

# 2 About services to young offenders

## At a glance

### Background

In Victoria, services for young offenders are provided by the Department of Human Services (DHS) and the Department of Justice (DoJ), and involve the police, the courts and agencies that provide custodial or community correctional services.

The ministerial statement—*A Balanced Approach to Juvenile Justice in Victoria*, released in August 2000, presented the government's Juvenile Justice Reform Strategy for the youth justice system. The strategy focused on:

- diverting young offenders from entering the youth justice system, or from progressing further into a life of crime
- providing better rehabilitation of high-risk offenders
- expanding pre-release, transition and post-release support programs for custodial clients to reducing the likelihood of offending.

Research undertaken by DHS indicates that young people are 50 per cent more likely to commit an offence than adults, with about 50 per cent of these young people likely to reoffend.

DHS collect and analyse service demand data for young offenders in custodial supervision or serving community-based orders. However, the underdeveloped outcome and performance measures impact on the usefulness of this data as presented in the state's budget papers. In addition, changes in counting rules has made it difficult to compare budget paper data between years.

Services to young offenders delivered by the Magistrates' Court of Victoria (MCV) and reviewed in this audit include those provided through the Criminal Justice Diversion Program (CJDP). CJDP offers first-time offenders an opportunity to avoid a criminal conviction and a criminal record by agreeing to participate in a diversion planning process. The program is administered by DoJ and MCV, and delivered by the court.

## 2.1 Background

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Young people have high rates of offending and reoffending. This is due to a number of factors, including poor educational outcomes, unemployment, substance abuse, disrupted family lives and poor social and community supports. Research indicates that young people are 50 per cent more likely to commit an offence than adults, with about 50 per cent of these young people likely to reoffend<sup>1</sup>.

The Juvenile Justice Reform Strategy was introduced through the ministerial statement—*A Balanced Approach to Juvenile Justice in Victoria* in August 2000. The strategy presented the Victorian Government's focus on the provision of juvenile justice services, which aimed to:

- divert young offenders from entering the youth justice system or from progressing further into a life of crime
- provide better rehabilitation of high-risk offenders
- expand pre-release, transition and post-release support programs for custodial clients to reduce the likelihood of offending.

Services for young offenders involve the police, the courts and agencies that provide youth justice programs or correctional services. Both the Department of Human Services (DHS) and the Department of Justice (DoJ) provide custodial and community-based supervision for young offenders. Effective collaboration between these agencies is therefore important.

### 2.1.1 Policy context

#### Legislative framework

The Victorian criminal justice system defines a young offender as 'someone aged 10 to 20-years of age, who has committed an offence'. This definition arises from:

- the *Children, Youth and Families Act 2005*, which defines a 'child' as a person who at the time they committed an alleged offence was aged 10 to 18 years
- the *Sentencing Act 1991*, which defines a 'young offender' as 'an offender who at the time of being sentenced is under the age of 21 years'.

Unlike other states, the Victorian legislation includes an option for adult courts to sentence a young person aged 18 to 20 to a DHS-administered youth training centre or an adult prison. This 'dual-track' system enables young offenders aged 18 to 20 to serve custodial sentences in a youth training centre when the court believes there are considerable prospects for rehabilitation, the young person is easily influenced, is immature or is likely to be vulnerable within the adult prison environment.

Given this legislative framework, the broad policy context for services to young offenders is spread across a number of agencies. At present there is no comprehensive whole-of-government strategy covering services for young offenders.

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<sup>1</sup> Department of Human Services, *Recidivism among Victorian Juvenile Justice Clients, 1997–2001*, Department of Human Services, Victoria 2001.

## 2.1.2 Young offenders—overview and needs

While youth justice collects aggregate data on the number of offenders aged less than 21 years in Victoria, this information is not routinely available. Information on youth offenders from DHS, indicates that:

- Victoria has the lowest rates of young people aged 10 to 17 under community-based and detention-based supervision across Australian jurisdictions
- in 2005–2006, 1 326 young Victorians were in community-based supervision and 279 were in detention-based supervision at some time during the year.

Figure 2A shows the number of young offenders in Victoria in custodial supervision and those serving community-based orders over the period 2005–06 to 2007–08 and has been compiled using DHS annual reports and state budget papers.

The usefulness of data shown in Figure 2A has been improved from 2007–08 by providing targets and actual data on the annual daily average number of young offenders in custody, rather than the average utilisation rate of custodial centres as shown in previous reporting periods. More importantly, this provides clearer information on the number of young offenders being diverted from custodial sentences, which is a key objective of the youth justice system.

**Figure 2A**  
**Youth justice clients**

Youth Justice Services	2005–06		2006–07		2007–08	
	Target	Actual	Target	Actual	Target	Actual
<b>Youth Justice Custodial Services</b>						
Male (15 years plus)						
• Custodial capacity (number)	192	192	192	192	(a)	(a)
• Average daily custodial centre utilisation rate (per cent)	90	63	90	65	65–75	65–85
• Annual daily average number of young people in custody: Males (over 15 years)					115–135	115–135
Male (under 15 years) and females						
• Custodial capacity (number)	42	42	42	42	(a)	(a)
• Average daily custodial centre utilisation rate (per cent)	65	36	65	36	40–65	40–65
• Annual daily average number of young people in custody: Male (under 15 years) and female					15–25	15–25
<b>Community-based orders</b>						
Youth justice clients on community-based orders	1 152	1 159	1 152	1 221	950	1 050

Source: Department of Human Services, *Annual Reports, 2005–06 and 2006–07, Victorian Budget Papers, Budget Paper No. 3, Service Delivery, 2007–08 and 2008–09.*

Note: (a) Measure deleted from 2007–08.

DHS advised that the measures in the budget papers have required changes to reflect both legislative amendments to the *Children Youth and Families Act* and changes to the client relationship information data collection system. This has affected the comparability of the data over consecutive years. Changes in counting rules has made it difficult to compare budget paper data between years.

The Youth Justice Program collects a significant amount of data on young offenders. This is analysed and reported to DHS management and the Estimates Review Committee on a quarterly basis. Aggregate data on young offenders is also provided annually to the Australian Institute of Health and Welfare for the publication of the *Juvenile Justice in Australia* report, and to the Australian Institute of Criminology for the report on juveniles in detention report.

### 2.1.3 Services to young offenders

The continuum of service delivery includes:

- Victoria Police, who may issue a caution to young people
- courts, where matters related to the charges against young people are heard. In Victoria, these matters may be heard in the Children's Court of Victoria or the Magistrate's Court of Victoria (MCV). Diversion programs accessed through MCV include the Criminal Justice Diversion Program (CJDP)
- the Youth Services and Youth Justice Branch of DHS, which is responsible for the supervision and case management of young offenders on community-based orders and those under custodial supervision in youth justice custodial centres. Youth justice units also provide pre-sentencing reports through the Children's Court Advice Service and the Adult Court Advice and Support Service (ACAS)
- DoJ, which is responsible for the supervision and case management of young people aged 18 to 20 serving a period of detention in an adult prison or who are on a community-corrections order.

### 2.1.4 Department of Human Services

Services to young offenders delivered by DHS and reviewed in this audit were those provided through:

- Youth justice units
- Youth justice custodial centres
- Adult Court Advice and Support Service (ACAS).

#### Youth justice units

Youth justice units are a significant part of DHS 'front-line' efforts to divert young people from progressing too far into the youth justice system. These units provide case management, including risk assessment, case planning and review, intensive support and referral and statutory supervision to young people on community-based correctional orders and specialist youth-focused advice to courts.

The range of supervised community-based orders is as follows:

- **Probation**—is the lowest level community-based sentence given by a Magistrate in the Children's Court.
- **Youth Supervision Order**—is usually given to young people who have offended and appeared in court before and who have been found guilty of a serious offence, or a number of offences.
- **Youth Attendance Order**—is usually given to young people who have been found guilty of a serious offence or who have appeared in court many times.
- **Parole**—allows young people aged between 10 and 20 to serve the final part of a custodial sentence in the community under the supervision of a parole officer.

### Youth justice custodial centres

Three youth justice custodial centres in Victoria accommodate young offenders on remand or who have received a custodial order. Services are provided by the:

- Parkville Youth Custodial Centre, for boys aged 10 to 14 and young women aged 10 to 20
- Melbourne Youth Custodial Centre, for boys aged 15 to 17
- Malmsbury Youth Custodial Centre, for young men aged 18 to 20.

### Adult Court Advice and Support Service

ACAS is provided by youth justice units and focuses on young people between 18 to 21 who are appearing in adult courts. Those aged 10 to 18 who are appearing in the Children's Court are supported by the Children's Court Advice Service. ACAS staff assesses the suitability of young persons appearing in court for:

- placement in a youth justice custodial centres
- bail and supervised bail.

## 2.1.5 Magistrates' Court of Victoria

### Criminal Justice Diversion Program

Services to young offenders delivered by MCV and reviewed in this audit include those provided through the Criminal Justice Diversion Program (CJDP).

CJDP offers first-time offenders an opportunity to avoid a criminal conviction and a criminal record by agreeing to participate in a diversion planning process. The program is administered by DoJ and MCV, and delivered by the court.

The program is available to offenders of any age and does not differentiate between young offenders and other age groups. Around 15 to 20 per cent of offenders in CJDP are thought to be aged between 18 and 20.

## 2.2 Audit objective

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The focus of the audit was to determine the extent to which the diversionary and rehabilitative services provided by DHS, DoJ and MCV to young offenders, maximise diversion from the criminal justice system, reduce the risk of reoffending and improve rehabilitation and reintegration into the community.

The audit addressed the following questions:

- Do DHS, DoJ and MCV adequately plan and coordinate their approaches for identifying and responding to the justice program requirements for young offenders?
- Are programs and services to young offenders economical, efficient and effective?
- Do DHS, DoJ and MCV adequately measure, monitor and report on the performance of programs and services provided for young offenders?
- Are the results of the performance monitoring framework used to improve the design and delivery of programs and services to young offenders?

## 2.3 Scope

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Given the range and complexity of the services to young offenders and other constraints, the scope of the audit was limited to services focused on the younger age groups and those considered most likely to benefit from specialist interventions. The audit scope covered:

- the work of youth justice units, youth justice custodial centres and ACAS
- the operation of CJDP and the Neighbourhood Justice Centre (NJC) as it relates to young offenders.

## 2.4 Method

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The audit method involved:

- examination of relevant documentation, including policies, procedures and guidelines, internal business reports and program reviews and evaluations
- interviews with senior management of DHS, DoJ, MCV and NJC
- interviews with key stakeholders, management, staff and young people under youth justice supervision, and review of a selection of case files at various metropolitan and regional youth justice units (including ACAS) and the three youth justice custodial centres
- interviews with magistrates, external stakeholders and diversion coordinators, and review of a selection of case files at various MCV locations and NJC.

The total cost of this audit was \$396 000. The cost includes staff time, overheads and printing.