

DEVELOPING COMMUNITY INITIATIVES IN JUVENILE JUSTICE

Evelynn Crawford-Maher

HISTORICALLY, THE ABORIGINAL PEOPLE OF AUSTRALIA HAVE ALWAYS been affluent within their own society. This was evident at the time of colonisation, although not to the eyes of the white settlers who did not see fences, houses or material possessions. It was at this point that the first impact of colonisation was evident.

The impact of colonisation upon Aboriginal people has had far-reaching consequences. Because of removal from their traditional land, Aboriginal people could not continue to practise or live a traditional lifestyle: they were forced from their own land onto someone else's land. This created conflict between other tribes as well as conflict over land use with the settlers. All these disruptions have added to and increased the attempted destruction of Aboriginal society leaving traditional Aboriginal society fragmented.

It could be easily argued that Aboriginal society has been deliberately kept dependent on government funding as a plot to prevent self-sufficiency, thus giving Aboriginal people limited power over their own destiny. The lack of a stable society has had a dramatic impact upon Aboriginal people in general, particularly the younger generation.

Juveniles

When consideration is given to the fact that Aboriginal juveniles offend, the reasons should be seriously considered. At times some offending behaviour can be traced back to events of the past which may have affected the whole family. Some of these events are not always of the family's making. The different kinds of family breakdown, and the trauma suffered by a young person can be extremely distressing and can provoke all kinds of rebellious actions against parents, schools and almost all other authorities with which a juvenile may come into contact.

There are some offenders who offend for the thrill of it. Most offences committed by Aboriginal juveniles are of a less serious nature. It is also evident that Aboriginal children have much higher rates of *detection* for crime generally ensuring a greater likelihood of apprehension by the police. This

has resulted in the over-representation of Aboriginal juveniles in the juvenile justice system. This phenomenon may be attributed to many variables which all need to be considered individually as well as collectively.

The social problems of today's society proved to be a significant influence on the behaviour of Aboriginal youth and there are many frustrations being experienced by youth in general. However, being Aboriginal appears to be a major disadvantage for most offenders, particularly those offenders from country towns.

In New South Wales Aboriginal youth are more visible within the community: high unemployment among Aboriginal people generally combined with unsophisticated criminal activities, draws a high level of attention from police. Aboriginal youth are considered by many police officers to be prime suspects for any criminal activity and therefore are apprehended and committed to institutions at a much higher rate than committals for non-Aboriginal youth. Police and magistrates do not take advantage of any diversionary programs and therefore Aboriginal youth do not have access to the same pre and post sentence alternative programs that non-Aboriginal people do. There is definite bias towards Aboriginal youth by police. However, the police have also recognised this and have established steps to improve community policing policy.

Juvenile Justice

It has been demonstrated that Aboriginal juveniles constitute approximately 20 per cent of the New South Wales institutional population, yet they represent only 1.8 per cent of the total population between 10 and 17 years of age. Although a variation exists between States, the only interstate comparison available found that New South Wales had not only the largest number of committed Aboriginal children, but also the highest incarceration rate per 100,000 of the relevant population (Semple 1988).

New South Wales sentenced Aboriginal people are locked up at a rate which is twenty-five times greater than the non-Aboriginal population. The other States then follow with Victoria having 10:1 and the Northern Territory having the lowest rate of 7:1. Since 1987, an average 29.5 per cent of committed residents and 17.7 per cent remanded residents have been Aboriginal people in New South Wales. The lower rate of country remands in custody probably accounts for the lower percentage of Aboriginal remands (Luke 1988).

Thus, Aboriginal children are over-represented at all stages of the juvenile justice system. This over-representation actually increases with an individual's penetration of the system. Data from both New South Wales and South Australia indicates that the over-representation of Aboriginal children at the prosecution level increases at the court level, and again at the institutional level (Cunnenn 1990).

Some reasons for this over-representation are that:

- n most Aboriginal people in detention centres are from rural areas;
- n Aboriginal offenders are not getting access to the pre and post-sentence diversionary programs that non-Aboriginal people get;
- n due to high visibility, Aboriginal youth are constantly noticed by the community and police;
- n areas with significant Aboriginal populations tend to be over-policed; and

- n contact with police confirm the Aboriginal offenders expectations of the system (Anti-Aboriginal).

Aboriginal and police relations in New South Wales are strained, at present. Aboriginal and police contact is much higher than police and other community contact, and is almost always on a negative basis: the result is extremely volatile. Consequently, Aboriginal youth regard police as not the keepers of law and order, but as watchdogs.

The main response to all these misdemeanours of the past, has been instrumental in influencing responsible departments to take appropriate and relevant steps to address all the issues mentioned previously.

The problem facing Aboriginal communities at the present, is the issue of young Aboriginals' behaviour in public as well as at school, on a family and social level.

Community responses

It is interesting that some communities do not perceive any problems with their juveniles because one community can always compare the behaviour of their own youth to that of another community. Like most government departments, Aboriginal communities tend to wait until some disruption has occurred before any action will be taken. By this time the problems can become insurmountable.

Aboriginal people have dealt with the issues of housing, health and education for quite some time now; however, the issue of Aboriginal juvenile offenders is one that has not been fully realised, let alone clarified in the minds of the community. Establishing a community based initiative will only be effective if the police, magistrates, government departments and the community mutually agree to support the program. If one agency is not cooperative, then this could jeopardise the smooth operation of the program.

Much depends on how all these community resources are utilised, in terms of developing and nurturing the program, especially in view of the high level of competition for funds. It is difficult to avoid the clash on a political level, because Aboriginal organisations depend largely on government funding and are subject to evaluation, which is normally carried out by non-Aboriginal departmental staff.

In the past, the issue of juvenile justice has had to compete with all other program areas within the welfare system. This has made it extremely difficult to pay any real attention to dealing with juvenile justice matters, which are quite separate to "normal" welfare cases.

It is an interesting observation, that if the welfare cases were dealt with at the level of requirement then there might be a reduction in offending behaviour among Aboriginal youth.

The Office of Juvenile Justice

With the establishment of the Office of Juvenile Justice as a separate, autonomous government body, a new perspective on the delivery of juvenile justice services had been launched.

One important development is the creation of the Juvenile Justice Advisory Council which will provide recommendations for a long-term strategic plan relating to policy, management direction and legislative reform.

Its formation was recommended in the report *Kids in Justice* and one of its immediate main tasks will be to closely scrutinise current policies and procedures, and provide assessments of their appropriateness. The Advisory Council is made up of a broad cross-section of experienced professionals and representatives of community organisations who are involved in the delivery of juvenile justice issues.

The emphasis of juvenile justice services is now on rehabilitation and diversion and developing effective preventive programs rather than incarceration.

The new theme of the office, "A Second Chance for Kids", clearly indicates the direction that will be taken.

Part of this new direction will include the process of consultation with Aboriginal communities and organisations. Consultation has taken place with several Aboriginal organisations to consider possible options to establish programs in the community.

The main aim of the community based schemes is to appropriately divert juvenile offenders so that placement in a juvenile justice centre is utilised as a last resort. To provide assistance for young people who have committed an offence to take their place in the community, the Office of Juvenile Justice, with the assistance and support of the Aboriginal community organisations, provides balanced programs which are aimed at meeting the specific needs of the individual.

The Office of Juvenile Justice has agreed to and already implemented 115 recommendations made in the Final Report of the Royal Commission into Aboriginal Deaths in Custody and another thirteen recommendations are currently under consideration.

Preventive Programs

A high priority has been placed on addressing the over-representation of Aboriginal juvenile offenders in the court and juvenile justice centres by initiating preventive programs such as:

- n Aboriginal Juvenile Justice Councils which are already operating successfully in Taree, Wellington and Dubbo. Additional councils will be established in the near future.
- n Aboriginal community workers are employed in several regions to assist local communities to develop their own community based initiatives.
- n A community Bail Hostel in Redfern will provide an alternative to custody for offenders on remand.
- n Aboriginal foster homes have been established for Aboriginal youth who have committed less serious offences.
- n A live-in Rural Training program at Bourke as an alternative to detention is being developed by an Aboriginal Management Committee.

Innovative programs such as home detention, intensive neighbourhood care, periodic detention, attendance centres, and intensive personal supervision are currently subject to feasibility studies. For their own sake these programs cannot be allowed to simply exist within the system, without providing any hope for the future.

The system has to be made to work for most young offenders and in recent times major steps forward have been taken in juvenile justice centres to ensure this will

eventuate for 6 per cent of offenders who appear at court and are placed in the juvenile justice centres.

Not every child who comes into a juvenile justice centre can be successfully rehabilitated but those who are in this category, and continue to commit serious crimes, need to be managed in an humane and supportive environment.

Many young people who enter juvenile justice centres are from dysfunctional family environments with low educational levels, poor self-esteem and little general knowledge of available community resources which could help them re-establish themselves in the community unless they were previously involved in the community based schemes.

General education programs and involvement in TAFE have accomplished heartening results in recent times and facilities in all centres have been updated.

An indication of the government's commitment to helping juvenile offenders achieve include increasing facilities at the Mt Penang Vocational Centre in 1990, and a new school building at Cobham and Keelong Juvenile Justice Centres. A number of young offenders have gained their School Certificates and the number who are seeking their HSC is increasing significantly.

Vocational training is providing these young people in juvenile justice centres with the chance to develop skills that will increase their chance of obtaining jobs on release. A number of courses have TAFE recognition and several juveniles have been placed with employers following this introduction to work practices. In some centres mixed gender activities such as metalwork, woodwork, spray painting and bricklaying are conducted.

Girls in custody now receive individual case planning, psychological counselling and sexual assault counselling as required. General living skills

such as personal and social development, beauty care, child care, computer use, dressmaking and textiles are an integral part of the program.

All programs are aimed at helping young people make a positive contribution to the community. Resident drug and alcohol counsellors are situated in most centres and further appointments are to be announced soon.

Diversification Schemes

Current diversionary schemes include:

Juvenile Justice Community Services. Formerly the Young Offender Support Scheme, this statewide service provides assessment of juveniles remanded in custody to satisfactorily address problems relating to bail issues; assessment and court reports for juveniles charged with offences; provide individual caseplans on juveniles who are supervised in an attempt to address relevant issues and provide court ordered supervision for juveniles on recognisances, probation, community service orders and parole.

Railway Reparation Scheme. Where young offenders are found guilty of vandalism or graffiti offences to State Rail property they may be ordered by the courts to complete hours of work at railway stations.

Fine Default Orders. Juveniles are able to convert the non-payment of fines to hours of community work, to be completed as restitution to the community.

Parole supervision. Juveniles are supervised or supported following a period in a juvenile justice centre to assist in re-integration into the community.

Community Youth Centre Program. This is a community based attendance program which provides an alternative to detention for assessed young offenders who require intensive counselling.

Personal Development Program. Young offenders found guilty of sexual offences are provided with ongoing counselling in juvenile justice centres and community youth centres when they re-enter the community.

Traffic Offender Programs. Courses specifically designed for young offenders who have committed traffic offences are conducted at Mt Penang and Worimi and deal with traffic matters that place emphasis on prevention, education and awareness of the law and individual responsibilities.

Conclusion

With the creation of the Office of Juvenile Justice a number of significant changes to services for Aboriginal people have already been implemented.

The Office is committed to reducing the number of Aboriginal children in custody and making sure that community based services which are culturally appropriate.

References

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