

# **MAKING JUSTICE WORK**

## **Position paper February 2013**

### **1. Justice reinvestment**

We support the approach of justice reinvestment.

Justice reinvestment is 'an emerging approach to over-imprisonment that diverts a proportion of corrections budgets to communities within the jurisdiction, that have high rates of offending, giving those communities capacity to invest in programs that will reduce criminal behaviour and the rate of recidivism' (Melanie Schwartz).

Justice reinvestment aims to spend money now on dealing with the causes of crime to save money in future on dealing with the outcomes of crime.

There is a chronic shortage of programs in the NT that reduce criminal behaviour, particularly in remote Aboriginal communities. We urge the government to significantly increase spending on services that specifically target offending (for example family violence, sexual assault, alcohol and drug abuse) as well as preventive programs such as early childhood intervention, school attendance programs and programs for youth.

### **2. Youth justice**

#### **a. Generally**

The emphasis in dealing with youth must be on supporting young people and assisting them to address the underlying causes of their offending.

While we recognise the need for punishment in appropriate cases, we support an approach which emphasises rehabilitation and reform, and diverts young people away from the criminal justice system in general, and detention in particular.

The 2011 Review of the Northern Territory Youth Justice System (the Carney review) found that diverting young people away from courts can reduce re-offending rates and emphasised the need to break the 'cycle of offending'.

#### **b. Carney review**

We support the 9 recommendations of the Carney review. We urge the NT government to fully implement them and call on all politicians to adopt a non-partisan approach to these issues.

The recommendations of the Carney review are:

1. That a youth justice unit, with statutory authority, be established within a government department and that it have responsibility for administering and coordinating services and responses to young people in, or at risk of entering, the youth justice system.
2. That a new, comprehensive youth justice strategy be developed and implemented.
3. That the Administrative Arrangements order be reviewed and that the number of ministers responsible for aspect of parts of the youth justice system be reduced to mirror the existence of the youth justice unit and ministerial responsibility.
4. That resources be provided to the youth justice unit for the purposes of collecting, coordinating, interpreting, analysing and disseminating whole of government data and statistics on youth justice issues, and that a Territory-wide and nationally consistent set of systems and measurement indicators (including recidivism) be developed to provide information for decision makers on a range of youth justice issues.
5. That resources be increased for police diversion to include the establishment of Youth Diversion Units in Katherine and Tennant Creek, that eligibility for diversion be expanded, and that additional community based programs be established that have a measurable rehabilitative value.
6. That the number of youth rehabilitation camps be increased and include the establishment of one short term therapeutic camp program in greater Darwin area and one in Central Australia, and a longer term therapeutic residential program in the Top End and one in Central Australia, and that the youth rehabilitation camps be regulated by legislation.
7. That additional resources be allocated to the Family Support Program and existing Family Support Centres.
8. That the capacity of the Northern Territory workforce be strengthened to include training of workers across the youth justice system including youth workers, court support workers, and community youth justice workers.
9. That all programs delivered for young people in, or at risk of entering, the youth justice system have built in evaluation processes, that an external monitoring committee oversee progress of the youth justice unit; that the youth justice unit's activities are included in the department's annual report, and that government report on the recommendations of this Review by 30 June 2012, again by the end of 2012 and annually thereafter.

The Carney review and its recommendations emphasised the need for targets and benchmarks to be set and monitored in the implementation of the youth justice strategy. It is essential that an evidence base is gathered and used to guide further policy development and implementation.

It is also particularly important that adequate resources are made available to properly implement the recommendations of the Carney review.

### **c. Youth camps**

We support youth camps as a means of early intervention as well as diversion from the criminal justice system.

The focus of the camps should be on rehabilitation and supporting youth. The language of 'boot camps' suggests a punitive focus and is unhelpful.

It is essential that youth camps are culturally relevant for Aboriginal young people. It is also essential that the camps are safe for all of the young people who participate in them.

It is vital to ensure that youth camps are designed and implemented in a way that the evidence shows will work best to deal with the causes of crime amongst young people and promote their rehabilitation.

It is also important that youth camps are part of a broad range of supports and interventions for young people – they are not a 'silver bullet'.

### **d. Youth curfews**

We oppose curfews. The Carney review found that there is no evidence that curfews are effective in reducing crime.

### **e. Naming youth offenders**

We do not support the naming of youth offenders, other than in exceptional circumstances, when to do so is found to be in the public interest.

The Northern Territory is the only jurisdiction in the country that allows the naming and shaming of young people without court sanction. 'Naming and shaming' does not work and can entrench, rather than break, the cycle of offending for young people. Naming and shaming can limit a young person's ability to rehabilitate, learn from their mistakes and change their life for the better.

Young people should be encouraged to take responsibility for their actions. But there are more effective ways of doing this, for example through victim conferencing or engaging in community work.

We support the position of the NT Children's Commissioner, Anti-Discrimination Commissioner and Information Commissioner, who recently called for a change to the *Youth Justice Act* to ensure that there is a presumption of confidentiality for children and young people at all levels of the judicial process, that can only be overridden where it can be shown that publication of details is truly in the public interest.'

### **3. Night patrols**

We support the use of community patrols such as Night Patrols. These have a number of benefits for community safety:

- Early intervention in disputes
- Provide a safety-focused response to public drunkenness
- Minimising contact between Aboriginal people and police and reducing the numbers of Aboriginal people in custody.

### **4. Mandatory alcohol treatment**

Alcohol misuse should be treated as a health and safety issue, not one of 'law and order'. We oppose any moves that would have the effect, directly or indirectly, of re-criminalising drunkenness.

We endorse the communique that recorded the outcomes of the 'Grog Summit' organised by the Aboriginal Peak Organisations of the Northern Territory. In particular, we support the call for all levels of government to:

- Involve Aboriginal people in all levels of decision-making regarding alcohol policy, program development and resourcing in the NT;
- Acknowledge that Aboriginal people live in two worlds – one of traditional culture and another of contemporary society;
- Acknowledge that Aboriginal people must be supported to develop solutions to tackle issues around alcohol-related harm;
- Empower Aboriginal people to resolve their own disputes and conflicts;
- Acknowledge the importance of Aboriginal spirituality and culture in healing alcohol-related harm;
- Base alcohol policy on evidence not politics;
- Ensure that Police work with communities and develop strategies to ensure better relationships with Aboriginal people rather than engaging simply in law enforcement.
- Ensure community-specific cross-cultural training for non-Aboriginal staff, including nurses, doctors, teachers, and police officers;
- Complete the current study into on licensed clubs before considering further policy reform;
- Bring back a system (such as the Banned Drinkers Register) to restrict the supply of alcohol to problem drinkers without resorting to criminalisation;
- Implement population level supply reduction measures as a 'circuit breaker' for problems in our communities;

- Provide significant new resources into early childhood programs as an absolute priority;
- Expand government support for community-based recovery strategies, similar to strategies used in Fitzroy Crossing; and
- Expand and invest in existing rehabilitation programs and infrastructure before considering new options.

## **5. Mandatory sentencing**

We oppose all forms of mandatory sentencing.

Mandatory sentencing does not work to prevent crime. It does not deter people from committing crime. There is no evidence that offending rates drop when mandatory sentencing is in place – in fact, in the NT crime rates have increased when mandatory sentencing has been operating.

Mandatory sentencing results in unfair sentences. It is the job of Judges and Magistrates to impose just sentences, taking into account all of the circumstances. Most of the time they get it right. When they get it wrong, the DPP or defence can appeal and have the sentence corrected.

Mandatory sentencing also costs a fortune. Locking people up is very expensive and mandatory sentencing means that more people are locked up. This is money that should be spent on preventing crime and dealing with its causes.