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**Young people and the criminal justice system: New insights and promising responses**

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Abstract

On any given day during 2006-07 there were approximately 6,000 young people in Australia under juvenile justice supervision. This amounts to 12,765 young people who spent time under supervision through that year and 10,675 of them were aged between 10 and 17. The majority received a non-custodial sentence, which includes community-based orders and good behaviour bonds, however 43% experienced some form of detention (AIHW, 2008). The number of young people under community-based supervision showed a distinct downward trend between 2003-04 and 2006-07 (AIHW, 2008). Conversely there was an increase in the daily average number of young people incarcerated, from 590 in 2003-04 to 696 in 2006-07 (Productivity Commission, 2009). There are high rates of recidivism, with a study finding that almost half of a sample of youth justice clients re-offended within two years (Day et al, 2004). The rates for those who have been incarcerated are even higher (see for example Day, 2005). The costs of juvenile offending are significant with the New South Wales Department of Juvenile Justice spending $103 million on custodial services alone in 2007-08 (Annual Report, 2007-08). The upturn in incarceration, the levels of recidivism and the costs involved highlight the need for renewed efforts that more effectively address the underlying causes of offending behaviour.

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Introduction

On any given day during 2006-07 there were approximately 6,000 young people in Australia under juvenile justice supervision. This amounts to 12,765 young people who spent time under supervision through that year and 10,675 of them were aged between 10 and 17. The majority received a non-custodial sentence, which includes community-based orders and good behaviour bonds, however 43% experienced some form of detention (AIHW, 2008).

The number of young people under community-based supervision showed a distinct downward trend between 2003-04 and 2006-07 (AIHW, 2008). Conversely there was an increase in the daily average number of young people incarcerated, from 590 in 2003-04 to 696 in 2006-07 (Productivity Commission, 2009).

There are high rates of recidivism, with a study finding that almost half of a sample of youth justice clients re-offended within two years (Day et al, 2004). The rates for those who have been incarcerated are even higher (see for example Day, 2005). The costs of juvenile offending are significant with the New South Wales Department of Juvenile Justice spending $103 million on custodial services alone in 2007-08 (Annual Report, 2007-08). The upturn in incarceration, the levels of recidivism and the costs involved highlight the need for renewed efforts that more effectively address the underlying causes of offending behaviour.

This snapshot publication includes:
• Information on young people involved in the criminal justice system and new research conducted with some of them.
• Promising responses to working with young people at risk of ongoing involvement in the criminal justice system.
• Recommendations regarding policy and program directions for young people involved in or at risk of involvement with the criminal justice system.

Adolescence and the criminal justice system

Engaging in some type of anti-social behaviour during adolescence is not uncommon (AIC, 2002), though relatively few people who offend in their youth go on to become persistent and prolific offenders (Weatherburn and Baker, 2001) and the majority do not require formal intervention to change their behaviour. A bleak future however, awaits those caught up in a persistent cycle of offending and re-offending. Detention, in particular, is a critical ‘event’ in a young person’s life that makes the transition to adulthood especially difficult.

There is a large body of research on the characteristics of young people who engage in criminal activity (see for example Mullis et al, 2005). It has tended to identify ‘risk factors’ (personal traits, demographic and social characteristics) associated with anti-social behaviour and offending, and ‘protective factors’, (characteristics and circumstances) known to enhance people’s capacity to cope with challenging life experiences and foster pro-social behaviours. Such research identifies those protective factors which should be nurtured and the risk factors which need to be managed or reduced in severity.

In such research, young offenders tend to emerge as a chronically disadvantaged group who exhibit ‘risk factors’ in multiple developmental domains: at the individual, family and community levels, among peer relationships, and within the educational sphere (Howell and Egley, 2005).

Young people with conduct problems are far more likely than their contemporaries to have histories of neglect, usually experience some form of family conflict, have very low levels of educational attainment, commonly participate in risky or harmful levels of substance use, and have a tendency towards acts of physical aggression (Farrington, 2003, cited in Homel et al, 2006).

These factors amount to a significant degree of instability which can exacerbate already tenuous connections to family, school, the labour market and community.

Despite the complexity of issues faced by young people who offend, there is agreement on several areas:
• Offending behaviour is typically preceded by other forms of problem behaviour. More often than not, individuals, families and society are not ‘ambushed’ by offending behaviour, but rather there are early observable warning signs. Solutions lie in increasing the capacity of relevant people and institutions to identify ‘problems’ early, thereby enabling swifter and more systemic responses.
• The earlier the first point of contact with the criminal justice system, the poorer the short and medium-term re-offending outcomes (AIHW, 2008) and this adversely affects long-term wellbeing.
• Offending behaviour is not inexorable, rather it can be averted. There are ‘pathways to desistance’ (Mulvey, 2004) which different people take at different stages of their lives. Some people find their way through these in a relatively independent fashion, whilst others need support to proceed down a more constructive path.
• There has been a welcome move away from the ‘nothing works’ mentality towards rehabilitative, holistic programs (Ward and Brown, 2004) that respond to individual circumstances, build on strengths and tackle the range of issues related to offending.
New research

Mission Australia runs three programs in south west Sydney that work with young people aged 10 to 17 years who are in contact with the criminal justice system. The programs – Campbelltown Post Release Support Program, Juvenile Justice Employment Skilling Program and Pasifika Support Services – are collectively known as the Youth Offender Support Programs (YOSP). The new research presented here has been undertaken as part of studies for a professional doctorate by a Mission Australia staff member of YOSP. The research has a particular focus on Pacific young people whose developmental pathways are both enriched and complicated by the added dimension of sustaining and developing their cultural identity in Australia.

The research had several aims including to:

• Build understanding of the social factors that may lead to and entrench the marginalisation of young people in contact with the justice system.

• Enhance understanding of the experiences of Pacific young people in contact with the justice system and identify ways to support them to refrain from offending and lead more productive lives.

• Review a suite of services offered to this group.

The research, carried out in 2007 and 2008, had three components:

• A survey of 100 young people involved in the YOSP.

• Interviews with some of these young people and workers from a range of organisations who work with them.

• A review of the YOSP case management and service model, in particular that of the Pasifika Support Services (PSS).

The survey’s 101 questions covered topics such as family, education, finances, accommodation and experiences with the criminal justice system. Interviews were conducted with nine Pacific young people participating in PSS, case workers who deliver YOSP, staff within the educational system and members of NSW Police involved in PSS. The research is not intended to be representative of young people involved in the criminal justice system, but rather explores the experiences of those who participated in the research, and in turn offers important new insights for working with this group.

The young people who participated

The young people involved in the research appear to generally conform to the typical profile of adolescents who engage in anti-social behaviour. Nearly all have a history of damaging levels of alcohol and/or other drug consumption, year nine is the highest level of education for 71%, a third have a diagnosed learning difficulty, with a similar proportion living with a diagnosed mental health issue, and almost two-thirds have histories of violent and/or aggressive behaviour.

Table 1 provides details of the participants’ ethnic background. Of the 100 respondents, 49% were of Pacific origin including from Samoa, Tonga, Fiji, the Cook Islands and the Indigenous Maori people of New Zealand. Fifty one percent of participants were ‘non Pacific’ and were from diverse backgrounds including Indigenous Australians, Anglo Australians and people of Arabic and Asian descent. Most were aged between 10 and 17 years and 93% were male.

<table>
<thead>
<tr>
<th>Ethnic background of research participants</th>
<th>% (n = 100)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pacific</td>
<td></td>
</tr>
<tr>
<td>Samoan</td>
<td>31</td>
</tr>
<tr>
<td>Tongan</td>
<td>8</td>
</tr>
<tr>
<td>Cook Islander</td>
<td>5</td>
</tr>
<tr>
<td>Fijian</td>
<td>4</td>
</tr>
<tr>
<td>Maori</td>
<td>1</td>
</tr>
<tr>
<td>Non-Pacific</td>
<td></td>
</tr>
<tr>
<td>Anglo Australian</td>
<td>25</td>
</tr>
<tr>
<td>Aboriginal and Torres Strait Islander</td>
<td>17</td>
</tr>
<tr>
<td>Arabic</td>
<td>6</td>
</tr>
<tr>
<td>Asian</td>
<td>3</td>
</tr>
</tbody>
</table>

There is a disproportionately large number of Pacific young people among the sample given YOSP operates in an area where a large number of Pacific families have settled and many of the participants were recruited from PSS. However an overrepresentation of this group in the juvenile justice system has previously been observed (Cain, 1995). Following is an overview of Pacific culture to give some context for the research findings.

Pacific communities in Australia

“I love it – just love being us. Love Pacific culture – lots of things in our culture … dances. Love it the way it is.”
(Samoan male, 16)

“Many walk the difficult path of being true to self while remaining connected to their cultural group.”
(teacher, welfare services)

Members of the Pacific communities come from the thousands of islands in Melanesia, Micronesia and Polynesia and include the Indigenous Maori people of New Zealand. They make up only 0.86% of Australia’s total population. Although they live in many parts of Australia, the largest communities are found in New South Wales (NSW), followed by Queensland and then Victoria. The majority of Pacific people in NSW live in metropolitan areas and in particular the south west suburbs of Sydney. Thirty two percent of all Pacific people in Australia reside in Sydney and nearly 28% of this group are located in the south west region. While this equates to more than 19,000 people, Pacific people are a minority group in this area, constituting only 2.3% of the total population (ABS, 2006).

Importance of family and community

Pacific culture is built upon collectivist and egalitarian ideals. The individual is understood in the context of the broader collective, of which there are multiple layers - family, clan, community and country. Family in particular is of paramount importance. “Respect, integrity, reciprocity and solidarity” are the key values that shape individuals’ behaviour within and between these layers (ANC for UNESCO, 2006 p7). Identity is formed around family membership with an individual’s personal profile and reputation tied to the standing of the broader group. Behaviour that undermines regard for the group is a serious transgression.
Respect for elders is strongly reinforced within Pacific communities and there is a hierarchical structure to family relationships. Cultural tradition is valued, and elders and other community leaders are highly regarded for their role in sustaining cultural practices. It is seen as disrespectful to challenge people in positions of authority (Monsell-Davis, 2000).

The importance of community is celebrated and reinforced in almost every aspect of Pacific life. Church, community gatherings, the sharing of meals, participation in team sports, dance and arts, are all activities that build trust and promote a sense of community.

By contrast, the Australian ‘mainstream’ culture is underpinned by the predominantly Western ideals of liberalism and individualism. It encourages people to distinguish themselves from others, often through achievement in arenas such as school, work and sport. The ability to compete in the labour market is a prime determinant of upwards social mobility and thus education takes on particular importance. In Australia as a whole there is generally less of an emphasis on the extended family and community networks than in the Pacific culture.

Pacific values can be lived out in ways that are unfamiliar to mainstream Australia and seem incongruent with behaviours encouraged and accommodated by the state and its institutions (Plange, 2000). For example, family commitments can take precedence over schooling or other institutional commitments.

The raising of children is seen as a shared responsibility and it is not uncommon for siblings to take on caring roles at relatively young ages (Sachdev, 1997), which occasionally means missing school. Resources are shared among the extended family and income is pooled and often disbursed throughout the nuclear and extended family, the church, and on occasion the ancestral village in the Pacific Islands. Although this can create additional financial pressures, this is not viewed as a burden but rather as a responsibility to sustain the greater good of the family and community (Macpherson, 1997).

Culture shapes attitudes and behaviours, sometimes at an unconscious level, and has implications for the design and delivery of programs that seek to enhance the wellbeing of young people and prevent or address problematic behaviour, including those from Pacific background.

Key findings from the research

A number of key themes emerge from the research undertaken with YOSP participants. These are: family and community issues; atypical patterns of offending; substance use and aggression; and education.

Responsibility to family and the broader Pacific community

“My everything, man, I’ll [put them before] anything.”
(Samoan male, 14)

Given the cultural norms and mores identified for Pacific communities, as may be expected, a different picture of the family unit emerges for Pacific participants compared to their non-Pacific counterparts. Table 2 presents a selection of variables that highlights this.

Table 2: Comparison of family characteristics

<table>
<thead>
<tr>
<th>Family characteristics and living arrangements</th>
<th>Pacific (n=49)</th>
<th>Non-Pacific (n=51)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Living with both parents</td>
<td>51%</td>
<td>18%</td>
</tr>
<tr>
<td>Living with non-family member (who is primary carer)</td>
<td>10%</td>
<td>8%</td>
</tr>
<tr>
<td>Living in public housing</td>
<td>82%</td>
<td>67%</td>
</tr>
<tr>
<td>Household of six or more people</td>
<td>69%</td>
<td>71%</td>
</tr>
<tr>
<td>Living in dwelling with three bedrooms</td>
<td>84%</td>
<td>59%</td>
</tr>
<tr>
<td>Three or more siblings</td>
<td>63%</td>
<td>10%</td>
</tr>
<tr>
<td>Young person has high level of care for sibling/s</td>
<td>43%</td>
<td>38%</td>
</tr>
<tr>
<td>Mother in employment*</td>
<td>66%</td>
<td>31%</td>
</tr>
<tr>
<td>Father in employment*</td>
<td>31%</td>
<td>66%</td>
</tr>
<tr>
<td>Access to privately owned car</td>
<td>6%</td>
<td>49%</td>
</tr>
<tr>
<td>6-15 minute walk to public transport</td>
<td>49%</td>
<td>41%</td>
</tr>
<tr>
<td>30+ minute walk to public transport</td>
<td>49%</td>
<td>45%</td>
</tr>
<tr>
<td>Outstanding fine with the State Debt Recovery Office</td>
<td>46%</td>
<td>54%</td>
</tr>
<tr>
<td>Young person does not access Centrelink benefits</td>
<td>69%</td>
<td>41%</td>
</tr>
<tr>
<td>Young person is eligible for but does not access Centrelink benefits</td>
<td>37%</td>
<td>14%</td>
</tr>
</tbody>
</table>

*This figure is based on known cases only.

The Pacific family unit is generally larger and resides in more crowded surrounds. Approximately two thirds of households consist of six or more people, with a similar proportion living in three bedroom homes. This compares with only a quarter of non-Pacific households having six or more members. Over 80% of the Pacific group live in public housing, compared to two thirds of the non-Pacific group. While some household members may be from the extended family, Pacific youth also have a larger immediate family, with 84% having three or more siblings. A majority (63%) of Pacific young people assume a high level of care for younger siblings, compared to only 10% of non-Pacific respondents.

A higher proportion of Pacific parents than their non-Pacific counterparts are engaged in employment, which is perhaps a reflection of the Pacific sense of duty to provide for the extended family and other members of the community. Forty-three percent of Pacific mothers and 66% of Pacific fathers are in paid work, compared to 38% and 31% of non-Pacific mothers and fathers, respectively. The interviews with Pacific young people revealed a similar focus on work in order to help the family financially. This may be indicative of a larger issue concerning eligibility for welfare benefits and the difficulties of negotiating an unfamiliar welfare system. Thirty seven percent of the Pacific group are eligible but do not access Centrelink benefits, compared to 14% of non-Pacific youth.

Financial pressures have ramifications in a number of ways for Pacific young people. The research revealed a strong compulsion to seek employment at a young age and this is unrelated to career aspirations. There was also a significant impact on this group of high transport costs. This is exacerbated by costs incurred from fines, including some which are transport related and which have been referred to the NSW State Debt Recovery Office. This has implications for obtaining a driver’s licence and employment prospects.
Atypical patterns of offending

One of the most striking findings from the research is that the criminal trajectory of Pacific young people appears to be markedly different from their non-Pacific counterparts, as shown in Table 3. It would seem that Pacific young people commence offending at an older age and their early offences are more likely to be serious offences against the person. Whereas 75% of non-Pacific youths committed their first offence before the age of 15, only 40% of Pacific young people commenced offending prior to this age. However half of the offences committed by Pacific youths were indictable (serious) offences, compared to 33% of those perpetrated by non-Pacific young people.

Table 3: Offence characteristics

<table>
<thead>
<tr>
<th>Offence characteristics</th>
<th>Pacific % (n=49)</th>
<th>Non-Pacific % (n=51)</th>
</tr>
</thead>
<tbody>
<tr>
<td>First offence committed by the age of 14</td>
<td>40</td>
<td>75</td>
</tr>
<tr>
<td>Commenced offending between the age of 15-18</td>
<td>60</td>
<td>25</td>
</tr>
<tr>
<td>Current or previous offence/s indictable</td>
<td>50</td>
<td>35</td>
</tr>
<tr>
<td>Prior history of 5 or more offences</td>
<td>20</td>
<td>53</td>
</tr>
</tbody>
</table>

The Pacific experience appears to be counter to the typical pattern of offending of young people, which suggests that early delinquent behaviour is relatively minor. This may have grave implications for Pacific young people, as in the case of a particularly serious offence the offender may be tried and sentenced as an adult. They are also more likely to spend time on remand and have a conviction recorded against them. Despite a less crowded history of offending, with limited opportunity to demonstrate an orientation towards rehabilitation given the likelihood that they are being held on remand, the sanction dispensed by the court may be relatively severe. This is significant given that “assignment of severe punishments for early criminal behaviour can result in greater recidivism” (Lynch et al, 2003, p. 2). It can also have a devastating impact on future employment opportunities and close off crucial pathways out of offending.

Another unusual pattern emerging from the interview data concerns the motivation behind offences. Offending as a means to an end – usually to obtain money or material goods – appears to be the motivation underlying several Pacific young people’s offending behaviour. This motivation is usually associated with persistent adult offending, rather than youth offending, which tends to be a response to the acting out of an emotion (Petersilia, 1980).

“Especially to support the family and stuff … to get money … got a few financial problems, especially for myself, and my sister; and that’s why I’ve asked before if I can get a job … think about a job …Yeah, to support my family, and to get me stuff, like what I’m wearing now, my shoes.”  
(Samoan male, 14)

“We have beaten a lot of people up … sometimes we needed money.”  
(Tongan male, 16)

“To get money – so they drink and smoke, that’s what I used to do … we steal [clothing] – to look good… It’s too expensive …”  
(Samoan male, 16)

Substance use and aggression

Significant proportions of both groups are involved in substance use, however Table 4 shows the frequency of use, type of drug and the context for use, varies considerably. Pacific young people have a tendency towards alcohol rather than other substances, their use is less frequent than their non-Pacific counterparts, and consumption tends to be related to social norms. One in three Pacific young people consume alcohol or other drugs on a daily basis compared to three quarters of the non-Pacific group. The former are almost four times more likely to drink alcohol or use other substances “on the weekend or for a social occasion.”

“Basically all the boys drink. They go to the beach and have a big circle and drink.”  
(Tongan male, 13)

“…I might as well drink with them, ’cause if I don’t they think I’m a dog. See, I think my friends are like my family and that, so when they tell me ‘drink’, I wanna drink with them.”  
(Samoan male, 15)

Table 4: Substance use and aggression

<table>
<thead>
<tr>
<th>Substance use and aggression</th>
<th>Pacific % (n=49)</th>
<th>Non-Pacific % (n=51)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consumption of alcohol and other drugs (AOD) on a daily basis</td>
<td>32</td>
<td>74</td>
</tr>
<tr>
<td>Consumption of AOD 3 times per week</td>
<td>30</td>
<td>16</td>
</tr>
<tr>
<td>Consumption of AOD on the weekend and/or a social occasion</td>
<td>38</td>
<td>10</td>
</tr>
<tr>
<td>Alcohol is substance of choice</td>
<td>55</td>
<td>10</td>
</tr>
<tr>
<td>Mothers with current/previous history of harmful AOD use</td>
<td>43</td>
<td>53</td>
</tr>
<tr>
<td>Fathers with current/previous history of harmful AOD use</td>
<td>53</td>
<td>77</td>
</tr>
<tr>
<td>Mothers with current/previous history of harmful alcohol use*</td>
<td>71</td>
<td>26</td>
</tr>
<tr>
<td>Fathers with current/previous history of harmful alcohol use*</td>
<td>86</td>
<td>41</td>
</tr>
<tr>
<td>Negative expression of anger towards peers</td>
<td>63</td>
<td>59</td>
</tr>
<tr>
<td>Negative expression of anger towards family</td>
<td>59</td>
<td>70</td>
</tr>
<tr>
<td>Negative expression of anger towards members of the community</td>
<td>57</td>
<td>69</td>
</tr>
<tr>
<td>Mothers with a history of violence in the home</td>
<td>47</td>
<td>29</td>
</tr>
<tr>
<td>Fathers with a history of violence in the home</td>
<td>89</td>
<td>71</td>
</tr>
</tbody>
</table>

* Figure is a proportion of those who have a current or previous history of harmful AOD use.

There are significantly higher rates of harmful alcohol use among Pacific mothers and fathers, than their non-Pacific counterparts, although there is less difference between other substance use. Pacific mothers and fathers are more than twice as likely to engage in negative alcohol use compared to their non-Pacific counterparts.

The research suggests violence in the home is more prevalent among Pacific parents, although Pacific young people are slightly less likely to be aggressive in the home, compared to non-Pacific young people. This is likely to reflect the hierarchical structure and respect for elders within Pacific culture. For Pacific young people, aggression is slightly more likely to emerge within the social group (and offences more likely to be committed in groups), whereas non-Pacific young people are more likely to be violent towards family members and the general public, rather than peers.
The research also shows the contrasting levels of engagement in education. Contrary to previous findings, the Pacific participants stayed in school longer than is usually the case, with almost half completing Year 10 or above, compared to only 10% of the other respondents. None of the non-Pacific participants were participating in education or training at the time of the research.

Notwithstanding this, the educational outcomes and circumstances of both groups are concerning. Table 5 shows both groups have low levels of literacy and numeracy, with more than 40% displaying a level of attainment equivalent to that expected of primary school students. Learning difficulties are common in both groups, with more than 40% of the Pacific young people and 35% of non-Pacific participants experiencing dyslexia, developmental delays or other learning difficulties. Unsurprisingly, infractions at school are common, as is resultant disciplinary action, such as suspensions and expulsions. Two thirds of Pacific young people had been suspended from school, whilst more than half of the non Pacific group had been expelled.

Table 5: Educational outcomes

<table>
<thead>
<tr>
<th>Educational outcomes</th>
<th>Pacific (% (n=49))</th>
<th>Non-Pacific (% (n=51))</th>
</tr>
</thead>
<tbody>
<tr>
<td>Achieved year 10 or above</td>
<td>49</td>
<td>10</td>
</tr>
<tr>
<td>Literacy and/or numeracy skills equivalent to primary school students</td>
<td>45</td>
<td>41</td>
</tr>
<tr>
<td>Diagnosed learning difficulty</td>
<td>41</td>
<td>35</td>
</tr>
<tr>
<td>Diagnosed behaviour issue</td>
<td>30</td>
<td>39</td>
</tr>
<tr>
<td>Has previously accessed special education</td>
<td>4</td>
<td>35</td>
</tr>
<tr>
<td>Received school suspensions</td>
<td>66</td>
<td>43</td>
</tr>
<tr>
<td>Expulsions</td>
<td>28</td>
<td>55</td>
</tr>
<tr>
<td>No longer enrolled in education or training</td>
<td>72</td>
<td>100</td>
</tr>
<tr>
<td>Mother – highest level of educational attainment Year 9 or below</td>
<td>81</td>
<td>94</td>
</tr>
<tr>
<td>Father – highest level of educational attainment Year 9 or below</td>
<td>89</td>
<td>100</td>
</tr>
</tbody>
</table>

These results are significant for a number of reasons:

- Withdrawal from formal learning is usually identifiable at an early age and often the result of a learning difficulty; it is therefore preventable.
- Engagement with schooling is a protective factor that could play an important role in mitigating the impact of other risk factors that are more difficult to change.
- Education provides viable pathways away from offending and towards meaningful opportunities.
- There is evidence of intergenerational educational disadvantage, with Year 9 being the highest level of education attained by the vast majority of participants’ parents.

This research also suggests that the educational experience of Pacific young people is complicated by cultural factors. For example, family and social obligations may keep Pacific students from attending school or completing homework. The pressure to seek work at a young age and contribute financially can compromise long-term educational and work opportunities. Parents who work multiple jobs and have difficulty attending parent-teacher interviews or other school activities may be viewed as unsupportive of their children’s education. Ways of relating to adults are also culturally derived. For Pacific young people, it is respectful to listen to those in authority, rather than interject with opinions; in disciplinary situations it is respectful not to make eye contact. Conversely, being singled out for praise can cause embarrassment and discomfort. Many practices that are contrary to Pacific culture are encouraged in the Australian schooling system. Despite all of this, the Pacific group appears to have achieved better educational outcomes relative to their non-Pacific counterparts.

Strengths to build on

One of the most important aspects of this research is that Pacific young people appear to have significant strengths that indicate the existence of protective factors. These could be key in reducing or eliminating the onset of anti-social and offending behaviour if appropriately fostered. For example, they have a strong sense of attachment to their family and cultural community. They participate in team sports and spiritual activities at rates much higher than their non-Pacific counterparts, and are more likely to associate with peers in their own age group. They are also more inclined to remain at school despite the challenges in doing so and tend to commit their first offence at a significantly later age.

Some of the risk factors associated with this group are also arguably less severe. While almost all participate in risky or harmful levels of substance use, significantly fewer consume alcohol or other drugs on a daily basis compared to the non-Pacific young people. Alcohol consumption seems to be a corollary of socialising, rather than a withdrawal from the community and a troubling sign of a lack of social norms.

The picture that emerges is of a promising group of young people connected to their families and each other, keen to contribute to the family and their broader community, yet somehow struggling to channel their energies in productive ways. These strengths suggest real possibilities for unlocking their potential, and this is supported by the outcomes being achieved by services such as PSS (see breakout box).

Systemic challenges

There are however, notable institutional and social barriers that work against this potential being realised. The Pacific participants experience financial stressors which lead them towards low-skilled job opportunities rather than school, are connected to transportation offences and possibly directly related to their offending. For many, help is not available through Centrelink due to the requirement of obtaining Australian citizenship and the costs and time associated with this. Many who are eligible for benefits experience difficulties navigating the system. This can have implications for registering as jobseekers and taking advantage of labour market programs. Although almost a third are diagnosed with a learning difficulty, only 4% received specialist education attention, whereas it seems all members of the non-Pacific group diagnosed with similar learning problems have previously received some form of special education.

Issues also arise in Pacific young people’s experiences of the criminal justice system. In addition to the issues stemming from their atypical offending, it is not uncommon for
parents to miss their children’s court appearances. This may be due to feelings of shame, difficulties associated with taking time off work or their way of denouncing their children’s behaviour. Other problems, such as failing to report to the police are common, as are breaches of conditions relating to associating with other known or co-offenders. One participant was detained after reporting to the police with his brother, with whom his bail conditions stipulated he could not associate in public. Association restrictions are particularly vexing for Pacific young people, whose sense of identity is largely gained from their relationship to others within group structures. Disassociating from family, peers and clan is in direct conflict with social mores.

While it is necessary to denounce and discourage offending behaviour, it seems that some of the structures and processes of the educational and justice systems may work against rehabilitation.

Promising responses: Pasifika Support Services

“The juvenile justice system by itself cannot provide all the answers to the problem of juvenile offending, nor can it provide the solution … juvenile crime is a problem that needs to be tackled even before the manifestation of delinquent behaviours. Multifaceted interventions aimed at enhancing parental and community ability to exercise social control are crucial in this respect” (Carcach and Leverett, 1999 p.23).

Pasifika Support Services (PSS) is one of a number of projects developed and funded as part of the Youth Partnership with Pacific Communities, a whole of government approach initiated by the NSW Premier’s Department to meet the needs of Pacific young people at risk of ongoing involvement in anti-social, risk-taking and criminal behaviour. It is a multi-systemic approach that aims to:

- Prevent or decrease young people’s involvement in crime.
- Strengthen their wellbeing and resilience.
- Re-engage them on educational and employment pathways.
- Increase the capacity of their families and communities to support them towards productive life pathways.
- Increase the capacity of relevant agencies (including education, police, health, community services) to work effectively with the client group.

PSS is delivered in close partnership with NSW Police, who provide all referrals and work closely with PSS staff to identify young people who will benefit from the program. Participation is voluntary and since it began in June 2005 it has supported more than 250 Pacific young people. A key focus is the empowerment of Pacific young people, their families and communities, through the development of understanding and pride in their cultural identity. This contributes significantly to self-esteem, awareness and identity, necessary precursors to making positive choices and having the capacity to re-engage with education and employment.

Case management approach – A unique feature of PSS is the case management model and underlying principles including:

- A holistic approach to improving outcomes, through working in all the life domains (eg education, health, family etc).
- The engagement of community based workers and leaders with a Pacific background and those who have previously worked within the community, to inform service development and delivery.
- A focus on building the ‘cultural competency’ and capacity of those who play a significant role in participants’ lives, such as peers, family members, teachers, community workers and staff in the criminal justice system.
- Flexible and culturally relevant programs and service delivery that enable young offenders (and their families) to understand and fulfil the requirements of institutions such as the justice and educational systems.

Staff work intensively with participants to set and achieve goals across 13 broad areas: personal and social skills; alcohol and other drugs usage; family; financial; health; employment and education; legal; daily living; recreation; ethnic culture; identification; and accommodation. The most common supports provided are educational assistance; anger management; family mediation; and alcohol and other drugs education (ARTD, 2007). In practical terms, PSS reconnects young offenders to education, supports them to find work, educates them about health and wellbeing, actively supports them to reduce their alcohol and drug usage, develops strategies to help them cope with feelings of anger and enhance their personal and social skills, provides information to enhance financial literacy and competency, and offers direct assistance in obtaining formal identification documents, accessing welfare benefits and the health system.

Family and community support – Given the importance of the family, PSS undertakes a significant amount of family mediation in the home, including with siblings. This encourages open communication between young people and their families, and helps the family understand and reconcile the range of expectations placed on young people by their parents, peers and institutions. It increases parents’ knowledge of Australia’s education, justice and employment systems and the expectations such systems have of their children. This helps both the young people and their families to more successfully integrate into the wider community. Parents are also supported to access employment, training and education, as well as referral to other services that they may require. PSS also undertakes training with a range of providers such as educators, and government and community organisations, to enhance their ability to work effectively with Pacific young people and their families. PSS has worked with educational providers such as TAFE to increase the participation of clients in education and help them establish educational and vocational pathways.

Outcomes – A recent independent evaluation (ARTD Consultants, 2007) shows promising outcomes, with rates of re-offending reduced in the short and medium-term following participation in the program. Offending data for 23 Pacific young people who participated in PSS was collected in July 2007 and shows that in the six months prior to their referral they were charged with a total of 24 offences, 14 of which were serious. Sixty five percent of young people with a 12 month follow on period have not reoffended. There have also been impressive results in the areas of family support, alcohol and other drugs, and personal and social skills as shown by the case studies below:

Ale was the leader in a brawl between two high schools which led to several students being injured. Through PSS, education in anger management, the legal system and healthy living was delivered to Ale and his peers and the students’ school and families were closely involved. Since participating in the program, the students are finishing Year 12 and have not been involved in any further criminal activity.

Tavita frequently spent little time at home, drank with peers and had regular contact with the police. Following his involvement with PSS he is in full time employment and has not re-offended.

Mafi had a strained relationship with his parents, frequently missed school and spent most nights drinking with older peers. PSS supported Mafi and his family to reflect on the family dynamic and the causes of Mafi’s isolation. He is now communicating with both parents and spending more time at home.
Clients have indicated their strong satisfaction with PSS with 100% of clients exiting the service indicating they were very or mostly satisfied with the service they received and 100% indicating they would recommend the program. As the ARTD evaluation concluded ‘the project has demonstrated that by intervening with at risk young people from Pacific backgrounds it is possible to break the cycle of re-offending and achieve positive social, employment and education outcomes... The recent expansion of the service is a clear recognition of its success, that it is meeting a recognised need and that an integrated model of service linking an intervention service with police as the main referral agency is appropriate. The Project has been successful because it is well managed, has generally effective referral systems in place, stable and qualified staff from similar backgrounds to its clients and is providing clients with culturally appropriate support...

The service has developed effective partnerships with the police and TAFE and is well networked with other agencies, youth groups and organisations, both those with a Pacific focus and for the broader community. These links have allowed the service to contribute to other agencies’ awareness of issues for the Pacific Community, expanded the opportunities available for their clients and for Pacific youth in the broader community (p 24).

Cost effectiveness and learnings – The program is also cost effective, at approximately $2,500 per case, with clients involved for three to six months. This compares very favourably with the “real recurrent cost per adult prisoner per day” which was nationally averaged at $207 in 2007-08 (Productivity Commission, 2009) and given that the national median aggregate sentence length for all prisoners was three years (ABS, 2008). PSS is clearly showing significant promise in minimising the risk factors and enhancing the protective factors of Pacific young people and contributing to their enhanced wellbeing and that of their families and community. It also is cost effective and provides clear learnings for strategies aimed at reducing juvenile offending.

**Recommendations and conclusion**

A system that prevents harmful behaviour and keeps society safe is essential for any state that seeks to enable its citizens to lead productive, fulfilling lives. As has been observed around the globe however, there are different ways of responding to the problem of crime. One option is to “build our way out of crime” through incarceration (Maghan, in Krienert and Fleisher, 2004, p vii). This is the path that appears to have been taken by some jurisdictions in the United States where it has been said that entire subsets of the population are being systematically incarcerated (Garland, 2001).

Another option is for society to recognise that contact with the criminal justice system, especially for young people, is an indicator of serious social disengagement and to take action to address this. It suggests the need to work on a number of fronts to prevent young people ending up in the criminal justice system, especially detention, by tackling the underlying causes of offending behaviour. Detention is a form of ‘treatment’ for offending behaviour that is unfortunately necessary in exceptionally serious circumstances. However, it frequently intensifies the need for significant support, post-release. This is particularly the case for young people given they are still going through significant developmental changes. The effectiveness of detention is also questionable, given the strong association between early imprisonment and offending behaviour into adulthood (AIHW, 2008).

This, together with research that suggests it is possible to discern early signs of ‘problems’, forestall challenging behaviours, and support young people to negotiate the kinks in their life courses (Homel et al, 2006, p. 1), makes a compelling case for early intervention. Such intervention, as shown by PSS, requires effort in all the domains of change – at individual, family and community levels, among peers and in the educational sphere. It is across and within these domains that young people make sense of their lives, develop their sense of identity, the skills and wherewithal to succeed in life, and a sense of self-worth and pride.

As the research with Pacific young people shows, effective responses are mindful of a young person’s background and culture and how this permeates their lives. Imposing ‘standard’ programs and practices on all young people when their individual life experiences are materially diverse can potentially do more harm than good. While state institutions and their systems might seem natural to those born into them, they can seem unintelligible and alienating to people who have newly or recently arrived. Equally, such systems might inadvertently rub against protective factors, such as the strong connections to family and community in the case of Pacific young people.

Investing in flexible and holistic programs and building the competency of the influential actors in young people’s lives is consistent with sound development principles, and, in the long-run, is cost-effective. The experience of PSS and similar services shows there are ways of supporting young people to retain their traditional culture and help them to flourish, and there are members of the community who can be drawn upon to support this.

The following recommendations are based on the synthesis of research on effective early intervention strategies, the new research with Pacific young people presented here and Mission Australia’s experience supporting young people and families across Australia.

**Recommendation 1:** State and Territory Governments commit to reducing the number of young people in detention and set targets to enable this to be annually monitored.

**Recommendation 2:** State and Territory Governments work in partnership with the community sector and other relevant sectors, such as education, to develop a coordinated strategy to support the achievement of these targets. The strategy should include a strong focus on early intervention, prevention and rehabilitation and be cognisant of the diverse multiple risk domains that have been shown to significantly increase an individual’s chances of serious social disconnection.

**Recommendation 3:** The strategy should draw on the best available evidence of what supports young people to make successful transitions. This includes leveraging and expanding existing, locally-based community programs, such as Pasifika Support Services, that have been shown to positively address social disengagement.

**Recommendation 4:** Investment be provided to enhance the ability of community and educational sectors to build the capacity of the key people and organisations in young people’s lives, including families, peers, educational institutions, and social, recreational and cultural associations, so that they are better able to identify the various stages and dimensions of social disengagement and take action.
Recommendation 5: Programs related to reducing re-offending need to recognise the non-linear path to desistence and focus on a broader range of outcomes related to the underlying causes of social disengagement, rather than just short-term recidivism outcomes. Reductions in risky or harmful levels of substance abuse, enhanced self esteem and wellbeing, improved family relationships, and re-engagement with education, training and the labour market, should be seen as key outcomes for such programs.

Recommendation 6: Programs should be sufficiently funded to enable providers to explore the unique context and circumstances of their clients, and provide differentiated responses as required.

Recommendation 7: Research be funded and conducted into minority populations overrepresented in the youth justice system to understand their unique situation and develop appropriate preventative and early intervention responses that can circumvent problem behaviour.

References


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Inspired by Jesus Christ, Mission Australia exists to meet human need and to spread the knowledge of the love of God. Our vision is to see a fairer Australia by enabling people in need to find pathways to a better life.