

## Kununurra Youth Diversion



**For Aboriginal children and youth across the East Kimberley, youth diversion activities are often much more than a preclusion to the justice system- so getting them right is essential.**

This evidence brief will guide and shape discussion about responses to youth crime and youth services in Kununurra and unpacks the complexity of this issue for remote communities in in the East Kimberley. It aims to build a common understanding about new ways of working with youth to divert them from the justice system early, and walk a new path.

“We have all these sad things happening to our families. We want to look at a future for our children... We need to do things with our children. They are our priority in the community. They are our future”

- Talking Family Healing  
East Kimberley Gathering Report  
Healing Foundation, 2014

### Key Messages:

- Offending rates in Kununurra a high, with a majority of offences being committed by young Indigenous males.
- Domestic and international research indicates that diverting young offenders and engaging them in community-based programs when they come into contact with the criminal justice system (rather than detaining them) is the most effective way to reduce youth crime.
- Effective diversionary programs are often holistic in nature and seek to address the range of risk and protective factors impacting the young person in their home, school, community and peer group.
- Programmatic responses that involve Aboriginal people and Aboriginal organisations in design and delivery are effective for youth diversion, particularly those that leverage opportunities to embed culturally appropriate activities within the program.
- The deep seated, intergenerational nature of a number of the factors contributing to the behaviours that result in involvement in the youth justice system requires a committed, long term, community level response.

# Kununurra: Data Snapshot



7,155 people in Kununurra- 33% are Indigenous



Indigenous people in Kununurra are young- the median age is 24

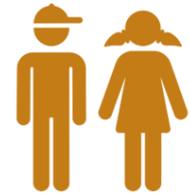


In June 2017 **23%** of Aboriginal youth (aged 10-29) were on youth allowance in Kununurra.

## Across Western Australia...



Aboriginal young people in WA are more likely than non-Aboriginal young people to be **arrested rather than cautioned** and are more likely to be sent to court...



...they are more likely to begin offending regularly at **younger ages** than non-Aboriginal offenders and are more likely to be younger when they commit a property or violent offence...



...they tend to acquire a more extensive criminal record at a young age. The possession of a longer criminal record then **increases the risk of detention or imprisonment** if they reappear in the criminal justice system.

### During Jan- Oct 2018 young people in Kununurra have received:



**96** cautions (oral and written) to young people offending were issued, up since last year's number of 53.



There have been **264** arrests made- a 77% increase from this same time period last year which was 149 arrests.



Data in review with Youth Justice and WAPOL:



**106** referrals to the Juvenile Justice Team (referrals up **381%** compared to the same time period last year, which reached 22 referrals)



**34** summonses to court, up marginally from 31 last year.



In 2016 **37%** of Indigenous 10-29 year olds were NOT fully engaged in work or study in Kununurra.... compared to the national rate for Indigenous youth not fully engaged of 34%.

In November 2017, there were **17** young people from the Kimberley detained at Banksia Hill



In term 3 2017, the KDHS attendance rate for non-Indigenous students was 91%- for Indigenous students the attendance rate fell to **59%**.



At a State wide level Aboriginal people represent only 3% of WA's population but make up approximately 40% of prisoners and **70%** of youth detainees.

## Influencing Factors

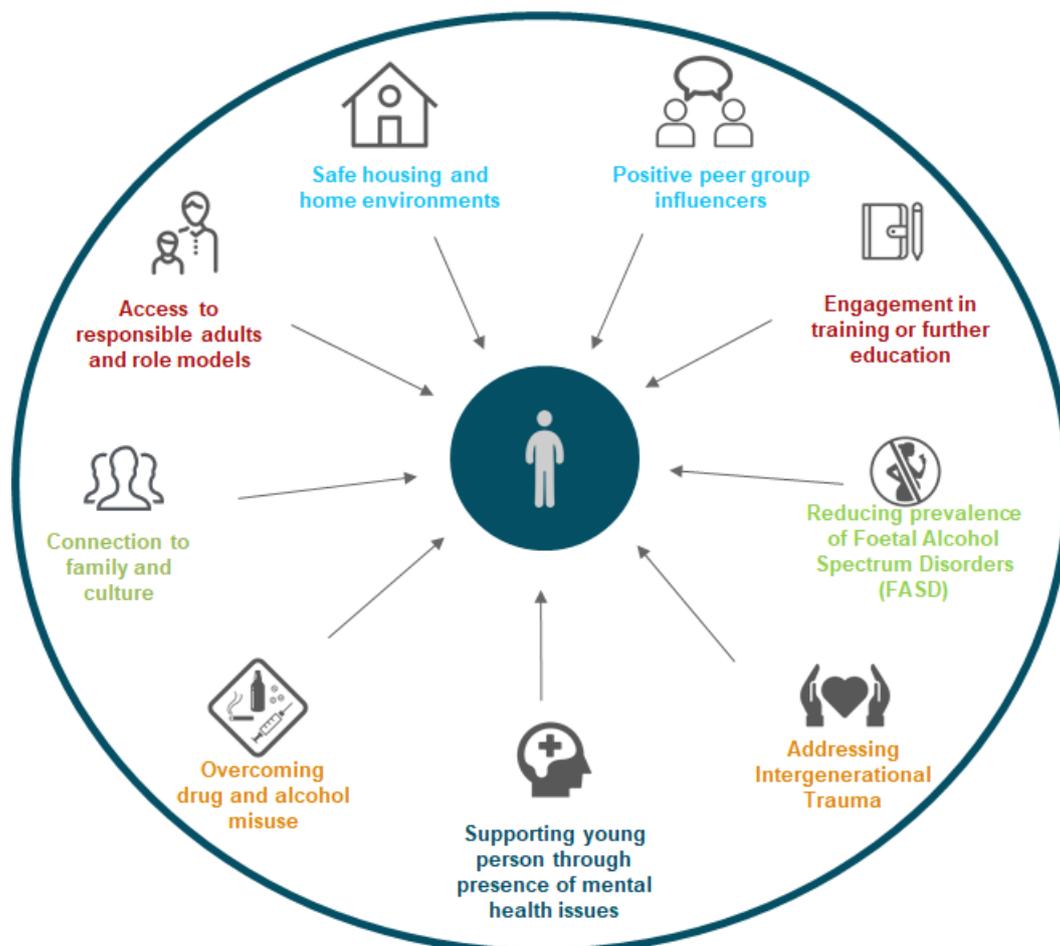
A range of factors contribute to both the need for, and the complexity of delivering, prevention and diversion services in the East Kimberley (see diagram below).

The importance and strength of **connection to culture and land** is both a benefit and a challenge, as it provides a powerful point of engagement with young people, but also can have a negative impact when young people are charged and held on remand, given that the only detention centre for young people is located in Perth (Banksia Hill Detention Centre). The result is that young people from the East Kimberley often experience isolation from family, friends and culture whilst in detention which can be a frightening and desensitising experience and exacerbate underlying issues that contribute to offending [14].

Service providers also face practical challenges in delivering diversionary services given the remoteness and geographic area over which they need to work and the difficulty they often experience in building relationships and trust with young people and their families [14].

It has been noted that geographic and funding challenges also often cause a focus to be placed on diversionary rather than preventative services, which means in effect that young people have to get into trouble in order to access support.

The deep seated, intergenerational nature of a number of the factors contributing to the behaviours that result in involvement in the youth justice system requires a committed, long term, community level response [14].



*A young person may be experiencing a range of factors (often more than one) that contribute to their involvement with youth diversion and youth justice services. This pictorial represents the main factors that helps children and youth avoid interaction with criminal activity.*

## Local voices: What's needed

A review of local reports and consultations (KALACC, 2010 [15]; Enzyme, 2015 [13], RSRU, 2017 [17] Boab Consulting 2014 [12] evidence the call by Aboriginal people for **community involvement** in working with kids who are at risk of entering the justice system. In local reports 'youth justice issues' are often raised as being interrelated to other issues, such as youth suicide, Foetal Alcohol Spectrum Disorder (FASD) and unstable home environments.

Local Aboriginal Organisations have invested resources into exploring this issue and have researched implementable solutions to support children and young adults, such as: Kununurra Waringarri Aboriginal Corporation's *Street Present Children Report* [1] and *Integrated Youth Partnership Model*, MG Corp's *Youth Wellbeing Project*, Waringarri Arts' *art programs*, collaborative Back to Country trips, and many more.

There is a call for Aboriginal community involvement in the design and implementation of youth prevention and diversion activities in Kununurra:

- ✓ **Collaboration and coordination** across Government and in partnership with Aboriginal controlled agencies, (including involving Aboriginal organisations as key referral points for Magistrates and Police)
- ✓ Recognition that working with 'youth at risk' is a complex issue requiring **holistic responses**, with strong links between children involved with justice and children requiring mental health support and substance misuse counselling.
- ✓ Youth diversion/(re)engagement objectives implemented through cultural practices and programs, and can be supported by **culturally based** resilience prevention programs, e.g. on-country programs and mentoring
- ✓ Youth involvement in **flexible programs** that engage both diversion and prevention activities e.g. drop in centers/ safe spaces; regular girls/boys groups; youth leadership group or reference group; music programs; activities and sports. Services where there is a perception that young people have to get into trouble in order to access support need to be reviewed.

## What we don't know yet: Foetal Alcohol Spectrum Disorder (FASD)

There is limited data about Foetal Alcohol Spectrum Disorder prevalence amongst children and youth in Kununurra. FASD impacts emotional regulation, cognitive function and higher order decision making.

Difficulty in diagnosing FASD (largely due to availability of specialists), lack of awareness in parents and the sustainability of programs collecting data contribute to this information gap [16].

Attention has been brought to this issue in a recent study of the prevalence of FASD in youth detained at Banksia Hill [5], yet local data and rates of prevalence is needed to inform local initiatives and support systems.



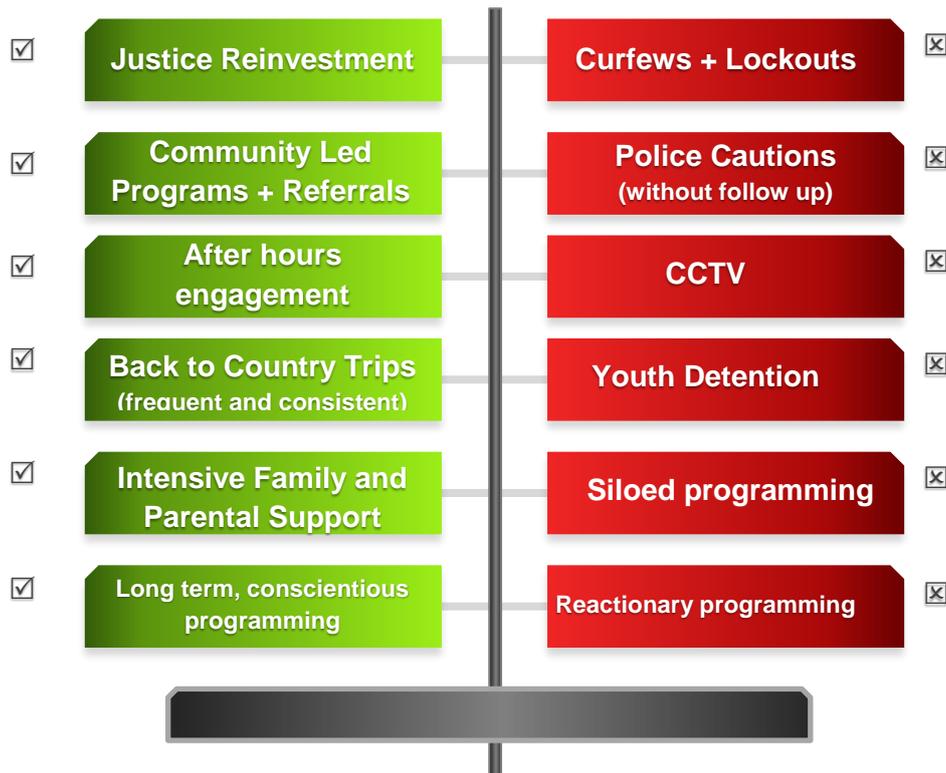
## What we don't know yet: Right balance between incentives and deterrents

Finding the 'right balance' between incentives and deterrents for children and youth is often discussed- however a clear picture of what this looks like is unknown, particularly in remote towns and communities where resources are scarce.

More collective and data driven discussion is needed in Kununurra to identify potential pathways for striking this balance, and implementing long term solutions to measure the effectiveness of the programs.

## The Evidence: What works

What the research and evidence suggest are effective prevention and diversion activities:



### Case Study: Justice Reinvestment in practice

**Justice reinvestment** approaches seek to draw funding from incarceration into prevention and early intervention and address underlying factors leading to crime in high risk communities. Projects in Australia have used a **collective impact**, placed based model and often focus on factors such as intergenerational trauma, family functioning, physical and mental health, housing, education and employment. The justice reinvestment approach has had positive effects where it has been applied over a longer-term period [2], such as in Bourke NSW.

A justice reinvestment project under a collective impact model may be the innovative solution Kununurra is searching for. An Aboriginal led project, looking to address the root causes of youth criminal behaviors and work with the symptomatic behaviors would act a 'circuit breaker' to the current service environment.

#### Ideas from Bourke NSW:

- ✓ Data driven decision making
- ✓ Free driver training and licensing programs to reduce licensing offences
- ✓ Early years transition centre in schools to help young children adjust and engage strongly with school early
- ✓ Police visits to offenders with counsellors to help address substance abuse and domestic violence, and prevent re-offending
- ✓ Government champions encouraging collaboration and boosting aspirational positive change

#### Implementation options for Kununurra:

- ✓ Aboriginal led collective impact; using existing structures where possible (Empowered Communities)
- ✓ Evidence based and data driven decision making, and co-design of service models
- ✓ Supporting the Integrated Youth Model with multi-service coordinated approaches
- ✓ Local and State Government champions seeking innovative change
- ✓ Joint responses to criminal activity (collaboration between Police and youth workers/counsellors); using cautions as referral points

## Literature Review: What Works

It is generally accepted that it is important to use a **mix of prevention, diversion and rehabilitation**-based approaches to reduce youth involvement in the justice system and prevent reoffending [3]. There are some common themes that should guide good policy and design in the East Kimberley.

### Prevention

**Intervening early through programs for children of preschool age.** Programs that provide support for vulnerable families and help them to care for their children so they can learn basic social and behaviour management skills and make a positive transition into school, are among the most effective prevention programs in terms of their ability to reduce the number of children engaging in youth crime [3]. These programs usually have a dual focus on the parent and child and are designed to make sure that the child has a safe, stable and supportive home environment.

Supporting sustained **engagement in education** through diversion programs that support young people to (re)engage with school or some form of alternative structured learning. Prevention based approaches should be included to help ensure that young people to stay engaged in education and not drop out of school early [3].

Providing access to **alcohol and substance abuse management programs.** There is a strong link between alcohol consumption and drug misuse and the risk of imprisonment [4]. The National Indigenous Drug and Alcohol Committee (NIDAC) indicated that alcohol "could be a factor in up to 90 percent of all Indigenous contacts with the justice system" [2]. A further consequence of alcohol misuse is an increase in the risk of FASD, which itself is linked to a range of long term learning and behavioural problems. A recent study undertaken by the Telethon Kids Institute assessing young people in detention at the Banksia Hill Detention Centre identified that 47 percent of Aboriginal young people were affected by FASD [5]. It is critical that diversion programs include access to alcohol and substance management and rehabilitation programs and that prevention-based services are also available. Given the prevalence of FASD, all diversion programs should be designed to be able to meet the specific needs of young offenders with FASD (or like acquired brain injury (ABI) related issues).

### Intervention

Evidence suggests that the proposed **Integrated Youth Partnership Model** proposed for implementation in Kununurra will work. The model's elements of community collaboration, strong cultural focus and reliance on engagement are well founded on evidence and supported by the literature. Community driven solutions to these complex problems which are founded on a thorough understanding of the context are critical to moving forward with solutions for long term change. The Integrated Youth Partnership Model proposed by local Aboriginal Corporations [6] has similarities to the East Kimberley Youth Services model, developed and implemented by the Shire of Wyndham East Kimberley in 2008-12 [7], and a similar approach has been implemented in Wyndham in 2018. The model will require support from key agencies to be successful, but both evidence and experience in local areas suggest it will be an effective option for Kununurra.

Innovative community night patrol programs, such as the '**Positive Loiterers**' program (introduced in 2017 in Alice Springs), where community members volunteer at crime 'hot spot' locations, cooking a barbecue for up to 300 young people roaming the streets and engaging in conversation with them [8]. Coupled with night time bus services to get kids home quickly and safely, and a 24-hour support service to assist those highly marginalized and at-risk children can be effective if implemented properly and funded long term [8].

International and Australian research indicates that Indigenous youth focused prevention and diversion programs will be most effective [3] where:

- The community is highly involved in the design and implementation of those programs, with local **Aboriginal agencies and staff being responsible for the delivery** of key activity
- There is good communication and coordination between the community and local service providers and government and within and between government departments (including Police, Departments of Corrections, Health, Education, Child Protection and Family Services and Local Government)
- Programs are culturally relevant and are tailored to suit the specific needs of the community and the young people and community members that they are working with, and are responsive to those needs as they change
- Funding is provided on a sustained basis (to ensure program continuity)
- Systemic factors and biases are addressed
- Programs respond to immediate risk and protective factors, including alcohol and substance misuse and disengagement from community, education and work, as well as addressing intergenerational considerations relating to family and community functioning, and include culturally safe therapeutic supports; intensive case management and after-hours support
- The mix of activity addresses factors impacting young people through their home, community, peer and school context.

**Trauma Informed Practice-** there has been much discussion in Kununurra in recent years around Trauma Informed Practice (TIP), however results of this effort are yet to be seen within the responses to criminal activity. TIP is a therapeutic methodology of working with children who have experienced trauma and who display challenging behaviors. It redirects the focus of intervention from 'what is wrong with this child?' to 'what has happened to this child?' and shifts the response to reflect a trauma approach in all work practices [9]. This reframe of the behaviour opens new ways of working with children and seeing destructive and undesirable behaviour as a symptom, not causation, and fundamentally adheres to avoiding any potential re-traumatisation of children.

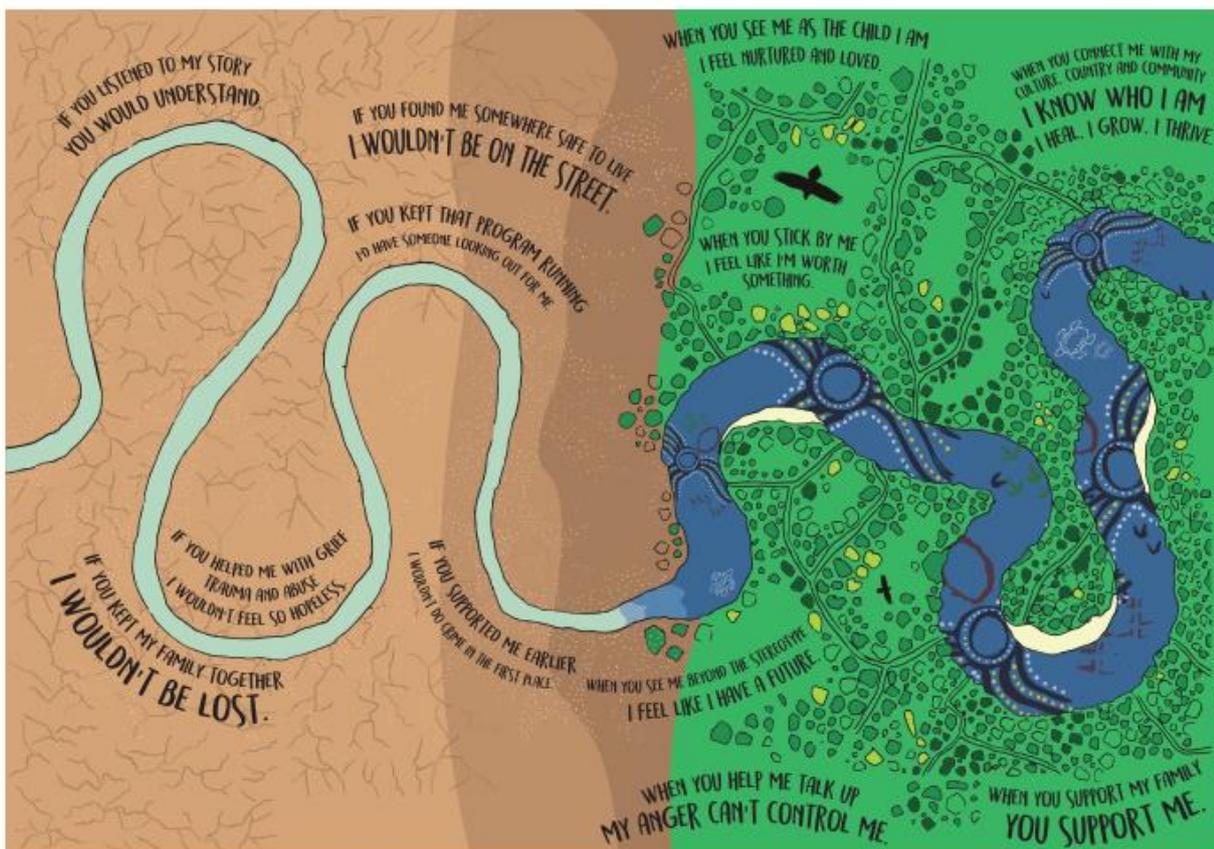


Image: Koori Youth Council, Ngaga-dji Project, 2018

## **Diversion and rehabilitation**

**Optimising eligibility for and implementation of diversion programs:** The ability of young people to access diversion programs is influenced by systemic factors and biases, including the propensity of police to apply cautions, the eligibility criteria applied to pre-trial and pre-sentencing programs and the propensity and practice of courts in using those programs. Eligibility criteria based on repeat or violent offending and the requirement to plead guilty to an offence can often prevent young people from being able to access relevant supports [2]. Efforts need to be made to ensure that:

- Police have a good relationship with community members (including young people) and use pre-arrest cautions to help link young people into community-based supports
- Eligibility requirements for diversionary programs are designed in a way that does not stop young people who could benefit from the program from accessing them
- Courts understand and make good use of pre-trial and pre-sentencing diversionary programs
- An effort is made to minimise time on remand away from community.

**Supporting connections with community and culture through cultural and on-country programs:** Community based programs involving on-country activities that engage young people with land and culture (like the Yirimán Youth Diversion Program) have been shown to support reductions in crime and justice related activities, as well as improvements in employment, education and training participation, physical health (including cardiovascular and renal function, alcohol and smoking related illness and diet) and suicide prevention [10]. Programs where evidenced results occurred are consistent, reliable and operate ‘rain, hail or shine’ to provide the participants consistency, expectations and routine.

The key markers for success in programs of this type have been identified as including the following features [10]:

- Connecting the health of people with the health of country
- Being involved in the cultural and customary economy
- Using a reciprocal (give and take) approach
- Involving local people in governing, accountability and decision making
- Having local language, narrative and conceptual ideas shape program planning, content and methodology
- Creating opportunities for contact and work between families and different generations in the community
- Using active methods including arts and culture, and opportunities for fun and connection
- Moving beyond one-off programs, spending time in community and creating a constellation of programs to cater to a wide variety of interests and needs
- Going along with others, encouraging and adopting multi-agency involvement, creating long-term solutions and connecting local people’s challenges with broader regional, national and global influences
- Employing competent staff (including local people), those who possess a combination of skills and experience in working with local community
- Incorporating evaluation and recording of the work.

### **Next Steps:**

In Kununurra, there is a strong and urgent call from parents, community, schools, police and Aboriginal leaders to renew the commitment to taking steps to improve conditions for Aboriginal children and youth, and to lead them away from the justice system. To be successful in bringing about meaningful and long-term change, the Kununurra community must commit to three ways of working:

1. Aboriginal-led programs in concept, design and implementation,
2. Collaborative and multi-faceted service delivery methods,
3. Long-term, deliberate and stable approaches underpinned by data and strong governance arrangements.

## References and further reading

### 1 References

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