

Building a just and safe NSW

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The next New South Wales Government must take action to tackle the root causes of disadvantage and build a more just and safe society.

While there are many communities where citizens have opportunities to develop, to learn, and to thrive, there are also places where these opportunities are absent. This includes communities with whom Jesuit Social Services works in Western Sydney and remote regions of the state.

Through our daily work, we see the face of entrenched disadvantage in people with multiple and complex needs. Groundbreaking research by the University of New South Wales has highlighted the experience of people with multiple and complex needs and the frequent pathways that they take into the criminal justice system. This group have often been excluded from school at a young age and have had frequent contact with police as juveniles that leads to entrenched involvement in justice system as adults (Baldry, Dowse, & Clarence, 2011). Throughout their lives they experience unresolved problems including mental illness, alcohol and drug misuse, cognitive disability and homelessness.

Instead of a sustained focus on strengthening communities and intervening as early as possible to tackle the root causes of disadvantage, there is an undue reliance on crisis services and the criminal justice system to pick up the pieces of this failure. This alarming trend is increasing, with punitive approaches to law and order falling most heavily on the most disadvantaged. It is no surprise then that prisons have become the asylums of the 21st century.

This approach deprives citizens of opportunities to realise their hopes and aspirations. It is an expensive waste of potential. This becomes clear when we look at the costs associated with people cycling in and out of the criminal justice system with the average annual cost of keeping someone in prison in NSW around \$69,000 (Productivity Commission, 2014). Where people experience deep social exclusion and cycle in and out of the justice system, these costs can escalate. The UNSW study found that, among a sample of people with complex needs, lifetime service costs ranged from \$900,000 to \$4.5 million (Baldry, Dowse, McCausland, & Clarence, 2012).

The next Government must take leadership in tackling the causes of crime at its roots in order to make NSW a safer and more just community. We have identified four key areas for action that would contribute to this including:

- Building strong and cohesive communities
- Intervening early to give children and young the best possible start in life

- A trauma informed and diversion focused youth justice system
- Develop law and order alternatives to ineffective and costly prison expansion.

Build strong and cohesive communities

The social fabric of communities can play an influential role in buffering the worst effects of disadvantage (Vinson & Rawsthorne, 2013), with community factors being shown to influence mental health levels in children (Xue, Leventhal, Brooks-Gunn, & Earls, 2005), education, and levels of safety and crime (Vinson & Rawsthorne, 2013). The long term costs of unaddressed disadvantage are significant with the cost burden of mental illness having been estimated at more than \$20 billion per year (Council of Australian Governments (COAG), 2006) and the cost of crime in Australia coming to \$47.6 billion in 2011 (Smith, Jorna, Sweeney, & Fuller, 2014). Building community cohesion is often elusive in policy and practice, as too often the notion of community is invoked as part of reform when all that is really attempted is the relocation of services and their provision.

Genuine efforts should be made to empower communities and facilitate locally led responses. A useful starting point for understanding what these efforts require is a framework developed by Vinson and Rawsthorne (2013) that identifies the attributes that influence the functioning of communities. The framework comprises four important clusters of activity:

- the substance and style of decision making in a community
 - the way in which resources are generated and allocated within a community
 - the integration of people, groups and community organisations, and
 - how direction, energy and motivation is maintained within a community.
- There are some positive examples in NSW and elsewhere of where action is being taken to build these factors and it has led to positive outcomes including:
- Gwydir Learning Region – with its focus on education and training, and
 - Justice Reinvestment in Bourke

Initiative 1

Invest in locally led responses to strengthen communities identified as experiencing entrenched and overlapping disadvantage.

Intervene early to give children and young people the best start in life

Many children and young people are missing out on the learning opportunities and support that they need to make the best possible start in life. In NSW, around one in every seven children is missing out on early education (Brennan, 2012), and despite increased investment in recent years the NSW Government still maintained the lowest per child expenditure in Australia on early education and care in 2012-13 (Productivity Commission, 2014). The most vulnerable children are starting school behind the eight ball, and many who end up in the criminal justice system later in life, disengage from learning during their primary school years (Baldry, Dowse, & Clarence, 2011). Without support to re-engage in learning, many go on to become part of the 26.7 per cent of 17-24 year olds in NSW who are not engaged in study or work (COAG Reform Council, 2013).

A productive, prosperous and safe community requires action and investment to tackle these issues. This should start during the earliest years. There is evidence that investment in high quality services for children and parents during the earliest years can have positive impacts not only on health and wellbeing but in reducing likelihood of contact with the criminal justice system (Hommel, 2005). Cost-benefit analysis of early childhood education and care programs shows that they generate more than \$7 in benefits for every dollar that is invested (OECD, 2012). This should impel action to enhance maternal and child health services, develop support programs for parents, and ensure that all children attend high quality early learning programs.

Initiative 2

Invest in programs with a demonstrated record of improving the school readiness of children from disadvantaged families.

Addressing educational disengagement is also crucial. A number of Australian and international studies have demonstrated a strong relationship between school performance, retention, truancy and involvement in crime (Weatherburn, 2001) (Chapman, Weatherburn, Kapuscinski, Chilvers and Roussel, 2002). In recent years there has been some progress in this area in NSW through 'Connected Communities' hubs in disadvantaged communities and the Links to Learning program which engages at-risk students. These efforts should be expanded upon as part of a systematic approach to supporting vulnerable children to succeed in school.

Further action could draw on the initiatives in other education systems such as Victoria's Youth Partnerships Initiative which came to an end in 2014, and South Australia's Innovative Community Action Networks (ICAN). Operating since 2004, ICAN has two key components - strong systems of community responsibility and involvement as well as flexible resources for schools to support at risk students. Victoria's Youth Partnerships Initiative had similar areas of focus. A recently completed evaluation of ICAN has shown a positive impact on students' attendance, behaviour, and learning outcomes. There have also been system-wide impacts with stronger levels of accountability for keeping students engaged (ARTD Consultants, 2013).

Initiative 3

Further strengthen existing efforts to address youth disengagement from education.

A youth justice system that is trauma informed and diversion focused

Despite welcome progress over recent years, opportunities are still being missed to divert vulnerable children and young people from the criminal justice system and provide them with pathways so that they can become productive members of the community.

One major issue is the unnecessary use of remand, with 162 children or young people on remand on an average day; around 48 per cent of the total in custody (AIHW, 2014). Statistics indicate that more than half of all remandees are on remand for only one day and 83 per cent do not go on to serve custodial sentences (NSW Dept of Attorney General and Justice, 2013). Of particular concern are the significant number of Aboriginal and Torres Strait Islanders who experience remand amounting to over half on an average day (86 children and young people) (AIHW, 2014).

Diversion options including Youth on Track and the Bail Support Line have contributed to a decline in the number of young people in custody over recent years. However, the numbers of children who still experience remand makes it clear that the principle of custody as an option of last resort is not always applied. Bail legislation must ensure that children are not unnecessarily remanded, and this should be reinforced by a culture of practice and support among decision makers so that children and young people are diverted from custody and into the community.

There are also limitations in the support that is available to vulnerable children in the justice system, particularly regarding housing and education pathways. These pathways are crucial given the vulnerability of children and young people in the NSW justice system with the most recent Juvenile Justice Health Survey (2009) finding that:

- only 38 per cent were attending school prior to custody
- more than one-quarter (27 per cent) had moved two or more times in the six months prior to custody, and this was more for Aboriginal young people at nearly a third (32 per cent)
- 60 per cent had a history of child abuse or trauma
- 87 per cent were found to have a psychological disorder, and
- 89 per cent had tried illicit drugs.

Some efforts have been made across the system to better support vulnerable children and young people, particularly through the Joint Support Program and Intensive Supervision Programs. However, more needs to be done to ensure that sophisticated, trauma-informed and culturally safe responses are in place across the entire juvenile justice system. The appendix includes a number of programs that have demonstrated success with young people in contact with justice in Victoria, including by securing appropriate housing and support.

Initiative 4

Invest in programs with a demonstrated record of success with young people in contact with the justice system.

Develop alternatives to the reliance on ineffective and costly prison expansion

Over the past five years the NSW prison population has fluctuated significantly, declining by 8 per cent between 2009 and 2012 to 9,600 before again increasing to nearly 10,426 people in late 2014. Winding back of recent bail reforms and the introduction of mandatory sentences are likely to further drive up prisoner numbers.

This undue reliance on prisons in criminal justice policy is both ineffective and costly. There is little evidence that tougher sentencing policy improves community safety through deterrence or incapacitation (Wan, Moffatt, Jones, & Weatherburn, 2012) (Ritchie, 2012). In fact, there is evidence that non-custodial options produce lower reoffending rates (Gelb, 2013).

Imprisonment is also extremely costly, at around an average annual cost of \$69,000 (Productivity Commission, 2014). So too is the cost of people cycling in and out of prison with 42.7 per cent of offenders returning to prison within two years (NSW Attorney General and Justice, 2014). The Bureau of Crime Statistics and Research has found that a 10 per cent reduction in re-imprisonment has the potential to save \$28 million per year.

The winding back of bail reform and mandatory sentencing undermines what have been some promising efforts at criminal justice reform by governments of both political persuasions over the past five years. These earlier reforms have shown that it is possible to reduce the prison population without a negative impact of increased levels of crime.

There must be renewed effort to develop alternatives to criminal justice policies that unduly rely on prison expansion, including:

- affirming the independence of the courts and strengthening the role of judicial discretion in determining appropriate sentences for each individual case

- strengthening diversion of, and problem-solving responses to, offenders to maximise opportunities for rehabilitation
- strengthening measures to uphold human rights – including ensuring people accused of offences have appropriate representation, safeguarding the presumption of innocence, and ensuring people’s safety and access to health care in prisons, and
- committing to reduce the rate of reoffending by ex-prisoners by 15 per cent over the life of the next Parliament.

Jesuit Social Services: who we are and what we do

Jesuit Social Services works to build a just society by advocating for social change and promoting the health and wellbeing of disadvantaged people, families, and communities.

For over 37 years we have accompanied people involved in Victoria’s criminal justice system. Today our programs working with people in the criminal justice system are grouped together and form Brosnan Services. This work includes a range of programs funded by local, state and national governments, donors and philanthropic bodies. Our approach values every person. We seek to engage with people in a respectful way that acknowledges their experiences and skills and gives them the opportunity to harness their full potential.

Our vision, values and way of working are underpinned by principles of Catholic Social Teaching, the tradition of Ignatius of Loyola founder of the Jesuits, and human rights principles. This includes a belief in the inherent dignity of all people, a desire to seek the common good, and a commitment to stand in solidarity with those in need.

These values, combined with our experience and research inform our direct work and our efforts to influence hearts and minds for social change.

Appendix

Victorian programs with demonstrated success working with young people in contact with youth justice

Program for young people with intellectual disability involved in the justice system

Perry House was established in 1989, working with young men who have a registered intellectual disability and involvement with the justice system. In addition to intellectual disability, many participants also experience mental illness, engage in problematic drug or alcohol use and/or have an Acquired Brain Injury.

The program focuses on developing young people's independent living skills, supports reconnection with family, participation in community activities and aims to assist in engagement with employment, training or education. The program provides a safe and secure home for young men with trauma histories, providing role modelling and opportunities to practice pro-social behaviour and build skills for life. Participants receive ongoing outreach support after completing the residential program.

Perry House has been successful in stabilising the chaotic lives of young people with complex needs and strengthening their skills to live independently, resulting in reduced contact with the criminal justice system.

Program for young people involved in the justice system who are at risk of homelessness

The Next Steps program and its residential setting Dillon House is an early intervention program for young people in contact with the justice system addressing the overlapping causes of both offending and homelessness. The program works intensively with participants to work towards developing independent living skills so young people exit into appropriate and suitable long-term housing. The program emphasises Cognitive Behavioural Therapy and Family Therapy to strengthen positive connections with family, combined with independent living skills, and a focus on engagement with education and vocational pathways.

Like Perry House, Next Steps has been successful in stabilising vulnerable young people's chaotic lives and reducing their contact with the criminal justice system, and has made particular gains in healing relationships with family.

Intensive support for vulnerable young people involved with the justice system

The Youth Justice Community Support Program (YJCSS) is an intensive case management support program for at risk young people aged 10-21 and sentenced by the Criminal Division of the Children's Court under the Children, Youth and Families Act (CYFA) 2005.

The YJCSS program works with the most vulnerable young people in contact with the justice system and has a demonstrated record of success establishing strong connections with participants to support them to acquire positive life skills and to sustain engagement with education and vocational pathways, and to reduce their contact with the criminal justice system. In addition to the young people with formal eligibility for the program, the YJCSS team also coordinates intensive support for extremely vulnerable young people with complex needs identified by the Victorian Department of Human Services.

Short term program for vulnerable young people

The Outdoor Experience (TOE) has been facilitating therapeutic outdoor intervention programs for more than 25 years and is currently funded through Drug Treatment Services, Victorian Department of Health to work with 15 – 25 year olds who have AOD issues. TOE offers a range of tailored group adventure programs, facilitated by experienced outdoor educators and social work staff. TOE currently offers opportunities for young people to learn about themselves and others; gain insights into their own strengths and possibilities for the future; strive for healthy lifestyles; connect with nature and the environment; and increase social skills and social connection.

TOE has demonstrated success as a 'circuit breaker' with very vulnerable young people who need an opportunity to reflect and take charge of their own life course.