com/doi/pdf/10.1177/0963721412471678>.
- ⁴² Farrington, D. P., Gaffney, H. & White, H. (2022). 'Effectiveness of 12 types of interventions in reducing juvenile offending and anti-social behaviour', *Canadian Journal of Criminology and Criminal Justice*, 64(4):47-68; Beelmann, A. & Lösel, F. (2021). 'A comprehensive meta-analysis of randomized evaluations of the effect of child social skills training on antisocial development', *Journal of Developmental and Life-Course Criminology*, 7(1):41-65; Piquero, A. R., Jennings, W. G., Diamond, B., Farrington, D. P., Tremblay, R. E., Welsh, B. C. & Reingle Gonzalez, J. M. (2016). 'A meta-analysis update on the effects of early family/parent training programs on antisocial behavior and delinquency', *Journal of Experimental Criminology*, 12, 229-248.
- ⁴³ Koehler, J. A., Lösel, F., Akoensi, T. D. & Humphreys, D. K. (2013). 'A systematic review and meta-analysis on the effects of young offender treatment programs in Europe', *Journal of Experimental Criminology*, 9(1):19-43; Lipsey, M. W., Landenberger, N. A. & Wilson, S. J. (2007). 'Effects of cognitive-behavioral programs for criminal offenders', *Campbell Systematic Reviews*, 6.
- ⁴⁴ Toumbourou, J., Rowland, B., Williams, J., Smith, R. (2019). 'Community intervention to prevent adolescent health behavior problems: Evaluation of Communities That Care in Australia', *Health Psychology*, 38(6):536-544; Hawkins, J. D., Oesterle, S., Brown, E. C., Abbott, R. D. & Catalano, R. F. (2014). 'Youth problem behaviors 8 years after implementing the Communities That Care Prevention System: A community-randomized trial', *JAMA Pediatrics*, 168(2):122-129; further reading: <https://www.communitiesthatcare.org.au/research/publications>.
- ⁴⁵ Rowland, B., Kelly, A. B., Mohebbi, M., Kremer, P., Abrahams, C., Abimanyi-Ochom, J., Carter, R., Williams, J., Smith, R., Osborn, A., Hall, J., Hosseini, T., Renner, H. & Toumbourou, J. W. (2022). 'Evaluation of Communities That Care – Effects on municipal youth crime rates in Victoria, Australia: 2010-2019'. *Prevention Science*, 23(1):24-35.
- ⁴⁶ Piquero, A. R., Jennings, W. G., Diamond, B., Farrington, D. P., Tremblay, R. E., Welsh, B. C. & Reingle Gonzalez, J. M. (2016). 'A meta-analysis update on the effects of early family/parent training programs on antisocial behavior and delinquency', *Journal of Experimental Criminology*, 12:229-248.
- ⁴⁷ Piquero, A.R., Jennings, W.G., Diamond, B. Farrington, D. P., Tremblay, R. E., Welsh, B. C., & Reingle Gonzalez, J. M. (2016). A meta-analysis update on the effects of early family/parent training programs on antisocial behavior and delinquency. *Journal of Experimental Criminology*, 12, 229-248.

- ⁴⁸ Farrington, D. P., Gaffney, H. & White, H. (2022). 'Effectiveness of 12 types of interventions in reducing juvenile offending and anti-social behaviour', *Canadian Journal of Criminology and Criminal Justice*, 64(4):47–68; Piquero, A. R., Jennings, W. G., Diamond, B., Farrington, D. P., Tremblay, R. E., Welsh, B. C. & Reingle Gonzalez, J. M. (2016). 'A meta-analysis update on the effects of early family/parent training programs on antisocial behavior and delinquency', *Journal of Experimental Criminology*, 12:229–248; Amit, B., Pawar, A., Kane, J. M. & Correll, C. U. (2016). 'Digital parent training for children with disruptive behaviors: Systematic review and meta-analysis of randomized trials', *Journal of Child and Adolescent Psychopharmacology*, 26(8):740–749.
- ⁴⁹ Jugl, I., Bender, D. & Lösel, F. (2023). 'Do sports programs prevent crime and reduce reoffending? A systematic review and meta-analysis on the effectiveness of sports programs', *Journal of Quantitative Criminology*, 39:333–384.
- ⁵⁰ NSW Government Department of Communities and Justice, Targeted Earlier Intervention Program <https://www.facs.nsw.gov.au/providers/children-families/early-intervention/TEI-program?merge_chapters=true#chapter-679826> (accessed 2 October 2023).
- ⁵¹ NSW Government Department of Communities and Justice, Targeted Earlier Intervention Program, Program logic – how we'll deliver the right support <<https://www.facs.nsw.gov.au/providers/children-families/early-intervention/TEI-program/chapters/program-logic>> (accessed 2 October 2023).
- ⁵² Targeted Earlier Intervention Program Logic, Big Fat Smile Supported Playgroup <<https://www.facs.nsw.gov.au/download?file=811350>> (accessed 2 October 2023).
- ⁵³ Targeted Earlier Intervention Program Logic, Birrang Enterprise Development Co Ltd <<https://www.facs.nsw.gov.au/download?file=800359>> (accessed 2 October 2023).
- ⁵⁴ Targeted Earlier Intervention Program Logic, San Remo Neighbourhood Centre LINKS Youth Support Service, <<https://www.facs.nsw.gov.au/download?file=811526>> (accessed 3 October 2023).
- ⁵⁵ Brantingham, P. J. & Faust, F. L. (1976). 'A conceptual model of crime prevention', *Crime & Delinquency*, 22(3):284–296.
- ⁵⁶ New South Wales Government (2022). *A Place to Go: Overview and referral pathway*. June 2022. 2–3.
- ⁵⁷ Backtrack (2021). *Annual report 2020*, https://backtrack.org.au/wp-content/uploads/2021/06/Backtrack_AnnualReport_2020.pdf.
- ⁵⁸ <https://deadlyconnections.org.au/wp-content/uploads/2022/08/Deadly-Connections-Impact-Report-2019-2021.pdf>
- ⁵⁹ Just Reinvest NSW (2018). *Maranguka Justice Reinvestment Project Impact Assessment*, KPMG, <https://www.indigenousjustice.gov.au/wp-content/uploads/mp/files/resources/files/maranguka-justice-reinvestment-project-kpmg-impact-assessment-final-report.pdf>.
- ⁶⁰ Allison, F. & Cunneen, C. (2022). *Justice Reinvestment in Australia: A review of progress and key issues*, Justice Reinvestment Network Australia, https://jrna228913579.files.wordpress.com/2022/07/national-report_jr.pdf.
- ⁶¹ Taldumande (n.d.) Bail Assistance Line [Webpage]. <https://www.taldumande.org.au/page/100/bail-assistance-line>
- ⁶² Klauzner, I. (2021). An evaluation of the youth Bail Assistance Line (Crime and Justice Bulletin No. 237). Sydney: NSW Bureau of Crime Statistics and Research.
- ⁶³ Whitten, T., Cale, J., Nathan, S., Williams, M., Baldry, E., Ferry, M. & Hayden, A. (2023). 'Influence of a residential drug and alcohol program on young people's criminal conviction trajectories', *Journal of Criminal Justice*, 84, accessed February 2023, <https://www.sciencedirect.com/science/article/pii/S0047235222001519>.
- ⁶⁴ The Y NSW (n.d.). Alternative Suspension [Webpage]. [https://www.ymcansw.org.au/community-services/youth/alternative-suspension/#:~:text=Alternative%20Suspension%20\(AS\)%20transforms%20the,fostering%20personal%20development%20and%20autonomy](https://www.ymcansw.org.au/community-services/youth/alternative-suspension/#:~:text=Alternative%20Suspension%20(AS)%20transforms%20the,fostering%20personal%20development%20and%20autonomy).
- ⁶⁵ Lalibert, D. (2017). Evaluation of the Alternative Suspension Program Research Report (2017-R008), Public Safety Canada: Canada.
- ⁶⁶ Sir David Martin Foundation (n.d.). Triple Care Farm [Webpage]. <https://martinfoundation.org.au/youth-programs/triple-care-farm/>
- ⁶⁷ SVA Consulting (2015) Triple Care Farm, Baseline Total Return on Investment Project, accessed at: <https://www.parliament.nsw.gov.au/lcdocs/other/11330/Additional%20document%202%20-%20Mission%20Australia.PDF>
- ⁶⁸ Schwartz, M. & Terare, M. (2020). *Creating Futures: Weave's intensive support service for young people leaving custody or involved in the criminal justice system, evaluation report*, <https://apo.org.au/node/306819>.
- ⁶⁹ NSW Government (n.d.). About Youth on Track [Webpage]. <https://www.nsw.gov.au/legal-and-justice/youth-justice/youth-on-track/about>
- ⁷⁰ NSW Government (n.d.). Youth on Track Reporting and Evaluation [Webpage]. <https://www.nsw.gov.au/legal-and-justice/youth-justice/youth-on-track/reporting-and-evaluation>
- ⁷¹ Reeve, D. R., McCausland, D. R. & MacGillivray, P. (2022). *Has criminal justice contact for young people in Walgett changed over time? Analysis of diversions, charges, court, and custody outcomes 2016–2021*, https://www.igd.unsw.edu.au/sites/default/files/documents/YN%20Research%20Report%20Has%20criminal%20justice%20contact%20for%20young%20people%20in%20Walgett%20changed%20over%20time_1.pdf.
- ⁷² Farrington, D. P., Gaffney, H. & White, H. (2022). 'Effectiveness of 12 types of interventions in reducing juvenile offending and anti-social behaviour', *Canadian Journal of Criminology and Criminal Justice*, 64(4):47–68.
- ⁷³ Wilson, D. B., Brennan, I. & Olaghere, A. (2018). 'Police-initiated diversion for youth to prevent future delinquent behavior: A systematic review', *Campbell Systematic Reviews*, 5; Petrosino, A., Petrosino, C., Guckenburg, S., Terrell, J., Fronius, T. A. & Choo, K. (2019). 'The effects of juvenile system processing on subsequent delinquency outcomes', *The Oxford Handbook of Developmental and Life-Course Criminology*, ed. David P. Farrington, Lila Kazemian & Alex R. Piquero, Oxford University Press, New York, pp. 553–75; Wilson, H. A. & Hoge, R. D. (2013). 'The effect of youth diversion programs on recidivism: A meta-analytic review', *Criminal Justice and Behavior*, 40(5):497–518; Farrington, D. P., Gaffney, H. & White, H. (2022). 'Effectiveness of 12 types of interventions in reducing juvenile offending and anti-social behaviour', *Canadian Journal of Criminology and Criminal Justice*, 64(4):47–68.
- ⁷⁴ Petrosino, A., Petrosino, C., Guckenburg, S., Terrell, J., Fronius, T. A. & Choo, K. (2019). 'The effects of juvenile system processing on subsequent delinquency outcomes', *The Oxford Handbook of Developmental and Life-Course Criminology*, ed. David P. Farrington, Lila Kazemian & Alex R. Piquero, Oxford University Press, New York, pp. 553–75.
- ⁷⁵ NSW Government. 2022. *Broadmeadow Children's Court Pilot, Overview and referral pathway*. June 2022. 5–6.
- ⁷⁶ Wai-Yin Wan, Elizabeth Moore and Steve Moffatt. 2013. 'The impact of the NSW Young Offenders Act on likelihood of custodial order.' NSW Bureau of Crime Statistics and Research (BOCSAR). Crime and Justice Bulletin – Contemporary Issues in Crime and Justice. Number 166. January 2013. February 2012. 8.

-
- ⁷⁷ Jason Payne and Don Weatherburn. 2015. 'Juvenile Reoffending: a ten-year retrospective cohort analysis'. *The Australian Journal of Social Issues*. Vol. 50 No. 4, 2015. 365-366.
- ⁷⁸ Jia J Wang and Don Weatherburn. 2019. 'Are Police cautions a soft option? Reoffending among juveniles cautioned or referred to court'. *Australian and New Zealand Journal of Criminology* 2019, Vol 52(3), 343-344.
- ⁷⁹ Nadine Smith and Don Weatherburn. 2012. 'Youth Justice Conferences versus Children's Court: A comparison of re-offending'. NSW Bureau of Crime Statistics and Research (BOCSAR). Crime and Justice Bulletin – Contemporary Issues in Crime and Justice. Number 160. February 2012. 15-16.
- ⁸⁰ Strang H 2010. *Restorative justice research in Britain and Australia: What do we know?* Paper presented for the Occasional Seminar Series, Australian Institute of Criminology, 18 February.
- ⁸¹ Hayes, H. & Daly, K. (2003). 'Youth justice conferencing and reoffending', *Justice Quarterly*, 20(4), https://www.researchgate.net/publication/29457142_Youth_Justice_Conferencing_and_Reoffending.
- ⁸² Restorative Justice (2018). *Twelve-month program evaluation: Restorative Justice Project*, <https://www.cyjma.qld.gov.au/resources/dcsyw/about-us/performance-evaluation/program-eval/restorative-justice-evaluation-report.pdf>.
- ⁸³ Queensland Government (2023). Investment in youth justice programs, fact sheet (unpublished).
- ⁸⁴ Queensland Government (2023). Investment in youth justice programs, fact sheet (unpublished).
- ⁸⁵ Restorative Justice (2018). *Twelve-month program evaluation: Restorative Justice Project*, <https://www.cyjma.qld.gov.au/resources/dcsyw/about-us/performance-evaluation/program-eval/restorative-justice-evaluation-report.pdf>; Hayes, H. & Daly, K. (2003). 'Youth justice conferencing and reoffending', *Justice Quarterly*, 20(4), https://www.researchgate.net/publication/29457142_Youth_Justice_Conferencing_and_Reoffending.
- ⁸⁶ Restorative Justice (2018). *Twelve-month program evaluation: Restorative Justice Project*, <https://www.cyjma.qld.gov.au/resources/dcsyw/about-us/performance-evaluation/program-eval/restorative-justice-evaluation-report.pdf>.
- ⁸⁷ Jesuit Social Services (2022). *New youth justice spending data highlights effectiveness of restorative justice programs*, webpage, <https://jss.org.au/articles/new-youth-justice-spending-data-highlights-effectiveness-of-restorative-justice-programs/>.
- ⁸⁸ Sherman, L. W., Strang, H., Mayo-Wilson, E., Woods, D. J. & Ariel, B. (2014). 'Are restorative justice conferences effective in reducing repeat offending? Findings from a Campbell Systematic Review', *Journal of Quantitative Criminology* 31:1–24.
- ⁸⁹ McElrea, J. F. (1998). 'The New Zealand model of family group conferencing'. *European Journal on Criminal Policy and Research*, 6:527–543.
- ⁹⁰ Becroft, A. (2017). *Family group conferences: Still New Zealand's gift to the world?*, <https://www.occ.org.nz/documents/98/OCC-SOC-Dec-2017-Companion-Piece.pdf>.
- ⁹¹ Coker, D. (2016). 'Restorative justice, Navajo peacemaking and domestic violence', *Theoretical Criminology*, 10(1):67–85; Jarrett, B. & Hyslop, P. (2014). 'Justice for all: An Indigenous community-based approach to restorative justice in Alaska', *Northern Review*, 38:239–268.