

Diversion: keeping young people out of youth justice to lead successful lives



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The Victorian Government acknowledges Aboriginal and Torres Strait Islander people as the First Peoples and Traditional Owners and custodians of the land and waterways upon which our lives depend.

We acknowledge and pay our respects to ancestors of this country, Elders, knowledge holders and leaders – past, present and emerging. We extend that respect to all Aboriginal and Torres Strait Islander peoples. We recognise that Aboriginal and Torres Strait Islander communities are steeped in culture and lore having existed within Australia continuously for some 65,000 years.

We acknowledge the ongoing leadership of Aboriginal communities across Victoria in striving to build on these strengths to address inequalities and improve Aboriginal justice outcomes.





Our position

Prevention, diversion, and early intervention are the most effective and fiscally responsible ways of reducing youth crime.¹ That's why this approach is central to our vision for youth justice in Victoria.

Our **vision** is for a **leading youth justice system** that:

- » reduces offending by children and young people and improves community safety
- » works with others to provide genuine opportunities for children and young people to turn their lives around.

¹ Principle 2, Youth Justice Strategic Plan 2020-2030





What is youth diversion?

Youth diversion provides children and young people with pathways to:

- » avoid further progression into the youth justice system
- » make sure they do not remain in the youth justice system if they do commit a crime; and
- » receive support to address the underlying reasons for their offending.

Youth diversion involves coordination between Youth Justice, police, and the broader service system to address children and young people's developmental needs and factors such as childhood trauma, family violence, health issues, housing insecurity and other forms of disadvantage.

While the Children's Court Youth Diversion program provides a legislated framework for diversion in Victoria, the principle of diversion is embedded throughout all the services and programs within Youth Justice.



Diversion Options

PRE-CHARGE/PRE-COURT



Youth Justice programs

Community Based Aboriginal Youth Justice Program

Cultural support provided by Aboriginal Community Controlled Organisations to Aboriginal young people in contact with youth justice, on diversion or at risk of contact with Youth Justice.

Youth Support Service & Aboriginal Youth Support Service

Early intervention and outreach support for young people who are at risk of entering the youth justice system.



Victoria Police early intervention and diversion programs for young people

The Embedded Youth Outreach Program

A targeted intervention where police officers and youth workers are paired to provide assessment, and referral for vulnerable young people.

Child Cautions

Police may exercise discretion by issuing a caution to a person as an alternative to laying charges with the aim of redirecting eligible young people away from the justice system.

Drug Diversion

The aim of the drug diversion program is to divert adults and children found committing certain drug offences into early assessment and appropriate treatment managed by the Department of Health.

Aboriginal Youth Cautioning Program

Local police and Aboriginal community services work together to respond to the needs of Aboriginal young people in contact with police.

Infringement Notice

A monetary penalty, issued by police, for an offence.

Ropes Program

A diversionary program involving police engaging with a young person in supportive team-building activities.



Crime Prevention Programs

Youth Engagement Grants

Early intervention local initiatives that connect young people with positive, culturally relevant activities.

Youth Crime Prevention Grants program

Local projects that support young people aged 10 to 24 who are at risk of involvement with the criminal justice system, to prevent offending.

PRE-SENTENCE

Multisystemic Therapy & Functional Family Therapy

Evidence-based programs that support families in the home to address and prevent offending behaviours in young people.

Youth Justice Community Support Service

Intensive case management support for young people under Youth Justice supervision in the community.

Children's Court Youth Diversion

Legislated diversionary option for young people with limited criminal history.

Youth Justice Group Conferencing

Restorative justice approach enabling young people to take responsibility and make amends for their offending.

Youth Justice bail supervision

Support and supervision for young people to safely remain in the community while awaiting sentencing.

Housing Programs

Access to supported transitional housing, and Kids Under Cover units, for young people at risk of homelessness.

Youth Offending Programs

Clinical programs to address offending behaviours and underlying causes.



Non-supervisory court outcomes

Good Behaviour Bond

A court outcome requiring a young person to be of good behaviour for a specified period.

Fine

A monetary penalty, issued by the Court, for an offence.



Multi-agency panels

Multi-agency Panels

Local panels linking key agencies to actively manage high risk young people by coordinating supports and services.

Whilst many interventions and programs listed are available state-wide, some are only available in specific Local Government Areas.

Partnerships and age appropriate services: at all stages of the continuum young people are connected with education and employment opportunities as key diversionary pathways.



Why it works: the evidence base

Youth diversion can **reduce crime**, is **cost effective** and **creates better outcomes** for young people and the community. The evidence tells us that prevention, diversion, and early intervention are the best ways to support young people to become productive members of the community.

Understanding youth offending

The research shows that adolescent brains do not fully develop until young people are well into their early 20s. This means that they have less ability to understand the consequences of their decisions, and to regulate their emotions. However, it also means that young people have greater ability to rehabilitate and change.

Most children and young people do not offend. Of the young people that do offend, most will engage in low-level offending, and grow out of this behaviour with minimal or no intervention. Only a small number of young people will continue to offend into adulthood.

Disproportionate interventions for young people can increase the risk of them becoming entrenched in the criminal justice system by exposing them to anti-social peers, increasing the stigma associated with their offending and disrupting protective factors that may prevent future offending. Diversion pathways support these young people to stop offending without significant intervention.



System performance

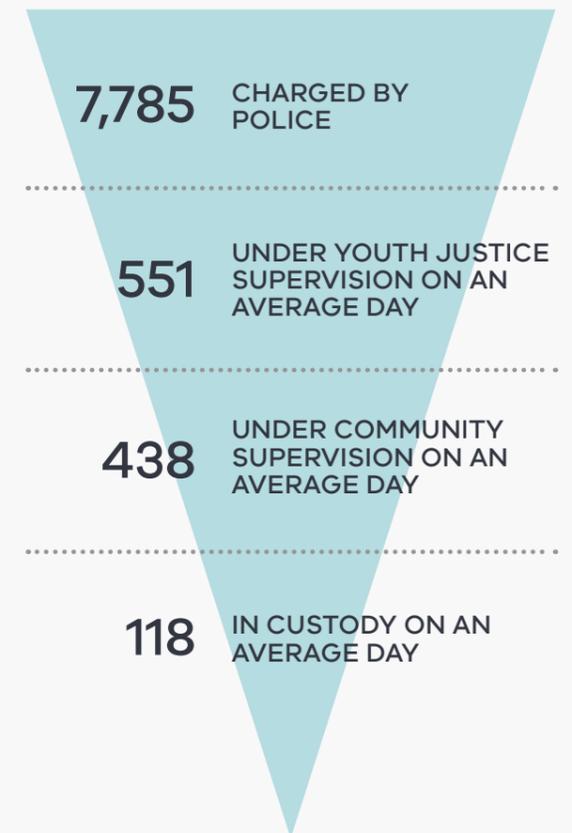
Our commitment to diversion and early intervention gives young people opportunities to get support, make better choices, and contribute to the community in a positive way.

Over the past five years we have invested over \$125.7 million in Youth Justice diversion.² In addition to this, investment in Crime Prevention includes a range of early intervention programs to prevent young people's involvement with the justice system. Since 2016, \$22 million has been invested through the Youth Crime Prevention Grants program, funding community-led early intervention projects across Victoria to prevent youth offending. These projects have been rigorously evaluated, showing a significant reduction in the amount and severity of offending by the participants.

The diversionary approach embedded within Youth Justice, and the justice system more broadly, means that most young people who have contact with the justice system do not end up under supervision in the community or in custody (Figure 1).

² This amount reflects the total investment in specific Youth Justice services on pages 8 and 9

Figure 1: Children and young people's involvement in the criminal justice system aged 10-17 years in 2019-20



'Charged by Police' data is from the Australian Bureau of Statistics. All other data is from the Australian Institute of Health and Welfare (AIHW).



Outcomes

In 2020-21, Victoria had:



The lowest rate of total young people under Youth Justice supervision in the country.³

7.3 per 10,000 young people aged 10-17



The lowest rate of total young people under community supervision in the country.³

5.7 per 10,000 young people aged 10-17



One of the lowest rates of young people in custody.³

1.6 per 10,000 young people aged 10-17



Sentenced detention rate reduced by 75%⁴

over five years from 0.8 in 2017 to 0.2 in 2021



Lowest return to sentenced supervision rate since 2014-15.³

49.6 per cent return following 2018-19 release from custody – this was below the national average of 55 per cent returning



The introduction of CCYD in 2017 has had a positive impact on reducing the number of young people under supervision in the community and in custody.

	2011-12	2016-17 Introduction of CCYD	2020-21
Number of diversions through CCYD	NA	761	1,166
Number of young people in custody	755	708	635
Number of young people under supervision in the community	2,792	1,855	1,448

Note: the diversion data and 2020-21 figures are from the Client Relationship Information System (CRIS). CRIS data undergoes routine data validation, and as such data is subject to minor changes over time. All other data is from the AIHW.

³ Data from the Productivity Commission's Report on Government Services 2022

⁴ Data from the AIHW

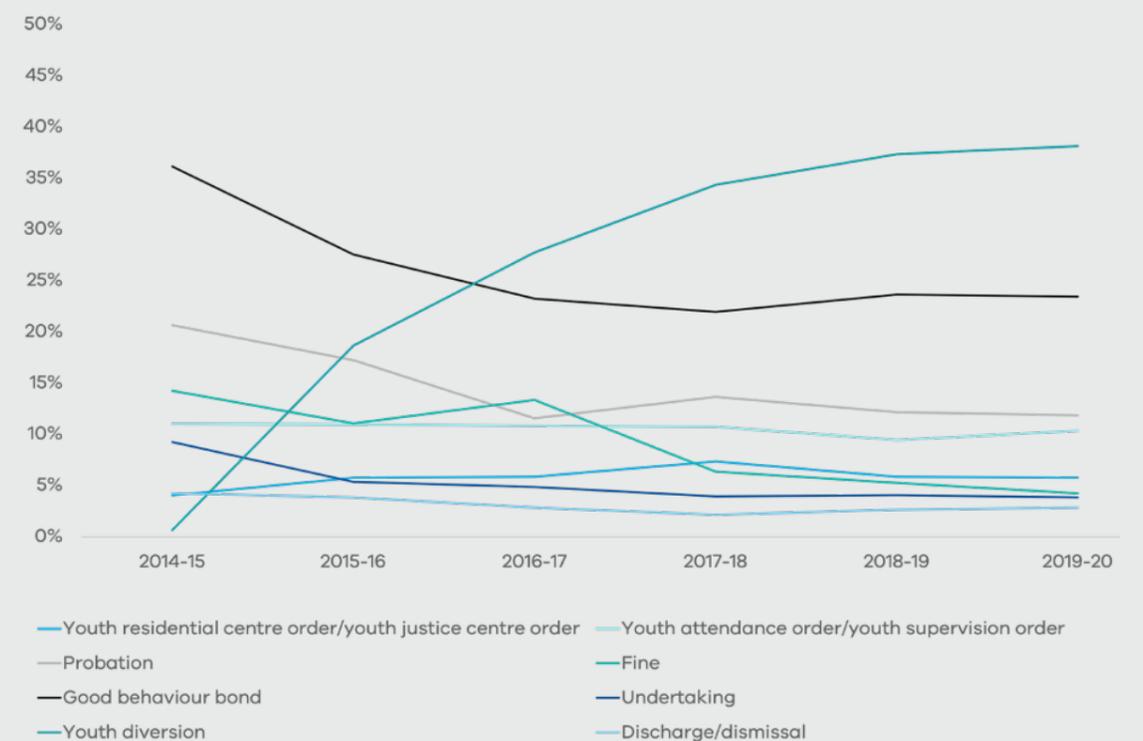


CASE STUDY: Children's Court Youth Diversion (CCYD)

The CCYD program provides a legislated framework for diversion in Victoria. It aims to divert young people with limited or no criminal history and provides an opportunity for them to take responsibility for their behaviour, and avoid further progression into the justice system.

Since it began in 2017, the CCYD program has overseen more than 6000 diversions, with a successful completion rate of over 90 per cent. Youth diversion is now the most common court outcome imposed in Victorian Children's Courts (Figure 2).

Figure 2: Proportion of cases sentenced in the Children's Court, by court outcome



Data from the Sentencing Advisory Council



An evaluation of the program carried out over 2020-2022, found that CCYD had a positive impact on reoffending rates.

The evaluation found that:

- » less than a quarter of participants had reoffended within six months of completing their diversion
- » over half of participants had not reoffended after two years
- » reoffending among participants was less frequent and less serious than among young people with similar offending history and characteristics who received an alternative court outcome.

The evaluation found that CCYD can put in place support to help young people to be more prepared for life. Participation in CCYD contributes to positive attitude and behaviour changes, and many young people had maintained these positive changes after completing their diversion order.

Olivia* is an African Australian young person who lives in metropolitan Melbourne. She was charged with assault and theft offences. As these were Olivia's first offences, she was placed on a diversion with CCYD.

Through CCYD Olivia reflected on her criminal behaviour, the peers she associated with, and the impact of her actions upon the victims and broader community. She was given practical support including assistance to reengage with school. Olivia appreciated the opportunities offered by CCYD.

As part of her diversion plan, Olivia was connected with the Centre for Multicultural Youth (CMY). CMY liaised with her school, linked her with a cultural mentor, and helped her to reconnect with a sport she loved. Olivia also wrote an apology letter to the victims. "I thought it was helpful. Because before I wrote that apology letter, me and [my CCYD coordinator] talked about like, how [the victims] were feeling and everything. And it really made me [understand] that what I did was wrong and everything, and I wrote that into the apology letter."

Olivia's CCYD coordinator said that her case was a positive example of diversion and the importance of parental and cultural supports. "[Olivia] had never been in trouble, was remorseful, had the right attitude, [and was] willing to accept responsibility and do [the diversion activities]. And [her] dad was on board with it."

Reflecting on her experience with CCYD Olivia said, "Yeah, personally I do think that I've changed." She thought that CCYD helped young people to stop, think, and make better choices in the future.

Olivia successfully completed the diversion, and her charges were dismissed. She has remained engaged with CMY and her sports team.

**Name has been changed.
Source: CCYD Outcome Evaluation*



// “It helped me get my life on track a lot... I got a job and everything after I got on the diversion... I never really had a job before that.”
– Past CCYD participant

// “CCYD is making a significant contribution to Youth Justices’ longer term strategic goals of diverting young people from the criminal justice system and improving community safety.”
– CCYD evaluation

// “I just stopped doing anything that was illegal. Because I realised that I don’t have many chances in this world. I don’t want to ruin them all. It gave me a second chance.”
– Past CCYD participant

// “What diversion did was acknowledge the change, and not punish, not undo all the hard work by leaving a 14-year-old with a record for something stupid that was done when they were living on their own with no supports.”
– Parent of a past CCYD participant



Mural painted by a former CCYD participant as part of a street art program.



Our plan for the next four years

Our commitment to prevention, diversion and early intervention is central to the future of youth justice in Victoria. Over the next four years we will implement a range of initiatives to continue this commitment and help young people to lead successful lives.

The Youth Justice Strategic Plan highlights diversion and early intervention as the greatest opportunity to address youth crime. We will:

- » continue to support effective diversion through CCYD and other initiatives and encourage young people to take responsibility for their behaviour.
- » deliver quality court advice to inform bail decisions and deliver effective support and supervision to young people on bail.
- » support effective whole-of-government and community efforts to intervene early with young people who experience disadvantage and are at risk of offending and minimise their contact with the justice system.

Wirkara Kulpa, Victoria's first Aboriginal Youth Justice Strategy, commits to diverting young people and addressing over-representation. It envisions a future where Aboriginal children and young people are **not** in the youth justice system, because they are strong in their culture, connected to families and communities, and living healthy, safe, resilient, thriving and culturally rich lives. We will:

- » implement initiatives to keep 10 to 13-year-old Aboriginal children out of the youth justice system. The 2021-22 Victorian state budget allocated \$5.95 million over three years for Aboriginal Community-Controlled Organisation-led delivery of early intervention family services and family-based case management for Aboriginal children under 14 at risk of, or in contact with, the criminal justice system.
- » continue to support Balit Ngulu, a specialised youth program within the Victorian Aboriginal Legal Service, to provide culturally appropriate legal services to Aboriginal children and young people.

- » set up at least one Aboriginal Youth Justice Hub to deliver community-based services that keep Aboriginal children and young people connected to family, community, and culture, and explore options for more hubs in additional locations.
- » commence Aboriginal case management review panels so that care and support address the strengths, risks and needs of Aboriginal children and young people, to keep them away from youth justice.



Victoria's Crime Prevention Strategy

complements the diversionary approach of Youth Justice, setting a clear approach for government to partner with communities and key organisations to deliver innovative solutions that address the underlying causes of crime, improve safety for all Victorians and prevent contact with the justice system particularly for young people. As part of this Strategy:

- » The Youth Crime Prevention Grants program funds projects that support young people aged 10 to 24 who have had contact with, or are at risk of involvement with, the criminal justice system. The program aims to strengthen the ability of communities to intervene early and reduce the likelihood of young people engaging in criminal behaviour. To date, more than 1,300 young people have received intensive one-on-one support through the program. Evaluations show a significant reduction in severity and amount of offending for participants in the program.
- » The Youth Engagement Grants will empower communities to deliver local solutions to tackle the underlying causes of crime, as part of the Building Safer Communities Program. An investment of \$1.7 million will fund multicultural

and Aboriginal organisations up to \$50,000 each for initiatives that connect young people with positive, culturally relevant activities.

- » Several other early intervention initiatives for young people are being delivered through the Crime Prevention Innovation Fund, including a culturally specific mentoring program for young South Sudanese Australians aged 13 to 15 delivered by Paramount Chief Kuol Adol Foundation, and a project between Swinburne University of Technology and community partners to co-design and test approaches to support positive life trajectories among Pasifika young people.

We are **developing a new legislative framework for Youth Justice** in Victoria. The new framework will be a chance to reset the fundamental principles and foundations for Youth Justice. The framework will assist with reducing reoffending and ensuring community safety through an emphasis on diversion and early intervention, the rehabilitation and positive development of children and young people, supporting restoration of harm done to victims by offending, and promoting system-wide collaboration and cooperation.

The new **Youth Justice facility at Cherry Creek** will be a purpose-built facility designed to support the rehabilitation of young people. It will include:

- » a dedicated health and mental health facility
- » alcohol and drug treatment capability
- » a purpose-built Intensive Intervention Unit to deliver therapeutic and intensive interventions to support young people presenting with violent behaviours in custody
- » an education and vocational campus on site, to deliver the education and training young people need to transition effectively into the community and lead productive lives.

The South Sudanese Australian Youth Justice Expert Working Group

will be set up in 2022 to address over-representation of South Sudanese young people in the criminal justice system.

A workforce support initiative for residential care and community youth justice workers

aims to reduce the number of young people in residential care entering the criminal justice system, in line with the Framework to reduce criminalisation of young people in residential care and the Better-Connected Care Reform initiatives. As part of this initiative, The Centre for Excellence in Child and Family Welfare will provide training and support to build the capacity of workers, to prevent children in residential care becoming involved in the criminal justice system.

Evidence-based programs **Multisystemic Therapy (MST)** and **Functional Family Therapy (FFT)** will continue to deliver intensive, home-based support to families to address young people's behaviours and issues. These programs have a well-established international evidence base regarding their effectiveness as an intervention for young people. MST and FFT equip families to become more cohesive, develop stronger parenting skills, and decrease the likelihood that young people will offend or re-offend.



