GETTING THE BALANCE RIGHT:
THE POLICING OF YOUNG PEOPLE IN
NEW SOUTH WALES

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Introduction

This paper serves to draw together current information about the policing of youth in New South Wales. This is a considerable task, given the internal reforms of the New South Wales Police Service and the legislative developments in recent years. Due to the brevity of this paper, only a limited number of issues will be covered. References will be made to other recently published articles, which provide more extensive discussion of some of these issues.

Specifically, this paper will deal with the following:

1. The complexity and breadth of police-youth relations across the state;
2. The public perceptions of juvenile crime and the relationship between these perceptions and the policing of youth;
3. The relationship between divergent evaluative paradigms in assessing the quality of police-youth relations, with reference to the *Crimes Legislation Amendment (Police and Public Safety)* Act 1998;
4. The substantial developments associated with the proclamation of the *Young Offenders* Act 1997; and
5. The extent of other initiatives of the NSW Police Service promoting better police-youth relations.

1. Police-Youth Relations in New South Wales

The policing of youth is a very complex task, due to the diversity of sites and situations in which police and young people interact. Law enforcement represents only one avenue in which police and youth interact. However, it is the area which receives the greatest criticism. Nonetheless, police have significant involvement with young people as victims of crime (Alder, O’Connor, Warner and White; 1992), including crimes committed by other young people and adults (such as child abuse); as students, through the many thousands of school crime prevention workshops delivered yearly; and as participants of the many recreational activities organised and facilitated by the police.

While there is considerable diversity in the sites of interaction between police and young people, this paper will largely deal with law enforcement issues. It is this aspect of police-youth relations which is open to and receives the greatest criticism, and which has undergone substantial changes in recent years.

While the Police Service as an organisation has extremely diverse contact with young people in various settings, it should be noted that many of the more positive forums of contact are dealt with by specialist officers or sections within the Service. For example, police officers from Police and Community Youth Clubs have a long, proud tradition in providing access to recreational activities and for delivering crime prevention initiatives. Also, the recently created Youth Liaison Officers\(^2\) have considerable interaction with young people in schools,

\(^1\) Criticism, including over-policing of Indigenous and ethnic minority youth (Cunneen, 1994; Chan, 1994); inappropriate use of police powers to stop, search and move young people on (Youth Justice Coalition, 1994; Maher, Dixon, Swift, Nguyen; 1997); differential use of diversion (Graham, 1992; Grant, 1997) and failure of police to abide by legal safeguards (Youth Justice Coalition, 1990), has been leveled at police services in recent years.

\(^2\) Youth Liaison Officers are not statutory roles, unlike Specialist Youth Officers. Specialist Youth Officers have responsibility for making decisions under the *Young Offenders* Act 1997, in relation to levels of intervention. The Youth Liaison Officer enhances the statutory role of the Specialist Youth Liaison officer.
youth centres and on the street. A considerable amount of this contact is directed toward improving police-youth relations and is with a broad range of young people, many of whom are not offenders.

Hence, these officers are likely to gain an insight into young people, which might be somewhat different to general duties officers. General duties police are more likely to have contact with young people in a law enforcement capacity. Consistent contact with individuals involved in criminal behaviour, might have an unfortunate consequence of distorting perceptions about the propensity of all youth toward offending behaviour. Consequently, the views of general duty police toward young people, might tend to match the characteristics of the majority of the young people, with whom they have the greatest involvement.

2. Public Perceptions of Juvenile Crime

While the personal experiences of the police inform the manner in which they interact with young people, other variables and factors also influence the policing of youth. Consistent with community policing initiatives adopted by the NSW Police Service, there has been increased consultation with and response to community expectations and demands in relation to policing. As a consequence of improved links between the community and the Police Service, greater accountability and responsivity is expected by the community of the police. Hence, the perceptions of the community become important factors in determining the nature of the policing of youth.

What are the perceptions of the community about youth and juvenile offending?

Various articles and texts have considered the relationship between community attitudes and media representation of youth (see Bessant and Hil, 1997). Generally, it has been shown that community attitudes toward youth, especially juvenile offending, are distortions of reality. ‘Moral panics’ created or perpetrated by the media about the extent of juvenile offending are not recent phenomena. Each generation has a history of ‘demonising’ the next; labeling the behaviour of youth as destructive, immoral and illegal.

The unfortunate consequence of the often simplistic, sensationalised reporting of juvenile offending is the call for firm, swift responses. While all sections of society invariably wish to resolve or ameliorate juvenile offending, the solutions required will not necessarily be found in short-term solutions. Rather, the complexity of the factors related to the causation of juvenile offending, require equally complex solutions. Such solutions require the commitment and cooperation of all government and non-government agencies and the investment of resources in programs and policies which seek to prevent offending behaviour, and support the full participation of young people in all aspects of society.

The recorded reality of juvenile offending is somewhat at odds with these popular beliefs. The following briefly outlines some of the recorded dimensions of juvenile offending in New South Wales.

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3 Recent research (Weatherburn and Lind, 1997) demonstrates a significant link between child neglect, poor parental supervision and youth offending. Other research on juvenile offenders shows extremely high rates of sexual abuse and drug dependence.
• 7 out of every 10 young people appearing in a Children’s Court, will appear only once (Cain, 1996)
• 8.5 out of every 10 young people will appear no more than twice in a Children’s Court (Cain, 1996)
• In the last three years, 4 offences against the person, have constituted less than 25% of Children’s Court matters (Department of Juvenile Justice, 1998)
• In the last three years, in excess of 42% of all Children’s Court matters have been for property offences (Department of Juvenile Justice, 1998).

Also, as noted by Cunneen and White (1995), juvenile offending is generally spontaneous, unsophisticated and less serious than adult offending. juveniles often commit their offences close to home and in groups, which increase the chances of detection. Juveniles also tend to grow out of crime, with little or no intervention (Barry, 1993).

Thus, the true picture of recorded juvenile offending contrasts with popular beliefs and conceptions. However, the expectations of the community are more likely to be influenced by media representation and images of youth, than the reality as detailed above. Consequently, the community will frequently call on and expect police to deal with young people, due to their, perhaps unrealistic fear, of becoming victims of juvenile crime.

While this is a simplistic revision of the forces affecting the policing of youth, it is apparent that public perceptions of youth, juvenile crime and policing do mediate and inform the manner in which the Police Service deals with young people. Obviously, there are many other internal issues, which also determine how police respond to young people. The police do not operate in a vacuum, hence influences on the broader community also influence police personnel. Police are required to balance the demands of law enforcement with the needs and rights of young people.

3. Divergent Evaluation Paradigms

As has been stated, policing of youth is a complex and difficult task. Competing demands and priorities problematise police-youth relations. Social, political, organisational and individual interests intersect. Calls for tougher, more punitive management of juvenile offending are contrasted by calls for greater understanding of the issues related to juvenile offending and the need for considered, appropriate responses recognising and reflecting the rights and needs of young people. The tension or conflicting messages from these two schools of thought, are evident both internal and external to the Service.

This divergence of opinion is both predictable and problematic. It is inevitable that competing beliefs will exist; yet this divergence further complicates both the operation and evaluation of police-youth relations. For example, New South Wales has seen the proclamation of legislation in recent years, which have different objectives. Anderson, Campbell and Turner (1999) argue that the introduction of two Acts to enhance police powers and one Act to divert young people from appearing in court. See Anderson, Campbell and Turner (1999) and Bargen (1998) for a discussion of the issues pertaining to the implementation of these Acts.

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4 Children’s Court statistics are collated annually. Financial year, rather than calendar year, is the preferred method of reporting. The last three years, refer to the financial years, 1995/6, 1996/7 and 1997/8.

in dealing with juvenile offending. Alternatively, an argument can be put that use of the powers in the *Children (Protection and Parental Responsibility) Act*\(^6\) and the *Crimes Legislation Amendment (Police and Public Safety) Act* seeks to move young people from situations which increase the risk of them becoming a victim of crime of committing an offence.

While recent legislation demonstrates different strategies in dealing with juvenile offending (namely, diversion versus increased intervention), it is the NSW Police Service which is required to integrate these themes into the policing of youth. The integration of the philosophy underlying these Acts into a unified police response is a difficult task. Balancing the needs of young people, to freely access public space for example, and business leaders, who wish to reduce the presence of youth, due to perceived threats to business, is a very precarious situation. Equally complex is the balancing of the messages, to the Service, emanating from the various Acts that have been recently introduced.

The policing of youth will inevitably be evaluated against criteria consistent with one’s chosen paradigm. By this it is meant that the quality of police-youth relations will be determined by the criteria which are employed in the analysis. Thus, the local business community might rejoice and applaud extensive use of powers under the *Crimes Legislation Amendment (Police and Public Safety) Act 1998*,\(^7\) whereas youth groups and young people might deplore such practices. This tension between paradigms makes it difficult to adequately balance the demands of all community members.

Further to this point, data retrieved from the Computer Operational Policing System (COPS), reveals that there has been approximately a 50% increase in street safety offences committed by young people in the first four months of this year, as compared to the same period last year. The street safety category includes offensive conduct and offensive language and street offences. While this increase might not be directly attributable to the implementation of the Police and Public Safety Act,\(^8\) it does demonstrate this tension. This increase in street offences might well be interpreted as very effective policing. Conversely, it might be assessed as being inappropriate.

4. The *Young Offenders Act 1997*

A review of the *Young Offenders Act*, as compared to the Police and Public Safety Act and the *Children (Protection and Parental Responsibility) Act*, is presented here, because the *Young Offenders Act* has provided the catalyst for the most substantial changes in the way the NSW Police Service deals with young people who have offended. It is this Act which has prompted numerous developments in the Police Service and in the wider juvenile justice system. Consequently, this Act has had a substantial impact on the policing of youth, and especially the manner in which police deal with young offenders.\(^9\)

\(^6\) Currently, there are only four operational areas, under the Act, in New South Wales.
\(^7\) Here after known as the Police and Public Safety Act.
\(^8\) The interaction between the Police and Public Safety Act and street offences is not a simple one. Rather, increased intervention with young people, consistent with the powers of this Act, might increase detection of street offending and offences such as resist and hinder arrest. Thus, the increase in street offences is not necessarily directly attributable to the Act. Rather the extension of police powers employed under this Act might increase police-youth contact on the street, resulting in increased detection of particular street offences.
\(^9\) As has been suggested, Anderson et al (1999) and Bargen (1998) provide information about all of the recent introduced legislation in New South Wales, which affects youth. Also, the NSW Ombudsman released a Discussion Paper in 1998, which considers the Police and Public Safety Act. Furthermore, a paper presented at this conference deals specifically with the *Children (Protection and Parental Responsibility) Act*. 
A brief analysis of the first twelve months of operation of the Act will be presented here. It should be noted that this is a preliminary analysis, and the information contained should not be taken as superior to more extensive analyses. It should also be noted that the reliability of the data presented is less than desirable, and as a consequence any application or interpretation of the data should be mindful of these concerns.

Background

The YOA was proclaimed on 6 April 1998. The proclamation of the Act was the culmination of considerable research, analysis and practical experience gained via pilot initiatives. Essentially, the Act establishes legislative alternatives to prosecution for young people responsible for the commission of a criminal offence. The diversion of young people from prosecution has been recognised as a positive method of dealing with juvenile offenders, responsible for less serious offending (Youth Justice Coalition, 1990; Standing Committee, 1992; Juvenile Justice Advisory Council, 1993).

While diversion of young people from appearing in court has long been promoted in New South Wales, it has been shown that diversionary schemes, such as the police cautioning scheme, consistently proved to be unsuccessful in diverting significant numbers of young people (Shaw, 1998; Standing Committee, 1992; Wundersitz, 1993, 1997). As a consequence of the continued low rates of diversion experienced in New South Wales, and in recognition of the success of increasingly sophisticated diversionary measures (e.g. conferences based on restorative justice principles), pressure and support grew for the development of legislation enshrining diversionary mechanisms.

The subsequent Young Offenders Bill 1997, was well received, due in part to the sound empirical and theoretical foundations of the Bill, and due to the considerable consultation which occurred during and after the development of the Bill. The bi-partisan support for the legislation ensured a relatively smooth passage of the Bill through Parliament.

The partnerships established between the Police Service, the Attorney General’s Department and the Department of Juvenile Justice in the development of the legislation continue. These partnerships and the collaborative approach to the implementation of the Act have been features of the introduction and implementation of the Act, which demonstrates a commitment to a whole-of-government approach. These three agencies are co-sponsors for the Act, which formalises the need for collaboration.

This commitment to collaboration is perhaps best demonstrated by reference to the joint training conducted by the NSW Police Service and staff of the Youth Justice Conferencing Directorate, the development of joint protocols between the two organisations to facilitate smooth implementation and the ongoing local meetings of both Directorate staff and Youth Liaison Officers from the Police Service.

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10 The quality and reliability of the data is compromised by various factors. Firstly, the data refers to legal processes preferred. Decisions made by police may be challenged and overturned by various bodies. This information is changed on the system, but this process often takes an extended period. Secondly, the extracted data is only as good as the information that is entered. Given the number of entry points for data, it is difficult to guarantee the quality of the information. Thirdly, the system currently is unable to show the numbers of young people unable to be diverted. This problematises interpretation of the data.

11 Section 8 of the Act specifically outlines the offences, which are excluded from being dealt with by way of diversion. Summary and indictable offences, which can be dealt with summarily, can be diverted. See s. 8 for greater detail of those offences which are excluded, or Appendix A for a summary of excluded offences.

12 The Youth Justice Conferencing Directorate is the unit within the Department of Juvenile Justice responsible for the implementation of youth justice conferencing.
Details of the Act

The Act legislates for a four-tiered hierarchy of interventions:

Warnings – cautions – youth justice conferences – court

The seriousness and impact of the offence and the characteristics of the young person determine the level of intervention. Thus, a young person responsible for committing a summary offence such as offensive language, would reasonably expect to receive a warning, whereas a young person committing a violent offence, who has an extensive offending history might reasonably expect to be charged and referred to court (see appendix A for the criteria which must be considered when determining the most appropriate level of intervention).

Beyond these criteria, the principles of the Act (s. 7) require the police to impose the least intrusive sanction relevant to the circumstances. This principle, and the levels of scrutiny and vetting of police decisions established under the Act, encourages police to consistently consider why diverting a young person by a warning, caution or youth justice conference is not sufficient in the particular circumstances.

Thus, the Act both encourages and establishes mechanisms to ensure that police discretion is open to scrutiny, in an attempt to ensure that all young people eligible to be diverted, are actually diverted.

Early Indicators

The Act has now been in operation for just over 12 months. Prior and subsequent to the implementation of the Act, substantial developments have been implemented to support the operation of the Act. Some of these developments include:

Deployment of 80 Youth Liaison Officers (YLOs)

As has been mentioned, 80 YLOs commenced duties in February/March 1998. These positions extend the good work performed by General Duties Youth Officers, which were previously operating in some areas across the State. The YLO position heralds a significant improvement on previous arrangements, as the positions are now dedicated to youth issues, specifically to support the Young Offenders Act; the officers were recruited according to merit selection principles; and have and continue to receive training on youth issues.

Each YLO has established significant networks within their local communities. These networks, the communication between youth advocates, young people and these officers and the increased knowledge about local services, are all developments which have greatly enhanced the quality of service delivered by the police. This knowledge and understanding of the YLOs about local youth issues, has resulted in greater confidence within the youth sector and has generally facilitated greater communication around potentially contentious issues.

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13 See appendix A for also for a summary of the principles of the Act (s. 7) and those offences which can be dealt with by the Act (s. 8).

14 A Specialist Youth Officer must approve all decisions to intervene by way of conference or charge. This mechanism serves to vet the discretion of officers when seeking a more serious intervention.

15 The Act establishes that to be eligible for diversion, a young person must admit the offence, agree to be dealt with by way of caution or conference, and have committed an offence which falls within the parameters of the Act.
The YLOs have also assumed considerable responsibility in facilitating the smooth introduction of the Act. The provision of training, assisting in determining appropriate intervention, establishing quality assurance measures and educating the community are some of the tasks undertaken by YLOs to assist in the implementation of the Act. YLOs also issue cautions and periodically represent the Service in attending youth justice conferences.

Another crucial ingredient in the introduction of the Act has been the local partnerships developed between Conference Administrators (CAs) and YLOs. Local meetings have been established between the CAs and the YLOs, to promote cooperative working relations, to provide support and assist communication. The collaboration and cooperation evident between these staff augurs well for continued improvement in the implementation of the Young Offenders Act.

Legal Aid HotLine

Another significant development, associated with the implementation of the Act, was the establishment of the Legal Aid HotLine. The HotLine was launched in December 1998, to provide legal advice to young people apprehended for the commission of an offence. Concerns had been raised prior and subsequent to the introduction of the Act, that young people would be significantly disadvantaged if they were unable to access legal information prior to making an admission. Given that an admission is a mandatory requirement to be eligible for a caution or conference, failure to access legal advice could lead to inappropriate admission or denial by a young person. Consequently, the need to access legal advice is very important.

In response to the criticism about the protection of legal rights, the Legal Aid Commission allocated funding for the establishment of a telephone HotLine. Children’s Court legal representatives, providing a high level of knowledge of the Act and understanding of children’s legal rights staff this HotLine. This HotLine operates seven days per week, from 9 am to 12 am weekdays and 12 pm to 12 am, weekends.

While the establishment of the HotLine was a welcome initiative, it has been argued that more extensive measures need to be considered. In the absence of more extensive provision of legal services, police have been encouraged to consider releasing young people to enable them to access legal advice, prior to making an admission. Continued efforts will be made to promote this procedure.

Conference Convenors

Unlike other jurisdictions operating conferencing schemes, the Act requires the engagement of non-Public Service Conference Convenors to facilitate youth justice conferences. This requirement was specifically designed to enable the recruitment of a large pool of convenors with insight into local issues. To date, in excess of 350 conference convenors have been recruited and trained across the state. These conference convenors have been drawn from local communities to ensure that youth justice conferences are community responses to juvenile crime and informed by local knowledge. Such a large pool also enables the matching of convenors with particular conferences. This matching of convenors with the specific needs of conference participants, ensures that each conference is unique.
Given these developments and structures supporting the implementation of the Act, what has been the response to date? Has the Act resulted in greater numbers of young people being diverted from appearing in Court? Is the Act being applied uniformly across the State? Are all young people receiving the benefits of the Act?

While it is very difficult to answer these questions fully at this stage, it is useful to consider some early trends.

Note, that the data presented is not necessarily as reliable as would be desirable. Currently, the Computer Operational Policing System (COPS) does not have the capacity to provide data on the number of young people ineligible to be diverted. Hence, interpretation of the data is confounded by this factor. However, considerable enhancements are being introduced to COPS this year, which will enable more accurate information to be obtained in the future.

Appendix B depicts the total number of interventions for young people under 18 years since the inception of the Young Offenders Act. This table excludes the issuing of warnings, largely due to the initial unreliability of this data and the recent changes to the recording of warnings.  \[16\]

**Diversion**

It is apparent from Appendix B, that the numbers of young people being diverted have increased significantly since the introduction of the Act in April 1998. However, it also appears that there has been a corresponding increase in the total interventions, largely due to a significant rise from December 1998 to January 1999.  \[17\] Consequently, the proportion of young people diverted from appearing in court has remained relatively stable since the commencement of the Act. The percentage of young people diverted via cautions and youth justice conferences, has fluctuated from a low of 18% to a high of 24%, but has averaged at approximately 21% of total interventions.

This average rate of diversion, by cautions and conferences, would appear to represent an increase on the number of young people diverted in the years just prior to the introduction of the Act.  \[18\]

While it is encouraging to see that there has been an increase in the total numbers of young people being diverted, it is of concern that this increase has been accompanied by what appears to be an increase in the numbers of young people being formally dealt with by the police. Of even greater concern is that this increase in total intervention numbers has differentially affected Aboriginal young people (see Appendix C). It is apparent from this table that the numbers of Aboriginal young people being diverted from appearing in court has

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\[16\] When the Young Offenders Act was introduced, it was stipulated in the Act that no information identifying a young person could be recorded about the issuing of a warning. Consequently, there was little incentive for police to record the issuing of a warning (entering the relevant information took longer than issuing the warning). However, the Young Offenders Amendment (Records of Warnings) Regulation 1999, enables identifying information to now be entered on COPS. Hence, it is likely that the reliability of the data will be substantially increased as a result of this amendment.  

\[17\] It should be noted that there is consistently a significant increase in recorded juvenile offending in these months, probably as a consequence of school holidays. Thus, this increase needs to be compared with the data for previous years.  

\[18\] The data captured on diversion, in the years just prior to the introduction of the Act, is very poor. The quality of this data makes it difficult to make meaningful comparisons between the diversion statistics just prior and following the introduction of the Act. Having said this, best estimates would suggest that diversion prior to the Act was in the vicinity of no more than 10-12%. Thus, the current rates of diversion appear to represent a 50% improvement on the numbers of young people diverted prior to the introduction of the Act.
increased. This increase has not been proportionate to the rise in the numbers of Aboriginal young people being formally dealt with. Thus, the increases in total numbers of young people formally dealt with by the police can be partly explained by the substantial increase in the number of Aboriginal young people entering the system.

A phenomenon known as ‘justice by geography’ has been consistently associated with the introduction of diversionary schemes. This phenomenon simply refers to the differential utilisation of diversionary measures across geographic boundaries, within a specific jurisdiction.

The re-structure of the NSW Police Service in 1997, saw the creation of eleven police regions. These police regions consist of varying numbers of Local Area Commands (LACs). There are 80 LACs across the state.

What then does the data say about the consistency of the utilisation of diversionary measures, such as cautions and conferences across these regions?

The data presents a remarkably consistent picture. Based on data gathered between April and December 1998, the range across the regions is 18 to 27%. Thus, in each region, somewhere between 18 and 27% of young people were dealt with by way of a caution or conference. While this figure is particularly consistent, it should be noted that there is the potential for these figures to mask some inconsistency between LACs, within a given region.

Therefore, in summary, there are some pleasing indicators, and others that require more detailed scrutiny. The rise in the use of diversionary measures, such as cautions and conferences is pleasing, while the increase in total interventions creates concern. The consistency in the application of these measures across regions is pleasing, while the differences across LACs is problematic. Also, the data on Aboriginal young people presents a number of challenges, including the need to find further ways to increase the proportion of Aboriginal young people diverted from court, to reduce the continued over-representation of Aboriginal young people in prosecution statistics and to counteract the recent rise in young people being formally dealt with by the police.

While the data provides a useful guide to the macro issues pertaining to the implementation of the Act, it does not necessarily illuminate some of the positive and exciting human stories associated with the Act. The following information serves to illustrate some of the positive developments.

Non-Police Service Personnel Issuing Cautions

A critical feature of the Young Offenders Act is the recognition of the importance of involving the community in dealing with juvenile offending. The role of parents, guardians, relatives and support people in assisting young people to assume responsibility for their offending behaviour, in developing positive alternative behaviours and healing the hurt of victims is central to the entire Act.

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19 Graham (1992) reported that diversion of young people in New South Wales by police cautions, varied considerably across police commands. Graham referred to a report, which identified that police commands cautioned young people at rates of between 3 and 83% of total juvenile interventions.

20 There appears to be some initial variance across LACs. As the numbers are still relatively small, it would not be appropriate to draw any inferences from the information at this stage.
In recognition of the significance and respect that certain people in particular communities command, the Act specifies that a respected community member may be invited by police to issue a caution. In so doing, it is recognised that young people might receive more benefit from being cautioned by a member of their community. This is especially true for Aboriginal and ethnic communities. Aboriginal elders or respected community leaders may have a greater opportunity to communicate with a young person and their family and support people.

While problems have arisen in the careful selection of respected community members, due to differing opinions as to what constitutes a respected community member in each particular circumstance, some progress has been made in particular areas.21 A number of cautions have been issued by respected community members to date, and as the Youth Liaison Officers continue to forge links with local communities, the greater the opportunity for cautions to be delivered by non-Police Service personnel.

Youth Justice Conferences

The NSW Bureau of Crime Research and Statistics is currently conducting an evaluation of the satisfaction of conference participants to the conference process. While this research is yet to be completed, considerable anecdotal information has been captured regarding the effectiveness of conferences. The police attending conferences have reported a variety of positive outcomes, including: an appreciation by the young people of the gravity of their behaviour; the willingness of family members and support people to assume greater responsibility for assisting the young person to avoid further offending; and of victims gaining reparation and satisfaction that their pain and/or hardship has been acknowledged and resolved.

While the role of the police in youth justice conferences is limited, it is nonetheless extremely significant. The attendance of police enhances the legitimacy of the process and adds to the seriousness of the intervention. Consequently, the attendance of the police at approximately 70% of all conferences conducted between April 1998 and January 1999, demonstrates the commitment of the Service to conferencing. Further strategies are being considered to improve on this positive contribution to conferencing by the Police Service.

5. Recent Developments of the NSW Police Service

To conclude, brief attention will be paid to the various initiatives and developments in the NSW Police Service which aim to improve the policing of youth in the State. Some of these initiatives, such as the deployment of Youth Liaison Officers, have been discussed previously. To avoid duplication, only those developments yet to be mentioned will be discussed here.

Re-organisation of the Police Community Youth Clubs

Police Community Youth Clubs have a very proud and significant history in New South Wales. These Clubs have been operating since 1937, and recently underwent a process of review. The resulting report, known as the Callaghan Report, proposed a number of recommendations to improve the operation of the PCYC movement.

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21 The definition of a respected community member varies according to the particular community and by what standards are being applied. For example, a person respected by the parents of a young person, may not actually be respected by the young person, and vice versa. Consequently, the selection of an appropriate respected community member requires careful consideration of a combination of issues.
These recommendations included:

- PCYCs should adopt a strategic approach to juvenile crime prevention;
- The placement of PCYC police officers under the supervision of Local Area Commanders, rather than remaining a distinct command;
- Each Local Area Command should develop a preventative policing strategy for youth at risk, incorporating the activities and strategies adopted by the local PCYC;
- Clubs should seek the views of young people (members and non-members) in the operation of the club;
- Young people should be involved in the planning and review of PCYC programs; and
- Specialised training, focusing on youth crime prevention strategies, should be provided to all PCYC police officers.

These recommendations and others contained in the Callaghan Report are currently being addressed. These changes will provide greater focus and direction for the Clubs in the future and will strengthen the youth portfolio in Local Area Commands, where Clubs exist. These developments will also ensure that there is greater cooperation and coordination of local services around the difficult task of planning strategic juvenile crime prevention.

Review of the Police Service Youth Police Statement

The Police Service Youth Policy Statement, which is current at the time of writing is to be reviewed and updated. The current policy was developed following an extensive period of consultation with various government and non-government organisations, and was generally well received upon its release. However, this policy needs to be updated, as a consequence of many of the changes which have been detailed in this paper. The five year period, for which the policy caters (1995 – 2000), has seen substantial change both within the Police Service and in the broader juvenile justice field. These changes need to be documented and integrated with the vision of police-youth relations in the first years of the new millennium.

Again, the new policy to be developed will be the product of considerable consultation with young people, government and non-government agencies. The Service is committed to canvassing the views of all interested and relevant stakeholders, to ensure that there is considerable, if not universal, support for the initiatives and direction established by the policy.

Police and Community Training (PACT) Projects

The PACT program was initiated in late 1994 as a joint project between the NSW Ethnic Affairs Commission (EAC) and the NSW Police Service, which aimed at providing an innovative community centred approach to in-service cross-cultural training for police.

The objectives of the PACT program are:

- To provide an avenue for police and their local community to work together in improving police-community relations
- The development of locally based training/orientation information to assist police and the local community to learn about each other
- To develop stronger relationships between police and their local communities through undertaking joint projects and initiatives.
To date, a number of Local Area Commands have received up to $30,000 to implement a PACT program. Of the five PACT programs currently funded, four deal specifically with youth issues (see Appendix D).

In conclusion, it is hoped that this paper reveals both the complexity of policing youth and the progress that has been made by the NSW Police Service to further improve police-youth relations. The enormity of the task that continues to confront the Service is clearly understood, and it is hoped through continued initiatives such as those mentioned, that positive, incremental change will continue to occur.
Appendix A

Criteria for Determining Appropriate Level of Intervention under the Young Offenders Act 1997

a. the seriousness of the offence
b. the degree of violence involved in the offence
c. the harm caused to the victim
d. the number and nature of any offences committed by the child and the number of times the child has been dealt with under this Act
e. any other matter the official thinks appropriate in the circumstances.

Section 7 Principles of scheme

The principles that are to guide the operation of this Act, and persons exercising functions under this Act, are as follows:

a. The principle that the least restrictive form of sanction is to be applied against a child who is alleged to have committed an offence, having regard to matters required to be considered under the Act.
b. The principle that children who are alleged to have committed an offence are entitled to be informed about their right to obtain legal advice and to have an opportunity to obtain that advice.
c. The principle that criminal proceedings are not to be instituted against a child if there is an alternative and appropriate means of dealing with the matter.
d. The principle that criminal proceedings are not to be instituted against a child solely in order to provide any assistance or services needed to advance the welfare of the child or his or her family or family group.
e. The principle that, if it is appropriate in the circumstances, children who are alleged to have committed an offence should be dealt with in their communities in order to assist their reintegration and to sustain family and community ties.
f. The principle that parents are to be recognised and included in justice processes involving children and that parents are to be recognised as being primarily responsible for the development of children.
g. The principles that victims are entitled to receive information about their potential involvement in, and the progress of, action taken under this Act.

Section 8 Offences covered by the Act

(1) The offences covered by this Act are, except as provided by this Act:
   (a) summary offences, and
   (b) indictable offences that may be dealt with summarily under Part 9A of the Criminal Procedure Act 1986 or another prescribed law, committed, or alleged to have been committed, by children.

(2) Despite subsection (1), an offence is not covered by this Act if: (summary provided)
   • Traffic offences committed by children old enough to hold a drivers licence or permit
   • Any offences resulting in death
   • Sexual offences
   • Breaches of apprehended violence orders
   • Drug offences other than minor possession of prohibited plant.
Appendix B

Breakdown of legal processes for under 18 year olds from April 1998 to March 1999

NOTE: The ‘other’ category includes Court Attendance Notices, Field Court Attendance Notices, Charges and Summonses
Appendix C

Breakdown of legal processes for under 18 year old Aboriginal/Torres Strait Islanders from April 1998 to March 1999

NOTE: The ‘other’ category includes Court Attendance Notices, Field Court Attendance Notices, Charges and Summonses
Appendix D

Police and Community Training (PACT) Program

The four PACT projects, which specifically relate to young people, are:

1. **Kogarah Local Area Command**

   The project team have conducted a number of focus groups with young people in the Kogarah area, to explore what information young people require about police. These meetings have also sought ideas from young people on strategies that might be effective in improving police-youth relations. The result of these discussions, has been, that in conjunction with the Open Training and Education Network (OTEN), Department of Education and Training, the project team is designing a video education package to assist police to learn about the issues of local young people, and young people to learn about the police. The aim is to develop a package which enhances the relationships between local young people and the police.

2. **Cabramatta Local Area Command**

   The Cabramatta KARES (Kids At Risk Excursions) team is organising a series of one day excursions, workshops and camps for local young people considered at risk. The aim of the activities is to discourage antisocial behaviour and raise awareness of pro-social recreational alternatives and local support services. Local youth and community organisations will be invited to participate in these forums.

3. **Bankstown & Campsie Local Area Commands**

   These two Local Area Commands have jointly established a youth oriented community consultation model to enhance communication between young people, their communities and the police. The two commands have employed a project officer to research and identify problems associated with police-youth relations and to develop clear strategies to address the identified issues.

4. **Fairfield Local Area Command**

   The Fairfield PACT project consists of two stages: firstly, to organise, in conjunction with local services, a drop-in facility for local young people, especially non-English speaking background young people; and secondly, to develop a training package on police-youth relations. The aim of the project is to foster harmonious police-youth relations.
Bibliography


