

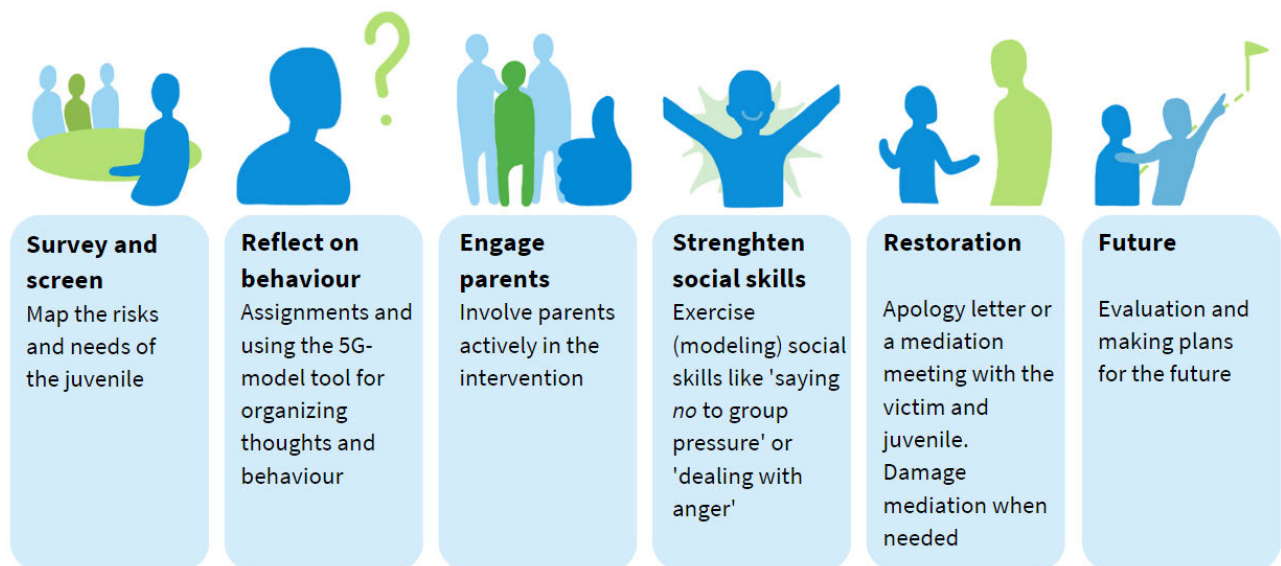
Youth Justice and Child Wellbeing Reform across Australia

Submission by stichting Halt (www.halt.nl), the Netherlands

What needs to be changed so that youth justice and related systems protect the rights and wellbeing of children and young people?

The Convention on the Rights of the Child (CRC) offers a first answer to this question. According to article 40 (3) of the CRC, the States parties shall seek to promote measures for dealing with children in conflict with the law without resorting to judicial proceedings – *diversion* - whenever appropriate. Countering the stigma associated with a criminal record is one of the main objectives of this directive.¹ In General Comment No. 24, the United Nations Children's Rights committee outlines the contours of what juvenile justice in conformity with the Convention on the Rights of Children (CRC) should look like.

In the Netherlands, a diversion program as described by paragraphs 23 to 27 of the general comment, is offered by Stichting Halt. This program could possibly serve as an example for the Australian situation. Halt is a diversionary measure subsidised by the Ministry of Justice and Security. It offers young people charged with a minor offense the opportunity to avoid a criminal record by complying with a negotiated agreement. The Halt-intervention is based on pedagogical methods. Approximately 10.000-15.000 minors (between twelve and eighteen years old) are referred to Halt each year by the Dutch police, school attendance officers or special investigation officers. These young people get the chance to fulfill an alternative sanction and to avoid traditional prosecution by the Public Prosecution Service.² The Halt-intervention focusses on first- and second offenders of relatively minor offences, with a low to middle risk indication for recidivism.³ The Halt-intervention contains several modules and activities. Based on juridical guidelines and the RNR principles a customized intervention is put together for each juvenile (see next paragraph). The intervention has a maximum of 20 hours and contains one to five meetings with the Halt-professional. The modules and activities of the intervention are shown below.



¹ General comment No. 24 (2019) on children's rights in the child justice system. CRC/C/GC/24.

² Wolthuis, A. & Stentoumi, i. (2023). Restorative Justice Practices for children in contact with the law in The Netherlands & Greece. Published april 3rd 2023 on <https://tdh.gr/en/restorative-justice-practices-children-contact-law-netherlands-and-greece>.

³ De Vries, S. & Sanders, K. (2022), Halt-interventie Programhandleiding, 2022. Utrecht: Stichting Halt.

Whether or not Halt can function as an example for the Australian context: the wellbeing of children and young people in justice systems should always be improved by offering interventions that strengthen the social resilience of children and young people and the parenting skills of parents and caregivers. Equally important, every intervention should contribute to recovery for victims and communities (restorative justice).

Can you identify reforms that show evidence of positive outcomes, including reductions in children's and young people's involvement in youth justice and child protection systems, either in Australia or internationally?

Studies have shown that cognitive-behavioural interventions based on problem solving and social interaction skills are most effective in reducing the risk of (repeated) juvenile delinquency.⁴ Therapeutically oriented approaches such as counseling, cognitive and social skill building, restoration and combinations of such approaches are more effective in preventing recidivism than control-oriented approaches such as discipline, deterrence or surveillance.⁵ The probability of an intervention having a positive effect on the risk of recidivism is increased if that intervention follows the principles of risk, need and responsivity (RNR principles):

- The *risk* principle states that offender recidivism can be reduced if the intensity of the intervention program provided is proportional to the offender's risk to re-offend.
- According to the *need* principle, correctional treatment should focus on criminogenic needs: the dynamic risk factors that are directly linked to criminal behaviour.
- The *responsivity* principle aims at maximizing the offender's ability to learn from the offered intervention program and tailoring the intervention to the learning style, motivation and strengths and abilities of the offender. The responsivity principle also includes the establishment of a collaborative working alliance with the client and influencing the direction of change processes towards the prosocial through appropriate modeling and reinforcement.⁶

The Halt-intervention is based on these so called RNR-principles, as well as on principles of program-integrity and quality assurance that are important indicators for effectiveness.⁷

This could lead to the following recommendations for Australian juvenile justice:

Survey & screen

The module of 'survey & screen' should be mandatory and specifically designed for the purpose of adhering to the RNR-principles in any specific intervention. By early and adequately surveying and screening, professionals gain insight in which intervention elements or activities are most likely to reduce the risk of recidivism for the specific client and best match their needs. At Halt, the first meeting between the professional and the juvenile includes a questionnaire (risk and needs assessment) which helps the professional map the risks and needs of the juvenile. Another short questionnaire is used for screening possible learning disabilities.

⁴ Lipsey, M. W. (2009). The Primary Factors that Characterize Effective Interventions with Juvenile Offenders: A Meta-Analytic Overview. *Victims and Offenders*, 4, 124–147. DOI: 10.1080/15564880802612573.

⁵ Howell, J.C. & Lipsey, M. W. (2012). Research-Based Guidelines for Juvenile Justice Programs. *Justice research and policy*, 14(1), 17-34.

⁶ Andrews, D. A. & Bonta, J. (2007). Risk-need-responsivity model for offender assessment and rehabilitation. *Rehabilitation*, 6(1), 1-22; Andrews, D. A., & Bonta, J. (2010). Rehabilitating criminal justice policy and practice. *Psychology, Public Policy, and Law*, 16, 39-55.

⁷ De Vries, S. & Sanders, K. (2022), p. 16 ; Howell, J.C. & Lipsey, M. W. (2012).

Reflect on behaviour

An important element of any intervention for young offenders, should be raising consciousness about the consequences of the offence(s) committed. For juvenile offenders themselves, but also for the victim(s) and society in general.⁸ Halt uses the 5G-model as a tool for analysing and organizing thoughts and behaviour. The 5G-model is a Dutch adaptation of Albert Ellis's ABC-model for cognitive behavioural therapy, which is based on the principle that *activating events* (A) contribute to people's emotional and behavioural reactions as a *consequence* (C) since they're influenced by people's *beliefs* about said events (B).⁹ The Dutch 5G-model more or less translates as:

Gebeurtenis (activating event) – What *happened*?

Gedachten (beliefs) – What were your *thoughts* on the situation?

Gevoel (emotional reaction) – How did you *feel* about the situation?

Gedrag (behavioural reaction) – How did *behave* according to those thoughts and feelings?

Gevolgen (consequence) – What were the *consequences* of your behaviour?



Motivational Interviewing can be used as a conversation technique to make juveniles aware of internal beliefs that contribute to their behavioural choices and motivate them to take responsibility for their actions and the subsequent consequences. Ultimately, the purpose of Motivational Interviewing is to fuel the juvenile's internal motivation for behavioural change.¹⁰

Parental engagement

Parenting skills of parents and caregivers are most likely an important link in the reduction of delinquent behaviour in children. There are strong indications of a connection between poor parental supervision, harsh and inconsistent control and poor parent-child relationships, and juvenile delinquency.¹¹ Therefore, parents or caregivers should be actively involved in the intervention. For instance by requesting their presence at (certain) meetings. Halt strives for parents and caregivers understanding their role in supporting the child but also imposing limits and contributes to the knowledge and skills that help them fulfill that role.

Strengthen social skills

Lack of social skills is related to an increased risk of delinquent behaviour and recidivism,¹² while the enhancement of social skills can lead to decrease in delinquent behaviour.¹³ When needed, Halt uses homework assignments to teach juveniles about social skills such as peer pressure, dealing with anger

⁸ Wolthuis, A. & Stentoumi, i. (2023), p. 14.

⁹ Ellis, A. (1962). Reason and emotion in psychotherapy. New York: Lyle Stuart.

¹⁰ Miller, W.R. & Rollnick, S. (2013) Motivational Interviewing: Helping people to change (3rd Edition). Guilford Press.

¹¹ De Vries, S. & Sanders, K. (2022), p. 82; Hoeve, M., Dubas, J. S., Eichelsheim, V.I. e.a. (2009). The Relationship Between Parenting and Delinquency: A Meta-analysis. *Journal of Abnormal Child Psychology*, 37, 749–775.

¹² A.o. Van der Put, C. E., Stams, G. J. J. M., Hoeve, M., Deković, M., Spanjaard, H. J. M., van der Laan, P. H., & Barnoski, R. P. (2012). Changes in the relative importance of dynamic risk factors for recidivism during adolescence. *International Journal of Offender Therapy and Comparative Criminology*, 56, 296–316.

¹³ Lipsey, M. W., Howell, J. C., Kelly, M. R., Chapman, G., & Carver, D. (2010). Improving the effectiveness of juvenile justice programs: A new perspective on evidence-based practice. Washington, DC: Center for Juvenile Justice Reform.

or dealing with authorities. Such assignments are expected to be much more impactful when the skills discussed are actively practised, by applying them to day-to-day situations in the life of the juvenile. Through modeling and roleplay, positive feedback and reinforcement, young offenders at Halt learn to apply positive behavioural alternatives inside and outside the training room. These modeling techniques are based on the notion of social and cognitive learning theories, that new behaviour is best internalised through imitation and practise.¹⁴

Restoration

A systematic overview study by Wilson et al. (2017) shows that restorative interventions can contribute to recidivism reduction. Restorative interventions are particularly successful when targeted at young people with a low risk of recidivism and applied in an extrajudicial context. Victim-offender interviews, with the voluntary participation of offender and victim and a good preparatory meeting for victim and offender, show the greatest effects. Such interviews contribute to increased understanding of the consequences of criminal behaviour, more awareness of the norm and recovery of the relationship with the victim.¹⁵ The key element of 'restoration' at Halt is aimed at respecting the victim's right to emotional and financial recovery, but also at providing a way for the juvenile to make amends with themselves, victims or important others (like parents). If possible by means of a guided victim-offender interview, but otherwise or in addition by writing an apology letter, compensation for damage or - if appropriate - community service.¹⁶



Future

Matters such as a supportive social network, positive leisure activities, successful experiences and a positive future perspective seem to be important sources for resilience against criminal behaviour and desistance from crime.¹⁷ While dealing with children and young people in conflict with the law, Halt strives to increase the accessibility of these sources for them. By making them think about their desired future in assignments based on future goals and school career but also by, if necessary, strengthening the social network of the juvenile by installing a personal mentor or by putting the juvenile in contact with youth workers or social workers. Cooperation between parties involved with young people within local networks is essential to achieve this.

¹⁴ Bandura, A. (1971). Social learning theory. New York: General Learning Press; Goldstein, A. P., Sprafkin, R. P., Gershaw, J. & Klein, P. (1983). Structured Learning: A Psychoeducational Approach for Teaching Social Competencies. *Behavioral Disorders*, 8, 161-170; Kazdin, A. E. (1987). Treatment of antisocial behavior in children: Current status and future directions. *Psychological Bulletin*, 102, 187-203; Ladd, G. W., & Mize, J. (1983). A cognitive-social learning model of social-skill training. *Psychological Review*, 90, 127-157; Skinner, B. F. (1938). The Behavior of organisms: An experimental analysis. New York: Appleton-Century.

¹⁵ Wilson, B. D., Olaghere, A., & Kimbrell, C. S. (2017). Effectiveness of Restorative Justice Principles in Juvenile Justice: A Meta-Analysis. Washington: Office of Juvenile Justice and Delinquency Prevention.

¹⁶ De Vries, S. & Sanders, K. (2022), p. 111-112.

¹⁷ Bersani, B. E., & Doherty, E. E. (2018). Desistance from offending in the twenty-first century. *Annual Review of Criminology*, 1, 311-334; Doleac, J. L. (2020). Encouraging desistance from crime. Available at SSRN 3825106; Laub, J. H., & Sampson, R. J. (2001). Understanding desistance from crime. *Crime and justice* (28), 1-69; Sampson, R. J., & Laub, J. H. (2003). Life-course desisters? Trajectories of crime among delinquent boys followed to age 70. *Criminology*, 41(3), 555-592.

Adhering to the responsivity principle

As mentioned before, surveying, screening and motivational interviewing are some methods to ensure that the intervention program is tailored to the learning style, motivation and strengths and abilities of the offender. In addition to these standard methods, it is advisable to offer social workers extra tools that can be applied when working with specific target groups. Halt for example, offers a visual toolkit for young people with learning disabilities, a guideline for dealing with young refugees and specific interventions for young people who have committed hacking, unwanted sexting or sports violations. Trainings and webinars are regularly organized to provide professionals with more knowledge about issues and target groups that they encounter in their daily work.

Effects

The Halt-intervention is based on evidence based principles and methods, which assumes that it has the potential to be effective when it comes to recidivism prevention. A process- and effectiveness evaluation that will take place from 2023 to 2026 will show which elements work best or are most effective for the specific target group of Halt. The research will focus on broad outcomes including recidivism, but also the working mechanisms of the elements of for example reflecting on behaviour, modeling of social skills, motivational interviewing and the restorative components of the intervention.

For those who would like to know more about the Halt-intervention or, in time, the results of the process- and effectiveness evaluation: find us at www.halt.nl.

