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## Law and justice: prevention and early intervention programs for Indigenous youth

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### Summary

#### What we know

- Indigenous young people are significantly over-represented in the Australian juvenile criminal justice system.
- Multiple risk factors have been identified as contributing to this over-representation, including the chronic social and economic disadvantage experienced by Indigenous Australians and the ongoing impact of historical events such as colonisation and the 'Stolen Generation'.
- The Royal Commission into Aboriginal Deaths in Custody (Johnston 1991) found that Indigenous people of all ages were over-represented in custodial deaths due to their being over-represented at all stages of the criminal justice system.

#### What works

There is a little rigorous research and evaluation evidence to show whether prevention and early intervention programs are working to reduce the over-representation of Indigenous young people in the criminal justice system. Few programs have been comprehensively evaluated and shown to be effective. Despite this, promising practices identified in evaluations include:

- programs that are designed for the right participants and address identified risk factors
- adequately resourced interventions that are based on clear program logic
- family-based programs, including behavioural parent training
- community involvement and engagement (including Indigenous-specific programs where possible)
- cultural appropriateness and cultural competence at all levels of program design and delivery



- effective collaboration across organisations and between Indigenous and non-Indigenous individuals and communities
- addressing multiple and complex needs by adopting a holistic and comprehensive approach.

### What doesn't work

It is difficult to assess and identify exactly what it is that is not working in the prevention and early intervention programs that target young people in Indigenous communities. Barriers to the effectiveness of such programs that have been highlighted in the research include:

- interventions that fail to integrate and actively engage with local Indigenous people at all stages (including development, implementation and evaluation)
- interventions that fail to take into account and target the multiple and complex issues that lead to offending (for example, alcohol and substance misuse, unemployment, lack of education)
- low levels of funding and staff resourcing that can limit the reach and effects of intervention programs.

### What we don't know

There is little empirical information about the effectiveness of either non-Indigenous specific (mainstream) or Indigenous-specific prevention and early intervention programs that address criminal justice system involvement. Although some programs have been implemented, only a small proportion of these have been evaluated, and there have been problems with the design and implementation of evaluations that do exist. Areas that require further in-depth research and evaluation include the following:

- How do Indigenous participants fare in mainstream programs? Often, the outcomes for Indigenous participants are not measured or recorded separately from non-Indigenous participants, so it is difficult to substantiate the usefulness and suitability of programs that are designed specifically for Indigenous young people.
- How sustainable are the outcomes, particularly the long-term outcomes? This requires much more rigorous data collection at all phases of program development, implementation and evaluation.
- Is collaborative case management in youth crime prevention and reduction programs effective for Indigenous young people?
- How effective are structured, cognitive behavioural programs based on 'Western' psychological theories—such as aggression replacement training—for Indigenous young people?

## Introduction

Over-representation of Indigenous young people in juvenile justice systems varies across states and territories, and has received significant media, policy and research attention in recent years, including a number of policy and practice reforms that were advocated by the Royal Commission into Aboriginal Deaths in Custody (Johnston 1991). The Royal Commission found that, although Indigenous people did not necessarily die in custody at a higher rate than non-Indigenous people in custody, they were over-represented in custodial deaths as a result of their over-representation at all stages of the criminal justice system. The Royal Commission into Aboriginal Deaths in Custody emphasised the high rates of incarceration of Indigenous young people as well as adults (Johnston 1991).



Despite the multiple policy and practice reforms that were initiated after the Royal Commission, the significant over-representation of Indigenous young people in the juvenile criminal justice system remains. Although adult Indigenous incarceration rates are high, young Indigenous offenders are over-represented at all stages of the criminal justice system to an even greater degree, with their over-representation becoming more pronounced at the most acute end of the system, particularly in detention (AIHW 2012a; Richards et al. 2011).

- Young Indigenous people were 31 times as likely to be detained in a juvenile correctional facility as non-Indigenous youth (AIHW 2013).
- There was a small decline from 2006–07 (when Indigenous juveniles were 28 times more likely to be detained) to 2008 (24 times more likely; Richards & Lyneham 2010), but by 2013, the rate increased to Indigenous juveniles being 31 times more likely to be detained than non-Indigenous youth (AIHW 2013).
- The number of Indigenous offenders aged between 10 and 19 (based on annual counts of police recorded offences) increased by 5% from 2008–09 to 2010–11, whereas non-Indigenous offenders of the same age decreased by 12% (ABS 2012).
- Indigenous young people are more likely to have their matters dealt with by the courts and less likely than non-Indigenous youths to receive a caution or the benefits of diversionary responses to offending such as a police referral to a youth justice conference (Snowball 2008).

This resource sheet examines some of the initiatives and programs that have been trialed in Australia to address this issue. Because of the paucity of robust evaluation data, we focus on some of the ‘promising practice’ principles in the design and operation of programs, as well as some program shortcomings and weaknesses.

We explore the ‘theory of change’, or the logic underpinning some of the programs that are aimed at preventing contact with the criminal justice system or intervening early to reduce recidivism or ongoing justice system involvement. We also look at measures of success of different intervention programs to assess whether they have achieved their intended outcomes.

## The National Indigenous Law and Justice Framework

The National Indigenous Law and Justice Framework (the Framework) was developed by the former Standing Committee of Attorneys-General as a national approach to addressing the significant issues facing Indigenous people in the justice systems in Australia (SCAG 2010). The purpose of the Framework is for government, non-government and community organisations to build on existing partnerships and agreements to identify and develop the most appropriate response to law and justice issues that negatively affect Indigenous people, and in doing so, eliminate Indigenous disadvantage in law and justice (SCAG 2010).

Evaluations of promising Indigenous youth justice programs in the *National Indigenous Law and Justice Framework: Good Practice Appendix* (SCAG 2010) were commissioned by the Australian Government’s Attorney-General’s Department to assist in building the evidence base to support the Framework.



## Risk factors

Risk factors for criminal justice system involvement include: low educational attainment and unemployment; substance misuse; intellectual disability; psychological, psychiatric and mental health problems (including stress and anxiety); prior victimisation (child abuse, neglect, and exposure to family violence); anger; poor coping or problem-solving skills and poor impulse control; boredom; and peer group pressure, particularly among young males (see Wundersitz 2010). Over-representation of Indigenous young people in the criminal justice system not only reflects the disproportionate presence of individual risk factors in Indigenous young people compared with non-Indigenous youth, but also a range of structural, community-level and societal factors (Allard 2010; Memmott et al. 2001 Scott & Higgins 2011). These include chronic social and economic disadvantage; the ongoing effects of historical factors and events; ongoing discrimination against Indigenous youth by the criminal justice system; and lack of access to, and/or ineffective, diversionary programs for Indigenous youth. Although we could not identify any research evidence, it is possible that the absence of community Elders—due to early deaths or imprisonment—contribute to risk of justice system involvement through ineffective or absent cultural supervision.

### **Chronic social and economic disadvantage**

The House of Representatives Inquiry into the ‘high level of involvement of Indigenous juveniles and young adults in the criminal justice system’ concluded that their over-representation in the system was a symptom of chronic social and economic disadvantage (HRSCATSIA 2011). Many issues contribute to the over-representation, including drug and alcohol misuse, child abuse and neglect, family and community violence, as well as inadequate housing, health, educational attainment and employment opportunities (HRSCATSIA 2011; Memmott et al. 2001). An example of the overlapping vulnerabilities is the fact that 72% of children and young people in the Queensland youth justice system were already known to the child protection system (QCPCI 2013). Cashmore (2011) demonstrated a similarly strong link using data from New South Wales. See also Allard (2010) and Weatherburn et al. (2006).

### **Ongoing impact of historical factors and events**

The social and economic disadvantage of Indigenous people in contact with the criminal justice system may be further amplified by the loss of cultural values, norms and knowledge resulting from historical events such as colonisation; dispossession from land and traditional cultures; and discriminatory government policies, including the forced removal of Indigenous children from their families, homes and communities (HRSCATSIA 2011).

### **Discrimination and lack of support within criminal justice systems**

Several factors have been identified in the literature as potentially influencing Indigenous over-representation in criminal justice systems, including: discrimination and prejudice by police, increased police presence and monitoring in Indigenous communities, poor awareness of Indigenous culture, language barriers, lower rates of access to diversionary processes, lack of appropriate support programs, and inadequate access to legal representation (AIHW 2012a; Allard 2011; Cunneen 2008; Cunneen & Schwartz 2008; Dunn 1991; Gale et al. 1990; HRSCATSIA 2011; Kenny & Lennings 2007; Snowball & Weatherburn 2007).

Being identified as an offender can make a young person more likely to attract further attention from law enforcement agencies. Young offenders in small, isolated communities quickly become known to the local police and are more likely to be apprehended for any given offence than young offenders who reside in metropolitan areas (Weatherburn et al. 2012; for a critique, see also Richards & Lee 2013).

### **Lack of access to, and ineffective, diversionary programs**

Lack of access to diversionary programs also contributes to the over-representation of Indigenous young people in prisons (AIHW 2012a; Allard et al. 2010; Cunneen 2008; Kenny & Lennings 2007; Richards et al. 2011). Some diversionary programs have not adequately identified and adapted to the specific needs of Indigenous young offenders (Dunn 1991). See the Indigenous Justice Clearinghouse at <<http://www.indigenousjustice.gov.au/resources/publications.html>> (for example, Allard 2010).



## Types of intervention programs

There is a 'continuum' of intervention programs that are designed to prevent and reduce youth crime amongst young people in Indigenous communities. They range from prevention (preventing offending before it begins) through early intervention (with identified at-risk people), and diversion (diverting from usual court processes), to tertiary intervention (treatment to prevent recidivism). Some initiatives contain elements from across this spectrum.

Prevention programs aim to stop offending behaviours by young people at risk of offences, or further offending by those who have already offended. The focus is on addressing known risk factors for offending behaviour—usually focusing on individual risk factors. Although some of the structural risk factors are addressed through other broader social policies or initiatives, these are often not seen explicitly as crime-prevention programs, as their impacts are likely to be broad, and outcomes might not be seen until the long-term.

Programs that are focused on preventing criminal justice system involvement have intended outcomes such as:

- engaging young people in education or employment
- helping young people make healthier lifestyle choices
- providing positive role models
- improving young people's skills
- offering pathways to workforce participation.

Many prevention programs for Indigenous young people use sports as a way of addressing risk factors such as poor school performance and early school drop-out.

Research has shown the benefits of sport programs as a positive activity to alleviate boredom in youth, but they are not a 'cure all' and do not always lead to direct reductions in anti-social behaviour (Rynne & Rossi 2012).

Sports-based and recreation programs can assist with preventing young people from coming into contact with the justice system in the first place by addressing some of the known risk factors for juvenile offending, such as lack of education, and flow-on effects, such as unemployment, poor role models and lack of hope for the future. They aim to reduce criminal behaviour by providing young people with alternative safe and healthy opportunities to risk taking, maintaining social status, and as opportunities to build healthy relationships with Elders and links with culture (Ware & Meredith 2013). Research shows a positive link between engagement in sports and recreational activities, and a range of positive behaviour changes (for example, Colmar Brunton 2012; Quantum Consulting Australia 2008; Sellwood et al. 2004). Three different sport and recreation-based programs that have been trialled, or currently operate, in Indigenous communities are profiled in boxes 1, 2 and 3 of this resource sheet. For more information, see Ware & Meredith 2013.

### Early intervention programs

Early intervention programs are often put into place when a child or young person is at a difficult life transition point and may need extra assistance. Their aim is to reduce risk factors and increase protective factors when there are early signs that an individual is on a negative pathway (ATSISJC 2008; National Crime Prevention 1999). Support might be needed at school to help the young person stay engaged (or re-engage) with education, to involve the young person in positive after-school recreational pursuits, to work with the family through home-visits, and to engage other support services in addressing the needs that are identified. This is based on the recognition that school retention and engagement, as well as young people's families, are important factors that reduce the risk of criminal justice involvement (Stewart 2012) (see boxes 4 and 5). An international meta-analysis of prevention programs found the strongest evidence for family-based programs lay in reducing delinquency and antisocial behaviour in children (Farrington & Welsh 2003). This is a strong evidence base for the efficacy of behavioural parent training for reducing adolescent behaviour problems. The evidence is also strong that these interventions can be built into a public health approach to improving parenting capacity (see Sanders 2012).



Although not Indigenous-specific, another example of early intervention is wilderness adventure programs, such as Operation Flinders, which has been evaluated and shown to bring about improvements in characteristics that are risk factors for offending. See: <<http://www.operationflinders.org.au/>>. Triple P has also developed an effective evidence-based program for parents to improve parenting practices in relation to adolescents with severe conduct disorders or involved in juvenile crime. See: <<http://www.triplep.net>>.

## Diversionsary programs

Diversionsary programs aim to divert young people from contact, or further involvement, with elements of the criminal justice system such as formal court proceedings, detention or incarceration. They give offenders an opportunity to avoid a criminal record or have a reduced sentence by meeting certain treatment and training requirements, for example, participation in a drug and alcohol program (CtGC 2013a; Stewart et al. 2014). The aim is to reduce the risk of recidivism by addressing lifestyle risk factors (for example, substance misuse), giving them the knowledge and skills to control anger, and helping them develop pro-social behaviour. Restorative justice programs can also provide the opportunity for a reduction in sentencing, or avoiding detention if offenders agree to be confronted by their victims, apologise for their behaviour and take steps to make amends (either by addressing aspects of their own lives that affect the chances of offending in the future, or by contributing back to the community affected by their criminal behaviour). An example of a mainstream diversionsary program for car theft is U-Turn, an automotive training course aimed at promoting behavioural change, giving positive life skills, and reducing recidivism. See: <<http://www.missionpromotion.com/uturn/>>.

## Tertiary intervention programs

Tertiary programs are those designed to intervene in the lives of young people who have already offended and are at risk of long-term involvement in the criminal justice system (for example, boxes 6 and 7). This can include community-based sanctions and various treatment and rehabilitation interventions (AIC 2003; Richards et al. 2011; Singh & White 2000). As a non-detention sentencing option, 'boot camps' are a more intensive form of diversion program that incorporate a range of treatments or interventions designed to change negative patterns of behaviour (Peters et al. 1997). Some research shows positive effects, while other studies show no effect or even negative effects on recidivism rates (see Peters et al. 1997). However, the evidence does suggest that boot camps are likely to be most effective in reducing the risk of re-offending when supported by ongoing treatment and skill building and education initiatives when the young person returns to their community, such as vocational training or family support services (Department of Justice and Attorney-General, Queensland 2013).

### Box 1: Traditional Indigenous Games, Queensland

The key goal of the Traditional Indigenous Games training program is to improve Indigenous health. Objectives include developing the knowledge that Indigenous young people have about their cultural heritage; training them (particularly young people) in traditional games and building connections to their schools and communities through shared cultural and physical activities (Taylor 2005).

The program was delivered in two regions of Queensland: the Southwest (Charleville and Cunnamulla) and the western side of Cape York Peninsula (Weipa and surrounding communities of Napranum, Mapoon and Aurukun). The project team involved in the implementation was from the Queensland University of Technology.

The teachers embedded traditional games into school activities and curricula, providing students with an enjoyable and healthy activities that improved their fitness and skill levels. It significantly improved their connection to culture (Taylor 2005).

Revitalising cultural games is very empowering for Indigenous people, particularly for young people. This project was a way of validating Indigenous culture, as some of the traditional games are still played in remote communities. It introduced a renewed and exciting model into the communities, reinvigorating community members in an unexpected way. The traditional games also carried a number of positive messages, for example, about being non-competitive as well as a number of life skills (Taylor 2005).

For other examples and resources relating to Traditional Indigenous Games, see the Australian Sports Commission website at <[http://www.ausport.gov.au/participating/indigenous/resources/games\\_and\\_activities](http://www.ausport.gov.au/participating/indigenous/resources/games_and_activities)>.



### **Box 2: Swan Nyungar Sports Education Program, Western Australia**

In Western Australia, Balga Senior High School developed an innovative preventative approach. The school worked in partnership with two respected Nyungar Elders and other stakeholders from the Swan region to provide a culturally appropriate parallel program for curriculum for young Nyungar (Aboriginal) boys and girls. The Swan Nyungar Sports Education Program combines sport within a traditional educational curriculum. The aim is to improve school attendance, develop confidence and leadership skills, and link young people to local vocational opportunities (through partnerships with local businesses). In developing the program, some of the barriers that had to be overcome were the need for more Indigenous Education Officers, mentors for the young people, and building engagement with parents (Higgins & Burchill 2005). Formal evaluation of the program showed good results for school retention, but mixed outcomes for academic achievement (literacy and numeracy) (Elderfield & Loudon 2005). See the Balga Senior High School website at <[http://www.balgashs.wa.edu.au/school\\_programs.html](http://www.balgashs.wa.edu.au/school_programs.html)>.

### **Box 3: Aboriginal Power Cup, South Australia**

The Aboriginal Power Cup uses football as a tool to engage Indigenous secondary students in their education and to provide positive role models and pathways to workforce participation (Aboriginal Power Cup 2013). It is a joint initiative of the South Australian Attorney-General's Department, the Port Adelaide Football Club, and the South Australian Aboriginal Sports Training Academy. The program consists of a nine-a-side football tournament and other activities, including workshops on leadership, health, career pathways and Indigenous culture. Students must have good school attendance records and participate in the whole school curriculum to be able to participate in the football tournament. Operating in a school environment, the program aims to build attendance, retention and educational attainment, while also building resilience and giving young people life options that can help them towards pro-social activities and interactions (Stewart et al. 2014).

The program logic for the Aboriginal Power Cup included a number of different intended short-term outcomes, including enhanced student engagement with school and career options, improved teamwork and leadership skills, and a greater awareness of healthy lifestyle choices. Many of the students reported that they had gained a range of knowledge and skills in these areas, suggesting that anecdotally, at least, some of these outcomes were realised. Reports from parents and teachers also suggested that the students had increased self-awareness and self-confidence, enhanced engagement in education and career alternatives, and had gained knowledge and skills in different areas, for example, good nutrition. Given the limitations of the data, it is only possible to conclude that the Aboriginal Power Cup facilitated engagement with at least some aspect of formal education (Stewart et al. 2014).

For further information on sports and recreation programs, see Ware & Meredith (2013).



#### **Box 4: Tiwi Islands Youth Development and Diversion Unit, Northern Territory**

The Tiwi Islands Youth Development and Diversion Unit is a service provider based in Wurrumiyanga in the Northern Territory since 2003. The program is run by staff of the Unit with the support of a diversion team in the Northern Territory Police. Staff members conduct youth justice conferences, assess the young people's needs, and prepare and implement 12-week case plans. The youth diversion program engages Tiwi youth, typically first-time youth offenders who are at risk of entering the criminal justice system, in prevention activities that aim to benefit the offender, the victim and the community. Such activities include the offender participating in a youth justice conference, agreeing to apologise to the victim of the crime, attending school, undertaking community service and participating in cultural activities, sport and recreational pursuits.

The particular circumstances and issues that contributed to their offending behaviour are identified and addressed. The care and support provided to the young people is culturally competent because it recognises, integrates and shows respect for Tiwi values and social and cultural authority (Stewart et al. 2014).

In face-to-face interviews and exit interviews, young people showed remorse for their crimes as well as a desire to avoid trouble in the future, particularly with the support of their family members (Stewart et al. 2014). The available qualitative data also demonstrated that 12 to 18 months after the completion of the program, the young Indigenous participants consistently attributed the program as empowering them to adopt pro-social behaviours (Stewart et al. 2014).

The reoffending rate among participants is well below what would be expected for this population without the intervention (Stewart et al. 2014). Only 20% of participants had contact with the police for alleged offences in the year following the start of the program. This can be viewed as a positive indicator of the impact of the program, given the high rates of offending in many small communities and the greater likelihood of coming to police attention for misdemeanours or crimes in a small community where individuals are known by police (Stewart et al. 2014).

#### **Box 5: Woorabinda Early Intervention Coordination Panel, Queensland**

The Early Intervention Coordination Panel in the Indigenous community of Woorabinda, in Central Queensland, brings together government, non-government and community representatives at cross-agency panel meetings to provide a co-ordinated approach to the care and support of Indigenous young people and their families who are at risk of offending or have been involved in offending and have multiple, complex needs. The representatives come from a range of agencies and have diverse backgrounds and expertise including in the areas of physical health, mental health, education and justice. The young person must consent to participate in the panel, as must their family. The panel must also determine that only an integrated and collaborative, multi-agency approach can address the complex needs of the young person and their family. The panel's key roles are to assess the needs of the referred individuals and their families, and based on this assessment, to plan for, implement and review a range of interventions. Identified interventions are either developed by the agencies represented on the cross-agency panel or by the staff members directly employed on the panel. Regular counselling, one-on-one classroom support, after-school recreational activities and pursuits, health promotions and family support are provided to enhance family relationships and promote pro-social behaviours. Given the time-consuming and intensive nature of the work, the panel is able to support only a small number of young people and their families at any given time (Stewart et al. 2014).

Qualitative evaluations of the program showed:

- positive behavioural changes, for example, participants showing greater respect to others, taking on new responsibilities and communicating in a more constructive manner
- improved and enhanced family relationships
- increased awareness amongst family members of who to approach for assistance and skills in how to best support their children (Stewart et al. 2014).

In terms of recidivism, 13 out of the 18 individuals continued to offend in the years following their participation in the panel service, although it was noted that the offences did not increase consistently or continually on an annual basis (Stewart et al. 2014). However, the frequency and severity of re-offences may have changed.



### **Box 6: Aggression Replacement Training, Queensland**

The Aggression Replacement Training program is a United States-designed 10-week structured group cognitive-behavioural program to control anger and develop pro-social skills. Delivered to both Indigenous and non-Indigenous young people in the Queensland criminal justice system, it is designed to teach young people alternative ways to respond to situations where they might otherwise turn to violence or aggression (Stewart et al. 2014).

The program logic model identified two intended outcomes relevant for participants in both community and detention settings: that young people refrained from acting on feelings of anger or aggression, and that they develop improved familial and social connections (Stewart et al. 2014). In qualitative interviews, all the young people who were interviewed attributed a number of positive behavioural changes to the program, including learning how to manage feelings of anger, resolve conflict and find constructive ways to relax. They gave practical examples of positive strategies they had learnt, for example, not acting on feelings of anger and actively developing positive, healthy relationships. The facilitators also reported observing positive changes in the young people's confidence and self-esteem. The program fosters expertise and protective factors, including pro-social attitudes and values, which are believed to reduce offending behaviour (Stewart et al. 2014).

The qualitative data focused on Indigenous young people's experiences of the training and on the experiences of facilitators who have worked with Indigenous young people. The quantitative data related to both Indigenous and non-Indigenous participants (Stewart et al. 2014).

The data suggest that both Indigenous and non-Indigenous participants achieved improvements in cognitive factors contributing to aggressive and violent behaviour, with both groups of participants showing a reduction in measures symptomatic of aggressive thoughts and behaviours. However, the reduction for non-Indigenous participants was significantly greater than it was for Indigenous participants, which suggests the need for further research to evaluate how to better use Aggression Replacement Training for Indigenous young people (Stewart et al. 2014). Indigenous young people benefit more from the program when they are being supported by experienced facilitators who deliver the course according to the individual needs and circumstances of the young Indigenous people involved in it (Stewart et al. 2014).

### **Box 7: Youth Justice Conferencing, Queensland**

The Youth Justice Conferencing program in Queensland provides a restorative justice process to which police and courts can refer a young person who has committed an offence. Courts refer a young person to a youth justice conference either in place of imposing a sentence or to inform a sentencing decision (Department of Communities, Queensland 2009). Youth Justice conferences bring together police, young offenders, victims and their families to discuss the offence, encourage the offender to accept responsibility, request an apology from the offender, and reach an agreement that requires the offender to compensate for their crime (SCAG 2010). During the conference process, the offence and its effect on the victim and also the wider community are discussed. The program is offered to both Indigenous and non-Indigenous participants.

Indigenous Support Officers provide additional support to Indigenous young people throughout the conferencing process (SCAG 2010). There is a large amount of pre-conference preparation, including discussions with the offenders, their parents and the victims, which ensures that the participants are fully informed and the convener is appropriately prepared (Department of Communities, Queensland 2009). This extensive preparation has been attributed as contributing to the high rates of participant satisfaction and other positive outcomes of the program (Hayes et al. 1998).

Restorative justice approaches to crime have consistently demonstrated successful outcomes for victims, offenders and the community. Since first being piloted, the Youth Justice Conferencing program in Queensland has reported positively on conference outcomes and participant satisfaction:

- 97% of victims and 97% of young people who offended advised that they thought the conference was fair
- 97% of victims and 98% of young people who offended indicated satisfaction with the agreement
- 98% of conferences reached an agreement (Department of Communities, Queensland 2009).

Data modelling has shown that if targeted at Indigenous young people, youth justice conferencing could help reduce the over-representation of Indigenous young people in the criminal justice system (Stewart et al. 2008).

See also Stewart (2005).



## Promising practices

Although prevention, early intervention and diversion programs indicate positive outcomes in preventing juvenile offending, many of these programs have not been evaluated. Even when programs are evaluated, there are often challenges in obtaining adequate data to sufficiently inform the evaluation, particularly where evaluation is not built into the initial program design and implementation (Stewart et al. 2014). Despite these limitations, a number of the programs that have been implemented share common features that are summarised below.

### Effective and appropriate community involvement, engagement and ownership

The best practice guidelines described in the Australian Institute of Criminology's National Crime Prevention Framework propose that effective interventions should be Indigenous-specific where possible, involve Indigenous communities in the program's design and delivery, be culturally appropriate and foster a genuine sense of community ownership and accountability (AIC 2012). Community involvement and engagement in the design and delivery of services targeting young Indigenous Australians at risk of offending is important (Stewart et al. 2014; Richards et al. 2011). Such interventions benefit from genuine community involvement and lead to programs that are more effectively fine-tuned to local priorities and needs, and are in line with local systems and circumstances (Stewart et al. 2014). Ideally, community representatives are engaged at all stages of the process, including through the development and implementation of the program and in feedback processes that use methods that align with Indigenous communication and knowledge-sharing preferences and needs (Stewart et al. 2014). Having the community actively involved increases acceptance of the program and detracts from the perception that the intervention is 'another government imposition on communities' (ATSISJC 2008:24). For example, Courage Partners, in their evaluation of the Youth in Communities Program (funded by the Australian Government as part of the Closing the Gap initiative to divert young people in remote Indigenous communities from risky behaviours), concluded that:

One of the key factors in developing sustainable pathways for young people is developing further education, training and employment opportunities. Most services support a holistic approach to youth development and are either well-developed or looking to develop pathways for a prosperous future for young Indigenous people in their communities. However, this cannot be successfully achieved unless there is whole-of-community approach to community development. (Courage Partners 2012:4).

The interim evaluation found that the Youth In Communities program led to increased engagement in the funded activities and community events, but only a 'minor decrease in anti-social behaviour, engaging in alcohol and drug abuse as well as in volatile substance abuse and involvement with the justice system' (Courage Partners 2012:66).

### Culturally appropriate and culturally competent

Delivering interventions that are culturally appropriate and culturally competent requires in-depth considerations at all levels of the program's design and delivery. Such considerations will include the overall aims and purposes of the intervention, its way of engaging with multiple stakeholders, its key messages and how they are communicated, how staff will interact with participants, how participants will interact with each other, expectations of participants and how the intervention will intersect with the local and broader circumstances of the particular community (Stewart et al. 2014). Culturally competent staff and culturally safe program content or curricula can facilitate the development of positive cultural identity in young people (Elderfield & Loudon 2005).



## Collaboration including collaborative case management

Effective collaboration across organisations (government and non-government) and between Indigenous and non-Indigenous individuals and communities, including the young people involved in the programs, can be critical in making best use of scarce resources and allowing programs to extend their reach and impacts (ATSISJC 2008; Courage Partners 2012; Richards et al. 2011; Simpson et al. 2009; Stacey 2004). Collaborative case management—which is a high intensity and high commitment relationship between two or more parties designed to produce positive outcomes for young people who have been in contact with the justice system—has also been proposed as an effective means of preventing future offending (Stewart et al. 2014). However, there is scarce information on the effectiveness of collaborative case management for Indigenous young people.

## Holistic and comprehensive approaches

Agencies engaging in early intervention, diversion or restorative justice programs for young people who are at risk or who have had some initial contact with the criminal justice system (having been identified by police) often focus on the case management and co-ordination of services to address aspects of the young person's life—and their family circumstances—that could be contributing to the antisocial behaviour. Integrated collaborative practices can help achieve positive outcomes for clients with multiple and complex needs (Stewart et al. 2014). Successful interventions frequently adopt a holistic and comprehensive approach when they target the multiple and complex issues that lead to offending, for example, alcohol and substance misuse, unemployment and lack of education (ATSISJC 2008; Richards et al. 2011). Family involvement, for example, is regarded as a critical factor in reinforcing key lessons and in motivating and supporting young people.

## Targeting programs effectively

Promising practices involve targeting at two levels:

- targeting the right communities or groups of young people (for example, if school-based programs are targeted to schools that not only have higher numbers of Indigenous students, but also those with lower attendance rates, it could improve the reach of the program to more at-risk students)
- targeting programs so they address the known risk factors at both individual and community levels. Many of the examples featured in this resource sheet focus on individual factors, suggesting opportunities for crime-prevention programs to address more holistically the drivers of Indigenous over-representation, such as discrimination and disadvantage.

## Adequate resources

Resourcing is an issue for all prevention and intervention programs. The extent and availability of resources can significantly limit and affect the reach of the projects in terms of the capacity to roll out the programs, the staffing and the range of services available. Resource constraints—compounded by a series of natural disasters affecting widespread areas of Queensland at the time programs were being rolled out and evaluated—affected the ability of staff in two of the services profiled here (boxes 5 and 6) to provide comprehensive data to adequately evaluate the programs (Stewart et al. 2014).



## A clearly defined program logic for how the prevention/early intervention program works

A program logic model is a way of mapping out in words and in graphics all elements of a program to be able to communicate how a particular program or policy is anticipated to work and how it will be evaluated. Program logic models operate as the foundation of program planning and also as a key tool of program evaluation (Holt 2009). They are a powerful tool for creating a dialogue and a shared understanding between different stakeholders (Holt 2009). Program logic models demonstrate the relationships between program goals, inputs and resources, activities, outputs and anticipated outcomes (short-, medium- and long-term). These models make explicit the underlying assumptions of the program and the theory of change by proposing a series of conditions and presumed causal relationships between actions and the desired outcomes (AD&FVC 2011; Holt 2009; Taylor-Powell et al. 2003).

Program logic can assist with program design and evaluation by helping identify the risk factors that the program intends to modify, and the process by which risk and protective factors are modified and intended outcomes are achieved—in the short, medium or long term (see Stewart 2012).

Defining ‘success’ (or otherwise) of an intervention program is a critical task in developing a program logic model. In the various programs examined in this resource sheet, a range of different intended outcomes was identified. Some of these outcomes are closely linked to a reduction in criminal justice system involvement (for example, programs focused on reducing recidivism in incarcerated youth); others have more long-reaching objectives (for example, enhancing educational engagement to improve educational outcomes—knowing that past research has shown poor educational attainment and leaving school early to be a risk factor for criminal justice involvement).

## Gaps in the evidence

Some gaps in the evidence base are associated with specific challenges faced by those evaluating Indigenous youth justice programs:

- *Gathering solid, empirical data to effectively inform the evaluations.* This is particularly a challenge if programs are already operational when the evaluation begins. Appropriate baseline data or agreed comparison groups need to be established. Where there are overlapping responsibilities between organisations or levels of government, identifying key data and information holders to liaise with and obtain agreement around evaluation frameworks and supply of data is crucial. However, there are a number of ethical and practical considerations in evaluating programs involving Indigenous young people in vulnerable situations. Researchers have to find ways of ensuring that the evaluation process protects the privacy of those involved in supporting and delivering the programs, the communities that are affected by their outcomes and, most importantly, the young people who receive and participate in the programs (Stewart et al. 2014).
- *Sustainability of outcomes.* Many of the positive reports from young people, parents and teachers about their participation in prevention and early intervention programs are obtained immediately after the completion of programs. There is still a question of whether or not the knowledge and skills the students reportedly develop during programs are sustained after exiting programs, and contribute to future positive achievements, for example, in employment or further study, and ultimately, in a reduction in crime rates in later adolescence and into adulthood.

This is consistent with the conclusions drawn by the performance audit of the Prevention, Diversion, Rehabilitation and Restorative Justice Program (designed to reduce Indigenous people’s contact with the justice system), conducted as part of the 2006–09 Evaluation and Audit Work Program of the Office of Evaluation and Audit (Indigenous Programs):

The major finding of this audit is that the program lacks the performance information necessary to evaluate achievement and manage the program effectively. (OEAI 2008:3).



## Conclusion

Despite the implementation of a range of policies and programs aimed at reducing and preventing youth crime, Indigenous young people remain significantly over-represented in the Australian juvenile criminal justice system. Programs that are considered to be effective, and to achieve some if not all of their intended outcomes, share a number of common features and best practice factors that contribute to their success. There are, however, gaps in the evidence base, some of which arise from numerous challenges in the evaluation phase, particularly in relation to the lack of solid and reliable data, including longitudinal data.

Future evaluations of prevention and early intervention programs for Indigenous young people would benefit from using a program logic model that explicitly identifies expected outcomes and success measures early in the program development phase. Programs that are unable to be effectively and comprehensively evaluated cannot be held up as examples of best practice. Best practice in this context necessitates that the data required to most effectively design, target and operate programs, inform their continuing improvement, and allow for them to be comprehensively evaluated should be identified at the early stages of program development processes, with processes being developed and implemented to support the collection of such data.

To increase their suitability for in-depth evaluation in the context of Indigenous justice and government programs, the following elements could be identified for future evaluations:

- *Having an agreed evaluation framework before starting a pilot project or program.* The programs identified for research and evaluation should be designed to include the availability of outcome data at the beginning of design and implementation.
- *Consistency of data collection methods.* This includes confirming that the program under evaluation has pre-determined data collection methods and indicators that will confirm the evaluation analysis is reliable can analyse the operational outcomes.
- *Cross-jurisdictional collaboration.* Where the programs are operating across jurisdictions or where evaluations are operated by a different jurisdiction to the program operator, there needs to be collaboration to ensure the consistency of data collection and indicators, and cross-agency and cross-jurisdictional access and availability of data.

Some promising practices and case examples were profiled that can be used in the design and implementation of programs. Promising practices and opportunities for improving evaluation efforts were identified so that we develop a rigorous knowledge base of what works to address over-representation of Indigenous young Australians in the criminal justice system.

## Appendix

Table 1 contains a list of Closing the Gap Clearinghouse issues papers and resource sheets related to this resource sheet.

To view the publications, visit <<http://www.aihw.gov.au/closingthegap/publications/>>.

**Table 1: Related Clearinghouse resource sheets and issues papers**

Title	Year	Author(s)
Programs to improve interpersonal safety in Indigenous communities: evidence and issues	2013	Day A, Francisco A and Jones R
Diverting Indigenous offenders from the criminal justice system	2013	Closing the Gap Clearinghouse
Strategies to minimise the incidence of suicide and suicidal behaviour	2013	Closing the Gap Clearinghouse
Strategies and practices for promoting the social and emotional wellbeing of Aboriginal and Torres Strait Islander people	2013	Closing the Gap Clearinghouse
Trauma-informed services and trauma-specific care for Indigenous Australian children	2013	Atkinson J
The role of community patrols in improving safety in Indigenous communities	2013	Closing the Gap Clearinghouse
Mentoring programs for Indigenous youth at risk	2013	Ware V-A
Strategies to enhance employment of Indigenous ex-offenders after release from correctional institutions	2012	Graffam J & Shinkfield A
Effective practices for service delivery coordination in Indigenous communities	2011	Stewart J, Lohoar S & Higgins D
Community development approaches to safety and wellbeing of Indigenous children	2010	Higgins DJ

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- Aggression Replacement Training (Queensland)
- Woorabinda Early Intervention Coordination Panel (Queensland)
- Aboriginal Power Cup (South Australia)
- Tiwi Islands Youth Diversion and Development Unit (Northern Territory).

We wish to acknowledge all the authors of the Indigenous Youth Justice Programs Evaluation for contributing to the information that is summarised in this paper. For the full report, see Stewart et al. (2014).

## Terminology

**Indigenous:** ‘Aboriginal and Torres Strait Islander’ and ‘Indigenous’ are used interchangeably to refer to Australian Aboriginal and Torres Strait Islander people. The Closing the Gap Clearinghouse uses the term ‘Indigenous Australians’ to refer to Australia’s first people. This term includes ‘Aboriginal Australians’ and ‘Torres Strait Islander people’.



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