

NORTHERN TERRITORY POLICE JUVENILE PRE-COURT DIVERSION SCHEME

**A PREVENTATIVE AND RESTORATIVE
APPROACH TO JUVENILE OFFENDING**



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Introduction

On 10 April 2000, the Prime Minister of Australia John Howard and then Chief Minister of the Northern Territory Denis Burke issued a joint statement regarding programs to divert juveniles from the courts. Legislative amendments were passed on 1 June 2000, raising the age of a juvenile for the purposes of the criminal justice system from 16 to 17 years old.

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A formal agreement between the Northern Territory and the Commonwealth to give effect to the joint statement was signed on 27 July 2000. The agreement includes a commitment by the Commonwealth to fund AUS \$5 million for the Juvenile Pre-court Diversion Scheme and an Aboriginal Interpreter Service per year for four years commencing 1 September 2000. The Commonwealth and the Territory have agreed that a minimum of \$1.3 million per annum must be allocated to the development of community-based programs and the provision of program services for juveniles.

The agreement requires the Northern Territory Police Force to manage the Pre-court Diversion Scheme. It also requires that a report be provided to the Commonwealth on the performance of the scheme at six monthly intervals. After 12 months, a review of progress in meeting the requirements of the agreement is required¹.

A further review of the agreement six months prior to its expiration in 2004 is also required.

The agreement requires that police *must* offer diversion to all juveniles who commit a “minor” property offence,² in circumstances where the value of the property involved does not exceed \$100. Police have the discretion to offer diversion for more serious offences. Some offences are excluded from diversion, based on their serious nature (e.g., murder and sexual assault).

The scheme’s structure was developed after researching diversion programs throughout Australia and overseas and adapting principles to the Northern Territory environment. This was particularly important with respect to the many factors influencing remote and indigenous communities.

The scheme commenced on 24 August 2000. The commissioner of police immediately issued an interim policy statement, and on 15 March 2001, issued a set of general orders, which provided comprehensive guidelines and instructions to all police officers on how to utilise and manage the scheme across the Territory. The general orders also included a list of excluded offences. A Juvenile Diversion Division, incorporating two Juvenile Diversion Units (JDUs), one in Darwin and the other in Alice Springs, was established.

To further support the scheme, amendments were made to the *Police Administration Act*³ and passed in the October 2000 sittings of the Legislative Assembly. The amendments to the *Police Administration Act* provide police with the power to divert a juvenile from the criminal justice system, utilising one or more of the four levels of diversion created.

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Juvenile Pre-court Diversion Scheme

The aim of the Juvenile Pre-court Diversion Scheme is to divert juveniles away from the formal justice system and the courts. The scheme provides that the courts will only be used where offences committed are of a more serious nature or where other diversion options have been tried and failed.

Goals of the scheme are:

- to provide and maintain an effective alternative to the prosecution and sentencing of young offenders in the formal justice system
- to encourage young offenders to be responsible members of the community by providing opportunities for positive behavioural change and improvement in life skills, through diversion activities
- to develop relationships and working partnerships between police, government and community organisations, to ensure a holistic approach to addressing the issues of youth in the communities

Commencement of the diversionary process is dependent upon the establishment of a *prima facie* case against the juvenile.

The principles of the scheme are:

- to treat young people fairly
- to support and involve victims
- to take account of the impact on the victim
- to encourage parental responsibility
- to foster closer police and community interaction
- to foster positive social change

The diversion scheme provides for different types of responses to juvenile offending. These include:

- verbal and written warnings
- family conferences/formal cautions
- victim-offender conferencing
- conditions
- formal or informal community-based programs (including life skills and alcohol, drug and substance abuse programs)
- prosecution

A juvenile can be given multiple informal and formal warnings, conditions and programs. However, repeat offenders who are still considered suitable for diversion, and who consent to diversion, receive progressively intensive forms of intervention, with a view to further educating and encouraging positive behavioural change.

Diversion is not a “let off” for juveniles. Although the juvenile and a parent or guardian must consent to the juvenile being diverted, juveniles

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are not able to use the diversion process to continue to reoffend and avoid punishment.

The Northern Territory Police Force recognises that, as a part of growing up, many juveniles will make mistakes and should be given opportunities to correct their behaviour, prior to becoming involved with the formal justice system. It is also true that some juveniles will not be suitable for diversion, and many diversion attempts will be unsuccessful in preventing reoffending. In keeping with the principles and intent of the scheme, every effort is being made to provide juvenile offenders with a pre-court opportunity to undergo positive behavioural change.

Formal admissions to the offence are not compulsory but are taken into account in the diversion process. Of course, juveniles must take some responsibility for their actions for the diversion to be successful. Police take into account any special circumstances that may have prevented the juvenile from completing the agreed diversionary program, prior to the commencement of any prosecution action.

In circumstances where a juvenile is offered diversion, they may be referred to prosecution if:

- the juvenile refuses to undertake diversion
- the parent or guardian refuses to allow the juvenile to undertake diversion
- the juvenile refuses or fails to comply with diversion arrangements

An important element of the scheme is to take account of the needs of the victim. The impact of offending behaviour on the victim is given a high priority in all decisions. Victim-offender conferences are encouraged wherever possible, so victims are able to express their feelings and understand why an offence has been committed against them or their property. Of equal importance, the victim-offender conference provides an opportunity for the juvenile to fully understand the impact of their behaviour on the victim.

The scheme recognises that parents and guardians have an important role to play in the effective diversion of juveniles and the prevention of reoffending. Parents and guardians are almost always the greatest influence on the child's offending behaviour and the most important influence in behavioural change. The scheme encourages parents and guardians to take responsibility for the actions of their child. In particular, family involvement in family conferencing or victim-offender conferencing enables all parties to freely discuss the impact that the child's behaviour has had upon them, and further provides an opportunity to determine outcomes likely to assist in behavioural change.

To ensure that the aim and principles of the scheme are followed, juveniles can only be summonsed to appear in court if a superintendent

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dent has first given approval for the summons to be issued. In urgent circumstances, an “authorised officer” (senior sergeant or above or the officer-in-charge of a police station) can charge, bail and/or refuse bail to a juvenile⁴. However, these instances are carefully scrutinised by the Juvenile Diversion Units.

The scheme incorporates widespread consultation with stakeholders from the community, particularly Aboriginal people. It also encourages community groups and organisations to develop suitable programs for juveniles at risk. All Aboriginal community police officers receive training in the diversion process and are utilised, wherever possible, in the development of programs in the communities.

The Territory is committed to ensuring that the Juvenile Pre-court Diversion Scheme is flexible, practical, effective and well supported. In this regard, a large number of police have received training in general diversion and the facilitation of victim-offender conferences. Juvenile Diversion Units support the operation of the scheme and provide the necessary advice and support to police throughout the Territory.

Outcomes

Apprehensions.

A total of 3,496 apprehension⁵ cases were dealt with in the first 29 months. Of these:

- 63 percent of all juveniles apprehended were offered diversion
- 37 percent of juveniles were denied diversion by police for serious offences, because the offence was an excluded offence, the offence or circumstances were too serious, or the impact upon the victim was such that diversion was not appropriate
- 5 percent of those offered diversion declined the offer

Minor offences.

During the reporting period, 13 percent of total apprehension cases⁶ were recorded for “minor” property offences. All of these juveniles who committed only a minor property offence were offered diversion.

Serious offences.

Of the 3,496 total apprehension cases:

- 80 percent of cases were for “serious” offences, i.e., those offences that were not excluded offences or minor property offences
- 62 percent of these more serious cases were offered diversion
- 6 percent of those offered diversion for serious offences declined the diversion

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Excluded offences.

Excluded offences accounted for 6 percent of the total 3,496 apprehension cases. These offences cannot be offered diversion and included armed robbery, dangerous acts, manslaughter, murder, escaping custody and serious offences relating to unlawful entries, criminal damage, drugs, traffic, and sexual and aggravated assault offences.

Diversion referrals—general.

Of the 2,106 cases referred to diversion:

- 24 percent were identified for a verbal warning
- 33 percent were identified for a written warning
- 34 percent were identified for a family conference/formal caution
- 9 percent were identified for a victim-offender conference
- 15 percent of the cases were referred to a program in addition to a conference
- 90 percent of these diversion cases had successfully completed the diversion at the time of reporting
- 3 percent of the cases have failed the diversion arrangements and conditions and have been referred to the Court. However, other failures in this period have not been actioned or are still being assessed, and are yet to be recorded
- 10 percent of cases were awaiting or currently undergoing diversion at the time of reporting

Demographics.

Demographic figures indicate:

- 77 percent of all apprehension cases occurred in the major centres of Darwin (46 percent), Katherine (7 percent), Tennant Creek (6 percent) and Alice Springs (17 percent)
- 23 percent of all reported apprehension cases occurred in 28 predominantly indigenous communities outside of the major centres
- 64 percent of apprehension cases in the major centres were offered diversion
- 61 percent of apprehension cases in the 28 predominantly indigenous communities were offered diversion
- 60 percent of the total apprehension cases were indigenous
- 40 percent of the total apprehension cases were non-indigenous
- 59 percent of indigenous apprehensions were offered diversion⁷
- 70 percent of non-indigenous apprehensions were offered diversion
- 91 percent of indigenous apprehension cases related to serious and excluded offences
- 81 percent of non-indigenous apprehension cases related to serious or excluded offences

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Of the total apprehension cases:

- 20 percent of cases were female
- 80 percent of cases were male
- 10 percent of cases were indigenous females
- 9 percent of cases were non-indigenous females
- 50 percent of cases were indigenous males
- 31 percent of cases were non-indigenous males

Of the 306 referrals to programs:

- 56 percent were indigenous juveniles
- 44 percent were non-indigenous juveniles

Verbal warnings.

The first 29 months of the scheme saw 24 percent of those participating in diversion identified to receive verbal warnings for minor and serious offences. However, this situation has now changed significantly, with only 2 percent of those participating in diversion receiving a verbal warning in the past 12 months. This is a favourable decrease, considering that the greatest prospect of achieving behavioural change lies in a higher level of family involvement in the process. Verbal warnings were often viewed by juveniles as a “let off” and contributed to a belief that there were no real consequences for their actions.

In the first 12 months of the agreement, many of the juveniles received a verbal warning, often because police officers were concerned that they would be seen to be too harsh on juveniles by giving the more formal types of diversion. Furthermore, the juvenile was often given the benefit of the doubt and treated as a first-time offender. Through an intensive education campaign, police officers have been encouraged in the past 12 months to intervene with the more formal types of diversion, which are proving to be the most effective type of intervention. Additionally, many of the juveniles who initially received verbal warnings are now before the police again. The giving of another verbal warning is generally not appropriate if it appears that a pattern of offending or at-risk behaviour is developing.

Written warnings.

Written warnings were given to 33 percent of those participating in diversion during the reporting period. In the past 12 months, the rate of written warning interventions has increased to 38 percent of diversion interventions. This increase is generally because they have replaced verbal warnings to some extent. This type of diversion intervention, given for very minor offences, requires the police officer to serve the written warning in the company of a parent or guardian of the juvenile. This

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has the effect of delivering the warning to the juvenile in more formal circumstances, and delivering a message to the parents that the juvenile is at risk and that more parental responsibility is required.

Conditions such as a written apology or restitution may also be imposed upon the juvenile at this stage. The written warning plays an important role in involving the parents at an early stage of a juvenile's criminal behaviour and, as such, is preferred to a verbal warning whenever possible.

Formal cautions/family conference.

Formal cautions, now known as family conferences, were conducted in 34 percent of juvenile cases participating in diversion. In the past 12 months, the rate of this type of intervention has increased significantly to 43 percent of all diversion interventions. This is a significant favourable increase in the rate of use of these types of diversion.

A family conference is generally facilitated by a police officer. However, it may be conducted by any person who is likely to have a significant impact upon the behaviour of the juvenile. These conferences are conducted in the same manner as a victim-offender conference but without the presence of the victim. Family conferences are the first step in involving not only the family, but also others in the community who may assist in changing the juvenile's behaviour. This may include persons such as a tribal elder, community council representative, sporting coach or schoolteacher. In addition to the conference and in consultation with those involved, the juvenile may be required to undertake conditions and programs. This type of diversion intervention is highly favoured by police and the community, and the rate of family conferences is expected to continue to increase in the future.

Victim-offender conferences.

Victim-offender conferences were conducted in 9 percent of diversion cases in the first 29 months. However, the rate of use of this type of diversion intervention has increased to 17 percent in the past 12 months.

Victim-offender conferences are regarded as a very effective form of diversion, particularly where the offences are more serious or the juvenile's circumstances are more complex. They provide the best opportunity for the juvenile to be exposed to the harm they have caused and to gain a realistic appreciation of the impact of their behaviour upon others. Victim-offender conferences are very often an emotional experience for all involved. For example, in the case of an unlawful entry of premises, the juvenile begins to understand that they broke into someone's life, not just a structure. Once again, any person who

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may have a positive impact upon the juvenile's behaviour is encouraged to attend.

In some cases, up to 26 people have attended a victim-offender conference. All of these people have the opportunity to express their emotions and to have input into the outcomes. These outcomes may include the imposition of conditions and a program that best suits the needs of the juvenile, the family and the community.

Police act as the facilitator, but also have an important role in ensuring that the victims and offenders feel secure from threat in the conference. It is also important to ensure that realistic outcomes are achieved and that any other matters being dealt with by police in respect of the juvenile are taken into account.

The concept of victim-offender conferences is particularly well received in Aboriginal communities, with some Aboriginal traditional elders stating that they were happy with "the new white fella way" of dealing with young offenders because it was the "old Aboriginal way."

Conditions.

In addition to diversion, various types of conditions were imposed on 90 percent of juveniles who completed a victim-offender conference, and 49 percent of those who completed a family conference. The conditions include verbal and written apologies, restitution, restoration of damage, work for the victim, curfews and imposition of family-agreed consequences. All of these conditions are monitored by either a caseworker, the police officer who imposed the conditions or the JDU staff.

In many cases, the imposition of conditions, in addition to the diversion intervention, is all that is required to effect a resolution to the offence, particularly where the offence is of a more minor nature or a first-time offence, or where the juvenile is of a young age. They also play an important role where the offence or circumstances may be more serious, and consequences such as the restoration of damage or restitution is the most appropriate outcome. In these circumstances, it is important, wherever possible, to relate the behaviour of the juvenile (via conditions) to the offence that was committed, so that they understand the consequences of their actions, e.g., a written apology, restitution, restoration of damaged property.

Programs.

Program referrals generally come under three categories: personal, informal and registered programs. Personal programs are those minor plans arising out of a conference where the juvenile may have to agree to

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certain minor conditions over a period of time, e.g., school attendance, good behaviour or not to be involved with certain individuals.

Informal programs involve tailored activities over a period of time that may be far more onerous and effective than attending a formal registered program. For example, as an outcome of an informal program, a juvenile may have to provide assistance to an elderly relative, work for the victim, attend a sporting program or perform a community service.

Registered programs are those programs that are formally registered with the Northern Territory Police Juvenile Diversion Division to provide formal services, particularly where services are specialised or more intensive supervision is necessary. These registered programs could include case management through a range of actions, e.g., counselling, employment, special education, anger management or substance abuse programs.

Juveniles were referred to programs in 15 percent of diversion interventions in the first 29 months. However, there has been a significant favourable increase in the rate of program referrals from 6.6 percent of diversion interventions in the first 12 months to a rate of 26 percent in the past 12 months. This is due to increased training and education of police officers, and the development of further community-based programs and case management services. There has also been an emphasis at both police and community levels on the use of programs, wherever possible, to assist with behavioural change.

Of those who were referred to programs, 63 percent were referred to registered programs and 37 percent to informal programs. Of those juveniles who commenced a program, 14 percent have failed the program, whilst 17 percent of the programs referrals are still active. Program referrals were almost exclusively for the commission of more serious offences and originated from family conferences or victim-offender conferences.

There are currently 65 municipal and community government councils and incorporated associations in the Territory. Of these, 140 separate programs are now registered in 37 communities in the Territory.

However, many of the programs available in some communities are only recorded under the primary location of the service provider, e.g., counselling or training may not be directly available in a community, but it can be facilitated through another community or a service provider in another location. In some cases several “subprograms” are available under a registered program. Many smaller communities have not sought to register a program, simply because they have very low levels of juvenile crime, or social problems are dealt with “in-house” by the community.

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The development of registered programs in the remote communities is a two-stage process, the first being the establishment of community service programs, followed by holistic programs with a range of interventions.

The development of these programs is a difficult task, hampered to some extent by the complex issues of health, welfare, education, employment, housing, community government structures, culture, substance abuse and dysfunctional families in many of the remote communities. Many of these issues can be addressed in the development of suitable programs for youth through a coordinated and consultative approach between all the stakeholders.

Community Youth Development Units.

A number of remote communities are being encouraged to develop Community Youth Development/Support Units (CYDUs), which will not only offer a range of programs, but also provide a community consultation and coordination source for holistic juvenile interventions. They will also provide a structure for the implementation and coordination of youth development programs, provided by the various government agencies and community-based organisations.

The aim is to provide programs and services, under the control of the CYDUs, that will alleviate youth boredom, give a sense of purpose and develop life skills that will prevent offending and assist the youth to become responsible members of their community. To achieve this aim, programs must provide a range of interventions, such as education, sport, recreation, job training, life skills, counselling, mentoring, substance abuse, adventure, employment and community service activities. The programs need to be flexible, continually developing or changing, interesting, challenging and adaptable, to suit the individual needs of the juveniles and the community as a whole.

The structure in each community comprises an independent committee to oversee the activities of the CYDU. The committee is made up of key representatives living in the community who can make immediate decisions in respect of juvenile interventions. These representatives may include traditional elders, council president, council clerk, school principals, OIC Police, OIC Health, OIC Corrections and any other persons who are key decision makers or likely to have an impact on juvenile behaviour.

The CYDU will receive referrals from police, and they will also receive referrals of at-risk juveniles from other sectors of the community. This may include referrals from a family or a juvenile identified by the committee or local school. However, the programs and services offered by the CYDU are available for *all* juveniles in the community, regardless

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of whether they are considered to be at risk. In particular, a primary objective of the CYDU is to provide or facilitate sport and recreation activities for all the youth. Those youth identified as offenders or at risk have a specific plan developed, which could include compulsory attendance at nominated sport and recreation activities, counselling, community service, education or employment training.

The coordinator of the CYDU reports regularly to the committee on outcomes and needs, and receives advice or approvals on activities. Dependent on the needs of the community and the scope of the program, the CYDUs may directly employ two to six people for coordination of youth services, case management of juveniles at risk, and sport and recreation or other interventions. In most cases, this also includes the utilisation of local people on Community Development Employment Program (CDEP) payments. Any other youth services already in existence in the community, such as alcohol and drug awareness or youth well-being programs, also fall under the umbrella of the CYDU and the committee.

Funding provided for a CYDU under the scheme has ranged from \$300,000 to \$762,000 for a two- to four-year program, dependent on the scope and period of operation. In some instances, the CYDUs are very large in scope, due to in-kind funding from the community, including the provision of personnel, accommodation and equipment resources.

Community Youth Development Units are now operating in Wadeye and Tennant Creek. Further regional CYDUs are about to commence in the Tiwi Islands, Groote Eylandt communities, Galiwinku and Borroloola. Negotiations are almost complete with the communities of Papunya and Ikuntji for the establishment of CYDUs in these locations. A total of 14 indigenous communities will be directly serviced by these CYDUs.

Case management services.

In the first 12 months of the agreement, it became apparent that the time and processes associated with the case management of juveniles, particularly those with significant problems, were proving onerous for the JDUs and operational police officers in the larger urban centres. A number of the juveniles each involved work in excess of a hundred hours in effecting the complete process. However, it was important that police remain thoroughly involved in the entire process, from apprehension to completion of the diversion, to ensure that coordinated and effective results were achieved.

As a consequence, tenders were advertised for the provision of case management and mentoring services in Darwin, Katherine and Alice Springs. The majority of reported juvenile crime (71 percent) occurs in

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these major centres. In considering that the purpose of the agreement “is to divert juveniles from the criminal justice system in the Territory,” the provision of these services was considered essential to achieving this purpose, as well as effective outcomes with juveniles. The services would allow for a partnership in sharing these workloads in a manner that would complement operational policing and its demands and achieve more effective outcomes with juveniles.

Contracts were awarded to the Young Women’s Christian Association (YWCA) Darwin, Young Men’s Christian Association (YMCA) Katherine and Relationships Australia in Alice Springs⁸. The service providers have been engaged, with the objective of alleviating and enhancing the work that has previously been carried out by police in these centres, in the diversion of juveniles from the formal justice system—in particular, the work associated with the assessment of juveniles, preconference arrangements, including interviews, and the case management of juveniles on programs.

The service providers are not limited to case managing referrals from police alone. They can receive “at risk referrals” from other agencies or organisations, dependent on workloads and police referral commitments.

The contracts also recognise that families and friends often do not support these juveniles, and as a consequence, they may need someone with whom they can communicate about their problems and receive further advice and assistance with personal issues. Each of the service providers provides a mentoring service for juveniles who are referred by police. This mentoring service is available in each location between 9.00 and midnight, seven days a week, via a toll-free number.

Under the terms of the contracts, the service providers attend all police-facilitated family conferences and victim-offender conferences where a program referral is a likely outcome. They then case manage and mentor juveniles who are referred to a program out of a conference. The service providers also *jointly* carry out assessments of juveniles with police prior to the conferences and meet with police case officers and conference facilitators to determine options for behavioural change in juveniles, including appropriate programs. They provide reports on the outcomes with juveniles and if difficulties arise during the program, they contact police in respect of further assessment and options. The concept is based on a close and transparent partnership between police and the case management service providers in influencing behavioural change with juveniles.

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Training.

The total number of persons now trained in general diversion operation are 714 police officers, 33 Aboriginal community police officers (ACPOs) and two police civilian staff. A total of 40 police and two civilian staff were trained as instructors in general diversion operation. A further 223 police officers, six police civilian staff and 34 non-police were trained in victim-offender conference facilitation, and 17 police officers were trained as victim-offender conference facilitator instructors since the scheme commenced⁹. These totals cannot be aggregated to get a total number of police trained, because many participated in more than one type of training. However, a conservative estimate of police who have received some form of formal in-classroom diversion training would be 787 police, equating to 84 percent of the police force. In addition to this formal training, *all* police officers have received significant advice and instructions in diversion via the Police Gazette, general orders, instructional documents, electronic copy, and presentations or briefings.

Juvenile Diversion Units.

Police Juvenile Diversion Units (JDUs) have been established in Darwin and Alice Springs to coordinate the diversion of juveniles from the formal justice system and advise and assist police officers. The units provide the necessary expertise and support to police throughout the Territory, particularly remote police stations. A priority objective of the units is to work closely with remote communities and police in the development of programs that best suit the needs of the juveniles and the community.

In most communities outside of the major centres, the officer-in-charge of the local police station undertakes the diversion responsibilities with support from the regional JDU. ACPOs play a key role in the diversion process within remote communities and are utilised by the JDUs and local police to assist communities with the understanding of the diversion process, diversion interventions and monitoring the development and operation of suitable programs.

During the reporting period, the JDUs assessed, monitored, reviewed and finalised all 3,496 apprehension cases. Of these, 453 apprehension cases were referred to the JDUs for part or full management of the case. The 453 referral cases included the conducting of 172 victim-offender conferences and 145 family conferences, and the facilitating and monitoring of juveniles on 222 programs. These were generally the more complex cases. The remaining 1,653 diversion cases were facilitated by operational police.

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Approved staffing of the JDUs is currently as follows¹⁰:

Darwin:	Alice Springs:
1 superintendent	1 senior sergeant
1 senior sergeant	1 sergeant
2 sergeants	2 constables
2 constables	1 program officer
1 police auxiliary	1 administrative officer
1 program/projects officer	
1 legal officer	
1 administrative officer	

Community consultation.

In the first 24 months of the scheme, an excess of 200 agencies, organisations, service providers and community councils were consulted or briefed on community program development. In addition, more than a thousand community members were briefed on the diversion scheme in personal presentations and meetings conducted by the JDUs. The conduct of many media interviews and the distribution of information documents to the general public have supported these meetings and presentations. Community consultation is ongoing, with officers-in-charge of all police stations and JDUs giving priority to community consultation regarding the development of suitable programs and community involvement in diversion actions.

Impact of juvenile pre-court diversion on court appearances/convictions/sentencing/detention.

Figures are not yet available for the 29-month period of operation. However, figures available for the first 12 months of operation indicate:

- Overall appearances in court by juveniles were reduced by 31 percent when compared to the preceding year
- Appearances for property offences were also reduced by 31 percent
- Convictions of juveniles in court for all offences were reduced by 51 percent
- Convictions for property offences by juveniles were reduced by 55 percent
- The incidence of juveniles being sentenced to detention for property offences was reduced by 40 percent

Impact on reoffending.

The reoffending rate of juvenile cases taking part in pre-court diversion during the first 29 months is 27 percent. The reoffending rate for court appearances in the same period was 42 percent.

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It is interesting that, in respect of some of the more serious offences, diversion achieved much greater rates of success in preventing reoffending. In respect of the offence of unlawful entry of buildings or premises, 55 percent of juveniles referred to court reoffended within a two-year period, whilst 25 percent of juveniles who were diverted to a conference reoffended. Many of the juveniles who were referred to a conference for this type of offence were also referred to a program. Empirically, the more intensive the intervention and case management, the better the result.

However, the juveniles with more serious behavioural problems are more frequently referred to the courts and therefore a higher rate of reoffending is expected in the court referrals.

In terms of general reoffending, including both diversion and court interventions:

- 2,172 individuals were represented in the 3,496 apprehension cases¹¹
- 73 percent of juveniles apprehended have not reoffended during this period
- 15 percent have reoffended once during the period
- 12 percent have reoffended two or more times in the period
- 26 percent of juveniles who reoffended accounted for 53 percent of all the apprehension cases

Participant satisfaction with the scheme.

The results from a survey¹² conducted by the Menzies School of Health Research on satisfaction levels of participants is shown here¹³:

Service providers	Satisfaction with the process—95%
Police	Satisfaction with victim-offender conferences—81% Satisfaction with family conferences—88%
Offenders	Satisfaction with victim-offender conferences—95% re: fairness, 88% re: process Satisfaction with family conferences—92% re: fairness, 82% re: overall factors Satisfaction with programs—94% (All would agree to participate again.)
Other participants (including victims and parents of juveniles)	Satisfaction with victim-offender conferences—97%, 87% re: outcomes Satisfaction with family conferences—80% average re: overall factors

Conclusions

Under the scheme, significant changes have been made to the way police deal with juvenile offenders. Legislative and police general orders development has resulted in the introduction of extensive procedural changes to ensure that the principles of the scheme are followed.

For example, in the past a police officer of any rank could directly refer a juvenile to the courts. On those occasions where the police officer was of the opinion that a matter should not proceed to the courts, he/she had to first obtain the approval of a commissioned police officer to withdraw the matter and have it dealt with by a formal caution. The implementation of the scheme has reversed these procedures and now requires that a police officer must first obtain the approval of a commissioned officer to refer a juvenile to the courts, whilst any police officer may refer a juvenile to diversion. In addition, policy and procedures require that diversion must be thoroughly considered in all matters that do not involve excluded offences. All decisions and cases involving juveniles are also thoroughly scrutinised by the JDUs.

In terms of the agreement between the Commonwealth and the Northern Territory, all minor property offences were to be offered diversion, whilst diversion for more serious offences was at the discretion of police. All 401 apprehension cases related to minor property offences were offered diversion, with four juveniles declining the offer and being referred to the Court.

In respect of the use of police discretion for more serious offences, police offered diversion in 62 percent of these more serious cases, not including excluded offences. This is a very high level of police discretion being exercised in favour of juvenile diversion for what are generally regarded by the community as serious offences.

Over the two-year period, there has been a favourable increase in the rate of more formal types of diversions, such as family conferences, victim-offender conferences and the referral of juveniles to programs. Conversely, the rate of verbal warnings has decreased significantly. This change is due to increased training and education of police in diversion options and procedures, more emphasis on the more effective and formal types of interventions, and a reduction in juveniles who are coming before the scheme for their first offence, i.e., a verbal warning is no longer appropriate.

There has been a drop in the rate of juveniles being offered diversion, from 78.5 percent in the first 12 months of the agreement to 48 percent in the past 12 months (with a two-year average of 64 percent). This decrease has been expected, with the emphasis in the first 12 months on giving as many juveniles as possible a chance to demonstrate that they were worthy recipients of diversion, and an expectation

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that their behaviour would change after the diversion intervention. Of course, many of these juveniles have since reoffended or not complied with diversion arrangements, and found to be unsuitable for a further diversion at the time of apprehension.

The impact of pre-court diversion on appearances in court, convictions, sentencing and detention is significant. In particular, convictions in the first 12 months were reduced by 51 percent, and detentions were reduced by 40 percent. It is still too early to determine whether these reductions are a positive long-term indicator of reduced offending by juveniles, rather than simply diverting the Court's functions to the scheme. However, indications are that family and victim-offender conferences and programs are resulting in higher levels of reduced reoffending.

Approximately 84 percent of the police force have now received formal classroom training in diversion with 223 (24 percent) members of the police force receiving specialist training as victim-offender conference facilitators. This demonstrates a significant commitment by police to the aim and goals of the scheme.

In respect of programs, 140 have now been assessed and registered across the Territory, including programs in 33 communities outside of the four major centres of Darwin, Alice Springs, Katherine and Tennant Creek. Community consultation has been carried out with respect to the operation of the scheme and the development of suitable programs in almost every Territory community.

The first 29 months has seen the commencement of major case management and mentoring services in the larger communities of Darwin, Katherine and Alice Springs. The services will greatly enhance a community partnership approach to juvenile offending and provide for more effective interventions with juveniles.

The commencement of the case management services, to be provided under the concept of the Community Youth Development Unit (CYDUs) in a number of key remote communities, will greatly enhance the effectiveness of interventions with youth in those communities. CYDUs and Case Management Units will soon be available in 17 communities where 85 percent of the reported juvenile offending in the Territory occurs.

Whilst the results of program development to date are noteworthy, the continued development of suitable programs in remote communities will increase opportunities to give juveniles a sense of purpose, develop life skills and prevent offending. However, the behaviour of youth in these communities is a complex issue that requires the commitment and coordinated efforts of all agencies, organisations and the communities themselves.

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Satisfaction levels amongst all participants in the scheme processes are very high, particularly amongst offending juveniles who have indicated in excess of 90 percent satisfaction with the victim-offender conferences, family conferences and programs. Importantly, victims and other participants have also expressed an 87 to 97 percent satisfaction level with the victim-offender conferences.

Victim satisfaction is a very important principle of the scheme, and victims are included wherever possible in the outcomes of diversion. This is a vast improvement from the formal justice procedures previously used, in which victims were almost always unaware of any outcomes with the juvenile. Victims rarely had the opportunity to have real input into these outcomes or to express to the juvenile the impact of the behaviour. Similarly, the juvenile rarely had the opportunity to understand the impact of their behaviour on the victim.

Early indicators show a 42 percent reoffending rate from court appearances and a 27 percent reoffending rate from diversion interventions overall. The impact upon the more serious offence of unlawful entry is even more significant, with a 25 percent reoffending rate from diversion versus a 59 percent reoffending from court appearances for the same type of offence. The impact of diversion on reoffending is very promising. At the time of preparing this paper, individual reoffending rates of juveniles for each type of diversion were still being analysed.

The impact of CYDUs on offending and reoffending in remote communities will also be an important factor in the future evaluation of the scheme in late 2003.

However, caution must be exercised in any evaluation of the success of the scheme on the impact on reoffending alone. Whilst reoffending is a very important aspect, other performance indicators need to be evaluated. These may include improved relationships between police and juveniles and the communities, increased victim satisfaction by involving victims in the processes, greater involvement of families in the processes, and greater opportunities for juveniles to participate in program activities and develop life skills. The long-term effects of these interventions should not be underestimated.

In remote indigenous communities, important factors such as an increase in school attendance, a decrease in antisocial behaviour, increased social well being, and better coordination and provision of youth services will be important indicators of the success of CYDUs.

Long-term juvenile behavioural problems in society cannot be effectively impacted upon to any significant degree in the short term. A lack of parental responsibility, changing society attitudes, environmental factors, bureaucracy and a whole range of other important influencing factors compound juvenile behavioural interventions. There are inher-

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ent difficulties in attempting to provide positive behavioural change and personal development in an offending juvenile, of say 14 years, who has suffered emotional, physical or sexual abuse or has simply been deprived of effective parental support and positive role modelling throughout their life.

There is no doubt that the earlier the intervention, the greater the chance of success. Unfortunately, serious interventions do not occur with many of these offending children until they present in court at an average of 14 years and negative mechanisms are firmly in place in the child. The child is then treated as a first-time offender and often a cycle of offending and further attendance in court is repeated. At some later stage, an assessment of the child's needs is carried out to examine options other than incarceration, often too late to have a significant impact upon their behaviour and circumstances.

In many of these instances, there has been a continued pattern of a lack of consequences for juveniles and their parents when a juvenile offends or is involved in antisocial behaviour. In particular, the absence of accountability of parents or guardians is one of the most important influencing factors in offending behaviour by the juvenile.

The experiences of the scheme to date clearly indicate the highest rates of success, in achieving behavioural change with juveniles involved in diversion, are those interventions and programs requiring family commitment, support and involvement in the process. Without family support, encouragement, affection, supervision and role modeling, many of the juveniles who attend programs are often over-powered by the environment in which they live, despite their best intentions. Unfortunately, the level of family commitment in actively supporting their child in program activities and personal development is often lacking. This often occurs because many of the parents and guardians of offending juveniles also lack life skills or suffer alcohol, drug or emotional problems.

Positive outcomes associated with the principles of the scheme include the closer involvement between police and the community in resolving juvenile crime and antisocial behaviour issues. In some ways, this is a return to traditional community-based policing of the past, when a police officer would speak with the victim and take an offending child home and discuss the options with the parents. Diversion under the scheme has been developed with the aim of involving all of the people who may have a positive influence in the juvenile's life. This may include family, Aboriginal elders, religious leaders, schoolteachers and sporting coaches, to name a few. It also includes consultation and coordination between police, service providers and the communities in the development of programs that will best suit the needs of juveniles and the community.

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The scheme is providing a holistic approach and positive opportunities for the development of life skills and behavioural change in offending youth. It is also providing opportunities for other nonoffending youth at risk in many of the remote Territory communities to develop life skills that will prevent them from becoming involved in unlawful activities.

However, it is clearly recognised that significant development in reducing youth offending cannot occur with the commitment of police alone. As a consequence, extensive consultation is continuing across the Northern Territory with community organisations, indigenous leaders and private sector organisations and other Northern Territory and Commonwealth government agencies to develop partnerships and identify suitable early-intervention initiatives and alternative responses to offending.

Endnotes

- ¹ The Commonwealth Report on the Review of the Northern Territory Agreement is available at <http://www.crimeprevention.gov.au>.
- ² Minor property offences are generally stealing, criminal damage, receiving or possessing stolen goods.
- ³ The Northern Territory Police Administration Act can be found at <http://notes.nt.gov.au/dcm/legislat/legislat.nsf>.
- ⁴ Juveniles are only charged and bail refused in serious circumstances, e.g., the juvenile is at substantial risk of injury, evidence may be destroyed or the offence will be continued.
- ⁵ One apprehension case may involve several apprehensions of a juvenile and for several offences on each occasion, i.e., the figure of 3,496 refers to cases not individuals.
- ⁶ These apprehension cases were cases in which the most serious offence was a “minor” property offence. In many cases, a minor property offence is committed in conjunction with a serious offence, and in these cases the apprehension case is recorded as relating to a serious offence. Diversion for serious offences is at the discretion of police. These are generally offences against property or the person.
- ⁷ The lower rate of diversion being offered to Indigenous juveniles is commensurate with the higher rate of serious and excluded offences committed by Indigenous juveniles.
- ⁸ Amounts awarded over 2½ years were: YWCA Darwin—\$1.2 million, YMCA Katherine—\$1 million, Relationships Australia Alice Springs—\$0.8 million.
- ⁹ Training in victim-offender conference facilitation was conducted by Real Justice Australia (Mr. Terry O’Connell).
- ¹⁰ An internal review has been undertaken of personnel needs for effective diversion operation across the Territory. It is anticipated that

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there will be some movement of personnel to other locations in the future.

- ¹¹ Each apprehension case may have comprised several apprehensions of a juvenile for several offences on each occasion.
- ¹² Menzies School of Health Research (2001), *Survey of the Northern Territory Police Juvenile Pre-court Diversion Scheme* (conducted on behalf of the Northern Territory Police).
- ¹³ This survey was conducted just before the expiry of the first 12-month period. There were a number of influencing factors that impacted upon the conclusiveness of the findings. However, they do provide an early indication of the success of conferences in terms of satisfaction.