JUVENILE JUSTICE DIVERSIONARY PROGRAM SUBMISION **March 2013**

INTRODUCTION

The aim of this submission as a Juvenile Justice Diversionary Program submission, while contributing some ideas and raising some awareness toward currently operating programs, hopes to create a diversion of our own individual thoughts, in terms of relationships.

It hopes to consider 'the system' and our relationships towards it, how we identifiy with it,what it means to us, individually. How our youth identify with it, their families and communities all relate to and engage with system. Because without a positive experience of system, from the very beginning and at the grass roots level, any resistance to an indivuals experience of 'system' can only continue to perpetuate the same, only with greater intensity of experience.

By reflectively contemplating the kinds of system and ways of managing and relating to one another as a community or clan/tribe of our First Nations people have lived for thousands of years, with the inate knowledge of the interconnection of all and how each aspect in the natural world through to the individual is relied upon to for an important part of the whole. It becomes easy to see how difficult and why such levels of miscommunication and distrust exist today.

There are many programs and organisations that offer diversionary programs and initatives that go along way towards creating lasting and positive improvement for disadvantaged minority groups. Youth, in particular First Nations youth live with and experience daily. Realistically, too many to list and mention in this submission. There seems a need to formulate all opperational programs for youth in each state in order to identify and develop a cohesive diversionary program that will offer equality for all youth in all areas of Australia, that are dynamic and responisve to community needs both in an urban setting and remotely.

Some of these include:

Generation One
Increasing Indigenous Police Representation through IPROWD
Vocational Education and training within schools
Arty Beetson School Support Program
Indigenous Child Health Workers and general health programs
Healing Foundation
Reconcilation Australia
You, Me Unity
Local Land Councils
Secretariat of National Aboriginal and Islander Child Care

While not diversionary justice programs directly, are all indigenous advocacy, intiates, pioneers or preventionary programs. There is a lot of research available on all areas, allowing the possibility for people to become informed from an academic perspective. They cover health, culture, education and community but often are indiviually operational, rather than networked to form a cohesive overall strategy. What seems apparent is that there are a vast number of programs opperating in communities, that may be able to be even more effective through the co-ordination and communication of current programs and the identification of the where support could be improved. In essence the importance of the relationship between services and individuals and their families.

It is far to large a role to offer one person a portfolio that is not specific to a developmental target, eg, early years, childhood and adolecence, early adulthood etc. In this submission the focused outcome is on Juvenile Justice Diversion, in order to implement programs from this perspective, all programs within an identified region that impact this age group would have someone overseeing the effectivness of the whole, of all aspects of the diversionary model, and collaborate with the development of inclusive and wholistic practise for any onging community need.

Queensland Youth Justice Intevention Framework has developed a comprehensive outline that this submission would identify with.
http://www.justice.qld.gov.au/_data/assets/pdf

These kinds of frameworks create the question, what is happening? Why are youth incarceration rates continuing to increase, particularly indigenous youth at a disproportionate rate?
They also promote youth boot camps at early intervention levels as well as sentenced levels and suggest that respect is instilled in a person rather than a given basic human right. Perhaps some of the shortcomings of our system are found there, within our nations recogonition of basic human rights.

These bootcamps are also inconsistently applied, and not used regularly as a diversionary justice applied model. Perhaps negociation between Government and Non-government organisations may be able to develop a long term trial that could initially be mutually funded leading toward future funds re-distributed from current systemic practise and budgetary modelling into these more socially responsible options.

This submisson also highlights the truth, that we are all essentially products of our environment. This being the case, we as individuals, family members and broader communities all share some shoulder of responsibilty for the people within them. For this reason it is important the prevention, support and early intervention occur not only at an individual level.
Regardless of race, or socio economic level, the families and environments our youth live in impact their responses and behaviour, and sometimes we all need support. In order for any diversion program to be deeply effective it is important that the broader parts and people within the whole play a positive role in addressing the needs of any individual.
Our youth need us to walk beside them, show them the way, sometimes firmly but always with respect and compassion.

TABLE OF HEIRACHICAL RELATIONSHIPS

Demonstrating the system of relationship from the Individual through to Governement and Non-Government Organisations with the overarching policy brief of Juvenile Justice Diversion supportive of cohesion, respect and understanding.

GOVERNMENT	NON-GOVERNMENT ORGANISATION

HEALTH	EDUCATION	COMMUNITY	CULTURE

JUVENILE JUSTICE DIVERSIONARY DEVELOPMENT OFFICER/TEAM
Create comprehensive listing of programs currently opperational
Identify gaps at both preventation and intervention levels while developing comprehensive and overarching strategies and programs in relation to education, health, community and culture, that are regionally responsive. Also maintianing and facilitating open communications between Government departments, NGO's and program facilitators.

Program Facilitators- both Governement departments and Non-Government Organisations

Community

Family, immediate and extended

INDIVIDUAL

TABLE OF RELATIONSHIPS - COMMUNITY and CULTURE

There are many programs operating in many regions of Australia. Ongoing commitment and finacial suppport of not only maintaining these is vital, the development of programs that are responsive and dynamic that are directly able to impact the needs of youth and in particular in this instance those who are more likely to have interaction with the juvenile justice system.

JUVENILE JUSTICE DIVERSION DEVELOPMENT

PROGRAM FACILITATORS

COMMUNITY

FAMILY

INDIVIDUAL

Funding for programs such as Clean the Slate Without Predjudice require immediate and ongoing funding. They also deserve to be networked with all the other local services available in order to develop a community strategy.

TABLE OF RELATIONSHIPS – EDUCATION

JUVENILE JUSTICE DIVERSION DEVELOPMENT

INDIGENOUS SCHOOL SUPPORT OFFICERS

TEACHER TRAINING, PROFESSIONAL DEVELOPMENT AND SUPPORT

FAMILY

INDIVIDUAL

The Murri School In Brisbane currently provide the following strategies that would identify well and work towards individual empowerment in a diversionary program model, and life generally. These include:

- The incorporation of a learning skills centre (the kulkathi centre) within the school, catering for students and the wider community.
- At secondary level a unitised vertical curriculum to cater for multi aged classes
- A Health out clinic at the school to monitor general health and hearing loss in particular.
- A private bus system to transport the children to school
- Provision of school meals
- Programs for parents

TABLE OF RELATIONSHIP: HEALTH

The role of a juvenile health assesor is significant and of pivotal importance to the success of any other program, through the community and educational system. All aspects of juvenile health require consideration and the ramifications of this substantial in creating not only positive individuals and communities, a strong and positive in response to the area of juvenile justice prevention and diversion.

JUVENILE JUSTICE DIVERSIONARY OFFICER

REGIONAL ADOLESCENT HEALTH ASSESOR

This person identifies all areas of health relevent to the adolescents in the region, physcially, mentally and emotionally and networks with other professionals and also other program facilitators in Community/Culture and Education to apply and ensure most current and best health practices are readily available to all community members. Where lack is identified, strategies and programs are negociated with the Diversonary Officer and programs currently opperational to rectify the concerns.

PROGRAM FACILITATORS

COMMUNITY

FAMILY

INDIVIDUAL

Juvenile Justice Diversion
PREVENTION LEVEL STRATGIES

Prevention programs are often already well established within community groups. The range of awareness and access to them is variable. In order that individuals are able to exercise their free will and choice, prevention and community programs at this level must remain voluntary. They allow the indiviaual, and family group to feel and develop as empowered, proactive and positive members of their communities, identifying with a healthy and inclusive attitude toward organisations and herichical systems.

Continuing development of both governemnt and non government programs at this level would be assisted by and negociated through the continum and continuity offered through the Juvenile Justice Outreach Development Officer or team and always responsive to community need.

Juvenile Justice Diversion
EARLY INTERVENTION LEVEL

Early Intervention can be identified and individual and family groups approached to collaboratively recognise potential concerns, openly and honestly. This is offered as a next stage in the justice process, and is to be determined by a series of key indicators, as agreed by both respective professionals and leading research, in partnership with community Elders and the Juvenile Justice Outreach Officer, with ongoing consideration to and feedback from the four main areas, community, culture, education and health.
Acknowledging that for many reasons and based on current actions there may be an increased risk for the individual and that a more proactive level of participation in support and community programs may be beneficial.
At this stage, the individual and family must be able to demonstrate how they are able to address behavioural, social, and emotional, along with intellectual and health concerns of the individual independently, or agree to participate in prevention level activities.

DIVERSION LEVEL

The Diversion level of a Juvenile Justice Diversion Program is applied once an individual has either participated in Prevention and Early Intervention level programs and has chosen to continue to engage with the legal system.
The consequence for this means that free will and choice for participation at a diversion level is removed. Both the individual and the family at this level are expected to participate in programs at varying levels dependent upon assessment.
This will occur through a framework established by the Juvenile Justice Outreach Development team of officers, in collaboration with the four departments identified.
An individual is placed into the diversion program through the court system, prior to full incarceration.
Failure to honour the required participation will result in full incarceration of the individual within the traditional justice system.

Community Home Detention Program

The Community Home Detention Program is the last level of the Juvenile Justice Diversion Program. An individual is sentenced to this program and will be required to serve a nominated minimum sentence regardless of offence. This is to offer the best possibility of rehabilitating the individual and the family, as they are also required to participate in support and health programs for the duration of the sentence.
This strategy and expectation is applied in the understanding that our youth are indeed products of their environments, and rehabilitation and healing must occur on many levels to create positive and diverse outcomes.

With this in mind and giving focus and respect the developmental needs of our youth let's consider the following fundamental aspects of the person aged between 12-18years.

- This is a time when this young person begins to pull away from the immediate family group.
- From their social points of reference they look to find their place in the community and society at large, beginning with their peers and moving out.
- They innately question, where do I fit in and will I end up being physically and psychologically attractive to attract a mate.
- They become more physically fragile and experience enormous hormonal fluctuations.
- This in turn reduces the intellectual capacity; traditional education placing pressure on already vulnerable youth could trigger rebellion.
- They also seek financial independence.
- This assertion of independence can be seen through, music, friendships, clothing and hairstyles, and risk taking behaviour.

- Objections to these experiments can expect to be met with challenge from the adolescent.
- This person has absorbed the moral fabric of the family and the community and seeks recognition for the person they have become.

With this in mind, the community home program addresses the fundamental, developmental needs of the individual and offers safety, security and positive role modelling.
Here are some key components to these types of diversion programs:

- A community home is created, a small group of individuals (perhaps 4) and 2 house parents, who live in.
- A family group is created and all members have expectations placed upon them in order that the 'family' establish and live within a positive and cohesive environment.
- Members of the house learn and participate in all of the day to day activities and this becomes opportunity to learn many life skills.
- Education is maintained externally and through extra tuition, and students all complete a re-entry program to the traditional education system prior to the end of sentence.
- This is a gentle environment that conveys unconditional tough love and acceptance.
- Individuals receive full health assessments and dietary and mental health support identified.
- Within an individual sentence cultural practise and learning becomes incorporated into daily life, young men and women are giving opportunities to participate in rites of passage and initiation, should they choose or receive invitation to it.
- They are given opportunities to see how they can become positive members of the community and role models to the younger children, and experience how that feels for them.
- Vocational education and opportunities can be actively sought and applied for.
- By having an expectation that family or those that the adolescent lives with participate on intervention programs we create the best possible chance of the individual sustaining lasting change.

VISION

Creating a diversionary model that is responsive to the needs of individuals, indigenous and non-indigenous is one that requires all community members to recognise that punitive disciplinary measures are ineffective in establishing ongoing preventative and rehabilitative outcomes for our youth.

A systemic response to trauma and abuse and generations of oppression where we are able to recognise our interconnectedness as people and that positive empowerment and role modelling is required to demonstrate another way. It is no longer acceptable to persecute and isolate individuals for failure to comply within a community and a system that has lost the ability to engage and relate to all its members and create opportunities that nurture trust and open communication. Enabling people with hope to build a future that empowers individuals to recognise and honour our own autonomy and self-determination, moment by moment through personal choice. By doing so, live our lives in security and safety.

We look to create a 'system' that acknowledges and empowers the understanding and complexities of that of our First Nations peoples. That is reflective and honours the whole, while finding our individual roles within that making our contribution valued. Recognising that the issues faced are large, the needs of one individual require a co-ordinated and collaborative response and that it is an individual and the collective responsibility to do so. Juvenile justice is a social issue, and is best addressed from this context; it is not for those few directly affected.
As communities evolve our response continues to or creates opportunities that flow with life rather than becoming fixed and stagnant, possibilities that meet the basic human rights of every individual regardless of the current circumstance and provides all youth of all race to the same opportunity.