

# AUDITOR-GENERAL'S REPORT

## PERFORMANCE AUDIT

### Addressing the Needs of Young Offenders



The Legislative Assembly  
Parliament House  
SYDNEY NSW 2000

The Legislative Council  
Parliament House  
SYDNEY NSW 2000

In accordance with section 38E of the *Public Finance and Audit Act 1983*, I present a report titled **Addressing the Needs of Young Offenders: Department of Juvenile Justice and NSW Police Force**.

A handwritten signature in black ink that reads 'Peter Achterstraat'.

Peter Achterstraat  
Auditor-General

Sydney  
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## Foreword

This is the second of two reports that deals with young offenders. Our 2005 report *Managing and Measuring Success: Department of Juvenile Justice* examined how the department measures performance, and whether staff have adequate information to make sound planning decisions and recommend appropriate interventions for young offenders.

In this audit we looked at how well the Department of Juvenile Justice and the NSW Police Force support young offenders to reduce their reoffending.

There are many factors in a young person's life that may lead them to commit an offence. These include anti-social attitudes, family dysfunction, mental health problems, and drug and alcohol abuse. Some young offenders will overcome these factors without committing another offence, but others may need help.

And it is more likely that a young offender will reoffend the more often they come into contact with the youth justice system.

Early intervention to address a young offender's needs before reoffending occurs is critical to breaking the juvenile crime cycle.

This report highlights the work done by the Department of Juvenile Justice and the NSW Police Force to help young offenders. It also identifies some of the gaps that exist in the NSW youth justice system that need to be addressed to reduce reoffending.

Peter Achterstraat  
Auditor-General

March 2007



## Executive summary

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## The focus of our audit

Juvenile crime rates have remained stable over the last five years. However, juvenile reoffending rates continue to be high. Around one in two juveniles will reoffend compared to one in three adults.

The community expects the youth justice system to reduce reoffending. There are several ways to do this. One way is to divert the young offender away from the Children's Court, as higher reoffending rates are associated with court appearances. The *Young Offenders Act 1997* (the Act) made this possible by giving the NSW Police Force an alternative means of dealing with juveniles who commit certain offences. The intent of the Act was to minimise interventions by youth justice agencies, thus reducing reoffending.

Another way is to provide support to help a young offender overcome the factors in their life that may have led them to committing the offence. If a young offender leaves the youth justice system without having factors such as homelessness, drug or alcohol abuse, or family dysfunction addressed, their risk of reoffending is high.

The Department of Juvenile Justice and the NSW Police Force fulfil their responsibilities under the Act by diverting young offenders from the Children's Court. However, they have both since recognised that addressing the needs of these young offenders will further reduce reoffending.

The Department of Juvenile Justice is responsible for addressing the needs of a young offender who is not diverted from the Children's Court if they are sentenced to detention or community supervision.

In this audit we wanted to find out whether the Department of Juvenile Justice and the NSW Police Force:

- identify young offenders' needs, that is, the factors that led them to committing the offence
- address these needs
- work with others to reduce juvenile reoffending.

We looked at three groups of young offenders:

- those supervised by the Department of Juvenile Justice either in detention or under community supervision orders
- those participating in a youth justice conference facilitated by the Department of Juvenile Justice
- those receiving a caution from the NSW Police Force.



## Audit opinion

We recognise that the Department of Juvenile Justice and the NSW Police Force manage some of the most socially disadvantaged and troublesome young people in NSW. It is hard for them to address what may have been years of dysfunction and neglect.

Ideally, interventions that address these problems should occur well before the child commits an offence. The government is establishing a number of early intervention programs such as Families First to address problems arising from family dysfunction.

However, these problems can still be present at the time when a young person first offends. If their needs are addressed as early as possible in their contact with the youth justice system, they will have a better chance of overcoming these problems and breaking the juvenile crime cycle.

Before agencies in the youth justice system can address a young offender's needs, they have to find out what factors may have led them to committing the offence.

The Department of Juvenile Justice and the NSW Police Force generally work together and with other agencies to identify and address the needs of young offenders. We found that this is done particularly well for young offenders who end up in detention and under community supervision.

Both the Department of Juvenile Justice and the NSW Police Force have put some practices in place to identify and address the needs of young offenders diverted from the Children's Court. However, we found that they are not doing this systematically.

It follows that where the agency does not identify a young offender's needs, it cannot address those needs by referring the young offender to appropriate support services or rehabilitation programs.

Currently agencies may be missing the opportunity to help a young person who is at the first point of contact with the youth justice system. Early intervention could prevent both an escalation of the seriousness and frequency of offending by a young person in need of help. It should be pursued wherever possible.

## Recommendations

- Improve outcomes for young offenders who participate in youth justice conferences** We recommend that by January 2008 the Department of Juvenile Justice, in regard to youth justice conferences:
- implement a checklist to identify the needs of each young offender and rate their risk of reoffending as either low, moderate or high (page 21)
  - require convenors to document the results of this review (page 21)
  - require convenors to ensure conference participants consider interventions and rehabilitation programs consistent with the young offender's needs and reoffending risk, which could be included on conference outcome plans (page 28).
- Improve outcomes for young offenders who receive cautions** We recommend that by January 2008 the NSW Police Force, in regard to young offenders receiving a caution:
- implement a checklist to identify the needs of each young offender and rate their risk of reoffending as either low, moderate or high (page 22)
  - require Youth Liaison Officers to document the results of this review (page 22)
  - implement a process of referral for young offenders who have a moderate to high risk of reoffending which will assist them if they choose to attend support services or programs to address their needs (page 31)
  - and who reoffend, require Youth Liaison Officers to follow-up on referrals (page 32).
- Address cross-agency issues** We recommend that the Department of Juvenile Justice and the NSW Police Force refer problems they face in accessing services or exchanging information, to the Cross-Agency Management of Young Offenders Senior Officer Group or its successor to resolve as part of its strategic cross-agency approach to managing young offenders (page 36).
- We recommend that by June 2007 the Department of Juvenile Justice:
- complete its review of Multisystemic Therapy, a family-based treatment model, regarding its suitability as a response to young offenders with complex needs and whose families are clients of many agencies (page 37)
  - report its findings to the Cross-Agency Management of Young Offenders Senior Officer Group or its successor (page 37).
- Better reporting of results** We recommend that the Department of Juvenile Justice:
- monitor results for both one and two year follow-up periods as used in the State Plan (page 38)
  - report on trends in reoffending for each young offender group commencing with their 2006-07 annual report, both against the State Plan target and using the one and two year follow-up periods (page 38).

We recommend that the NSW Police Force:

- adopt the State Plan target to reduce reoffending by ten per cent by 2016 (page 38)
- monitor results for both one and two year follow-up periods as used in the State Plan (page 38)
- report on trends in the number and proportion of young offenders diverted from the Children's Court commencing with their 2006-07 annual report (page 38)
- report on trends in reoffending for young offenders receiving cautions commencing with their 2006-07 annual report, both against the State Plan target and using the one and two year follow-up periods (page 38).

### Key audit findings

#### Chapter 1 Are young offenders' needs identified?

A young offender is someone aged between 10 and 17 years who commits a criminal offence. The number of criminal incidents involving young offenders has remained stable at around 40,000 per annum over the last five years.

The NSW Police Force is the first point of contact with the youth justice system for a young offender who commits a criminal offence. Depending on the type of offence, the young offender's offence history and whether or not they admit the offence the NSW Police Force can use the alternatives available under the *Young Offenders Act 1997* (the Act) to divert the young offender from the Children's Court. The NSW Police Force will then determine the correct legal action according to the Act, that is to issue a warning, caution or refer the young offender to a youth justice conference.

Overall, around one in two young offenders reoffend within two years of committing an offence compared to one in three adults. However, the rate of reoffending is different depending on the action taken in response to the offence. Young offenders diverted from the Children's Court are less likely to reoffend.

Action	Percentage reoffending within 2 years
Caution by Police	34%
Conference	56%
Children's Court appearance	60%

Source: NSW Bureau of Crime Statistics and Research 2006

Some young offenders have complex needs that may have led them to committing the offence. If they get help to address these needs, the likelihood of reoffending is reduced.

The Department of Juvenile Justice uses a sound approach to identify the needs of a young offender who is sentenced by the Children's Court to detention or community supervision.

Both the Department of Juvenile Justice and the NSW Police Force have put some practices in place to identify the needs of young offenders diverted from the Children's Court. However, we found that they are not doing this systematically.

Even when they do identify a young offender's needs, they do not always record the results. This makes it difficult to check that the process is completed for each young offender and if they reoffend, what referrals were suggested at the time.

**Chapter 2**  
**Are young offenders' needs addressed?**

Addressing needs means that a young offender gets help to overcome a problem that may have led them to committing the offence.

The Department of Juvenile Justice uses case management techniques to address the needs of a young offender sentenced to detention or community supervision.

It also monitors whether support services have been provided and whether needs have been addressed for these young offenders.

The Department of Juvenile Justice has guidance material on facilitating youth justice conferences and developing outcome plans. It monitors whether a young offender has completed the actions listed on their outcome plan. However, convenors had differing views about whether or not to include support services or programs on outcome plans. As a result, some young offenders may not receive the help they need.

Both the Department of Juvenile Justice and the NSW Police Force have put some practices in place to address the needs of young offenders diverted from the Children's Court. However, as we found with how they identify needs, they are also not addressing needs systematically.

And in regard to whether or not a young offender who receives a caution from the NSW Police Force is referred to a support service or program, this will depend on local practice and service availability.

**Chapter 3**  
**Do agencies work together to reduce reoffending?**

Research shows that addressing particular needs of young offenders will reduce the likelihood of them reoffending. However, both the Department of Juvenile Justice and the NSW Police Force claim limitations in doing this because of problems accessing some services and exchanging information.

One of the NSW State Plan priorities is to reduce reoffending. The government has set a target to reduce reoffending by ten per cent for both adult and juvenile offenders by 2016.

Most approaches for managing a young offender are designed to meet individual needs. Yet some young offenders reoffend despite interventions because they may face complex problems such as family dysfunction, negative peer associations, poor educational outcomes or lack of community support.

In these cases, there is a need for a treatment model that goes beyond the individual and intervenes at multiple levels to change patterns of behaviour within the family and requires services from many agencies. Currently, the Department of Juvenile Justice is examining a family-based treatment model called Multisystemic Therapy as a means of helping young offenders with complex needs whose families are clients of many agencies.

In order to judge the success or otherwise of any intervention to reduce reoffending, data needs to be made publicly available.

Although there have been recent improvements in the data collected and published on juvenile reoffending rates in NSW, neither the Department of Juvenile Justice nor the NSW Police Force report publicly on the results of their programs to reduce reoffending for young offenders diverted from the Children's Court.

## Response from the Department of Juvenile Justice

*I write in response to the Addressing the Needs of Young Offenders Audit Report. It is pleasing to see The Audit Office's acknowledgement of the positive work and good practice of the department in the areas of client assessment and case management. Over the past 6-8 years the department has been investing in improvements to service delivery based on the best available evidence as to what works in addressing offending behaviour of juveniles.*

*The department concurs with the Audit Office findings regarding the opportunity to identify potential recidivists earlier in the system and engage them in support structures to deter future offending.*

*The department will be adopting the recommendations contained in the report through the development of a checklist of needs to be consistently administered across the Youth Justice Conferencing (YJC) scheme. However, the limitations of a checklist in providing an accurate prediction of re-offending risk must be recognised. Further the department will revise the guidelines for conference convenors to include instructions that conference participants are encouraged to include referrals to support agencies as part of young peoples' outcome plans. The Department will monitor the impact on its resources of implementing the Audit Report's recommendations.*

*By way of context, the Young Offenders Act 1997 was devised almost a decade ago. Under the Act the YJC scheme, based on restorative justice principles, was established as an alternative to instituting formal court proceedings for certain young offenders. The scheme also provided for the participation of families and victims in ways not possible in formal court processes. Research at the time indicated that less intrusive interventions were an effective and appropriate response to offending for the majority of young people.*

*More recent research indicates that whilst for the vast majority of young offenders, diversion from the formal court processes will reduce the likelihood of re-offending, for a small number of young offenders, it is important to intervene early in the process to address factors that may lead to further offending. The challenge presented to justice agencies is to accurately identify which offenders should have additional support provided to address their needs.*

*Justice agencies can only work with offenders for the often relatively short duration of their court ordered supervision period. Therefore support of juvenile offenders requires a multi-agency approach. The ability of the department to impact on the re-offending of juveniles is highly dependent on other agencies' willingness to work with juvenile offenders and provide access to their services and programs, in particular those relating to accommodation, mental health and education.*

*Crimes committed by juveniles tend to be opportunistic and impulsive. This is compounded given the high levels of mental health problems, substance misuse and intellectual disability among juvenile offenders.*

*International research into brain development over the past 10 to 15 years has highlighted that there are true developmental differences between adolescents and adults in the areas of motivation, impulse control and decision-making, as well as psychological maturation.*

*This research clearly indicates that adolescents are more likely to undertake high-risk activities because they have a reduced capacity to foresee consequences and assess risks and they are more prone to reacting explosively or misreading signals from others.*

*It is within this context the department is introducing the internationally recognised Multisystemic Therapy model, to be named the Intensive Supervision Program (ISP). The program works intensively with all members of a family to address factors that contribute to the young person's offending such as substance abuse, financial problems, housing needs, family conflict and the need for troubled young people to establish a support network within their communities. ISP involves the families of serious young offenders, the offender themselves, their schools, teachers and principals and works with police and other important people in their lives.*

*Under ISP, the young offenders will have to take responsibility for their actions and have to deal with the significant issues that are contributing to their offending such as negative peer pressure and poor school performance. Evaluations of the ISP over the past 10 years have shown up to a 70 per cent reduction in the long-term rates of re-offending.*

*The department will continue to work collaboratively with other justice and human service agencies to address the needs of young offenders and thus reduce the risk of re-offending. It is through this collaborative approach that the remaining recommendations of the Audit Report will be addressed and gains will be made in meeting the priorities of the State Plan.*

*I would like to take this opportunity to thank the Audit team for the professional manner in which they approached the Audit and worked with departmental staff to produce recommendations that maintain the integrity of the YJC scheme whilst improving outcomes for young people and the community.*

*(signed)*

*Jennifer Mason  
Director General*

*Dated: 19 March 2007*

## Response from the NSW Police Force

*Thank you for the opportunity to provide a formal response to the published report.*

***Recommendation. Improve outcomes for young offenders who participate in youth justice conferences.***

***Comment from the NSW Police Force.*** *New South Wales Police Force (NSWPF) supports these recommendations. NSWPF notes that while the checklists developed by the Department of Juvenile Justice (DJJ) and NSWPF will be consistent; the rating of a young offender given by DJJ may not be identical with an earlier rating given by a YLO.*

***Recommendation. Improve outcomes for young offenders who receive cautions.***

***Comment from the NSW Police Force.*** *NSWPF supports these recommendations with the following notes:*

- *The checklist will provide guidance to YLOs on their rating and will be based on existing guidance developed as part of the research survey undertaken in 2006 and that utilised by PCYC. YLOs can only rate the risk of a young person re-offending according to information available at the current time. This risk rating will not be indicative of the young person's capacity to reoffend in a more serious nature, nor take into consideration the variety of factors beyond the knowledge of the YLO. YLOs who rate risk as low will not be held responsible for further offending by the young person.*
- *The rating will appear in the "caution outcome" field on COPs. Additional documentation of this process will be undertaken manually and kept at the LAC by the YLO. Turnover of YLOs may impact on the absolute consistency of this process.*
- *NSWPF will develop a process so that there is consistency of referral to services for young people at high risk of reoffending. Wherever possible this will commence with first referral to PCYC Targeted Programming. NSWPF will also identify the status of services to ensure that there is accurate information linking any perceived 'failure' of a young person to attend with the actual availability of that service. This information will be fed back to the SOG.*
- *The referral process will be consistent with the legislation and ensure that the referral is not a condition of the caution.*
- *Follow up on referrals will be completed at the time of the next caution and will be addressed by the YLO.*
- *It is appropriate that this recommendation relates only to YLOs. Despite this NSWPF will ensure, through the Cautioning Workshop, that officers' other than YLOs who deliver cautions in rural areas are aware of the obligation. Follow-up and feedback from agencies is also dependent on their privacy arrangements.*



**Recommendation. Address cross-agency issues**

*Comment from the NSW Police Force. NSWPF supports this recommendation with the following note:*

- *Mechanisms to implement this recommendation are yet to be finalised between the SOG and NSWPF.*

**Recommendation. Better reporting of results.**

*Comment from the NSW Police Force. NSWPF supports these recommendations with the following notes:*

- *NSWPF supports the target in the State Plan recognising the Plan's definition of reoffending is court appearance or conviction or a Youth Justice Conference. NSWPF will implement strategies to increase diversions under the YOA which is a reduction in reoffending by that definition. This target is in partnership with other agencies.*
- *Monitoring and reporting will be targeted with the one and two year reporting periods. One year targets are important as the positive impact of a caution is felt most within the first year and this should be counted as successful reduction of re-offending. Outcomes of referrals to PCYC will also be included in the reporting process.*
- *NSWPF will review indicators to be included in the annual report based on the requirements of the recommendation. Every effort will be made to included these in the 2006-2007 report.*
- *Reporting on trends will also be enhanced by the outcomes of the research to be concluded in December 2007.*

*NSW Police Force is committed to maintaining the good work initiated so far in addressing the needs of young offenders. We will identify new and better processes to intervene, record and follow-up progress, to maximise diversionary options and thereby reduce reoffending by young people. We gratefully acknowledge the positive comments in the consultation process and final report.*

*I am happy to enclose the formal response by NSW Police and look forward to the publication of the final report.*

*(signed)*

*Ken Moroney AO, APM  
Commissioner of Police*

*Dated: 7 March 2007*



## **1. Are young offenders' needs identified?**

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## At a glance

### The key question we wanted to answer was:

Do the Department of Juvenile Justice and the NSW Police Force identify young offenders' needs?

### Our assessment:

A young offender may have needs that led them to committing an offence. These needs should be identified to assist in reducing reoffending.

The Department of Juvenile Justice (the department) uses a sound approach to identify the needs of a young offender who is sentenced by the Children's Court to detention or community supervision.

Both the department and the NSW Police Force (Police) have put some practices in place to identify the needs of young offenders diverted from the Children's Court. However, we found that they are not doing this systematically.

Even when they do identify a young offender's needs, they do not always record the results. This makes it difficult to check that the process is completed for each young offender and if they reoffend, what referrals were suggested at the time.

## A young offender is aged between 10 and 17 years

### 1.1 Who is a young offender?

A young offender is someone aged between 10 and 17 years who commits a criminal offence. A person who commits a criminal offence before aged ten cannot be charged. And at age 18 they are generally dealt with in the adult justice system. The number of criminal incidents involving young offenders has remained stable over the last five years, while the population of people aged 10 to 17 years has grown by one per cent.

A young offender comes into contact with the youth justice system in NSW if they commit, or are alleged to have committed, a criminal offence. The Department of Juvenile Justice (the department) and the NSW Police Force (Police) are responsible for:

- holding young offenders accountable for their behaviour
- reducing the likelihood of reoffending.

In 2005-06 over 40,000 criminal incidents involving young offenders resulted in:

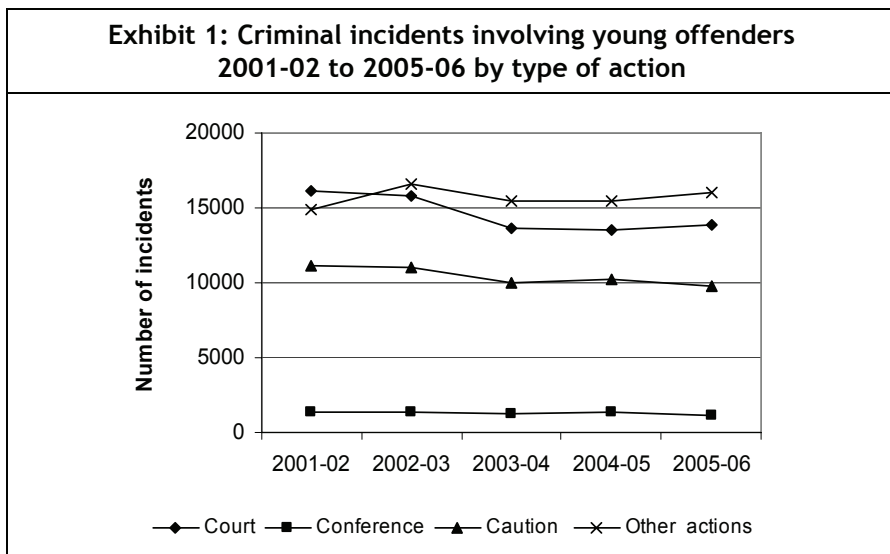
- 13,866 court actions
- 1,111 youth justice conferences
- 9,813 cautions issued by Police
- 15,966 other actions, such as warnings and infringement notices.

Crimes committed by juveniles tend to be opportunistic and impulsive and this is even more so given the high levels of mental health problems, substance misuse and intellectual disability among juvenile offenders. Recent research shows that the brain is not fully formed at puberty but continues to mature until at least 21 years and possibly as late as 25. As a result, adolescents are more likely to undertake high-risk activities because they have a reduced capacity to foresee consequences and assess risks and are more prone to reacting explosively or misreading signals from others.

A study on self-reported offending behaviour of NSW secondary school students shows, similarly to other studies around the world, that juvenile offending is common. Sixty-one per cent of students reported having committed a criminal offence.

Studies such as these demonstrate that during the developmental processes of establishing autonomy and identity, it is not uncommon for young people to test society's boundaries. Generally however, juveniles do not offend very often. It is that small proportion who are persistent offenders that require intervention from authorities and additional support from agencies.

Youth offending has remained stable over time



Source: NSW Bureau of Crime Statistics and Research 2006 and Department of Juvenile Justice Annual Report 2005-06

Some young offenders may be responsible for more than one offence and some may have been involved in several actions during any one year. Data limitations have prevented us being able to report the number of unique individuals who were involved in these incidents.

In 2005-06, 2,692 supervised orders were commenced by the department in the community, either whilst young offenders were on bail or completing community service obligations. In addition, an average of 309 young offenders were held in the department's detention centres each day.

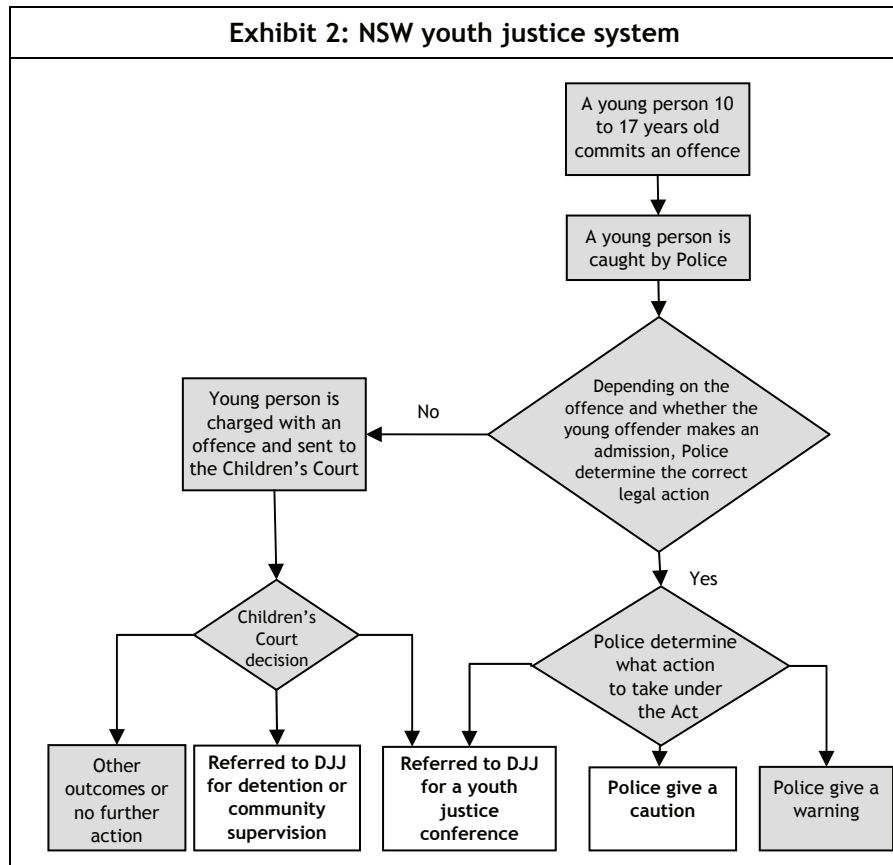
### 1.2 What happens to a young offender in the NSW youth justice system?

A young offender can be diverted from the Children's Court

Police are often the first point of contact with the youth justice system for a young offender who commits a criminal offence. Police determine the correct legal action according to *Young Offenders Act 1997* (the Act). That is, if they are to be charged and sent to court, or if they can be diverted from court and dealt with under the Act. The Act aims to divert a young offender from the Children's Court through the use of warnings, cautions or youth justice conferences. Police will use the alternatives available depending on the type of offence, the young offender's offence history and whether or not they admit the offence.

Research shows that reoffending is reduced if a young offender:

- can be diverted from the Children's Court
- receives an intervention proportionate to their offence in the community rather than in detention
- have their needs addressed
- is placed in detention only when they have committed a serious offence or have a history of failing to respond to less intensive forms of intervention.



Source: Audit Office research

Note: Shaded boxes are outside the scope of the audit

Cautions given by the Children's Court under the *Young Offenders Act* (the Act) or the *Children's (Criminal Proceedings) Act* are outside the scope of the audit

Key: DJJ - Department of Juvenile Justice  
Police - NSW Police Force.

**Young offenders in this audit**

In this audit, we looked at three groups of young offenders:

- those supervised by the department either in detention or under community supervision orders
- those participating in a youth justice conference facilitated by the department
- those receiving a caution from Police.

We looked at whether the department and Police have an effective means of identifying the needs of young offenders and rating their risk of reoffending.

We did not look at young offenders who receive warnings from Police. Warnings are for non-violent summary offences, such as using offensive language or obstructing traffic. Warnings are given verbally at the scene with no further action taken by Police.

We also did not look at the shaded areas in Exhibit 2 as these have been previously reported on by the Audit Office in *Managing and Measuring Success: Department of Juvenile Justice*, or were considered outside the scope of this audit.

We also did not examine whether the department had access to sufficient information to effectively identify the needs of the young offenders it supervises. This was also covered in our earlier report.

### 1.3 Is reoffending a problem?

**A young offender is more likely to reoffend than an adult offender**

Overall, around one in two young offenders reoffend within two years of committing an offence, compared to one in three adults. However, the rate of reoffending is different depending on the action taken in response to the offence. Young offenders diverted from the Children's Court are less likely to reoffend.

Exhibit 3: Juvenile reoffending	
Action	Percentage reoffending within 2 years
Caution by Police	34%
Conference	56%
Children's Court appearance	60%

Source: NSW Bureau of Crime Statistics and Research 2006

Definition: Reoffending is counted as the percentage of young offenders in each action group who had a subsequent action (either Police caution, conference or Children's Court appearance) within two years of the original action. The results are an average of data over five years ending in 2005-06.

**Reducing reoffending is a government priority**

One of the NSW State Plan priorities is to reduce reoffending. The government has set a target to reduce reoffending by ten per cent for both adult and young offenders by 2016. Strategies include:

- facilitating cross-agency information sharing, so that repeat offenders are dealt with through an integrated approach
- providing structural support for those in custody and in the community who are at a moderate to high risk of reoffending
- providing specialised support and programs for indigenous offenders
- using risk assessment tools to focus resources more effectively on those at the highest risk of reoffending.

## 1.4 Why should we identify a young offender's needs?

**In order to address a young offender's needs the agencies must identify what they are**

A young offender may have needs that led them to committing an offence. If they get help to address these needs, the likelihood of reoffending is reduced. Extensive research has identified various factors or needs in a young person's life that may lead them to committing an offence. The factors or needs that are difficult to address include:

- gender - males have a higher risk of reoffending than females
- indigenous status - indigenous people have a higher risk of reoffending than non-indigenous people
- previous offence history including age at first offence
- family environment particularly where there is a history of child abuse, where parents have criminal histories, or where parents have drug and alcohol problems.

The factors or needs that can be changed through intervention are termed criminogenic. These include:

- poor educational performance
- drug and alcohol abuse
- anti-social attitudes, anger and negative peer associations
- a lack of structured, positive leisure and recreational activities
- health and mental health problems.

Research shows that if appropriate interventions address these criminogenic needs, then reoffending can be reduced.

The Act was developed as an alternative process for dealing with young offenders, whilst allowing victim participation in a way that the mainstream Police and court processing did not. This alternative approach diverted young people out of the formal justice system. Research at the time reported that less intrusive interventions were an effective and appropriate response to offending by young people, in the majority of cases. The scheme was not designed to undertake assessment of young people's needs, therefore neither the department nor Police undertake this function as a formal part of the scheme.

Recent research confirms that diversion from the formal justice system will reduce the likelihood of reoffending for the vast majority of young offenders. However, for a small number of young offenders it is important to intervene early in the process to address factors that may lead to further offending.

Before agencies in the youth justice system can address a young offender's needs, they have to find out what needs have led them to committing an offence. By identifying the prevalence of these needs in a young offender's life, they can rate the young offender's risk of reoffending as either low, moderate or high. This rating is important to better target resources and interventions to those young offenders at moderate to high risk of reoffending.



**Exhibit 4: Identifying needs**

An effective method of identifying needs and rating the risk of reoffending is to:

- use a checklist to ensure all factors or needs are considered
- allocate a weighting to these depending on type and prevalence
- explore these factors by questioning the young offender and their family, and using agency knowledge of the young offender's background, family and social environment, offending history, etc
- use currently available information to score the prevalence of factors and needs, and rate the young offender's risk of reoffending as low, moderate or high at that point in time.

Source: Audit Office research

**1.5 How well does the department identify a young offender's needs?**

**Our assessment**

The department uses a sound approach to identify the needs of a young offender sentenced by the Children's Court to detention or community supervision. While the department has put some practices in place, it does not systematically identify and record the needs of a young offender referred for a youth justice conference.

**The department identifies the needs of a young offender in detention or community supervision**

The department has responsibility for managing a young offender sentenced by the Children's Court to detention or community supervision, as well as providing them with educational and rehabilitation programs to reduce the risk of reoffending.

Since 2004, the department has had a case management and intervention framework that defines how it manages a young offender in detention or community supervision. The framework requires it to match interventions to a young offender's risk of reoffending. And it focuses on addressing the needs of young offenders who are at moderate to high risk of reoffending.

The key elements of the framework include:

- reoffending risk assessment
- case plan with relevant interventions
- case review
- casework completion.

The department uses a risk assessment tool known as the Youth Level of Service Case Management Inventory - Australian Adaptation only for young offenders in detention or community supervision. It is the primary tool used to identify a young offender's needs and assess their risk of reoffending. It assesses multiple aspects of each risk factor and rates the young offender at a low, moderate or high risk of reoffending. The results are used to select intervention programs that will address criminogenic needs as a priority, as well as the intensity and frequency of contact with the department.

**Not every young offender participating in a conference has their needs identified**

Since November 2006, the department has been reassessing the risk where there is significant changes in the young offender's life, or every six months for long sentences, and at exit from the department's supervision.

The department also manages youth justice conferences. About one-third of all young offenders managed by the department are involved in conferences.

In preparing for a conference, convenors will explore issues with the young offender that may have led them to committing the offence. This discussion may help to identify whether the young offender should receive a support service or participate in a program to address their needs as part of their conference outcome plan.

We found some good practices among convenors in preparing for a conference. For example, encouraging the young offender and their family to recognise they may need support to reduce further offending.



**Exhibit 5: Helping a young offender to identify their needs**

All convenors will meet with the young offender and spend time talking to them and their family about:

- why they committed the offence
- who they were with and whether they felt pressured into committing the offence
- their attendance at school or other training programs
- whether they are getting services from other agencies
- how they think the victim feels
- what they will do to repair the harm.

During this meeting the convenor will observe the young offender's attitude and level of aggression, whether there is evidence of drug use, and whether they suspect a mental health problem.

Source: Staff interviews

However, we found that not all convenors identified a young offender's needs.

**Identified needs are not always recorded**

We also found that even where convenors identify needs, they do not always record the needs or the support services or programs that were suggested. If these results are not recorded, it is not possible to check that the process is completed for each young offender and, if they reoffend, what referrals were suggested at the time.

Around 56 per cent of the young offenders participating in a conference will reoffend within two years. It is essential to address the needs that led them to committing the offence as early as possible in order to break the juvenile crime cycle.

- Recommendation** We recommend that by January 2008 the Department of Juvenile Justice, in regard to youth justice conferences:
- implement a checklist to identify the needs of each young offender and rate their risk of reoffending as either low, moderate or high
  - require convenors to document the results of this review.

### **1.6 How well does Police identify a young offender's needs?**

**Our assessment** Police has put some practices in place to identify the needs of young offenders diverted from the Children's Court. However, we found that it is not doing this systematically.

**Police issues around 10,000 cautions each year** Police issues cautions to young offenders who admit to committing an offence and who are eligible to be dealt with by way of a caution. Police Youth Liaison Officers (YLOs) in each Local Area Command are specially trained to issue cautions. A formal record is kept of the offence and the date of the caution.

YLOs are required to:

- give the young offender the chance to explain their behaviour
- clarify why this behaviour is an offence
- discuss the young offender's plans for the future and how they will avoid further offending
- assist the young offender to explore how they will deal with issues such as a negative peer group or truancy from school
- ensure, as far as practicable, that a person responsible for the young offender or an adult chosen by the young offender is present when the caution is given.

**Not every young offender receiving a caution has their needs identified** During training, YLOs are instructed in how they can help a young offender to identify support services that may help them to stay out of trouble. But we found that not all YLOs do this. We found that experienced YLOs were more likely to explore needs with the young offender than less experienced officers.

Police is currently surveying YLOs to determine how reliably they can identify which young offenders receiving a caution will reoffend within 12 months. In July 2006, selected YLOs began trialling a risk assessment checklist based on the factors identified by YLOs that lead to a young offender committing an offence.

**Identified needs are not always recorded** We also found that even where YLOs identified needs, they did not always record these needs or the support services or programs that were suggested. If these results are not recorded, it is not possible to check that the process is completed for each young offender or if they reoffend, what referrals were suggested at the time.

Around one in three young offenders receiving a caution will reoffend within two years. If the goal is to reduce reoffending, then interventions to address the needs that led them to committing an offence should be identified and addressed as early as possible.

- Recommendation** We recommend that by January 2008 the NSW Police Force, in regard to a young offender receiving a caution:
- implement a checklist to identify the needs of each young offender and rate their risk of reoffending as either low, moderate or high
  - require YLOs to document the results of this review.

## **2. Are young offenders' needs addressed?**

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**At a glance**

**The key question we wanted to answer was:**

Do the Department of Juvenile Justice and the NSW Police Force address young offenders' needs?

**Our assessment:**

Addressing needs means that a young offender gets help to overcome a problem or address a need that may have led them to committing an offence.

The department uses case management techniques to address the needs of a young offender sentenced to detention or community supervision.

Case workers monitor whether support services have been provided and whether needs have been addressed for these groups.

The department has guidance material on facilitating youth justice conferences and developing outcome plans. It monitors whether a young offender has completed the actions listed on their outcome plan. However, convenors had differing views about whether or not to include support services or programs on outcome plans. As a result, some young offenders may not receive the help they need.

Both the department and Police have put some practices in place to address the needs of young offenders diverted from the Children's Court. However, we found that they are not doing this systematically.

Whether or not a young offender who receives a caution is referred to a support service or program depends on local practice and service availability.

## **2.1 Why should we address a young offender's needs?**

**A young offender may need help to reduce reoffending**

The community expects the youth justice system to reduce reoffending. Not every young offender will reoffend. But if a young offender leaves the youth justice system without having factors or needs such as homelessness, drug or alcohol abuse, or family dysfunction addressed, the risk of reoffending is high.

Some young offenders will be at a moderate to high risk of reoffending at their first offence. If those who need help can get help at this early stage, fewer may reoffend. The agencies that come into contact with these young offenders are best placed to address their needs to reduce reoffending.

Addressing needs means that a young offender gets help to overcome a problem or address a need that may have led them to committing an offence. Help may be in the form of support services or rehabilitation programs offered by the agency or by another government or non-government agency.

Research indicates that interventions need to be weighed up against the risk of drawing a low risk young offender deeper into the youth justice system, which tends to increase the risk of reoffending.

**Needs can be addressed by referring a young offender to support services and programs**

Rather, effective youth justice systems identify the needs of a young offender and intervene where the risk of reoffending is moderate to high. They also define what interventions are appropriate to address criminogenic needs, such as anti-social attitudes or drug and alcohol abuse.

The most common model used in the youth justice system is case management. A case worker identifies the needs of a young offender and assesses their reoffending risk. Where appropriate they refer the young offender to support services or programs to help address their needs. Case workers also check that the young offender has received the help they needed, and if they haven't, decides what other action is required.

We looked at what techniques the department and Police use to address the needs of a young offender.

We did not look at the quality of these services or programs or their effectiveness in reducing reoffending, as this was outside the scope of this audit.

We also did not look at whether the department had suitable processes in place to help staff determine the most appropriate and effective course of action for a young offender. We covered this in our 2005 report *Measuring and Managing Success: Department of Juvenile Justice*.

## **2.2 What is the department's response to a young offender's needs while in detention or community supervision?**

**Our assessment**

The department uses case management techniques to address the needs of a young offender sentenced to detention or community supervision.

**A young offender in detention or community supervision is case managed**

The department's case management and intervention framework requires case workers to match interventions to the young offender's risk of reoffending and target those at moderate to high risk.

In line with practices in other jurisdictions, the department uses an evidence-based approach to select interventions shown to be effective in reducing reoffending risk.



**Exhibit 6: Using a case management approach to address needs**

A young offender sentenced to detention or community supervision is assigned a Juvenile Justice Officer as their case worker. Case management for the young offender includes:

- identifying what interventions and rehabilitation programs are suitable based on the needs assessment
- discussing these interventions with the young offender and their family to ensure they are willing and able to participate
- convening a case meeting with the young offender and their family, together with representatives of various agencies who will be providing services
- recording the agreed actions into a case plan
- tracking and monitoring progress.

The purpose of the case meeting is to ensure that activities in the case plan are coordinated and that participants are aware of their respective roles and responsibilities.

Source: Department of Juvenile Justice

Case workers can access department run programs, such as alcohol and other drug counselling, the Sex Offender Program, or the Violent Offender Program. The department also has agreements with other government and non-government agencies to provide services for young offenders. For example, the department has an agreement with the Department of Health to provide the health services at each Juvenile Justice Centre and agreements with non-government agencies to provide:

- post-release support
- accommodation support
- alcohol and other drug treatment
- employment skills.



**Exhibit 7: Arranging priority access to programs**

The department funds the Ted Noffs Foundation to run two drug and alcohol treatment programs that target indigenous young offenders aged from 14 to 18 years. The program offers up to three months of residential treatment, followed by up to 12 months of further case management.

The agreement gives priority to young offenders referred from the department.

The department's agreement also requires the Foundation to evaluate the impact of the program on clients at the end of the program and at least three months following completion of the program.

Source: The Department of Juvenile Justice and Ted Noffs Foundation Program for Adolescent Life Management (PALM) Program Funding Agreement



## 2.3 Does a youth justice conference address a young offender's needs?

### Our assessment

The department has guidance material on facilitating youth justice conferences and developing outcome plans. It monitors whether a young offender has completed the actions listed on their outcome plan. It has put some practices in place to address the needs of a young offender participating in a conference. However, we found that it is not doing this systematically. And convenors had differing views about whether or not to include support services or programs on outcome plans. As a result, some young offenders may not receive the help they need.

### Conferences can address a young offender's needs

Youth justice conferences are a restorative justice process designed to divert a young offender from the Children's Court. It involves both the young offender and the victim.

When a young offender admits to an offence, Police may, depending on the nature of the offence, refer them to a conference as an alternative to a Children's Court appearance. A magistrate may refer them to a conference as an alternative process or as a sentencing option.

Conference convenors identify the people who should participate in the conference. This includes the young offender, their parent or guardian, the victim and the victim's support person, and a Police officer.

Conference participants discuss the harm caused by the offence and how the young offender could make amends. The participants also discuss what should be included on the young offender's conference outcome plan. The outcome plan is a set of actions that the young offender agrees to complete. The actions can include accessing support services or attending programs to address their needs. The young offender has a legal obligation to complete the conference outcome plan within six months of the conference.

#### Exhibit 8: Addressing needs on conference outcome plans

We found some good examples where a young offender's needs were addressed in conference outcome plans. For example, a convenor arranged for a young offender with an intellectual disability to attend a supported work skills program as part of their conference outcome plan. The young offender completed the program and gained an apprenticeship. The program agency continued supporting the young person for over 18 months after the completion of the conference outcome plan.

Source: Staff interviews

The department monitors the completion of the outcome plan. If the young offender does not complete all tasks on the outcome plan, Police or the Children's Court will consider further action in regard to the original offence.

**Not every young offender referred to a conference has their needs addressed**

Both in this audit and in our 2005 report, we found that convenors agreed that activities on outcome plans must relate to the offence, and address the needs of both the victim and the young offender. However, the convenors had differing views on the extent that programs and activities with a rehabilitation focus should be included on outcome plans.

**Exhibit 9: Including rehabilitation programs on outcome plans**

During our 2005 audit, we asked convenors if it is appropriate to include an anger management program on an outcome plan.

**View 1** Yes. Would include this program if it related to the offence.

**View 2** Yes, but only in part. Would get the young person to agree to an initial appointment to discuss entry into a program, but would not expect the young person to commit to the whole program. Activities must be realistic and not beyond their capability.

**View 3** No. Would not include a program such as anger management on outcome plans as it is not the convenor's role to identify and offer programs. However the convenor might include this on the recommendation or referral sheet attached to the outcome plan which is not enforceable.

Source: The Audit Office of New South Wales, *Measuring and Managing Success: Department of Juvenile Justice, 2005*

The law governing conferences allows flexibility in determining actions to include on outcomes plans, and the approaches described in Exhibit 9 may all be appropriate in certain circumstances. However, the perceived differences in what should be included on an outcome plan means that the best approach may not always be taken.

As we noted in Chapter 1, not every young offender referred to a conference has their needs identified. And our review of outcome plans indicates that of those young offenders whose needs were identified, not all had their needs addressed.

**Recommendation**

We recommend that by January 2008 the Department of Juvenile Justice require convenors to ensure conference participants consider interventions and rehabilitation programs consistent with the young offender's needs and reoffending risk, which could be included on conference outcome plans.

## **2.4 Does the department know whether support services have been provided?**

**Our assessment**

Case workers monitor whether support services have been provided and whether needs have been addressed for a young offender in detention or under community supervision.

The department monitors whether a young offender has completed the tasks on their conference outcome plan, which may have included referrals to support services or programs.

**Service provision is checked for each young offender in detention or under community supervision** While a young offender is in detention or under community supervision, a case worker monitors access to services and intervenes as appropriate to ensure the young offender gets the services they need. They also monitor the young offender's progress and check if their needs have changed.

Once a young offender completes their outcome plan they no longer require contact with the department. If an outcome plan includes a referral to a support service or program to address the young offender's needs, the department checks that they have attended or received the service.

**Referrals recommended at a conference are not followed-up** If the conference only recommends a program rather than listing it on the outcome plan, there is no requirement for the young offender to attend. And the department does not check that they have attended or received the service.

If the practice of including referrals on outcome plans is adopted as we recommend in Section 2.3, the department can use its existing process to check whether the young offender receives support services or attends suitable programs to help them stay out of trouble.

## 2.5 What is Police's response to a young offender's needs?

**Our assessment** Police has put some practices in place to address the needs of young offenders diverted from the Children's Court. However, we found that it is not doing this systematically. Whether or not a young offender who receives a caution is referred to a support service or program depends on local practice and service availability.

**Not every young offender receiving a caution has their needs addressed** There is no requirement for Youth Liaison Officers (YLOs) when giving a caution, to address a young offender's needs. However, they are expected to explore how the young offender will avoid offending in the future.

### Exhibit 10: Exploring strategies to address a young offender's needs

The cautioning officer or YLO will ask the young offender how they will avoid further offending. Strategies to be considered include:

- involvement in activities or programs, such as Police and Community Youth Clubs (PCYC), sporting clubs or education programs
- greater supervision by parents and support by parents and family members
- attendance at school
- ceasing to associate with other young offenders
- ceasing other behaviour related to the offence.

This helps to move beyond promises by the young offender to never reoffend and attempts to provide practical solutions to address criminal behaviour.

Source: The NSW Police Force, Youth Liaison Officer Induction Package

We found practices differed among YLOs regarding whether or not they referred a young offender to support services and programs. Those YLOs who identified the needs that led them to committing an offence used various ways to link the young offender to suitable services or programs.

**Exhibit 11: Helping a young offender to access services**

We found some good practices among YLOs. For example, a YLO found that a young offender needed health services, but as she was estranged from her family she did not have a Medicare card or funds to pay for a doctor. The YLO assisted her to get a Medicare card and receive the health care that she needed. This was an important step in the young offender trusting the YLO. She also agreed to attend a drug and alcohol treatment program suggested by the YLO to reduce her risk of reoffending.

Source: Youth Liaison Officer interviews

Some YLOs took their responsibilities further and made the initial contact with the service on behalf of the young offender. They were more likely to do this where they considered the young offender was at a moderate to high risk of reoffending and was unlikely to access these services without assistance due to:

- limited language skills or confidence to make contact or make appointments
- no access to a phone
- not able to understand or complete application forms.

**A case management approach is used for some high risk young offenders**

We found that YLOs referred some young offenders to an intensive program run by PCYC. This program allocates a case manager to each young offender. The case manager coordinates therapeutic programs to address problems such as anti-social attitudes, impulse control, drug and alcohol abuse, education, etc. In 2005, 893 young offenders, and young people at risk of offending, took part in the PCYC intensive program.

This particular intensive program targets young offenders who have:

- a history of warnings, cautions, youth justice conferences and/or convicted of offences in the Children's Court
- an escalation of offending in the past six months (including an escalation of seriousness and frequency of offending).

To be eligible, young offenders also need to meet three of the following criteria:

- early onset of offending (first proven offence before the age of 12 years)
- victim of child maltreatment (resulting in a notification to the Department of Community Services)
- low attachment to school (truancy or suspension/expulsion)
- signs of alcohol and other drug use
- associating with known offenders
- related to known offenders (child of or brother/sister of known offenders)
- a very high likelihood that the young offender will continue to offend
- few obvious community supports or other agencies working with the young offender.

In 2005-06, the PCYC reported a 67 per cent reduction in offences committed by young people who had participated in this intensive program.

Not all young offenders who meet these criteria are able to access the PCYC intensive program because it is not available in all areas. YLOs did not always have an alternative program for this group.

In addition, young offenders who do not meet the eligibility criteria for the intensive program, but require assistance to avoid further offending, may not be referred by the YLO to appropriate services or programs.

**Recommendation** We recommend that by January 2008 the NSW Police Force implement a process of referral for young offenders who have a moderate to high risk of reoffending which will assist them if they choose to attend support services or programs to address their needs.

## **2.6 Does Police know whether support services have been provided?**

**Our assessment** Police generally does not follow-up on whether services have been provided to a young offender following a caution.

**Not every moderate to high risk young offender is followed-up** The PCYC reports to Police on the progress of each young offender involved in the intensive program. However, for young offenders who are not involved in the PCYC program, Police does not know whether support services have been provided.

According to the Act, a letter of apology is the only condition that can be attached to a caution. The YLO can make recommendations about services or programs that may assist the young offender to avoid further offending, but this cannot be a condition of the caution. As the young offender attends programs or receives services voluntarily, failure to attend or complete a recommended program cannot result in any action by Police.

Although this restricts what action a YLO may take if the young offender chooses not to attend support services or programs, this does not prevent the YLO from checking whether or not the young offender has participated if they reoffend.

Police should obtain this information for those who reoffend to inform the best way to respond.

**Recommendation**

We recommend that by January 2008 the NSW Police Force require Youth Liaison Officers to follow-up on referrals for those young offenders who reoffend.

**3. Do agencies work together to reduce  
reoffending?**

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**At a glance**

**The key question we wanted to answer was:**

Do the Department of Juvenile Justice and the NSW Police Force work with others to coordinate services and improve the effectiveness of the youth justice system to prevent reoffending?

**Our assessment:**

Research shows that addressing particular needs of a young offender will reduce the likelihood of them reoffending.

The department and Police generally work together and with other agencies to address the needs of a young offender. This is done particularly well for a young offender in detention and under community supervision. However, both the department and Police claim limitations in doing this because of problems accessing some services and exchanging information.

Most approaches to managing a young offender are designed to meet individual needs. Yet some young offenders reoffend despite interventions because they may face complex problems such as family dysfunction, negative peer associations, poor educational outcomes or lack of community support.

In these cases, there is a need for a treatment model that goes beyond the individual and intervenes at multiple levels to change patterns of behaviour within the family.

In order to judge the success or otherwise of any intervention to reduce reoffending, data needs to be made publicly available.

Although there have been recent improvements in the data collected and published on juvenile reoffending rates in NSW, neither the department nor Police report publicly on the results of their programs to reduce reoffending for young offenders diverted from the Children's Court.

### **3.1 Why should agencies work together to reduce reoffending?**

The community expects the youth justice system to reduce reoffending. There are several ways to do this. One way is to divert the young offender away from the Children's Court. The Act made this possible by giving Police alternative means of dealing with juveniles who commit certain offences.

Another way is to provide support to help a young offender overcome the factors in their life that may have led them to committing the offence. If a young offender leaves the youth justice system without having factors such as homelessness, drug or alcohol abuse, or family dysfunction addressed, the risk of reoffending is high.



We recognise that the department and Police manage some of the most socially disadvantaged and troublesome young people in NSW. It is hard for them to address what may have been years of dysfunction and neglect. Ideally, a child's problems should be addressed before they commit an offence. The government is establishing a number of early intervention programs such as Families First to address problems arising from family dysfunction.

However, these problems can still be present at the time when a young person first offends. If their needs are addressed as early as possible in their contact with the youth justice system, they will have a better chance of overcoming these problems and breaking the juvenile crime cycle.

The department and Police alone cannot address the needs of a young offender. They rely on other government and non-government agencies to provide support services and programs.

A young offender may have come to the attention of other agencies before they commit an offence. And most young offenders are disengaging from the education system, either by truanting or through suspensions and expulsions. These agencies can help to support these young people before offending becomes entrenched. Reducing the risk of offending, therefore, is the task of a range of government agencies from both the human services and justice sectors, which contribute in a variety of ways.

Getting agencies with different roles and responsibilities to work together can be a difficult process. The typical problems in service delivery by a number of agencies include a lack of coordination, different eligibility criteria for access, and different priority areas.

### **3.2 Do agencies work together to address a young offender's needs?**

#### **Our assessment**

The department and Police generally work together and with other agencies to address the needs of a young offender. This is done particularly well for a young offender in detention and under community supervision. However, both the department and Police claim limitations in doing this because of problems accessing some services and exchanging information.

#### **Services are coordinated but access to services and exchange of information are common problems**

The department has agreements with other government agencies to provide services to young offenders. These documents clearly articulate roles and responsibilities, and provide a framework for handling disputes and exchanging client information. Some agreements also give priority to the department's clients.

Similarly, Police has an agreement with PCYC for referring a young offender to its various programs. It also clearly articulates roles and responsibilities, and provides a framework for handling disputes and exchanging client information. This agreement also gives priority to Police referrals.

A common problem raised by staff in both agencies was that some young offenders who needed help to reduce reoffending did not meet the eligibility criteria for some services or were not considered a high priority by the service provider.

**New governance arrangements have been established**

Recently, the NSW Cabinet Sub-Committee responsible for overseeing government agencies providing human services established a Senior Officer Group to address cross-agency management of young offenders.

The Cross-Agency Management of Young Offenders Senior Officer Group (the SOG) will report to the Sub-Committee on ways to address the following issues:

- problems facing young people leaving detention, including accommodation
- identifying common clients and information sharing
- young people at risk of entering the youth justice system
- young people at high risk of reoffending at first contact.

The SOG provides a means to progress issues that affect young offenders who are clients of many agencies, such as problems accessing some services and agencies exchanging information. These issues are best addressed as part of a strategic cross-agency approach to managing young offenders.

**Recommendation**

We recommend that the Department of Juvenile Justice and the NSW Police Force refer problems they face in accessing services or exchanging information to the Cross-Agency Management of Young Offenders Senior Officer Group or its successor to resolve as part of its strategic cross-agency approach to managing young offenders.

### **3.3 Do young offenders need other models of intervention?**

**Our assessment**

Most approaches to manage a young offender are designed to meet individual needs. Yet some young offenders reoffend despite interventions because they may face complex problems such as family dysfunction, negative peer associations, poor educational outcomes or lack of community support.

**Family-based interventions are needed for some young offenders**

In these cases, there is a need for a treatment model that goes beyond the individual and intervenes at multiple levels to change patterns of behaviour within the family.

Some young offenders and their families are clients of many agencies. For example, members of a family could simultaneously be:

- receiving treatment programs or other health and mental health services from the Department of Health
- receiving assistance from a range of agencies including the Department of Community Services, the Department of Ageing Disability and Home Care, and several commonwealth agencies such as Centrelink

- involved with the criminal justice system
- involved with the youth justice system
- a client of the Department of Housing.

Multisystemic Therapy (MST) was developed in the late 1970s as a family-based treatment model to address some of these more complex needs and to deal with cross-agency coordination of services. This is an intensive home-based intervention model where a clinical case manager identifies the needs of individuals as well as the family unit and brokers services to address those needs. Interventions can last up to six months.

MST is used successfully for chronic young offenders in other jurisdictions to reduce reoffending. Evaluations of the program have shown a 25 to 70 per cent reduction in the severity and frequency of reoffending.

Currently both Western Australia and New Zealand are using MST. The department is currently assessing the suitability of this program for use in NSW.

- Recommendation** We recommend that by June 2007 the Department of Juvenile Justice:
- complete its review of Multisystemic Therapy, a family-based treatment model, regarding its suitability as a response to young offenders with complex needs and whose families are clients of many agencies
  - report its findings to the Cross-Agency Management of Young Offenders Senior Officer Group or its successor.

### **3.4 Has addressing needs reduced reoffending?**

- Our assessment** Research shows that addressing particular needs of a young offender will reduce reoffending.

- Reporting on outcomes is limited** Although there have been recent improvements in the data collected and published on juvenile reoffending rates in NSW, neither the department nor Police report publicly on the results of their programs to reduce reoffending for young offenders diverted from the Children's Court.

The NSW State Plan includes a key measure to reduce reoffending by ten per cent by 2016. The Plan covers both adults and juveniles convicted in a court or attending a conference who reoffend within one or two years from the original offence. The government plans to publish performance data on the internet as soon as it is available, as well as in an annual report on State Plan outcomes.

Since our 2005 report, the department is now able to measure the impact of its rehabilitation programs on the reoffending rate of young offenders. However, it reports these results internally in aggregate rather than separately for young offenders following detention, community supervision or participating in conferences. It also reports internally on follow-up periods of one year.

Police does not generally monitor or report on reoffending rates for young offenders as it sees this as beyond its area of responsibility.

**Better data on reoffending is now available**

However, data on reoffending rates is now available. For the purpose of this audit we were able to obtain reoffending data for young offenders who received a Police caution, participated in a conference or appeared in the Children's Court. They were counted as reoffending if they had a subsequent Police caution, conference or Children's Court appearance for a further offence within five two-year follow-up periods ending in 2005-06. These are shown in Exhibit 3.

The availability of this data will make it easier to judge the success or otherwise of intervention programs adopted by the department and Police for young offenders diverted from the Children's Court.

**Recommendations**

We recommend that the Department of Juvenile Justice:

- monitor results for both one and two year follow-up periods as used in the State Plan
- report on trends in reoffending for each young offender group commencing with their 2006-07 annual report, both against the State Plan target and using the one and two year follow-up periods.

We recommend that the NSW Police Force:

- adopt the State Plan target to reduce reoffending by ten per cent by 2016
- monitor results for both one and two year follow-up periods as used in the State Plan
- report on trends in the number and proportion of young offenders diverted from the Children's Court commencing with their 2006-07 annual report
- report on trends in reoffending for young offenders receiving cautions commencing with their 2006-07 annual report, both against the State Plan target and using the one and two year follow-up periods.

## Appendices

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## **Appendix 1      About the audit**

**Audit Objective**      This audit examined how well the Department of Juvenile Justice and the NSW Police Force coordinate support for young offenders to prevent reoffending.

**Lines of inquiry**      In reaching our opinion against the audit objective, we sought to answer the following questions:

1. do the responsible agencies understand (identify) the needs of young offenders?
2. do the responsible agencies address the needs of young offenders?
3. does the department and Police work with others to coordinate services and improve the effectiveness of the youth justice system to reduce reoffending?

**Audit criteria**      In answering the lines of inquiry, we used the following audit criteria (the ‘what should be’) to judge performance. We based these standards on our research of current thinking and guidance on better practice. They have been discussed, and wherever possible, agreed with those we are auditing.

For line of inquiry 1, we assessed whether:

- the responsible agencies complete a comprehensive and reliable assessment for young offenders to identify risks and support needs.

For line of inquiry 2, we assessed:

- what happens with the assessment
- whether the referrals to support services are timely, reliable and consistent
- how the agencies know whether support services have been provided.

For Line of inquiry 3, we assessed whether:

- the department and Police consult with, and involve, other agencies and service providers to manage young offenders and coordinate services
- meeting support needs reduces reoffending.

**Audit scope**

The audit scope was limited to examining:

- whether the department and Police have adequate policies, procedures and practices in place to support young offenders to reduce reoffending
- how the department and Police involve other service providers (government and non-government) and stakeholders to ensure young offenders get access to the support services they need.

We focused on managing young offenders who are dealt with by caution, conference or court procedures.

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	<p>This audit did not examine:</p> <ul style="list-style-type: none"> <li>▪ early intervention programs for children under the age of ten years</li> <li>▪ court sentencing practices or decisions</li> <li>▪ matters already examined in the 2005 NSW Ombudsman’s review of Police’s use of the <i>Young Offenders Act 1997</i> interventions</li> <li>▪ matters already examined in the 2005 Audit Office of NSW report <i>Managing and Measuring Success: Department of Juvenile Justice</i></li> <li>▪ matters already examined in the 2005 Legislative Council Select Committee Inquiry into Juvenile Offenders (Karióng inquiry)</li> <li>▪ the effectiveness of diversionary programs such as conferences and cautions on reoffending rates</li> <li>▪ the effectiveness of the Youth Drug Court program or interventions</li> <li>▪ warnings, as these are usually for minor offences and young people who receive them are not considered young offenders.</li> </ul>
<b>Audit approach</b>	<p>We acquired subject matter expertise by:</p> <ul style="list-style-type: none"> <li>▪ interviewing staff in the department and Police responsible for developing policies and procedures, assessing needs of young offenders, and making referrals to support services</li> <li>▪ reviewing agency protocols for working together</li> <li>▪ examining policies, procedures, guidelines and practices for assessing and referring young offenders to support services</li> <li>▪ interviewing staff in other government agencies that provide services to young offenders</li> <li>▪ analysing performance data.</li> </ul>
<b>Audit selection</b>	<p>We use a strategic approach to selecting performance audits which balances our performance audit program to reflect issues of interest to Parliament and the community. Details of our approach to selecting topics and our forward program are available on our website.</p>
<b>Audit methodology</b>	<p>Our performance audit methodology is designed to satisfy Australian Audit Standards AUS 806 and 808 on performance auditing, and to reflect current thinking on performance auditing practices. We produce our audits under a quality management system certified to International Standard ISO 9001. Our processes have also been designed to comply with the auditing requirements specified in the <i>Public Finance and Audit Act 1983</i>.</p>
<b>Acknowledgements</b>	<p>We gratefully acknowledge the co-operation and assistance provided by the Department of Juvenile Justice and the NSW Police Force. In particular we wish to thank our liaison officers Megan Wilson and Reg Mahoney, and staff who participated in interviews, assisted with file review or provided other assistance and material relevant to the audit.</p>
<b>Audit team</b>	<p>Our team leader for the performance audit was Giulia Vitetta, who was assisted by Bettina Ocias. Jane Tebbatt provided direction and quality assurance.</p>
<b>Audit cost</b>	<p>Including staff costs, printing costs and overheads, the estimated cost of the audit is \$330,000.</p>

## Appendix 2

## Glossary

<b>Assessment</b>	A process used to evaluate a young offender's needs and risks of reoffending.
<b>Case management</b>	A service that helps young offenders by organising appropriate services and support to reduce the risk of reoffending. A case manager coordinates mental health, social work, educational, health, vocational, transportation, advocacy, respite care and recreational services as needed.
<b>Caution</b>	A formal Police caution relating to an offence given under Part 4 of the <i>Young Offenders Act 1997</i> designed to divert a young offender from court.
<b>Community supervision</b>	A community-based sentence given by a magistrate in the Children's Court. A community supervision order is usually given to young offenders who have offended and appeared in court before and who have been found guilty of a serious offence or a number of offences.
<b>Criminal offence</b>	For a criminal offence to occur there must be two main elements - the prohibited conduct and the mental element of a guilty mind or intention.
<b>Detention</b>	The placement of a youth in a secure facility under court authority.
<b>Factors or needs</b>	Problems or issues in a young offender's life that may have led them to committing an offence.
<b>Outcome plan</b>	A document recording the actions/outcomes to be undertaken by a young offender following a youth justice conference. The young offender and any victim of the offence present at the conference must agree with these outcomes. The outcomes must be realistic and appropriate and any sanction must not be more severe than a court might have imposed for the offence concerned.
<b>PCYC</b>	The Police and Community Youth Club is a youth development organisation with 57 clubs throughout NSW and over 50,000 members.
<b>Referral</b>	<p>A recommendation or suggestion to a young offender of the value of a support service or rehabilitation program to help them overcome their risk factors.</p> <p>The process of sending a young offender to a support service or rehabilitation program.</p>
<b>Warning</b>	The NSW Police Force gives warnings to young people who commit, or are alleged to have committed, an offence that can be dealt with under Part 3 of the <i>Young Offenders Act 1997</i> .
<b>Youth justice conference</b>	A youth justice conference is a community-based, negotiated response to juvenile offending involving all affected parties. It emphasises restitution and acceptance of responsibility by a young offender and meeting the needs of victims and offenders.



<b>Youth justice conference convenor</b>	A member of the community engaged to convene an individual youth justice conference, including preparing all participants, with the conference participants agreeing on a conference outcome plan which is legally binding on the young person.
<b>Youth level of service inventory</b>	The Youth Level of Service Case Management Inventory - Australian Adaptation (YLSI/CM-AA) is a risk assessment tool based on identified risk factors. It is the primary method to gather information for case planning purposes. Common risk factors include: network of delinquent associates, difficulties in school and employment, anti-social attitudes, low levels of self-control and impulsiveness.
<b>Youth Liaison Officer</b>	A NSW Police Force officer responsible for managing youth issues in a Local Area Command including giving cautions to young offenders under the <i>Young Offenders Act 1997</i> .

## Appendix 3      References

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The Audit Office of NSW, *Managing and measuring success: Department of Juvenile Justice*, September 2005

Vignaendra S and Fitzgerald J, *Reoffending Among Young Offenders Cautioned by Police or who Participated in a Youth Justice Conference*, Crime and Justice Bulletin No 103, NSW Bureau of Crime Statistics and Research, October 2006

*Young Offenders Act 1997*, NSW Act No 54 of 1997

## **Performance audits by the Audit Office of New South Wales**

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## Performance Auditing

### What are performance audits?

Performance audits determine whether an agency is carrying out its activities effectively, and doing so economically and efficiently and in compliance with all relevant laws.

Performance audits may review a government program, all or part of a government agency or consider particular issues which affect the whole public sector.

Where appropriate, performance audits make recommendations for improvements.

If you wish to find out what performance audits are currently in progress, visit our website at [www.audit.nsw.gov.au](http://www.audit.nsw.gov.au).

### Why do we conduct performance audits?

Performance audits provide independent assurance to Parliament and the public that government funds are being spent efficiently and effectively, and in accordance with the law.

Performance audits seek to improve the efficiency and effectiveness of government agencies so that the community receives value for money from government services.

Performance audits also assist the accountability process by holding managers to account for agency performance.

### What are the phases in performance auditing?

Performance audits have three key phases: planning, fieldwork and report writing.

During the planning phase, the audit team will develop audit criteria and define the audit field work.

At the completion of field work we will meet with agency management to discuss all significant matters arising out of the audit. Following this, we will prepare a draft performance audit report.

We meet with agency management to check that facts presented in the report are accurate and that recommendations are practical and appropriate. Following this, a formal draft report is provided to the CEO for comment. The relevant Minister is also provided with a copy of the final report. The final report, which

is tabled in Parliament, includes any comment made by the CEO on the conclusion and the recommendations of the audit.

Depending on the scope, performance audits can take several months to complete.

Copies of our performance audit reports can be obtained from our website or by contacting our Office.

### How do we measure an agency's performance?

During the planning phase, the team develops the audit criteria. These are standards of performance against which the agency or program is assessed. Criteria may be based on best practice, government targets, benchmarks, or published guidelines.

### Do we check to see if recommendations have been implemented?

Every few years we conduct a follow-up audit. These follow-up audits look at the extent to which action has been taken to address issues or recommendations agreed to in an earlier performance audit.

The Public Accounts Committee (PAC) may also conduct reviews or hold inquiries into matters raised in performance audit reports. Agencies are also requested to report actions taken against each recommendation in their annual report.

### Who audits the auditors?

Our performance audits are subject to internal and external quality reviews against relevant Australian and international standards. This includes ongoing independent certification of our ISO 9001 quality management system.

The PAC is also responsible for overseeing the activities of the Audit Office and conducts a review of our operations every three years.

### Who pays for performance audits?

No fee is charged for performance audits. Our performance audit services are funded by the NSW Parliament and from internal sources.

### Further information

Further information can be obtained from our website [www.audit.nsw.gov.au](http://www.audit.nsw.gov.au) or by contacting us on 9275 7277.

## Performance Audit Reports

No	Agency or Issues Examined	Title of Performance Audit Report or Publication	Date Tabled in Parliament or Published
83	Department of Corrective Services	<i>NSW Correctional Industries</i>	13 June 2001
84	Follow-up of Performance Audits	<i>Police Response to Calls for Assistance</i> <i>The Levying and Collection of Land Tax</i> <i>Coordination of Bushfire Fighting Activities</i>	20 June 2001
85*	Internal Financial Reporting	<i>Internal Financial Reporting including a Better Practice Guide</i>	27 June 2001
86	Follow-up of Performance Audits	<i>The School Accountability and Improvement Model (May 1999)</i> <i>The Management of Court Waiting Times (September 1999)</i>	14 September 2001
87	E-government	<i>Use of the Internet and Related Technologies to Improve Public Sector Performance</i>	19 September 2001
88*	E-government	<i>e-ready, e-steady, e-government: e-government readiness assessment guide</i>	19 September 2001
89	Intellectual Property	<i>Management of Intellectual Property</i>	17 October 2001
90*	Intellectual Property	<i>Better Practice Guide</i> <i>Management of Intellectual Property</i>	17 October 2001
91	University of New South Wales	<i>Educational Testing Centre</i>	21 November 2001
92	Department of Urban Affairs and Planning	<i>Environmental Impact Assessment of Major Projects</i>	28 November 2001
93	Department of Information Technology and Management	<i>Government Property Register</i>	31 January 2002
94	State Debt Recovery Office	<i>Collecting Outstanding Fines and Penalties</i>	17 April 2002
95	Roads and Traffic Authority	<i>Managing Environmental Issues</i>	29 April 2002
96	NSW Agriculture	<i>Managing Animal Disease Emergencies</i>	8 May 2002
97	State Transit Authority Department of Transport	<i>Bus Maintenance and Bus Contracts</i>	29 May 2002
98	Risk Management	<i>Managing Risk in the NSW Public Sector</i>	19 June 2002
99	E-Government	<i>User-friendliness of Websites</i>	26 June 2002
100	NSW Police Department of Corrective Services	<i>Managing Sick Leave</i>	23 July 2002
101	Department of Land and Water Conservation	<i>Regulating the Clearing of Native Vegetation</i>	20 August 2002
102	E-government	<i>Electronic Procurement of Hospital Supplies</i>	25 September 2002

No	Agency or Issues Examined	Title of Performance Audit Report or Publication	Date Tabled in Parliament or Published
103	NSW Public Sector	<i>Outsourcing Information Technology</i>	23 October 2002
104	Ministry for the Arts Department of Community Services Department of Sport and Recreation	<i>Managing Grants</i>	4 December 2002
105	Department of Health Including Area Health Services and Hospitals	<i>Managing Hospital Waste</i>	10 December 2002
106	State Rail Authority	<i>CityRail Passenger Security</i>	12 February 2003
107	NSW Agriculture	<i>Implementing the Ovine Johne's Disease Program</i>	26 February 2003
108	Department of Sustainable Natural Resources Environment Protection Authority	<i>Protecting Our Rivers</i>	7 May 2003
109	Department of Education and Training	<i>Managing Teacher Performance</i>	14 May 2003
110	NSW Police	<i>The Police Assistance Line</i>	5 June 2003
111	E-Government	<i>Roads and Traffic Authority Delivering Services Online</i>	11 June 2003
112	State Rail Authority	<i>The Millennium Train Project</i>	17 June 2003
113	Sydney Water Corporation	<i>Northside Storage Tunnel Project</i>	24 July 2003
114	Ministry of Transport Premier's Department Department of Education and Training	<i>Freedom of Information</i>	28 August 2003
115	NSW Police NSW Roads and Traffic Authority	<i>Dealing with Unlicensed and Unregistered Driving</i>	4 September 2003
116	NSW Department of Health	<i>Waiting Times for Elective Surgery in Public Hospitals</i>	18 September 2003
117	Follow-up of Performance Audits	<i>Complaints and Review Processes (September 1999) Provision of Industry Assistance (December 1998)</i>	24 September 2003
118	Judging Performance from Annual Reports	<i>Review of Eight Agencies' Annual Reports</i>	1 October 2003
119	Asset Disposal	<i>Disposal of Sydney Harbour Foreshore Land</i>	26 November 2003
120	Follow-up of Performance Audits NSW Police	<i>Enforcement of Street Parking (1999) Staff Rostering, Tasking and Allocation (2000)</i>	10 December 2003
121	Department of Health NSW Ambulance Service	<i>Code Red: Hospital Emergency Departments</i>	15 December 2003
122	Follow-up of Performance Audit	<i>Controlling and Reducing Pollution from Industry (April 2001)</i>	12 May 2004

No	Agency or Issues Examined	Title of Performance Audit Report or Publication	Date Tabled in Parliament or Published
123	National Parks and Wildlife Service	<i>Managing Natural and Cultural Heritage in Parks and Reserves</i>	16 June 2004
124	Fleet Management	<i>Meeting Business Needs</i>	30 June 2004
125	Department of Health NSW Ambulance Service	<i>Transporting and Treating Emergency Patients</i>	28 July 2004
126	Department of Education and Training	<i>School Annual Reports</i>	15 September 2004
127	Department of Ageing, Disability and Home Care	<i>Home Care Service</i>	13 October 2004
128*	Department of Commerce	<i>Shared Corporate Services: Realising the Benefit including guidance on better practice</i>	3 November 2004
129	Follow-up of Performance Audit	<i>Environmental Impact Assessment of Major Projects (2001)</i>	1 February 2005
130*	Fraud Control	<i>Current Progress and Future Directions including guidance on better practice</i>	9 February 2005
131	Follow-up of Performance Audit Department of Housing	<i>Maintenance of Public Housing (2001)</i>	2 March 2005
132	Follow-up of Performance Audit State Debt Recovery Office	<i>Collecting Outstanding Fines and Penalties (2002)</i>	17 March 2005
133	Follow-up of Performance Audit Premier's Department	<i>Management of Intellectual Property (2001)</i>	30 March 2005
134	Department of Environment and Conservation	<i>Managing Air Quality</i>	6 April 2005
135	Department of Infrastructure, Planning and Natural Resources Sydney Water Corporation Sydney Catchment Authority	<i>Planning for Sydney's Water Needs</i>	4 May 2005
136	Department of Health	<i>Emergency Mental Health Services</i>	26 May 2005
137	Department of Community Services	<i>Helpline</i>	1 June 2005
138	Follow-up of Performance Audit State Transit Authority Ministry of Transport	<i>Bus Maintenance and Bus Contracts (2002)</i>	14 June 2005
139	RailCorp NSW	<i>Coping with Disruptions to CityRail Passenger Services</i>	22 June 2005
140	State Rescue Board of New South Wales	<i>Coordination of Rescue Services</i>	20 July 2005
141	State Budget	<i>In-year Monitoring of the State Budget</i>	28 July 2005
142	Department of Juvenile Justice	<i>Managing and Measuring Success</i>	14 September 2005
143	Asset Management	<i>Implementing Asset Management Reforms</i>	12 October 2005

No	Agency or Issues Examined	Title of Performance Audit Report or Publication	Date Tabled in Parliament or Published
144	NSW Treasury	<i>Oversight of State Owned Electricity Corporations</i>	19 October 2005
145	Follow-up of 2002 Performance Audit	<i>Purchasing Hospital Supplies</i>	23 November 2005
146	Bus Transitways	<i>Liverpool to Parramatta Bus Transitway</i>	5 December 2005
147	Premier's Department	<i>Relocating Agencies to Regional Areas</i>	14 December 2005
148	Department of Education and Training	<i>The New Schools Privately Financed Project</i>	8 March 2006
149	Agency Collaboration	<i>Agencies Working Together to Improve Services</i>	22 March 2006
150	Follow-up of 2000 Performance Audit	<i>Fare Evasion on Public Transport</i>	26 April 2006
151	Department of Corrective Services	<i>Prisoner Rehabilitation</i>	24 May 2006
152	Roads and Traffic Authority	<i>The Cross City Tunnel Project</i>	31 May 2006
153	Performance Information	<i>Agency Use of Performance Information to Manage Services</i>	21 June 2006
154	Follow-up of 2002 Performance Audit	<i>Managing Sick Leave in NSW Police and the Department of Corrective Services</i>	29 June 2006
155	Follow-up of 2002 Performance Audit	<i>Regulating the Clearing of Native Vegetation</i>	19 July 2006
156*	Fraud Control	<i>Fraud Control Improvement Kit: Meeting Your Fraud Control Obligations</i>	20 July 2006
157	Roads and Traffic Authority	<i>Condition of State Roads</i>	16 August 2006
158	Department of Education and Training	<i>Educating Primary School Students with Disabilities</i>	6 September 2006
159	NSW Health	<i>Major Infectious Disease Outbreaks: Readiness to Respond</i>	22 November 2006
160	NSW Health	<i>Helping Older People Access a Residential Aged Care Facility</i>	5 December 2006
161	Follow-up of 2003 Performance Audit	<i>The Police Assistance Line</i>	6 December 2006
162	NSW Health	<i>Attracting, Retaining and Managing Nurses in Hospitals</i>	12 December 2006
163	Legal Aid Commission of NSW	<i>Distributing Legal Aid in New South Wales</i>	13 December 2006
164	Department of Juvenile Justice NSW Police Force	<i>Addressing the Needs of Young Offenders</i>	March 2007

\* Better Practice Guides

A list of performance audits tabled or published since March 1997, as well as those currently in progress, can be found on our website [www.audit.nsw.gov.au](http://www.audit.nsw.gov.au).