

# Western Australian Auditor General's Report



## Diverting Young People Away From Court



Report 18: November 2017

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## **Diverting Young People Away From Court**



**THE PRESIDENT  
LEGISLATIVE COUNCIL**

**THE SPEAKER  
LEGISLATIVE ASSEMBLY**

### **DIVERTING YOUNG PEOPLE AWAY FROM COURT**

This report has been prepared for submission to Parliament under the provisions of section 25 of the *Auditor General Act 2006*.

Performance audits are an integral part of the overall audit program. They seek to provide Parliament with assessments of the effectiveness and efficiency of public sector programs and activities, and identify opportunities for improved performance.

This audit assesses if agencies effectively divert young people in contact with police away from court, as described in the *Young Offenders Act 1994*, by providing the right services, in the right places, at the right times.

I wish to acknowledge the staff at Western Australia Police, the Department of Justice and the Department of Communities for their cooperation with this audit.

A handwritten signature in black ink, appearing to read "C. Murphy".

COLIN MURPHY  
AUDITOR GENERAL  
1 November 2017

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## Auditor General's overview

The vast majority of young people never come into contact with police. When young people do, it presents a choice and an opportunity. Police choose whether to divert a young person away from court, and diversion presents an opportunity to help the young person address their offending. As I reported to Parliament in 2008, that can deliver significant benefits for them, the community and the taxpayer.



Sadly, almost 10 years later, those benefits are not being realised. Police are choosing to divert young people away from court less than half the time. When they are diverted, only a small proportion receive services that are likely to help them address their offending.

This is not an easy issue. Every individual decision about diverting a young person is complex and requires the police officer to balance many factors. The needs of the young people often cross agency boundaries but, despite goodwill at local levels, agencies often struggle to step beyond their core functions to work together effectively.

My report makes clear that there are missed opportunities to divert young people away from court, and for agencies to provide meaningful pathways for those who are diverted. I urge agencies to work together to take those opportunities, and realise the benefits both for the community, and for each of the young people involved.

# Executive summary

## Introduction

This performance audit revisits a topic we covered in our 2008 report, *The Juvenile Justice System: Dealing with Young People Under the Young Offenders Act 1994*. This audit was not a direct follow-up of our previous audit or the related cost benefit analysis. Instead, in this audit we assessed whether agencies effectively divert young people in contact with police away from court by providing the right services, in the right places, at the right times. We looked at how effectively agencies directed young people away from court and into services or programs that could help them with the issues that led to their offending. We focused on diversion before court (early diversion), in the years 2012 to 2016 inclusive.

## Background

The vast majority of young people in Western Australia (WA) – 97% – do not come into contact with police for an offence. The 3% who do are treated differently from adults who offend. The *Young Offenders Act 1994* sets out how young people will be dealt with in the justice system once they come into contact with police. When police deal with young people who have committed less serious offences, the Act requires that they consider directing young people away from court (referred to as ‘diversion’) and must prefer to caution young people unless the young person’s offending history makes it inappropriate to do so.

The choice to divert young people away from the justice system has been shown to reduce costs to the State,<sup>1</sup> and is an effective way to reduce further offending by young people.<sup>2</sup>

The main agencies with statutory responsibility for early diversion are Western Australia Police (WA Police) and the Corrective Services branch of the Department of Justice (DoJ). However, other agencies, such as the Department of Communities (Child Protection and Family Support) and the Department of Education, also have a significant role in helping young people at risk.

Police have no option but to proceed to court when a young person commits a serious offence listed in schedules 1 and 2 of the Act. However, for the majority of offences, police can divert young people, primarily through either cautioning or referring them to a juvenile justice team (JJT), a group meeting that results in an action plan for the young person to complete. There are also other options available to police for specific offences, such as cannabis intervention requirements. Diversion options are only available where the young person accepts responsibility.

DoJ is currently reviewing the Act. At the time of our audit, the government was also planning to move some youth justice functions out of DoJ and into the new Department of Communities. The government has announced \$600,000 in funding for the Department of Communities to design a new program to target high-risk and recidivist young people who offend.

## Audit conclusion

Diversion is an opportunity to provide a positive intervention for young people who come into contact with police but, in most cases, WA Police, DoJ and other agencies are missing that opportunity. Despite the legislative preference for diversion, and its benefits, police chose to

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<sup>1</sup> OAG, 2008, *The Juvenile Justice System: Dealing with Young People under the Young Offenders Act 1994*.

<sup>2</sup> Sentencing council of Victoria, *Reoffending by Children and Young People in Victoria*, page 52, 2016; S Chen et al, *The transition from juvenile to adult careers*, New South Wales Bureau of Crime Statistics and Research.

divert in less than half of eligible cases. There is no single reason for police choosing not to divert young people. There are many complex factors for police officers to consider in making diversion decisions, and they need more guidance and oversight to help them balance those factors and increase the diversion rate.

Only a small proportion of the young people diverted away from court are linked with services to help them better manage issues that influence their offending. The likelihood of those services being effective is reduced because young people's needs are not being assessed, and agencies do not evaluate the effectiveness of the services. More meaningful diversion pathways and better monitoring of diversion decisions would also help to shift the balance in favour of diversion over court.

## Key findings

### **Police divert young people away from court less than half of the time, which fails to maximise the benefits of diversion**

*For the last 5 years, diversion rates have been under 50%*

Because most offences by young people are directed to court, the benefits of early diversion, including lower costs<sup>3</sup> and less repeat offending<sup>4</sup>, are not being realised. Between 2012 and 2016:

- 23,730 young people committed 106,169 offences
- police could have diverted between 88 and 96% of offences by young people, but chose to divert less than half (between 40 and 49% over the period)
- most diversions result in cautions (71%), and 22% were referred to JJTs. The remaining 6% of offences were diverted through infringements and a cannabis diversion scheme.

*Diversion rates vary by location and ethnicity of young people, but there is no clear reason for the differences in rates*

Diversion rates varied by region, district and police station. We found no clear pattern to indicate a single cause for the different rates, which are made up of thousands of diversion decisions by individual police officers. Regional WA recorded a lower diversion rate (between 39 and 46%) than the Perth metropolitan area (43 to 55%) except for in 2016. Offences committed by Aboriginal young people were diverted less often, 35% of the time over the 5-year period, compared to an average rate of 45%. However, not every regional location and not every police station servicing significant Aboriginal populations had low diversion rates.

### **Police do not have the information they need to improve diversion rates because officers do not record why they choose not to divert young people**

WA Police lacks important knowledge about how to improve diversion rates. It also lacks information on what factors lead officers to choose to send young people to court. When police make the decision not to divert a young person from court, they do not record the reasoning behind their decision. When police chose to direct young people to court, we expected them to record why diversion was considered inappropriate. Without these records,

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<sup>3</sup> Office of the Auditor General for Western Australia, 'The Juvenile Justice System: Dealing with Young People under the Young Offenders Act 1994, 2008.

<sup>4</sup> S Chen et al, *The transition from juvenile to adult careers*, 2005, New South Wales Bureau of Crime Statistics and Research.



WA Police cannot get a good understanding of whether the decisions its officers make are appropriate, or of how to improve diversion rates.

Police have started the work needed to analyse and improve diversion rates, but more needs to be done. In late 2016, police launched a program to analyse offending by young people. The program draws information from the police incident database and presents it in a range of customisable ways. This allows police stations, and WA Police head office to monitor diversion rates and trends by location. However, to provide a more useful picture of diversion rates, the program needs further refinement to exclude offences where police have no discretion to divert.

*Police officers do not have enough guidance and support to help them consistently prioritise diversion*

To increase rates and realise the full benefits of diversion, police need more sophisticated guidance to help them better understand the value of diversion and to work through the complexities of individual cases. The current policies of WA Police align to the Act and express a preference for diversion. However, police also need ongoing education to help them apply diversion options in what can be a difficult decision for police officers in complex circumstances. Because police officers currently divert less than half of offences, and diversion rates are made up of thousands of individual decisions, police need better guidance to balance all the factors they need to consider.

**For most of the young people involved, diversion does not result in meaningful or needs-based help to address their offending**

*Only a small proportion of diverted young people receive any follow-up assistance, so many miss out on help that might make them less likely to offend in future*

Only a small proportion of young people diverted actually end up linked to services to help them with issues that contributed to their offending. This means that some young people who need help may have missed out. The Act creates 2 clear diversion pathways – cautioning and JJTs. We found that, in 2016:

- 33% of metropolitan young people who were cautioned were followed up. Of these, most attempts at follow up were unsuccessful, so only 7% were advised about services available to help them with issues that contributed to their offending
- of the 10 cases in our sample from 2016, we found 4 of 10 JJT action plans for police-referred young people included referrals to services or programs.

Twenty-four percent of young people who were diverted committed 3 or more offences, but only a small proportion get linked to services. This indicates that repeated cautions alone were not effective in changing offending behaviour, and a more intensive diversion intervention may have been needed to address the causes of offending.

*Agencies do not adequately assess young people's individual needs, so even when they are linked up with services, they may not be the right ones*

Neither WA Police nor DoJ formally assessed young people diverted away from court to work out what kind of help they needed. There is a risk young people who needed help will have missed out, because their needs were not identified. For those young people that were referred to services, the services might not have been the kind that they needed. For example, in Fitzroy Crossing, youth justice staff were concerned about suspected Foetal Alcohol Spectrum Disorder but did not know how to identify or assist clients with these issues. We expected that agencies would recognise a young person's offending as a trigger to work out what factors had led them to that behaviour, so they could offer the right help to the young person.

### *Young people diverted away from court do not always get access to the services they need*

We looked at the range of services that JJTs were referring clients to and found that while many services are available, a JJT referral is not a guarantee of getting help. Despite the range of youth services, they do not always match the needs of JJT clients, in the places and times needed. Staff at various offices reported that some services had long waiting lists or high assessment thresholds, so JJT clients could not get into them. For example, the Midland JJT had stopped referring young people to a drug counselling service as the waiting list was too long.

### *Agencies need to do more to evaluate how well diversion away from court is working so they can improve outcomes for young people*

Agencies made very limited progress towards a joint evaluation of youth justice diversion. While WA Police and DoJ currently have primary responsibility for diverting young people out of the youth justice system, helping these young people may need a dedicated effort by a range of agencies. These include the Department of Communities, the Department of Education, Health Services and the Mental Health Commission. Agencies need to work together to evaluate how well current strategies work, so they can identify how to make the system work better, and how each agency can best contribute.

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## Recommendations

1. **By the end of 2017, WA Police should improve its diversion of young people by:**
  - a. identifying scheduled offence information in performance monitoring data
  - b. ensuring officers include a brief record of their reasons for choosing not to divert when they complete paperwork to charge a young person with an offence.
2. **To improve young people's access to services, by the end of June 2018, the DoJ and the Department of Communities should:**
  - a. review caution follow-ups and communicate expectations to youth justice offices
  - b. reintroduce screening tools for young people referred by police to JJTs, and introduce structured assessments for those who screen as high-risk
  - c. ensure services young people are directed to match the assessment of their needs, and that they are assessed as effective.
3. **By the end of June 2018, agencies should work together to improve outcomes for young offenders by:**
  - a. ensuring young people are screened and assessed to determine what help they need
  - b. extending case management to young people before their offending reaches serious levels, if they are assessed as high-risk and have complex needs
  - c. defining desired outcomes for youth justice diversion
  - d. measuring youth diversion performance and progress towards desired outcomes
  - e. determining early diversion service needs and gaps
  - f. better educating police officers about diversion
  - g. reviewing local collaboration initiatives to ensure they focus on outcomes.

## Response from the Department of Justice

The Department of Justice (the Department) welcomes the findings of the Office of the Auditor General (OAG) Report – Diverting young people away from Court.

Since the end of the audit timeframe in 2016, there have been a number of changes in the delivery and operations of Youth Justice Services (YJS). In August 2016, YJS introduced a new youth risk and needs assessment tool.<sup>5</sup> This is a substantially more comprehensive instrument than the screening tool that was previously used during the audit timeframe<sup>6</sup> and has been chosen based on research and patterns of referral to Juvenile Justice Team's,<sup>7</sup> with a focus on a restorative justice process.

Furthermore, during 2016 YJS completed reviews of regional youth justice services in West Kimberley, East Kimberley and Pilbara, the locations selected for this audit. Outcomes from these reviews included:

- Informing the Department's disengagement from Royalties for Regions funding (RfR);
- Implementing a new operating model that is guided by Department statutory functions, core business and caseloads, across the reviewed regions;
- Determining appropriate levels of resourcing for these regions and,
- Planning for this new operating model to be rolled out across the Mid-West, Goldfield, South West and Southern Regional Youth Justice Services

Finally, following the State Government's Machinery of Government (MoG) changes, the prevention and diversion functions of YJS will transition to the Department of Communities (Communities). It is anticipated that further refinement of YJS functions and roles as well as youth diversion practices, will occur with this change.

The Department of Justice either accepts the recommendations or will consider them in the context of Machinery of Government changes currently underway.

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5 Youth Level of Service/Case Management Inventory 2.0 (YLS/CMI 2.0) risk/needs assessment tool. The YLS/CMI 2.0 is a contemporary and comprehensive instrument that has been validated and is accepted and utilised nationally and internationally.

6 Young Offender Risk Identification (YORI).

7 Risk Assessment in Juvenile Justice: A Guidebook for Implementation, Vincent, Guy, Grisso, University of Massachusetts Medical School, 2012.

## Response from the WA Police

In general terms, the Western Australia Police Force (WAPOL) supports the recommendations made in the report relevant to WAPOL, however would like to make the following comments.

The WAPOL strongly supports the restorative approach to justice under the Young Offenders Act 1994 (the Act) and believes the current general principles of youth justice, under section 7 of the Act, are well-balanced. The Act requires police officers to consider diversionary options when dealing with young offenders, before initiating criminal proceedings. It is the policy of the WAPOL to provide special provisions for the fair treatment of young people by diverting them from the Court system whenever possible for non-scheduled offences.

Many complex factors impact on the decisions by police to suitability divert juvenile offenders from the court system. These include, previous patterns of offending, current involvement in the court system or the lack of admission of guilt by the juvenile. Despite this, there are opportunities for WAPOL to further develop frontline officers' understanding of the Young Offenders Act 1994 and associated policy and procedures.

WAPOL supports the need for the reporting of why police have chosen not to divert young people. The decision to charge as opposed to divert forms part of the review process for young offenders, however a review of current policy and practices has commenced to ensure the documentation of the diversionary decision is clearly identifiable. WAPOL has created a Youth Policing Toolkit within the Business Intelligence Portal provides a snapshot of youth offending throughout the state and provides a breakdown of diversionary options utilised, including cautions and Juvenile Justice Team (JJT) referrals. The inclusion of identified scheduled offence information in performance monitoring data, will likely to be completed within the next 12 months.

By the end of 2018, agencies should work together to improve outcomes for young offenders by supporting further review of current arrangements, by identifying opportunities to improve consultation of agencies to improve outcomes for offending youth. Multi agencies approaches, such as the current WAPOL Youth Crime Intervention Officer model, highlights the benefits of improved outcomes for young offenders, through the Integrated Offender Management process involving other key government stakeholders.

## Audit focus and scope

In this audit we focused on how well agencies divert young people out of the justice system before they end up in court. We did not look at the court diversion programs or services available to young people who have been sentenced or are in custody.

In this audit we assessed if agencies effectively divert young people in contact with police away from court, as described in the *Young Offenders Act 1994*, by providing the right services, in the right places, at the right times.

We followed 3 lines of inquiry:

1. Do police divert young people when possible, in accordance with the *Young Offenders Act 1994*?
2. Do young people get to access services and programs that meet their individual needs?
3. Do agencies have an accurate picture of how well youth justice diversion is working?

We audited the Western Australia Police (WA Police), the Department of Justice (DoJ) and the Department of Communities (previously the Department for Child Protection and Family Services). We also met with a range of other stakeholders, including:

- His Honour Judge Denis Reynolds, President of the Children's Court
- His Honour Chief Justice Wayne Martin
- Department of Education
- Mental Health Commission
- the former Department of Aboriginal Affairs
- the former Disability Services Commission
- the Commissioner for Children and Young People
- the Inspector of Custodial Services
- the Ombudsman.

We analysed police data on offences by young people from 2012 to 2016 inclusive. We also examined documents and interviewed police officers and agency staff. We visited 3 metropolitan and 3 regional police stations, and nearby DoJ youth justice offices to speak to staff and review files:

- Kensington
- Midland
- Joondalup
- Geraldton
- South Hedland
- Fitzroy Crossing.

This performance audit was conducted under section 18 of the *Auditor General Act 2006* and in accordance with Australian Auditing and Assurance Standards. Performance audits primarily focus on the effective management and operation of agency programs and activities. The approximate cost of tabling this report was \$441,000.

## Audit findings

### Police divert young people away from court less than half of the time, which fails to maximise the benefits of diversion

#### For 5 years, diversion rates have been just under 50%

Police chose to divert fewer than half of the cases they could have. Between 2012 and 2016, 23,730 young people committed 106,169 offences. Only around 10% of offences committed could not be diverted because the *Young Offenders Act 1994* did not allow it. The diversion rate has remained under 50% for each of the 5 years in our audit period (Figure 1). It was lowest in 2014 at 40.7%, and highest in 2012 at 49.3%.

The Act requires that police officers must consider if it is appropriate to give a young offender a caution or refer them to a JJT instead of charging them and sending them to court. Further, the Act requires police officers to give preference to cautioning above charging a young person, unless the number of the young offender's previous offences makes cautioning inappropriate. Given the preference for diversion in the Act, and the benefits of diversion, we expected to see police divert young people away from court unless there was a strong reason not to.

Because police often choose not to divert, the full benefits of diversion are not being realised. Our 2008 audit and cost benefit analysis, *The Juvenile Justice System: Dealing with Young People Under the Young Offenders Act 1994*, conservatively estimated that that police cautions were 90% cheaper than directing a young person to court, and JJT referrals were about 75% cheaper. Research has also shown that the more frequently a young person is in contact with the justice system and the more serious this contact is, the more likely they are to continue to offend into adulthood.

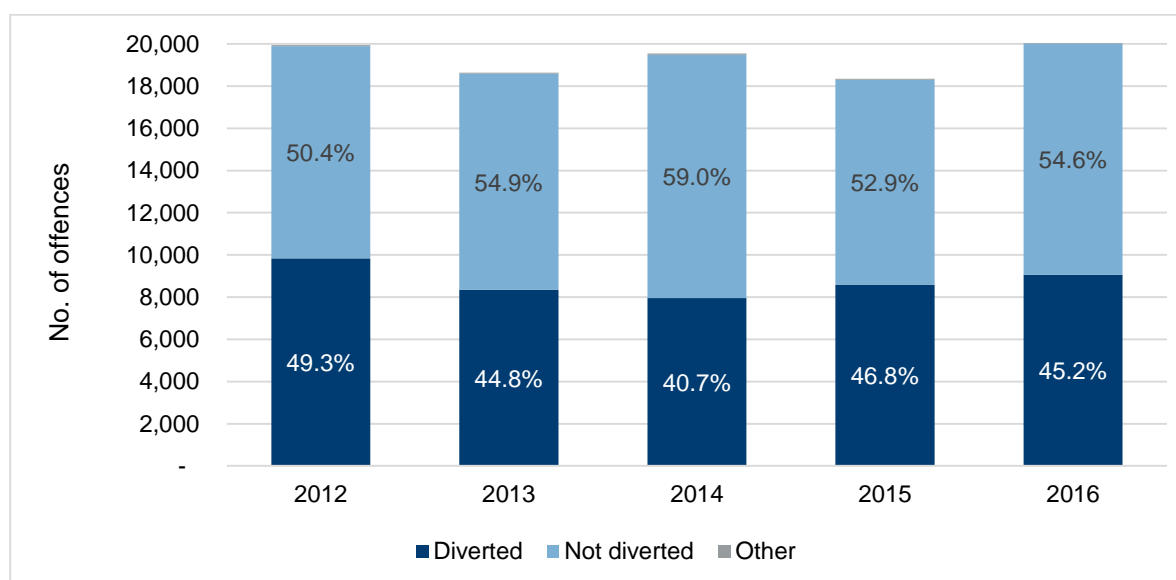
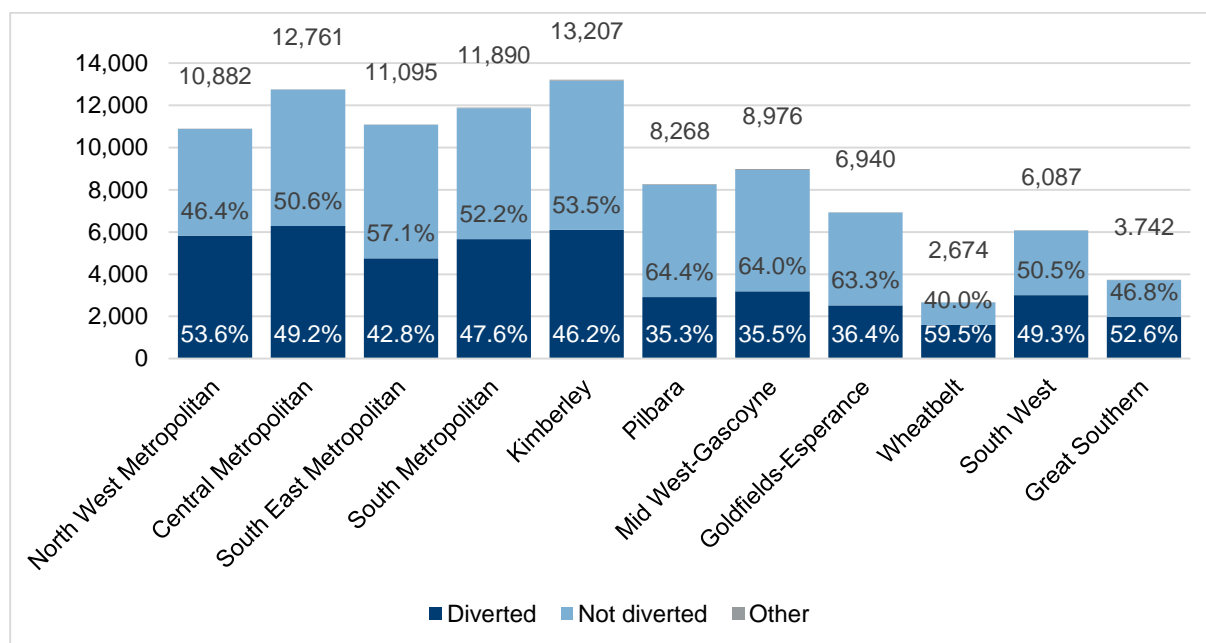


Figure 1: Proportion of non-scheduled offences diverted by police per year

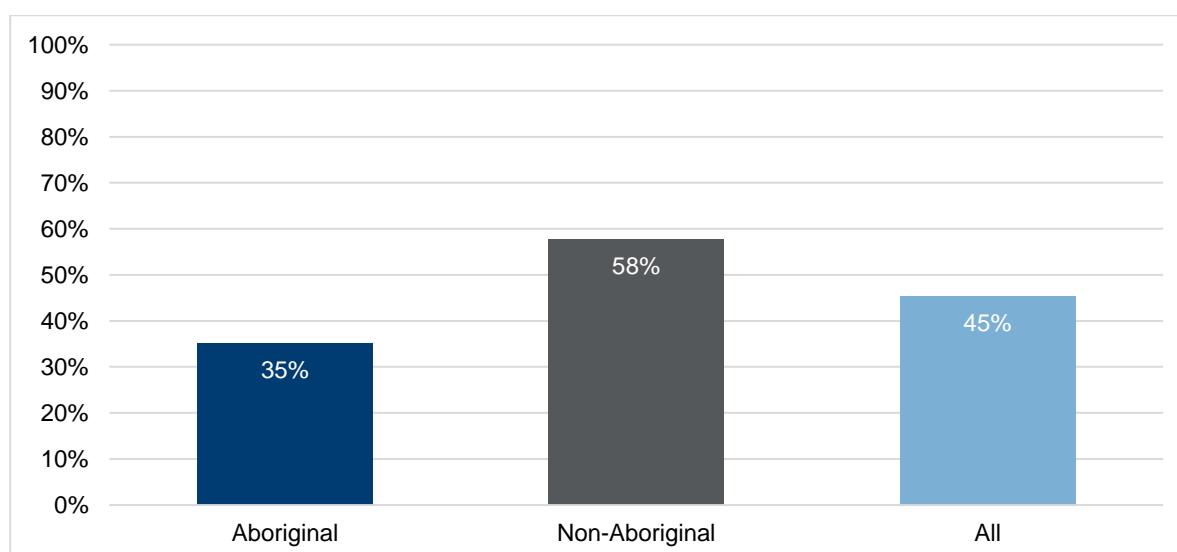
## Diversion rates vary by location and ethnicity of young people, but there is no clear reason for the differences in rates

The lack of a single cause to explain differences in diversion rates highlights the individual nature of police decision-making. Rates vary by location and the ethnicity of the young person. Each year except for 2016, regional WA had a lower diversion rate (between 39 to 46%) than metropolitan areas (43 to 55%). The Wheatbelt district had the highest diversion rate at nearly 60%, but the lowest number of offences by young people (Figure 2). WA Police could not identify specific causes for the different rates, because police officers did not record why they made decisions not to divert.



**Figure 2: Diversion rates by police district 2012 to 2016**

Police divert offences by Aboriginal young people less than they divert offences by other young people. While different stations divert at different rates, and overall Aboriginal young people are diverted less frequently, the trends are not universal. For example, Fitzroy Crossing police station had a comparatively high diversion rate of 59.2%. This is in contrast to the general pattern for regional locations and locations with high percentages of Aboriginal young offenders (Figure 3).



**Figure 3: Diversion rates by young offender ethnicity 2012 to 2016**



## Police do not record the information they need to improve diversion rates

### Even though diversion should be preferred, police do not record the reasons they choose to send young people to court instead

Records do not show why police chose to direct offences to court rather than divert them. This means individual decisions cannot be easily reviewed and WA Police lacks important information about what can be done to increase diversion rates. We reviewed 89 crime files and incident records for arrests and summons at 6 police stations and found police had not recorded the reasons for non-diversion.

In the absence of documentation, we spoke to police officers at each station and asked them how they make decisions about whether or not to divert young people. Officers provided various reasons why they would choose not to divert an eligible young offender. Police officers told us they consider:

- the severity of the offence
- the number of times the young person has offended in the past
- whether the young person has been cautioned or referred to JJTs before
- the risk to the community if they do not arrest an offender
- whether the young person admits and takes responsibility for the offence
- the best interests of the young person and community.

These reasons align with the principles of the Act:

*consideration should be given, when dealing with a young person for an offence, to the possibility of taking measures other than judicial proceedings for the offence if the circumstances of the case and the background of the alleged offender make it appropriate to dispose of the matter in that way and it would not jeopardise the protection of the community to do so ...*

However, some police officers informed us that they avoid diversion options because:

- they lack an understanding of diversion options – police do not know how caution follow ups or JJTs work, or how effective they are
- it can increase their workload – police can be reluctant to refer a young person to a JJT, because if the diversion is not successful, the police would have to take the matter up again
- no conditions are placed on the young person's behaviour, such as curfews, so if they are diverted police cannot monitor the young person
- they prefer to leave JJT referrals up to the court
- there are more services available for a young person after they have been to court
- if they divert a young person, they cannot collect the identifying particulars of a young person, such as photographs, fingerprints and DNA
- they suspect a young offender has committed many previous offences but there was not enough evidence to charge them for those.

These reasons are less clearly supported by the principles of the Act, indicating that officers may need more information and support in making diversion decisions. It also means many



young people may be missing out on the opportunity to be diverted away from the justice system based on factors that should not necessarily influence the decision, or because officers lack the information they need.

If WA Police had access to information about how individual officers chose whether or not to divert young people, it could help educate officers about how to make better decisions.

### **Police have started the work needed to analyse and improve diversion rates, but more needs to be done**

While WA Police has a program to analyse offending by young people which is available to local police stations, it is not consistently being used to monitor diversion performance. Stations are not required to use the program for any specific purpose, and only 1 officer at 1 police station we visited reported using the database regularly to check on youth offending rates.

In late 2016, WA Police launched this program that draws information from the police incident database and presents it in a range of customisable ways. The program can be used to monitor diversion rates by police station and police district, and can also show finer details about offending by young people, such as the days and times that most offending occurs.

The Youth Policing team at WA Police head office plan to use the program to develop performance reports on diversion rates for WA Police executive. This should encourage the police stations to use the program and data, and will enable executive to detect differences in performance and identify improvements. Currently, the program's data does not identify or exclude scheduled offences, which the law says cannot be diverted. This means the program's diversion rates are currently skewed and WA Police needs to address this to ensure reporting is robust.

### **Police do not have enough guidance and support to help them prioritise diversion**

WA Police policies reflect the broad requirements in the Act, but do not provide guidance on how to make diversion decisions about young offenders who have complex factors that lead them to offend. The policies also do not provide information on the benefits of diversion, or require that officers review their decisions to identify how they can maximise diversion rates. The lack of guidance may mean officers are less likely to divert young people with complex needs or offending histories.

The Act sets out rules police must follow when a young person commits an offence, including considering diversion. It lists a range of information that police should consider when making a decision, such as the young person's age, maturity, cultural background and previous offences, and WA Police's policies reflect these requirements.

However, ultimately individual officers have the discretion to make a decision they think is best in the specific circumstances of individual cases. To make fully informed decisions, they need more information on the wide-ranging benefits of diversion and the ongoing consequences of sending a young person to court.

Officers also need practical help to prioritise diversion in difficult cases, such as:

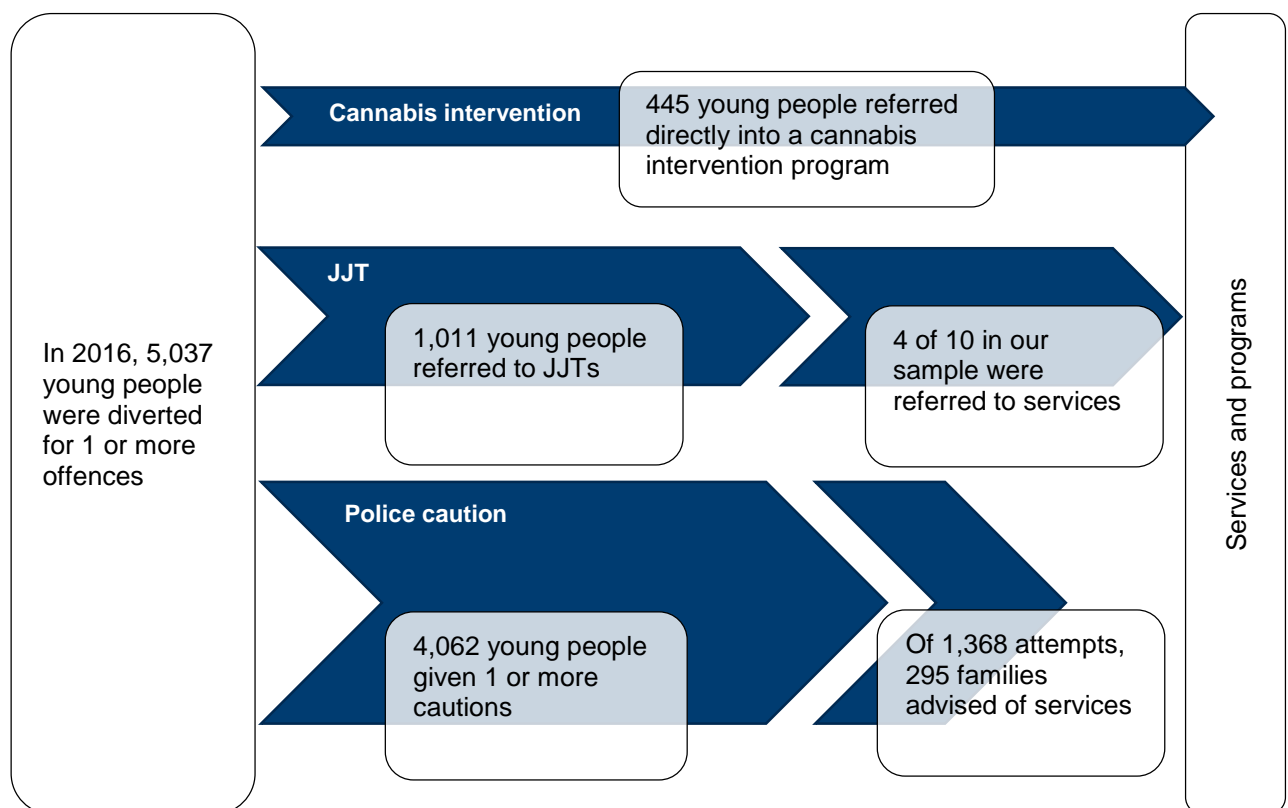
- when diversion appears not to have worked for the young person in the past
- if an officer does not know what will happen to the young person if they are diverted
- when a young person has committed a scheduled offence along with offences that can be diverted.

WA Police guidance and education should also enable officers to review individual decisions not to divert, to identify if they could make a different decision in future. This would also help WA Police identify how its officers are making these decisions in individual circumstances, which would help refine guidance and education, to encourage higher diversion rates.

## For most of the young people involved, diversion does not result in meaningful help

### Only a small proportion of diverted young people receive follow-up assistance, so many miss out on help that might make them less likely to offend in future

Compared to the total number of young people whose offences are diverted, the number that get access to services to help them with the issues that led to their offending is small. In 2016, only 7% of young people with cautions received advice about services and in only 4 out of 10 JJT cases we reviewed were young people referred to diversion services. This indicates that there is a cohort of young people who need help to address their offending behaviour but do not receive it and may be more likely to reoffend.

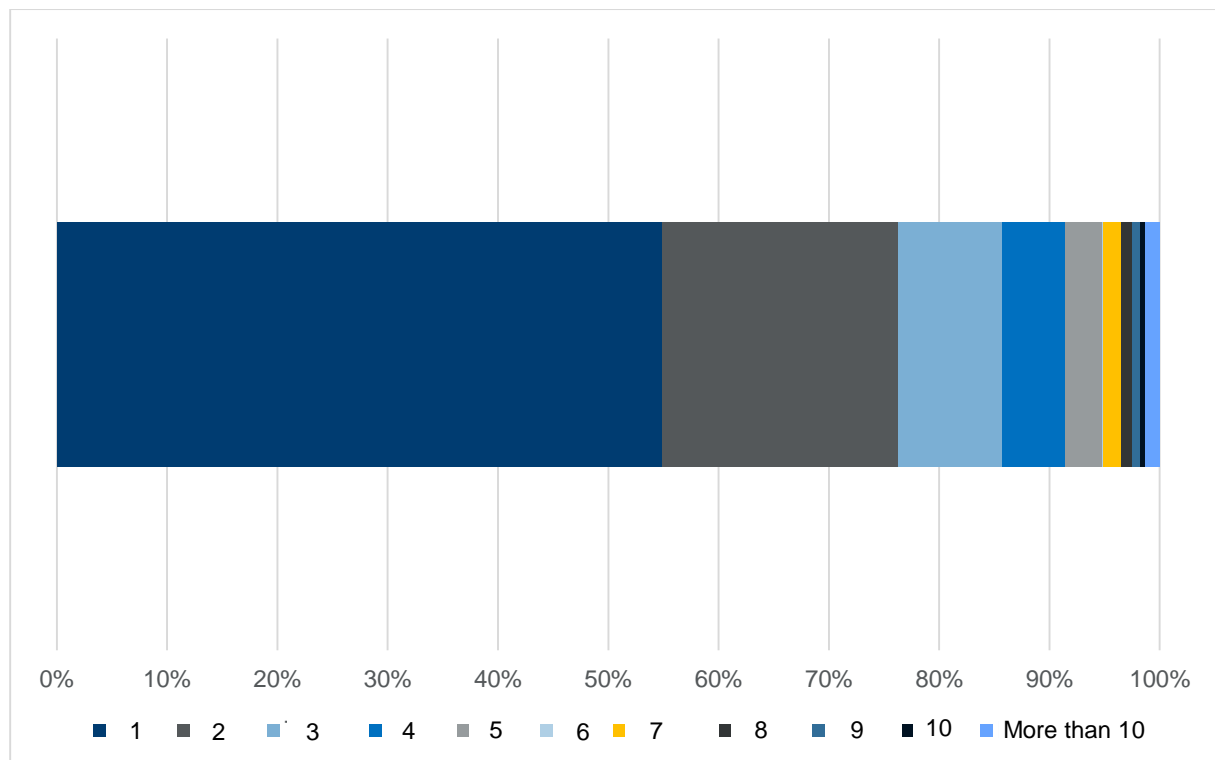


**Figure 4: Pathways to services for young people diverted in 2016<sup>8</sup>**

Police have 3 main avenues available to divert young people. They can caution them, refer them to a JJT or send them to a cannabis intervention program. We reviewed caution follow ups and looked in detail at a sample of JJT cases for 2016. A caution or JJT referral is an effective diversion response for most young people diverted away from court, with 76% of these young people only committing 1 or 2 offences between 2012 and 2016. However, 24%

<sup>8</sup> Some young people were diverted for a number of offences and in different ways, so the numbers for each pathway equal more than the total number of young offenders.

of diverted young people offended more than 3 times, indicating that the current diversion options were not enough and they needed more meaningful help to address their offending (Figure 4).



**Figure 5: Proportion of young offenders with different numbers of offences recorded between 2012 and 2016**

When police caution a young person, DoJ can follow up with the family. It used to follow up all cautions, but now prioritises only more serious offences. Caution follow up in the regions is minimal – it had been cancelled in 2 locations we visited (South Hedland and Fitzroy Crossing) and when we visited Geraldton, we found it was not happening there either. DoJ follow ups involve visiting families and offering advice on services that might be able to help with the young person's behaviour.

Police can also refer a young person to a JJT. JJTs are coordinated by DoJ, and involve family group meetings with the young person, a responsible adult, a police officer and if willing, the victim. At the meeting they will create an action plan with steps the young person must complete to make amends or address any underlying issues that they might have. This can include a referral to services, such as counselling or drug and alcohol education.

Police can also divert eligible young people directly into a cannabis education program, which is funded by the Mental Health Commission. This diversion was used for 2% of offences in the period we audited.

### **Agencies do not adequately assess young people's individual needs, so even when they are linked up with services, they may not be the right services**

We found that neither WA Police or DoJ had structured assessments in place to work out what factors had contributed to young people's offending and therefore what kind of diversion services they needed. The factors that can contribute to young people's offending vary from lack of access to positive activities through to complex issues involving trauma, substance use, mental health concerns, cognitive impairment and lack of family support. Services exist to help young people with these problems, and JJTs do refer clients to them, but without a structured assessment it is not possible to confirm that JJT clients were linked to all the services they needed.

Police do not get involved in assessing what help young offenders need. These decisions are left up to DoJ, which decides whether to link them into services. Its decisions about whether to follow up young people who have been cautioned are based on the type of offence, rather than risk of reoffending. DoJ's caution follow ups involve giving families advice about diversion services during informal conversations.

JJT staff assess what services could help a young person when designing a young person's action plan, though the assessment is informal and undocumented. DoJ does have a comprehensive, structured assessment tool for working out what help young people need. However, it is only used for young people who have already been to court, not those who have been diverted.

### **Young people diverted away from court do not always get access to the services they need**

There are a wide range of youth services in WA, many of which can help young people with the factors that drive offending behaviour. However, the services do not always match the needs of JJT clients in the places and times they are needed.

We looked at 55 JJT action plans from 2012 to 2016 and found that 35 young people were referred to services 57 times. Twenty young people were not referred to any services.

The types of services that young people were referred to included drug and alcohol education, psychological and counselling services, family support, cultural programs, driver training, and DoJ's prevention and diversion service, which was no longer operating in the locations we visited at the time of our audit.

The services were not owned by DoJ, so JJT clients could not be guaranteed a place when they needed it. Services such as the Department of Communities' Parent Support Program were not always running at the times JJTs clients needed them. This in turn discouraged JJT staff from continuing to refer young people.

Police provide assistance after young people have committed many offences. WA Police's Youth Crime Intervention Officers (YCIOs) work with prolific and priority young offenders (PPOs). While YCIOs only assess the needs of PPOs informally, they get to know the young people and use an informal case management approach to work with the individual needs of the young people. For instance, YCIOs have helped young people get income support, enrolled them in driver training programs, transported them to appointments and provided ongoing support. There are 50 YCIOs located across WA who work with about 260 PPOs each year, at a cost of around \$5 million. WA Police believe that this intensive approach can have an effect. They told us that in 2016 PPO offending reduced by up to 81%, depending on location.

The intensive support that YCIOs provide is only available to young people who have a long history of offending. No similar service is available as early intervention for young people who have been diverted before court.

### **Agencies need to do more to evaluate how well diversion away from court is working so they can improve outcomes for young people**

Agencies do not work together to evaluate diversion and drive improvements. WA Police and DoJ have the main responsibility for youth justice early diversion efforts, but many other agencies can have an impact on helping young people not to reoffend. These include the Department of Communities, Department of Education, Mental Health Commission and non-government agencies such as Police-Citizens Youth Clubs (PCYC). Without a combined effort to evaluate early diversion it will be difficult for agencies to make the most of current and future changes.

While some of these agencies share information relating to youth justice, information-sharing forums and collaborative efforts have fluctuated. On the ground, YCIOs share information with relevant agencies about PPOs and some Department of Communities offices run youth at risk meetings. In 2015 and 2016, DoJ facilitated a high level interagency Youth Justice Reference Group. The group floated the idea of sharing data to assess and improve interventions. However, this did not progress. DoJ has advised that while the project did not progress under the Youth Justice Reference Group, the group's initial work will inform an upcoming data linkage project.

There are changes to youth justice diversion underway. Youth justice diversion is planned to move to Department of Communities as part of 2017 Machinery of Government changes. A review of the *Young Offenders Act 1994* is also underway. The Government recently announced a new investment of \$600,000 for the Department of Communities to start developing a program called Target 120 to work with families to reduce crime by young people.

DoJ holds critical data on young people's pathways through the justice system, including sentencing, rehabilitation and reoffending, but it cannot evaluate how well youth justice diversion works in isolation. Agencies will need to work collaboratively, sharing data and evidence, to ensure changes are implemented to best effect.

## Auditor General's Reports

Report number	2017 reports	Date tabled
17	Management of Pastoral Lands in Western Australia	11 October 2017
16	Rich and Rare: Conservation of Threatened Species Follow-up Audit	6 September 2017
15	Opinion on Ministerial Notification	6 September 2017
14	Non-Clinical Services at Fiona Stanley Hospital	16 August 2017
13	Audit of Journal Entries and Property, Plant and Equipment Using Data Analytic Procedures	19 July 2017
12	Information Systems Audit Report	29 June 2017
11	Opinion on Ministerial Notification	29 June 2017
10	Timely Payment of Suppliers	21 June 2017
9	Opinion on Ministerial Notification	8 June 2017
8	Management of Medical Equipment	25 May 2017
7	Audit Results Report – Annual 2016 Financial Audits – Universities and TAFEs – Other audits completed since 1 November 2016	11 May 2017
6	Opinions on Ministerial Notifications	13 April 2017
5	Accuracy of WA Health's Activity Based Funding Data	11 April 2017
4	Controls Over Purchasing Cards	11 April 2017
3	Tender Processes and Contract Extensions	11 April 2017
2	Opinion on Ministerial Notification	6 April 2017
1	Opinion on Ministerial Notification	30 March 2017

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