



Lawyers And
Legal Services

IMPROVING DIVERSION AND BAIL SUPPORT SERVICES FOR YOUNG PEOPLE IN VICTORIA

Presenter:

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Improving Diversion

- Why is Diversion an important part of the youth justice system?
There are a number of important reasons these include:
 - diversion circumvents the often negative stigmatisation that a formal finding of guilt may have. A criminal record stays with a young person for their life and can lead to difficulty in finding employment.
 - Targeted diversionary programs can reduce the negative effects that formal involvement in the criminal justice system can have on young people. Early intervention is known to reduce the likelihood of re-offending.
 - diversion is considerably faster reducing the delay between apprehension and therapeutic intervention it also makes any intervention more relevant.

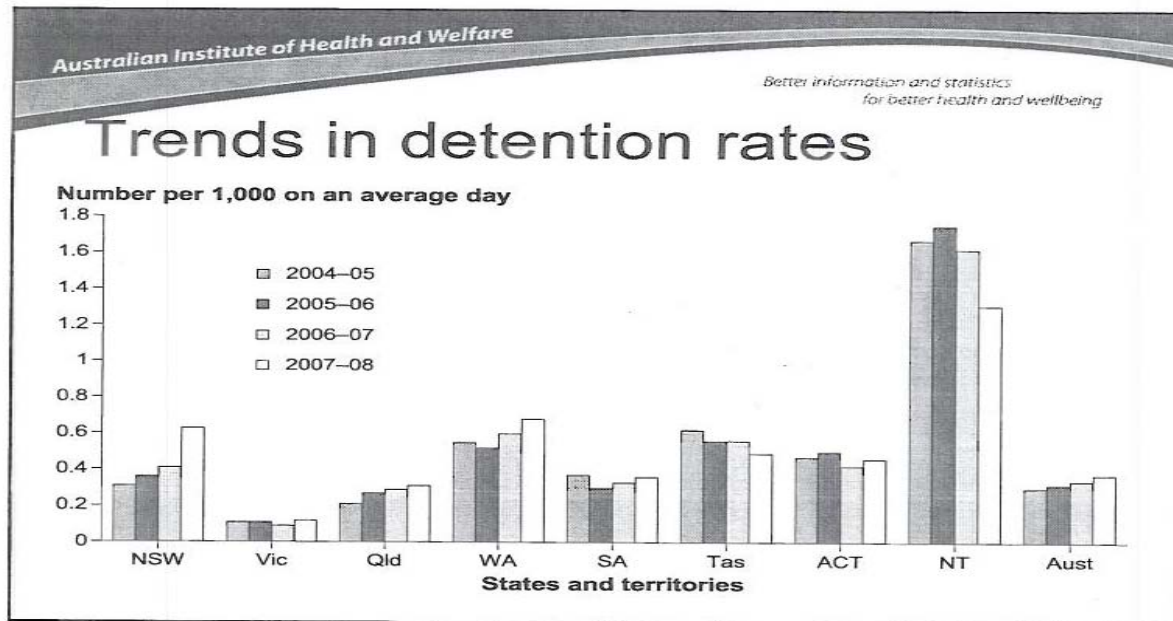
Key Statistics

- Offending in the Children's Court jurisdiction amounts approximately 21 percent of all criminal offending.
- We are seeing an increase in offences being committed by younger children. In the category of 10-14 a 9 per cent rise has occurred from 2002-03 to 2007-08
- Children's Court data for 2008-09 shows that over half the matters coming before the Court are burglary, property damage, theft, public transport and traffic offences. Although young people make up a significant proportion of overall offending, most of it is at the lower end of the scale, such as property offences. With these types of offences it is often more appropriate to have diversion which has a takes a more therapeutic approach.

What are the issues with diversion in Victoria?

Strengths

- This graph compares the percentage of young people in the community currently serving a period of detention. It shows a comparison over time and between states and territories.
- Victoria has the lowest rate of detention and is has been fairly consistent.
- Why?



What are the issues with diversion in Victoria?

- Victoria has a number of very effective diversion schemes running. The two most common are the Ropes Program and the Moorabbin Right Step Program.
 - Ropes Program: Ideal for low level offending as there is minimal intervention the program is best suited where the young person is unlikely to come in contact with the justice system again.
 - Issues: not universally available, requires police consent, funding
 - How does it work?
 - Right Step Program: Ideal for low-medium level offending where more offence specific intervention is required. Best suited for young people who need therapeutic intervention to reduce likelihood of re-offending.
 - Issues: Funding and localised to the Moorabbin area only.
 - How does it work?

What are the issues with diversion in Victoria?

Weaknesses

- Most of Victoria's Diversion programs are localised to certain regions and exist as pilots programs they are not available to all young people.
- Unlike their adult counterparts there is an absence of a legislative framework for diversion. The success of any pilot diversion program relies on the cooperation of the police, the courts, lawyers and referral services.
- diversion programs such as Ropes are currently under funded this leads to resource implications and delay between offending and intervention.

What are the issues with diversion in Victoria?

- With the exception of the Right Step Program the current system is not good at facilitating local connections between young people and the therapeutic services currently available in their community.
- Improvement on referral links to education, training, drug and alcohol, anger management, family/home environment and employment are need.

What is being done?

- In 2010 the Interdepartmental Steering Committee was established their mandate is ‘to scope a coordinated and comprehensive approach to diversion for young people in Victoria’
- ‘The Interdepartmental Steering Committee was formed to:
 - provide advice to government through the Secretaries, DOJ, DHS and DEECD
 - scope a coordinated and comprehensive approach to diversion for young people from the mainstream criminal justice system, with a specific focus on the Children’s Court
 - agree responsibilities for delivery of this approach
 - consider the role that new or existing government initiatives might have within a coordinated and comprehensive approach to diversion and support services.’

What is being done?

- Members of the Steering Committee include representatives from:
 - Victoria Police
 - Victims Support Agency (DOJ)
 - Department of Human Services (DHS)
 - Koori Justice Unit (DOJ)
 - Justice Policy (DOJ)
 - Criminal Law Policy (DOJ)
 - Victoria Legal Aid
 - Office for Youth (DPCD)
 - Courts and Tribunals Unit (DOJ)
 - Department of Education and Early Childhood Development (DEECD)
 - Magistrates' Court of Victoria
 - Children's Court of Victoria

Suggested improvements

- The Steering Committee has proposed some of the following changes that need to be made:
 - the use of legislation to cement diversion as an appropriate response to youth crime
 - coordination of funding, monitoring and evaluation of programs, sharing information and leadership in the area of youth issues across government
 - the creation of local mechanisms for diverting young people from the justice system

Suggested improvements

- recognising the need for diversion to be a consideration for all young people regardless of their location, gender, cultural background and other such factors. Responses based on local needs rather than ‘a one program fits all’ approach
- the development of Koori specific responses to address the overrepresentation of Koori young people in the criminal justice system’

What is being done?

- Diversion where to from here?
 - Discussion paper for endorsement has been completed. This was presented to the Steering Committee on the 22nd February 2011.
 - Final comments from the various stakeholders are due 8th March 2011.
 - Brief the Secretaries of DOJ and DHS
 - Provide advice to government through the secretaries

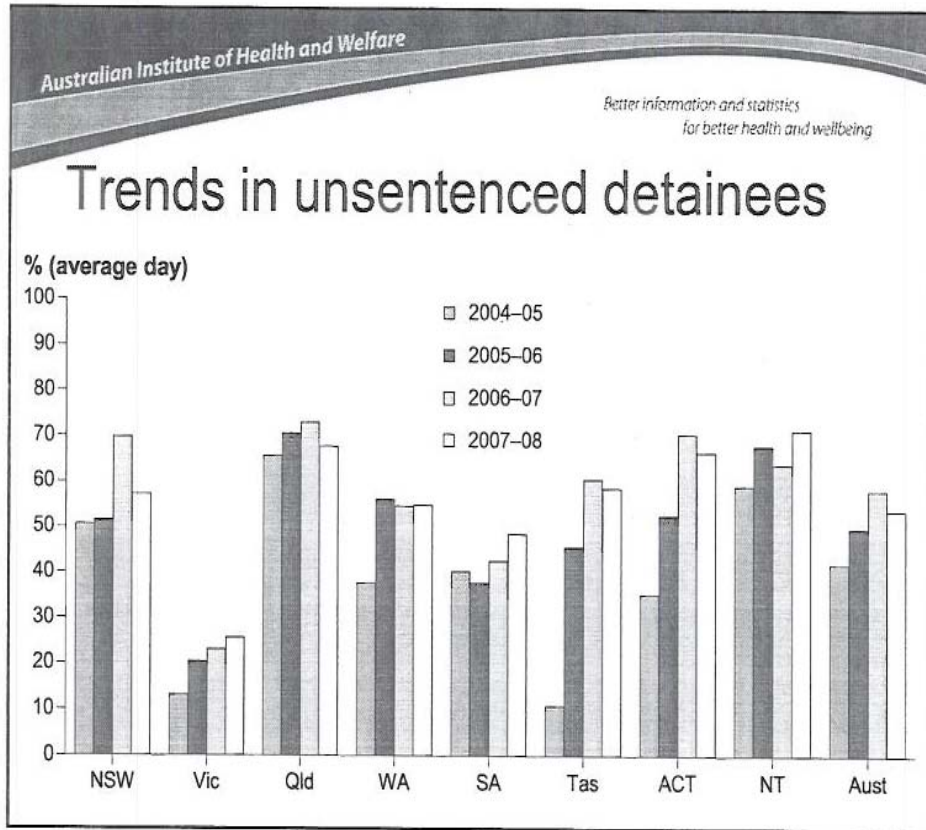
Bail Support

- As with diversion there is no formal bail support program for young people unlike their adult counterparts.

Key Statistics:

- A significant amount of the young people that are in detention on any given day are on remand. In 2007-08, 18.4 percent of remandees were released on bail. Of the remandees that were sentenced only 28.6 per cent received a further period in detention. This indicates that remand may not have been the most appropriate initial response however due to a lack of bail support there are limited suitable alternatives

Bail Support



This Chart Shows the percentage of un-sentenced detainees in detention over 2004-2008 across the various Australian states and territories.

Although Victoria has a low percentage it has doubled over the 2004-2008 period.

Bail Support

- The Intensive Bail Support Pilot is a new service set up in 2010 for young people who are at a very high risk of being remanded or re-remanded by the Melbourne Children’s Court.
- The case manager will provide assistance to reduce the risk of reoffending whilst on bail and to help the young person comply with their bail obligations
- They will also help the young person address:
 - accommodation needs
 - education and training needs
 - health and development needs
 - family support needs
 - and other indentified matters.

Bail Support

- Legal representatives, Youth Justice custodial staff, the Court or the young persons family may request the case manager to undertake an assessment with the young person to determine if they are suitable to participate.
- The young person needs to agree
- If recommended the legal representative then asks the court to grant bail with participation in the program as a condition.
- Progress reports can be provided to the Court but there is no protocol as to how often reviews are to take place. Case Management by the Magistrate at this stage is at their discretion.

Where to from here?

- Consider external audit of the effectiveness of the Intensive Bail Support Program
- Develop a business plan to take to government in order to secure funding and to embed the program.

Questions

Any Questions?