

**INQUIRY INTO COMMUNITY BASED SENTENCING
OPTIONS FOR RURAL AND REMOTE AREAS AND FOR
DISADVANTAGED POPULATIONS**

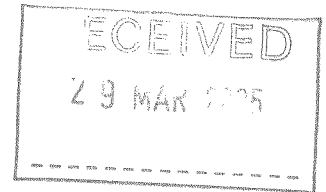
Organisation: Juvenile Justice Advisory Council of NSW
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Position: Chair
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Theme:

Summary:



JUVENILE JUSTICE
ADVISORY COUNCIL OF NSW



22 March 2005

The Hon Christine Robinson MLC
Standing Committee on Law & Justice
NSW Legislative Council
Parliament House
Macquarie Street
SYDNEY NSW 2000

Reference:
l-jjparlinquirycommunity based

Dear Honourable Christine Robinson MLC

RE: Submission on Parliamentary Inquiry – Community Based Sentencing Options for Rural and Remote Areas and Disadvantaged Populations

The Council wishes to thank the Legislative Council, Law and Justice, for the opportunity to provide comments on this most important matter.

Details concerning the membership, Terms of Reference and reports of the Juvenile Justice Advisory Council can be found at <http://www.djj.gov.au/JJAC/whatis.htm>

The Council was requested by the previous Minister for Juvenile Justice to consider how effectively young people who come within the legal mandate of the New South Wales Department of Juvenile Justice are supported in the community.

The Council's report was forwarded to the Minister on 13 November 2003 and contained eleven (11) recommendations. A copy of the report is attached (**Appendix 1**). In relation to the Parliamentary Inquiry's Term of Reference the Council's report addresses some of the matters. In particular reference is made to Recommendations 7, 8 and 9

Concerns about the contact with the juvenile justice system by youth from rural and remote New South Wales have arisen in JJAC deliberations on a number of issues.

Amongst these concerns are the high visibility of young people in their communities, frequently hostile community reaction to their use of public space and the consequent higher possibility of their coming to the attention of

police for misdemeanours. Council deliberations have frequently focused on the geographic distance of many rural and remote youth from mainstream educational, recreational and vocational resources; specialist services for disadvantaged youth; and from services accessed through the justice system. It is evident that geographic and demographic factors contribute to the policy and program dilemma of their being a lack of sufficient 'critical mass' to deliver services that can reach all rural/remote youth who might benefit from them. Service models developed in urban areas might not be appropriate to the rural context. Thus, JJAC has advocated for flexibility in delivery of community supervision programs to rural/remote youth.

Among the most recent recommendations reflecting these concerns is the following recommendation of the November 2003 JJAC report into Community Supervision

Recommendation 9

Ensure that Departmental intervention makes the same range of options for diversion, supervision, social support and rehabilitation available to young people in rural and urban locations, if necessary by the establishment of a community development role for staff and access to brokerage funding.

Potential outcomes of failings in developing policies and programs that address unique aspects of the rural/remote environments could be the overrepresentation of rural/remote youth in juvenile detention, both on remand and control. The data aggregated by the three administrative regions of the Department of Juvenile Justice, that is routinely provided to JJAC, does not support an analysis of the representation of rural/remote youth in custody. However, we are advised that the Department's Client Information System (CIS) would support such an analysis. JJAC regards this as a potentially important aspect of research that could provide an evidence base to support funding allocations to non government service providers and distribution of resources of government agencies.

It is to be noted that since the Council report the Department of Juvenile responded to the Council's report on 22 January 2004 and advised of the significant improvements achieved in a number of areas of community supervision over the "last several years", "in particular:

- Filling AOD Counsellors positions state-wide
- Establishment of the Youth Drug program and drug rehabilitation programs
- Introduction of Case Management Policy
- Restructure of juvenile justice centres that incorporates seamless casework intervention with young people in custody
- Electronic Case Management system
- YLSI - AA – risk or reoffending assessment
- Commencement and staff training in research based offence focused programs such as Reasoning & Rehabilitation 2, Targets for Effective Change, Adolescents Coping with Emotion and other programs based on "what Works" principles
- Current Review of JJCS Policy & Procedures Manual

- Research into feasibility of a formal bail supervision program, home detention and electronic monitoring style programs'
- Development, funding and commencement of two Aboriginal bail accommodation services,
- Review of the role of Juvenile Justice Officers and associated intervention framework
- Review of Psychological and Specialist Services".

In relation to the recommendation relating to the "independent review", the Department advised "given the current state of change and level of review and planning within the department, your request for an "external or independent review" of community supervision is not considered appropriate".

The Council discussed the status of the report and the matter was filed down at the October 2004 Council meeting with the proviso that the Council be provided with feedback on Community Supervision reviews undertaken by DJJ. In February 2005 the Department provided the Council with a Discussion Paper – Integrated Community Services Model for consideration.

The previous Council also produced reports for the Minister for Juvenile Justice as follows:

- Bail Working Party Report containing 20 recommendations
 - Mental Health Working Party Report containing 10 recommendations
 - Young Women's Working Party Report containing 12 recommendations
- All reports were submitted to the Minister on 29 March 2001.

The reports contained recommendations that relate to community supervision in rural and remote areas and disadvantaged populations. The recommendations relevant to the Parliamentary Inquiry are as follows and are attached (**Appendix 2**):

- Bail Working Party – Recommendations 7, 8 and 9.
- Mental Health Working Party – Recommendations 5 and 10
- Young Women's Working Party Report – Recommendations 6, 7, 9, 10, 11 and 12

The Council was satisfied with the implementation action taken on the recommendations from the above reports relevant to the Department of Juvenile Justice. The Council followed up the recommendations with other relevant departments, and the Minister's office also requested responses from other departments to Council recommendations. However, no responses to recommendations were received. The Council filed down the reports in June 2003.

In relation to Home Detention, following a request from the Department of Juvenile Justice, the Council provided advice to the Department of Juvenile Justice (copy to the Minister) on 13 November 2003 relating to the feasibility of Home Detention for juvenile offenders. A copy of this advice is attached (**Appendix 3**). This matter was filed down in December 2004.

The Council hopes that the matters raised in the attached advice are of assistance in the deliberations of the Committee.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C. Cunneen', written in a cursive style.

Professor C.Cunneen

Chair

Juvenile Justice Advisory Council of NSW