



CHILDREN & YOUNG PEOPLE COMMISSIONER

ACT Human Rights Commission

Mr Steve Doszpot MLA
Chair
Standing Committee on Justice & Community Safety
ACT Legislative Assembly
GPO Box 1020
CANBERRA ACT 2601

 A.C.T. LEGISLATIVE ASSEMBLY COMMITTEE OFFICE	
SUBMISSION NUMBER	7
DATE AUTH'D FOR PUBLICATION	16.10.13

Dear Mr Doszpot

Standing Committee on Justice & Community Safety's Inquiry into Sentencing

Thank you for the opportunity to make a submission to the Standing Committee on Justice and Community Safety's Inquiry into Sentencing, and for the extension in time for the submission.

I would like to make the following brief comments, and I am happy to discuss any of the issues raised in greater detail if that would be useful.

ACT Children & Young People Commissioner

The ACT Children & Young People Commissioner (CYPC) is one of three Commissioners within the ACT Human Rights Commission. The CYPC has a number of roles, including:

- Consulting with children and young people.
- Providing advice to government and community agencies about how to improve services for children and young people.
- Resolving complaints and concerns about services for children and young people.

In undertaking the above functions, the CYPC is committed to the right of children and young people to participate in decisions and actions that affect them.

Bail & Remand Roundtable

On 11 April 2013, the CYPC hosted a Bail & Remand Roundtable. The purpose of the Roundtable was to identify ways the ACT youth justice system might improve outcomes for young people in contact with the youth justice system, particularly with respect to bail and remand. Objectives of the Roundtable were for participants to:

- See more fully young people's experiences of the youth justice system, particularly in relation to bail and remand.
- Learn more about the perspectives and roles of other stakeholders in the system.
- Identify areas for further learning, potential improvement and/or reform.

A report on the outcomes of the Roundtable was distributed to participants in June 2013. A copy of the report was also provided to the ACT Minister for Disability, Children & Young People, Ms Joy Burch MLA, and the ACT Attorney-General, Mr Simon Corbell MLA.

While it was not intended that the Roundtable generate formal recommendations, a number of 'ideas for change' emerged from the conversations, with those ideas falling into six broad themes:

- Reduce reliance on court imposed bail.
- Reduce the number of young people arrested for breach of bail.
- Improve the system post-arrest.
- Better outcomes for young people.
- Possible legislative reform.
- Improve data collection and analysis.

Reduce reliance on court imposed bail

Ideas included:

- Greater use of already existing supports and relationships (including community and family based supports) to assist behaviour control and modification for young people in contact with the criminal justice (rather than court imposed bail).

Reduce the number of young people arrested for breach of bail

Ideas included:

- Greater police discretion to not arrest young people who they find in breach of their bail. Young people found in breach of their bail could instead be referred to community based support agencies, or their youth justice workers, for on-going support.
- Greater police discretion to 'un-arrest' if they have arrested a young person. Once police find out more about the individual circumstances of a young person (including already existing supports; alternative accommodation options; reasons for the breach etc), the young person could be 'un-arrested' and referred to community based support agencies, or their youth justice workers, for on-going support.
- Greater capacity for the police to 're-bail' a young person with the same bail conditions. This would avoid young people having to be held in custody, simply to re-appear in court and be given bail again (frequently with exactly the same bail conditions as before).

Improve the system post arrest

Ideas included:

- Introduce a Sunday court. This would reduce the amount of time young people have to be held in custody (and, as noted above, simply to re-appear in court and be given bail again).
- Have community youth workers on call to be able to attend police stations to engage and work with young people as soon as possible after their arrest.
- Place community youth workers and/or Police Youth Liaison Officers at court to engage and work with young people as soon as possible after their arrest.
- Develop a greater range of accommodation options for young people who can't go home, thereby avoiding young people having to be held in custody.
- Expand the After-Hours Bail Service so as to be available to police and other agencies on a 24 hour basis.

Better outcomes for young people

Ideas included:

- Engage the community sector as early as possible so as to provide better individualised support for young people in contact with the youth justice system, and to remove the young person from the statutory system as soon as possible.
- Undertake early and more detailed assessments of young people post arrest to determine their capacity and the best way to supervise and support them.
- Talk to the young people, and listen to their stories and what they want to happen; make young people central to all decisions.

Legislative reform

Ideas included:

- Reform of the Bail Act to more clearly articulate the best interests and needs of young people, and to ensure that there is consistency in the way that the Bail Act deals with young people.
- Reform of the Bail Act to more clearly define the purpose and parameters of bail for young people, including requiring bail conditions to be relevant to the offence, and to be objectively clear.
- Introduce legislation (and accompanying policy and practice guidelines) to allow police to 'not arrest'; 'un-arrest'; and 're-bail' young people (as per above).
- Improve the capacity for different parts of the youth justice system to share information about young people in contact with the system in a timely and effective manner.
- Develop non-adversarial court systems (for example, along the lines of the Scottish court model).

Improve data collection and analysis

Ideas included:

- Improve data collection across the system, so as to increase knowledge of young people in contact with the youth justice system, including, in particular, young people on bail and remand
- Improve analysis of collected data, so as to ensure new policies and programs are based on evidence, not assumptions.

A copy of the full report is enclosed for your information.

Inquiry into the ACT Youth Justice System

In 2011, the Human Rights Commission completed a comprehensive review of the Bimberi Youth Justice Centre, and the broader youth justice system. The report on the outcome of the review contained 244 recommendations, many of which have been implemented and have led to significant improvements across the youth justice system.

Of relevance to this Inquiry is the discussion in the report about the need for decisions made by all stakeholders in the youth justice system, to be evidence based. This principle applies equally to the adult criminal justice system.

In sentencing children and young people, and adults, and in providing subsequent rehabilitative programs and support, all decisions need to be consistent with what has been shown to work, rather than on personal beliefs or assumptions.

A copy of the full report can be found on the CYPC's website (www.ACTkids.act.gov.au), but I draw your attention, in particular, to Recommendation 7.30:

The Community Services Directorate:

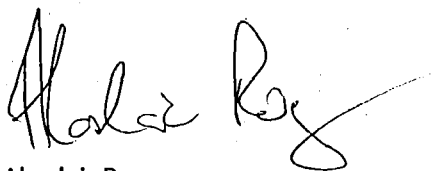
- Work with the National Judicial College to develop and implement an annual training program for judges and magistrates on issues relevant to youth justice, including, for example, child development; Aboriginal and Torres Strait Islander culture; the structural causes of youth offending; the What Works principles; the provision of case management to young people involved in the youth justice system; the YSL/CMI risk assessment tool; the new Youth and Family Support Program Framework; and available supported accommodation services.
- Develop and implement an annual education program for the ACT Police, Director of Public Prosecution, Legal Aid, Aboriginal Legal Services and the private legal profession on a range of issues relevant to youth justice, including: child development; Aboriginal and Torres Strait Islander culture; the structural causes of youth offending; the What Works principles; the YLS/CMI risk assessment tool; the new Youth and Family Support Program Framework; and available supported accommodation services.

This recommendation was noted by the ACT Government.

A list of additional recommendations relevant to this Inquiry is also enclosed.

Should you wish to discuss any of the above, please contact me on 6205 2222.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alasdair Roy', with a long, sweeping horizontal stroke extending to the right.

Alasdair Roy
Children & Young People Commissioner

10 October 2013



CHILDREN & YOUNG PEOPLE COMMISSIONER

ACT Human Rights Commission

Standing Committee on Justice & Community Safety's Inquiry into Sentencing

Inquiry into the ACT Youth Justice System - relevant recommendations

In 2011, the Human Rights Commission completed a comprehensive review of the Bimberi Youth Justice Centre, and the broader youth justice system. The report on the outcome of the review contained 244 recommendations, many of which have been implemented and have led to significant improvements across the youth justice system.

The following recommendations may be relevant to the Standing Committee's Inquiry.

3.10 ACT Policing, the Department of Public Prosecution, the ACT Childrens Court and the Community Services Directorate refer all appropriate matters to the Restorative Justice Unit for conferencing.

6.1 The Community Services Directorate develop an evaluation framework, informed by the literature and by local experts, to assess the effectiveness of youth justice programs in meeting their goals, outcomes and key performance indicators.

6.2 The Community Services Directorate establish an expert advisory group with clear terms of reference to assist guide the development of evidence-based policy and practice. This advisory group should be made up of researchers, academics and youth justice experts as well as practitioners with expertise in the delivery of services to young people with offending behaviour and their families.

6.6 The ACT Government:

- Conduct qualitative research into the operation of police discretion to warn, caution, charge or refer a young person to diversionary programs; and
- Examine why nearly one third of adjudications in the ACT Childrens Court are withdrawn, in comparison with a national figure of 10 per cent.

7.8 The Community Services Directorate work with key stakeholders to develop an ACT Prevention Plan which, among other things, clearly draws together the large number of existing plans and frameworks that focus either fully or in part on prevention.

7.10 The ACT Government immediately implement Phase 2 of the Crimes (Restorative Justice) Act 2004 to allow young people to be referred to restorative conferencing for more serious crimes.

7.11 The Community Services Directorate liaise with ACT Police to determine the feasibility of young people and their families being referred by the police to Family Group Conferencing options within the Directorate.

7.12 ACT Police develop and implement guidelines regarding the use of discretion in diverting young people from the youth justice system, with these guidelines being as transparent and open as the effective operations of ACT Police allows.

7.13 ACT Police set targets for police referral to all diversionary options, particularly in relation to Aboriginal and Torres Strait Islander young people. Performance against these targets to be reported in the ACT Police annual report.

- 7.14 ACT Police collect and publish in their annual report data on diversion rates by age, gender and Aboriginal or Torres Strait Islander status.
- 7.15 The ACT Government amend the ACT Aboriginal Justice Agreement 2010-2013 to include increased referral rates of Aboriginal and Torres Strait Islander young people to all forms of diversion.
- 7.16 ACT Police guidelines be updated to include a direction that young people being diverted from the youth justice system only be placed in police cells as a last resort. The level of compliance with this direction be reported in the ACT Police annual report.
- 7.17 ACT Police guidelines be updated to include a direction that young people dealt with by way of summons only be placed in police cells as a last resort. The level of compliance with this direction be reported in the ACT Police annual report.
- 7.18 The ACT Government introduce a mechanism that allows police to issue a summons to a young person without requiring their attendance at a police station.
- 7.19 The ACT Government amend the Bail Act 1992 (ACT) to remove the presumption against bail for young people accused of domestic or family violence matters.
- 7.20 The Community Services Directorate establish a Diversion from Custody Support Service for young people in police custody after hours.
- 7.21 The Community Services Directorate use Youth Level of Service/Case Management Inventory (YLS/CMI) risk assessments to assist ACT Police and the ACT Childrens Court draft bail conditions for young people.
- 7.22 The Community Services Directorate redraft the pro-forma pre-sentence report used by Community Youth Justice to better reflect the strengths of young people and the opportunities and resources available to them.
- 7.23 The Community Services Directorate develop and implement a model of supervision that allows Community Youth Justice workers to undertake outreach visits to young people in the community to, among other things, satisfy the reporting condition of a young person's bail.
- 7.24 The Community Services Directorate Directorate 'outsource' the supervision and support of low risk offenders to community service providers, particularly those funded under the Youth and Family Support Program Framework.
- 7.25 ACT Police finalise updating the police guidelines in relation to the legislative changes introduced by the Human Rights Act 2004 and Children and Young People Act 2008, and ensure that all police officers receive training on the new guidelines.
- 7.26 The Community Services Directorate finalise guidelines on what Community Youth Justice case managers need to consider when exercising discretion to breach a young person's bail, and ensure that all case managers receive training on the new guidelines.
- 7.27 The Director of Public Prosecutions determine the reasons why so many adjudications are being withdrawn in the ACT Childrens Court and take any corrective action that may be warranted and appropriate.
- 7.28 The Community Services Directorate and the Health Directorate work with the ACT Childrens Court to determine why recommendations by the Court Alcohol Drug Assessment Service for referral are not being implemented.
- 7.29 The Justice and Community Safety Directorate, in partnership with other Directorates, consider implementing and evaluating a two year pilot of a Youth Drug and Alcohol Court.

7.30 The Community Services Directorate:

- Work with the Justice College to develop and implement an annual training program for judges and magistrates on issues relevant to youth justice, including, for example, child development; Aboriginal and Torres Strait Islander culture; the structural causes of youth offending; the What Works principles; the provision of case management to young people involved in the youth justice system; the YSL/CMI risk assessment tool; the new Youth and Family Support Program Framework; and available supported accommodation services.
- Develop and implement an annual education program for the ACT Police, Director of Public Prosecution, Legal Aid, Aboriginal Legal Services and the private legal profession on a range of issues relevant to youth justice, including: child development; Aboriginal and Torres Strait Islander culture; the structural causes of youth offending; the What Works principles; the YLS/CMI risk assessment tool; the new Youth and Family Support Program Framework; and available supported accommodation services.

7.31 The ACT Government works with key stakeholders to develop an ACT Diversion Plan.

7.33 The ACT Government adopt a long-term Justice Reinvestment Strategy that addresses the underlying causes of crime.

7.34 The ACT Government develop meaningful mechanisms to partner with Aboriginal and Torres Strait Islander communities to design and deliver a long-term Justice Reinvestment Strategy that will reduce offending by Aboriginal and Torres Strait Islander young people. Consideration be given to conducting a thorough 'mapping' of all programs and services offered to Aboriginal and Torres Strait Islander communities, including the level of engagement by Aboriginal and Torres Strait Islander people.

10.2 The Community Services Directorate consult local Aboriginal and Torres Strait Islander organisations regarding programs addressing key criminogenic needs for Aboriginal and Torres Strait Islander young people including drug and alcohol abuse, anger management, and offending behaviour, to ensure that these programs are delivered in a way that is culturally appropriate for Aboriginal and Torres Strait Islander young people.

10.3 The Community Services Directorate develop evidence based programs for young women at Bimberi to meet their specific needs on issues including body image, physical self care, sexuality, and respectful relationships with peers, family, partners and children. Young women should be consulted on their needs and preferences for specific programming.

10.4 The Community Services Directorate review and enhance rehabilitation programs provided at Bimberi to ensure that appropriate evidence based programs are developed to meet the criminogenic and developmental needs of young people 10-14 and young adults 18-21 years old.

10.5 The ACT Government review the age of criminal responsibility and consider raising this age to 12 years old in the ACT.

10.6 The Community Services Directorate develop a Protocol to articulate the ACT Government's approach to working with young people with a disability in the youth justice system.

15.2 ACT Policing, the Director of Public Prosecutions, the Childrens Court and Legal Aid ACT continue to develop partnerships to:

- Collect data and measure outcomes of the youth justice system;
- Review practices across the youth justice system;
- Review the legislative framework for the ACT youth justice system; and
- Identify and advocate for systemic improvements to the youth justice system.

OUTCOMES OF THE ACT CHILDREN & YOUNG PEOPLE COMMISSIONER'S 2013 YOUTH JUSTICE FORUM: BAIL & REMAND

A REPORT BY THE ACT CHILDREN & YOUNG PEOPLE COMMISSIONER

JUNE 2013



**ACT CHILDREN & YOUNG PEOPLE
COMMISSIONER**

OUTCOMES OF THE ACT CHILDREN & YOUNG PEOPLE COMMISSIONER'S 2013 YOUTH JUSTICE FORUM: BAIL & REMAND

Alasdair Roy

Kerry Graham

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BACKGROUND

The Office of the ACT Children & Young People Commissioner (CYPC) is an independent statutory office created under the *ACT Human Rights Commission Act 2005*. The current Commissioner is Alasdair Roy, who is assisted by two part-time advisers, Brianna McGill and Gabrielle McKinnon.

The CYPC has a number of roles, including:

- Consulting with children and young people.
- Providing advice to government and community agencies about how to improve services for children and young people.
- Resolving complaints and concerns about services for children and young people.

In undertaking the above functions, the CYPC is committed to the right of children and young people to participate in decisions and actions that affect them.

INQUIRY INTO THE ACT YOUTH JUSTICE SYSTEM

On 8 December 2010, the ACT Legislative Assembly passed a resolution calling on the ACT Attorney-General, Mr Simon Corbell MLA, to direct the Children & Young People Commissioner, Alasdair Roy, to undertake an inquiry into the youth justice system in the ACT, including the Bimberi Youth Justice Centre and Community Youth Justice.

At the same time, the Attorney-General directed the ACT Human Rights & Discrimination Commissioner, Helen Watchirs, to undertake an audit of conditions of detention in Bimberi.

On 29 July 2011, a report on the outcomes of the inquiry and audit was presented to the Attorney-General. A second version of the report was produced specifically for young people, and was distributed to residents of Bimberi, as well as other young people involved in the broader youth justice system.

The Report contained 224 recommendations, including a recommendation that the Commission 'convene an annual Youth Justice Forum, in partnership with other stakeholders in the youth justice system'.

The first annual Forum was held on 23 November 2011, where 49 participants from across the youth justice system discussed how to best provide input into the ACT Government's recently announced *Blueprint for Youth Justice in the ACT 2012-2022*.

The second annual Forum was held on 18 December 2012, where invited representatives from 15 key stakeholders explored bail processes and how they impact on young people. Participants felt that the policy and practice issues identified at the Forum warranted a more detailed discussion.

2013 YOUTH JUSTICE FORUM: BAIL & REMAND

In February 2013, the Children & Young People Commissioner contracted Kerry Graham, a NSW social change consultant, to facilitate the 2013 Youth Justice Forum: Bail & Remand.

The Forum took place on 11 April 2013, and involved invited representatives from 20 key stakeholders.

The purpose of the Forum was to identify ways the ACT youth justice system might improve outcomes for young people in contact with the youth justice system, particularly with respect to bail and remand.

Objectives of the Forum were for participants to:

- See more fully young people's experiences of the youth justice system, particularly in relation to bail and remand.
- Learn more about the perspectives and roles of other stakeholders in the system.
- Identify areas for further learning, potential improvement and/or reform.

PARTICIPANTS

Kerry Graham:	Social Change Consultant; Facilitator
Alasdair Roy:	Children & Young People Commissioner; Host
Organisation	Name
Aboriginal Legal Service	Peter Rose
ACT Police, ACT Government	Sgt Sharon Barnes
ACT Police, ACT Government	Sgt Leane Raiser
Belconnen Community Services	Sonia Roelofse
Bimberi Youth Justice Centre, ACT Government	Tina Brendas
Communities@Work	Samantha Dellamarta
Community Youth Justice, ACT Government	Ronia McDade
Criminal Law Group, ACT Government	Victor Martin
Director of Public Prosecutions	Margaret Smith
Human Rights & Discrimination Commissioner	Helen Watchirs
Human Rights Commission	Gabrielle McKinnon
Legal Aid ACT	Martin Hockridge
Northside Community Services	Simon Rosenberg
Official Visitor for Children & Young People	Narelle Hargreaves
Restorative Justice Unit, ACT Government	Tracey Blundell
Richmond Fellowship of the ACT	Eddie Lleallifano
Richmond Fellowship of the ACT	Duane Petersen
Richmond Fellowship of the ACT	Leeroy
Richmond Fellowship of the ACT	Steve Udjur
Ted Noffs Foundation	Lachlan Dean
Ted Noffs Foundation	Ronan O'Connor
Victims of Crime Commissioner	John Hinchey
Woden Community Services	Chris Redmond
Youth Coalition of the ACT	William Mudford
Youth Services, ACT Government	Mark Collis

THE HYPOTHETICAL

The Forum began with participants being led through a constructed hypothetical about Toby, a young man. In discussing Toby, and his journey through the system, participants were asked to assume their natural role as professionals, and to reflect as best they could the most likely decisions that they or their agency would make regarding Toby.

In doing so, participants were reassured that the process was not intended as scrutiny of them as individuals, but rather as a mechanism to allow participants to see the whole system in operation.

Toby

Toby is a young man aged 15 years with a learning disability. Toby appeared at the ACT Magistrates Court on a Monday morning after being arrested and refused bail by the police on Saturday night. The alleged offences were for multiple break-and-enters committed with a co-accused who was a member of Toby's family. Toby, and his family, is well known to Community Youth Justice and Care and Protection Services.

On Monday morning, Toby was granted bail with conditions to: (i) appear at court; (ii) be at his place of residence each night at 7pm; (iii) not to consume alcohol or illegal drugs.

The following Saturday, police attended a family disturbance at Toby's house. No one was arrested. At 11pm the same night Toby was taken into police custody for breaching his bail. He was in Civic, heavily intoxicated, somewhat abusive towards police and non-responsive to their questions.

While Toby was in police custody, a further disturbance occurred at Toby's house, and adults were arrested and brought into police custody.

Toby was taken to Bimberi Youth Justice Centre until he could appear before Court again the following Monday morning.

During his reception into custody at Bimberi, Toby disclosed to a Bimberi Youth Worker that he left home to avoid an encounter with his co-accused, and that his co-accused caused the disturbance at the family home.

At Court on Monday morning Toby was re-bailed with similar conditions.

From his arrest on Saturday night to his release on Monday morning, Toby was (i) detained in custody for approximately 36 hours, including in caged vehicles, police cells, Bimberi, and the Court cells; (ii) subject to at least 5 searches; (iii) and required to tell parts of his story 5 times to different parts of the system, including police, Bimberi, his lawyer, Community Youth Justice, and the Court.

OBSERVATIONS

Throughout the hypothetical, and the accompanying discussions, participants had the opportunity to see the working of the system as a whole, and to develop greater insight into the effect of the system on an individual young person. Perspectives identified by participants through the hypothetical included:

- Seeing Toby as a vulnerable young person.
- Seeing the system as imbalanced.
- Seeing the system as inflexible.
- Seeing potential for collaboration and change.

SEEING TOBY AS A VULNERABLE YOUNG PERSON

The more the 'system' got to know about Toby, the more participants began to look for creative solutions to assist him.

As Toby moved from being a drunken young person in breach of his bail, to a young man with vulnerabilities who was trying to do the right thing with limited supports, participants in the system became more compassionate and looked for solutions to prevent him from furthering his engagement with the criminal justice system.

In unpacking the hypothetical, many participants noted that had they known Toby's full story at the time they were required to make a decision, they would have made a different decision.

SEEING THE SYSTEM AS IMBALANCED

The hypothetical allowed participants to identify areas where the system was out of balance, resulting in gaps and/or weaknesses in the support available to Toby.

The most visible imbalance in the system was the dominance of the statutory system and, in Toby's case, the absence of the community system. Participants felt that this imbalance resulted in Toby being further drawn into the criminal justice system at a time when he should have been diverted.

SEEING THE SYSTEM AS INFLEXIBLE

The hypothetical also allowed participants to see where the system was inflexible. Through the course of the hypothetical and during the debrief, participants observed levels of inflexibility in:

- Legislation.
- Practice.
- Purpose.

LEGISLATION

Participants spoke about the limitations and anomalies in the current bail legislation, and identified powers and regulations that needed to be introduced, or become more flexible, in order to allow for the more timely and appropriate options and outcomes for Toby. They noted inconsistencies in the way that the Bail Act treats young people, and the need for a clear and principled approach that recognises the particular needs and vulnerabilities of young people.

PRACTICE

Participants reflected that some aspects of the way the system worked were not conducive to achieving the best possible outcome for Toby. In particular, the system being 'time poor' was seen as a significant impediment to getting to know Toby, understand his circumstances, and put in place appropriate supports.

PURPOSE

Participants examined the underlying purpose of the system, and questioned whether its focus on deterrence and supervision produced the best outcome for Toby. Participants were interested in exploring more therapeutic systems designed to support youth development and rehabilitation.

SEEING POTENTIAL FOR COLLABORATION & CHANGE

The hypothetical allowed participants to gain new and deeper understandings of how different actors in the system perform their role.

Throughout the process, participants were able to see the constraints different stakeholders in the system operated within, including: the limits of their role, the amount of time they had to perform their role, and the amount of information they had access to.

Participants had the opportunity to learn from each other (*'why did you make the decision you did?'*), and to ask questions that gave rise to potential solutions (*'what would it take for you to have made a different decision?'*).

Through greater understanding and dialogue, participants gained new perspectives and identified opportunities for strengthened relationships and collaboration with other agencies in the system.

IDEAS FOR CHANGE

It was not intended that the Forum generate formal recommendations. To do so may have been difficult given the range of views, and that many participants, most notably ACT Government representatives, attended the Forum to exchange ideas and information, and not to make formal undertakings on behalf of their agencies.

Instead, 'ideas for change' emerged from the conversations, with those ideas falling into six broad themes:

- Reduce reliance on court imposed bail
- Reduce the number of young people arrested for breach of bail
- Improve the system post-arrest
- Better outcomes for young people
- Possible legislative reform
- Improve data collection and analysis

REDUCE RELIANCE ON COURT IMPOSED BAIL

Ideas included:

- Greater use of already existing supports and relationships (including community and family based supports) to assist behaviour control and modification for young people in contact with the criminal justice (rather than court imposed bail).

REDUCE THE NUMBER OF YOUNG PEOPLE ARRESTED FOR BREACH OF BAIL

Ideas included:

- Greater police discretion to not arrest young people who they find in breach of their bail. Young people found in breach of their bail could instead be referred to community based support agencies, or their youth justice workers, for on-going support.
- Greater police discretion to 'un-arrest' if they have arrested a young person. Once police find out more about the individual circumstances of a young person (including already existing supports; alternative accommodation options; reasons for the breach etc), the young person could be 'un-arrested' and referred to community based support agencies, or their youth justice workers, for on-going support.
- Greater capacity for the police to 're-bail' a young person with the same bail conditions. This would avoid young people having to be held in custody, simply to re-appear in court and be given bail again (frequently with exactly the same bail conditions as before).

IMPROVE THE SYSTEM POST ARREST

Ideas included:

- Introduce a Sunday court. This would reduce the amount of time young people have to be held in custody (and, as noted above, simply to re-appear in court and be given bail again).
- Have community youth workers on call to be able to attend police stations to engage and work with young people as soon as possible after their arrest.
- Place community youth workers and/or Police Youth Liaison Officers at court to engage and work with young people as soon as possible after their arrest.
- Develop a greater range of accommodation options for young people who can't go home, thereby

avoiding young people having to be held in custody.

- Expand the After-Hours Bail Service so as to be available to police and other agencies on a 24 hour basis.

BETTER OUTCOMES FOR YOUNG PEOPLE

Ideas included:

- Engage the community sector as early as possible so as to provide better individualised support for young people in contact with the youth justice system, and to remove the young person from the statutory system as soon as possible.
- Undertake early and more detailed assessments of young people post arrest to determine their capacity and the best way to supervise and support them.
- Talk to the young people, and listen to their stories and what they want to happen; make young people central to all decisions.

LEGISLATIVE REFORM

Ideas included:

- Reform of the Bail Act to more clearly articulate the best interests and needs of young people, and to ensure that there is consistency in the way that the Bail Act deals with young people.
- Reform of the Bail Act to more clearly define the purpose and parameters of bail for young people, including requiring bail conditions to be relevant to the offence, and to be objectively clear.
- Introduce legislation (and accompanying policy and practice guidelines) to allow police to 'not arrest'; 'un-arrest'; and 're-bail' young people (as per above).
- Improve the capacity for different parts of the youth justice system to share information about young people in contact with the system in a timely and effective manner.
- Develop non-adversarial court systems (for example, along the lines of the Scottish court model).

IMPROVE DATA COLLECTION & ANALYSIS

Ideas included:

- Improve data collection across the system, so as to increase knowledge of young people in contact with the youth justice system, including, in particular, young people on bail and remand
 - Improve analysis of collected data, so as to ensure new policies and programs are based on evidence, not assumptions.
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