

## CHILDREN AND YOUNG PEOPLE

### Child protection and family law... Joining the

**dots**, D Higgins & R Kaspiw, NCPC Issues no.34, Australian Institute of Family Studies, Melbourne, 2011 (Australia)

<http://www.aifs.gov.au/nch/pubs/issues/issues34/issues34.pdf>

**BRIEF:** This paper looks at the specific issues facing those responsible for ensuring the safety and wellbeing of children in the context of parental separation, and the two separate legal systems: family law and child protection. There are a range of ways in which state-based child protection systems intersect with the federal family law system, with some gaps and some areas of overlap. Recent research, as well as reports from national inquiries, highlights the lack of clarity regarding responsibilities and how families and professionals navigate within and between the systems.

**Police bail and risk of re-offending**, L Snowball, Issue Paper 57, NSW Bureau of Crime Statistics and Research, Sydney, 2011 (NSW)

[http://www.lawlink.nsw.gov.au/lawlink/bocsar/ll\\_bocsar.nsf/vwFiles/bb57.pdf/\\$file/bb57.pdf](http://www.lawlink.nsw.gov.au/lawlink/bocsar/ll_bocsar.nsf/vwFiles/bb57.pdf/$file/bb57.pdf)

**RESEARCH:** This research examines whether the police are remanding offenders with a low risk of re-offending. First a model of juvenile re-offending was developed based on offender characteristics available to the police at the time of the bail decision. This model was then used to predict the probability of re-offending for a sample of 23,667 juveniles, 29.1 per cent of whom had been remanded by the police. The others had either been released on bail or unconditionally released. The probabilities were grouped into deciles and compared for the police remand and the non police remand groups. After determining the risk of re-offending for the sample of juvenile defendants, it was clear that on average those held on police remand had a high risk of re-offending. However the police are granting bail to a number of high risk offenders. The research found that there is no evidence that the police are remanding juveniles who are at a low risk of re-offending.

### Screening cautioned young people for further assessment and intervention

B Lind, Contemporary Issues in Crime and Justice no.149, NSW Bureau of Crime Statistics and Research, Sydney, 2011 (NSW)

[http://www.lawlink.nsw.gov.au/lawlink/bocsar/ll\\_bocsar.nsf/vwFiles/cjb149.pdf/\\$file/cjb149.pdf](http://www.lawlink.nsw.gov.au/lawlink/bocsar/ll_bocsar.nsf/vwFiles/cjb149.pdf/$file/cjb149.pdf)

**RESEARCH:** This research assesses whether it is possible to screen juvenile offenders for recidivism risk from information readily available at the time of cautioning a young offender. Data on all 8,537 juveniles cautioned by police or courts in 2006 were analysed using logistic regression. The dependent variable in the logistic regression model was a binary variable measuring re-offending. The potential predictors included number of previous cautions, conferences or court appearances, jurisdiction issuing the caution (court vs. police), Indigenous status, gender, age at index caution, offence type, offence seriousness, prior violence, remoteness (ARIA) and social and economic disadvantage. The research found that it is possible to screen juveniles for future risk of reoffending from data readily available at the time they are cautioned.

## CULTURALLY AND LINGUISTICALLY DIVERSE

### Crime prevention programs for culturally and linguistically diverse communities in Australia

L Bartels, Research in Practice Report no.18, Australian Institute of Criminology, Canberra, 2011 (Australia)

<http://www.aic.gov.au/documents/4/0/3/%7B40392FA5-5F99-479A-A8C4-D6CEEA731C25%7Drip18.pdf>

**LITERATURE REVIEW:** This paper reviews the key criminal justice issues relating to CALD communities and summarises these communities' protective and risk factors. Protective factors are those that reduce the impacts of unavoidable events, help people to avoid temptations to break the law, reduce their chances of breaking the law and/or promote an alternative pathway. Risk factors increase the likelihood of offending behaviour and include individual characteristics, as well as the influence of the family, the immediate community and available services. It describes some CALD-specific crime prevention programs, which aim to promote resiliency and protective factors and/or inhibit risk factors

through activities such as legal education, police engagement, practical assistance and sporting and social events. Most of these programs are funded on a short-term basis and evaluation of the outcomes is limited and inconclusive. Participatory action research is recommended as the most appropriate evaluation methodology for these programs. The paper is primarily limited to Australian research from 2006 onwards.

### **Crimes against international students in**

**Australia: 2005–09**, JJ Larsen, J Payne & A Tomison, Special Report, Australian Institute of Criminology, Canberra, 2011 (Australia)  
[http://www.aic.gov.au/documents/5/C/2/\(5C2C2F3E-584B-498E-A694-A25FC8FC7C86\)caisa.pdf](http://www.aic.gov.au/documents/5/C/2/(5C2C2F3E-584B-498E-A694-A25FC8FC7C86)caisa.pdf)

**RESEARCH:** This report provides the best available estimation of the extent to which international students have been the victims of crime during their time in Australia, and has enabled the rate of recorded crimes experienced by international students from the People's Republic of China, India, Malaysia, the Republic of Korea (South Korea) and the United States to be compared with the rate for Australian reference populations. The Department of Immigration and Citizenship's international student visa records for more than 400,000 students were matched with police crime victimisation records. A supplementary analysis of the AIC's National Homicide Monitoring Program (NHMP) database, as well as the Australian component of the 2004 International Crime Victimisation Survey (ICVS), was also used to provide additional context to the investigation. The findings point to other factors such as type of employment and the use of public transport, that influence the risk or likelihood of overseas students experiencing crime. However, because policing databases do not consistently collect motivation data for all offences reported or investigated, the nature of the available data does not enable specific analysis of racial motivation.

### **Interpreter policies, practices and protocols in Australian courts and tribunals: a national survey**, S Hale, Australasian Institute of Judicial Administration, Melbourne, 2011 (Australia)

<http://www.aija.org.au/online/Pub%20no89.pdf>

**RESEARCH:** This exploratory study involved an overview of current interpreting practices for bilingual or multilingual cases heard in Australian courts and tribunals. It ascertained strengths and weaknesses, and made recommendations for a consistent national protocol on working with interpreters in the justice system. The project consisted of: a review of the publicly accessible guidelines and policies for working with interpreters found on relevant web sites; a survey of tribunal members, magistrates and judges using an on-line questionnaire; and a survey of interpreters through another on-line questionnaire. The questionnaires were completed by 148 judicial officers and tribunal members, and by 138 practising interpreters. Findings include: that there is no uniformity across states or jurisdictions with regards to the type of guidelines available; that most judicial officers and tribunal members are not familiar with these guidelines so they are not consistently implemented in the practice; that many judicial officers complained about the poor quality of interpreting services yet few of them gave preference to the best-qualified interpreters when it came to hiring; those that did give preference proportionally reported being less dissatisfied than those that did not give preference; that interpreters expressed strong views about their professional needs, which included the provision of preparation background materials prior to the assignment and adequate physical working conditions during the assignment. Inadequate remuneration was also a point of dissatisfaction for interpreters.

**Racial vilification and racially motivated offences: final report**, E Newitt, 14, Tasmania Law Reform Institute, Hobart, 2011 (Tas, Australia)

[http://www.law.utas.edu.au/reform/documents/RV\\_Final\\_Report.pdf](http://www.law.utas.edu.au/reform/documents/RV_Final_Report.pdf)

**REVIEW:** This Report reviews the current Tasmanian laws that are relevant to the issues of racial vilification and racially motivated offences, describes the applicable Commonwealth laws and includes a consideration of International Conventions and Declarations and their application to Australian domestic law. The Report also includes a brief survey of the legal changes in other jurisdictions that have been introduced to address the problem of racial vilification and racially motivated offences. The need for reform is then considered and finally the Report recommends which reform options are seen as the most effective and appropriate for Tasmania. In making these 7 recommendations, the Institute has given detailed consideration to all responses to the Issues Paper it received.

## DISABILITY

**Police interviews with vulnerable adult suspects**, L Bartels, Research in Practice Report no. 21, Australian Institute of Criminology, Canberra, 2011 (Australia)

[http://www.aic.gov.au/documents/6/7/9/%7B67994F7E-4598-4CA8-A1A6-A003B4102D0B%7Drip21\\_001.pdf](http://www.aic.gov.au/documents/6/7/9/%7B67994F7E-4598-4CA8-A1A6-A003B4102D0B%7Drip21_001.pdf)

**BRIEF:** This paper outlines some of the key issues police are likely to encounter when dealing with vulnerable adult suspects, and gives an overview of the Australian legislation and police policies governing police interviews in such circumstances. Many of the observations about good practice when interviewing vulnerable witnesses continue to apply when interviewing suspects, for example, interviewers' questions need to be matched to respondents' communicative abilities and suggestive/leading questions and other coercive practices should be avoided. This paper does not consider issues relating to court processes and the admissibility of evidence, nor does the paper explore the literature in relation to child witnesses or the specific issues of vulnerable witnesses as victims,

for example, in the context of sexual assault matters.

## INDIGENOUS AUSTRALIANS

**Evaluation of the Community Justice Group (CJG) Program: final report**, KPMG, Department of Justice and Attorney General (Qld), Brisbane, 2010 (Qld)

[http://www.justice.qld.gov.au/\\_data/assets/pdf\\_file/0003/88905/evaluation-of-the-community-justice-group-program.pdf](http://www.justice.qld.gov.au/_data/assets/pdf_file/0003/88905/evaluation-of-the-community-justice-group-program.pdf)

**EVALUATION:** This CJG program aims to reduce Indigenous contact with the criminal justice system and support victims of crime. The last 12 months of the program was evaluated by analyzing: strategic alignment with Government policy and priorities; quality and effectiveness; and efficiency. The evaluation consisted of the analysis of program performance and financial data, face-to-face meetings, workshops, questionnaires, community consultations and a literature review. It found that the program is closely aligned with strategic initiatives at both a state and national level. However the quality and effectiveness of the program is severely constrained by poor program resourcing and governance arrangements, including unclear roles and responsibilities between program coordinators, DJAG regional staff and other justice agencies. This has resulted in highly variable program delivery across the state. The efficiency of the program could not be reliably estimated based on the available financial and performance data. Recommendations included: development of a new program goal, service model and activities for all CJGs which should include focusing their efforts on court support activities, while maintaining the additional role for Statutory CJGs in relation to the Liquor Act 1992; strengthening the program guidelines and financial and performance management frameworks; and introducing improved processes for data collection, analysis and feedback and capacity building.

## Evaluation of the remote JP Magistrates Court Program: final report, C Cunneen, et al.,

Department of Justice and Attorney General (Qld), Brisbane, 2010 (Qld)

[http://www.justice.qld.gov.au/\\_data/assets/pdf\\_file/0011/889/04/evaluation-of-the-remote-jp-magistrates-court-program.pdf](http://www.justice.qld.gov.au/_data/assets/pdf_file/0011/889/04/evaluation-of-the-remote-jp-magistrates-court-program.pdf)

**EVALUATION:** This program enables Aboriginal and Torres Strait Islander Justices of the Peace to constitute a Magistrates Court, in the absence of a Magistrate, with powers that allow them to hear and determine charges for specified minor offences where a defendant pleads guilty, to deal with bail applications and applications for domestic violence orders (where there is consent). At the time the research was conducted JP Courts were operating on eight or nine ATSI communities in Queensland and have been in place on various communities since 1998. The report assessed the structure, processes and effectiveness of the JP Courts and the frameworks that support it through a review of relevant policy and legislation, a literature review and an analysis of quantitative data on JP court sittings from 2007-2009. Program stakeholders were consulted, including the JPs participating in the program. Seven communities were selected as principal research sites, including communities where a JP Court currently operates, where it had been operating but had now ceased to do so, and where it had never operated. The report recommended that the program be retained and ultimately expanded to other communities. However, prior to any expansion of the program, it needs to be better supported in those communities where it has been operating. This support includes information and training for prospective and incumbent JP, other magistrates and the community.

## PRISONERS

**Evaluation of the Intensive Alternatives to Custody (IAC) pilots, S Hansbury, Research Summary 3/11, Ministry of Justice UK, London, 2011 (United Kingdom)**

<http://www.justice.gov.uk/downloads/publications/research-and-analysis/moj-research/intensive-alt-custody-research-summary.pdf>

**EVALUATION:** This pilot program aimed to test the use of intensive community orders in diverting offenders from short-term custodial sentences. The pilot, which ran for three years, enabled courts to use existing community sentencing options in new ways by combining intensive probation supervision with a mix of demanding requirements and interventions delivered by partner agencies. Pilots were run in seven areas, and each had a degree of flexibility in terms of the approach they took. The only criterion for all sites was that the court must have been considering a custodial sentence of 12 months or less. Feedback was gathered from a range of stakeholders, such as offenders, court legal staff, project leaders, project board members, mentors, offender managers, partner representatives and Pre-Sentence Report (PSR) writers. There were also observations in court and observations of offender manager contact sessions. Quantitative analysis of a range of administrative data sources was also undertaken to get a detailed profile of the individuals and the IAC orders. The pilot areas were very positive about the IAC program, and they have each investigated ways to either mainstream provision or to expand delivery. Stakeholders reported that the benefits of an IAC order over a Suspended Sentence Order were the ability to monitor risk more effectively through intensive supervision and greater flexibility in managing breaches.

**Good practice in women's prisons: a literature review, L Bartels & A Gaffney, Technical and Background Paper 41, Australian Institute of Criminology, Canberra, 2011 (Australia)**

[http://www.aic.gov.au/documents/4/E/5/%7B4E5E4435-E70A-44DB-8449-3154E6BD81EB%7Dtbp041\\_002.pdf](http://www.aic.gov.au/documents/4/E/5/%7B4E5E4435-E70A-44DB-8449-3154E6BD81EB%7Dtbp041_002.pdf)

**LITERATURE REVIEW:** This paper reviews the literature concerning examples of good practice in women's prison systems in Australia. It outlines a

holistic approach to the needs of women prisoners, what services can help address these needs in prison and what level of support is required post-release. In particular, the paper considers recent developments in corrections policies specific to female prisoners. The effectiveness of women's corrections programs is also discussed, as well as the need to develop programs that will be practical for women upon leaving custody and the need to evaluate programs properly. Key international developments are also considered, although it is acknowledged that the potential for transfer of such models may at times be limited.

**The profile of offenders receiving suspended sentences**, L Snowball, Bureau Brief Issue Paper no. 6, NSW Bureau of Crime Statistics and Research, Sydney, 2011 (NSW)

[http://www.lawlink.nsw.gov.au/lawlink/bocsar/ll\\_bocsar.nsf/vwFiles/bb63.pdf/\\$file/bb63.pdf](http://www.lawlink.nsw.gov.au/lawlink/bocsar/ll_bocsar.nsf/vwFiles/bb63.pdf/$file/bb63.pdf)

**BRIEF:** This research aimed to determine whether the profile of those receiving suspended sentences changed between 2000 and 2009 and whether they were different from those receiving a full-time custodial sentence of the same length. Statistics on offenders were analysed over the period, with results showing that there has been a reduction in the proportion of suspended sentences imposed on property offenders and an increase in the proportion of suspended sentences imposed on persons convicted of driving and traffic and 'other' offences. Offenders are more likely to receive a suspended sentence if they are female, older than 35 years of age, have been convicted of an offence that does not involve serious violence, theft or breaching an order, do not have concurrent convictions, and are not legally represented.

**Re-offending in NSW**, J Holmes, Issue Paper 56, NSW Bureau of Crime Statistics and Research, Sydney, 2011 (NSW)

[http://www.lawlink.nsw.gov.au/lawlink/bocsar/ll\\_bocsar.nsf/vwFiles/bb56.pdf/\\$file/bb56.pdf](http://www.lawlink.nsw.gov.au/lawlink/bocsar/ll_bocsar.nsf/vwFiles/bb56.pdf/$file/bb56.pdf)

**BRIEF:** This report provides an overview of adult and juvenile re-offending over the longer term in NSW through a descriptive analysis of data from the NSW Re-offending Database (ROD). It concluded that most offenders convicted in the

NSW criminal courts were reconvicted of a further offence within 15 years of their index offence, and this was especially so for juveniles. Those reconvicted tended to be reconvicted for a variety of offences.

## REGIONAL, RURAL AND REMOTE

**Postcode justice: rural and regional disadvantage in the administration of the law in Victoria**, R Coverdale, Centre for Rural Regional Law and Justice, Deakin University, 2011 (Vic)

<http://www.deakin.edu.au/buslaw/law/news/postcodejustice.pdf>

**RESEARCH:** This research project sought to determine if rural and regional Victorians are disadvantaged when participating in the justice system in comparison to their metropolitan counterparts. It looked at equity in the administration of the law in regional communities, through courts and tribunals and associated services. It examined and tested the issues raised by interviewees and survey respondents, which included courts, penalties, regional services, practitioner and cross-border issues and regional engagement. Findings include: that little consideration is given to the spatial disadvantage experienced by regional communities in the development of legislation or the implementation of justice system programs, practices and procedures; that the Magistrates Court criminal court programs which embrace the principles of problem solving courts and therapeutic jurisprudence, while important innovations, have had limited roll-out to regional communities. In its conclusion the paper suggests that an independent and unified voice is needed to ensure a genuine and informed response to the diverse areas in which inequity exists in the delivery of justice system services to regional communities. Ten recommendations are made.

## SERVICES

**Alberta Legal Services Mapping Project**, Canadian Forum on Civil Justice, Toronto, 2011 (Canada)

<http://cfcj-fcjc.org/research/mapping-en.php>

**RESEARCH:** This large-scale, collaborative research initiative is designed to gain a better understanding of what legal needs Albertans have, the extent to which these needs are currently being met, and how access to legal services can be improved. The major findings of the project include: there are significant geographic barriers to accessing legal services; some excellent legal services exist but they are working at or beyond capacity; legal problems occur in complex social contexts that require a multi-sector collaborative response; there is a lack of access to affordable legal advice and representation; and provider and public knowledge about available legal and related social services is weak. Eleven comprehensive reports and additional reports have been published as well as a final report synthesizing findings. The project was conducted over a three-year period with funding principally from the Alberta Law Foundation and Alberta Justice.

## WOMEN

**Seeking security: promoting women's economic wellbeing following domestic violence**, R Braaf & IB Meyering, Australian Domestic & Family Violence Clearinghouse, Sydney, 2011 (Australia)

<http://www.austdvclearinghouse.unsw.edu.au/PDF%20files/Seeking%20Security%20Report%20WEB.pdf>

**RESEARCH:** A review of the literature undertaken for this study identified nine key areas of life where domestic violence directly affects women's financial security: debts, bills and banking; accommodation; legal issues; health; transport; migration; employment; social security; and child support. Questions related to these areas were used to initiate discussion with participants, with the interviews remaining open-ended and reflexive to allow for other issues to emerge. The researchers worked with eight diverse services, who recruited female clients and workers to participate in the study. There were 107

participants in total. Interviews and focus groups were recorded and thematic analysis was applied to identify major trends and patterns. The research findings identified seven key messages that underpin a sound understanding of women's economic needs and eleven critical areas of life where women's financial security is significantly affected and where intervention can have optimum effect. It concludes that through economic empowerment, women can find ways to survive and leave violent relationships and enable themselves and their children to recover from the abuse. Economic empowerment means access to basic, minimum standards of living, sufficient capacity to attend to health and wellbeing and the opportunity to build a secure future.

## ABOUT JARA

The Justice Access Research Alert (JARA) is a free bimonthly email alert service for recent research in the area of access to justice and legal need. Items in past issues of JARA can be searched using Just Search, [www.lawfoundation.net.au/justsearch](http://www.lawfoundation.net.au/justsearch)

JARA is produced by Maureen Ward, Abigail Gray and Suzie Forell, Law and Justice Foundation of NSW, Level 14, 130 Pitt Street, Sydney, NSW 2000, Ph: 02 8227 3200.

## SUBSCRIBE/UNSUBSCRIBE

To subscribe or unsubscribe to JARA visit <http://www.lawfoundation.net.au/publications/newsletters/jara>