

**RINGWOOD COMMUNITY CORRECTIONAL SERVICES IN  
PARTNERSHIP WITH RINGWOOD  
MAGISTRATES' COURT**

**YOUNG ADULT OFFENDERS  
CAUTIONING PROGRAM PILOT**

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# YOUNG ADULT OFFENDERS CAUTIONING PROGRAM PILOT

## Contents:

<b>1.1: Preamble</b>	<b>Page 3</b>
1.2: Purpose	Page 3
1.3: Background	Page 3
1.4: About the Pilot	Page 4
1.5: Pilot Objectives	Page 4
<b>2.0 Model For Young Adult Offenders - The Strategy</b>	<b>Page 4</b>
2.1. Young Adult Offender Eligibility	Page 4
2.2. Allocation and Induction	Page 4
2.3 Case Conferencing	Page 5
2.4. Case Planning with Team Leader	Page 5
2.5 The Role of the Specialist Young Adult Offender Case Manager	Page 5
2.6: The Role of the Team Leader (Case Management)	Page 5
2.7: Application of Discretion	Page 6
<b>3.0: The Cautioning Process</b>	<b>Page 6</b>
3.1: Returning the Offender to Court for Caution	Page 6
3.2: The Role of the Specialist Young Adult Offender Case Manager	Page 6
3.3: The Role of the Team Leader (Case Management)	Page 6
3.4: The Role of the Team Leader (Courts)	Page 6
3.5: Role of the Magistrates Court	Page 7
3.6: Post Caution	Page 7
<b>4.0: Appendix</b>	<b>Page 8</b>
4.1: Lawful Instruction	Page 8
4.2: Review Sheet	Page 9
4.3: Cautioning Proforma	Page 10
4.4: Program Flow Chart	Page 11
4.5: Cautioning Info Sheet (for Offenders)	Page 12
4.6: Agenda for Cautioning	Page 13
4.7: Letter (for Offenders)	Page 14
4.8: Checklist for Arranging Caution	Page 15
4.9: Deployment Chart	Page 16
<b>5.0 Evaluation</b>	<b>Page 17</b>

## 1.1 Preamble

Ringwood Community Correctional Services, in conjunction with Ringwood Magistrates Court, will facilitate a twelve-month Young Adult Offender Cautioning Program Pilot. This Pilot will involve all moderate to high young adult offenders between the ages of 17 to 25 reporting to Ringwood CCS.

## 1.2 Purpose

Ringwood Community Correctional Services and Ringwood Magistrates Court are working in partnership towards enhancing the opportunities for young adult offenders to successfully complete community based dispositions.

## 1.3 Background

The high breach rates (excluding serious further offences) of young adult offenders being returned to Court is resulting in their ongoing involvement in the Criminal Justice System and causing extra strain on police, CCS and court resources.

By definition, the Sentencing Act 1991, defines a young offender as a person under the age of 21 at the time of sentencing. Section 83A of the Sentencing Act 1991, refers to deferred sentences for offenders from the age of 17 to under 25 years of age. International and national research indicates that young offenders are generally defined as 17 to 25 years of age. CORE – the Public Correctional Enterprise has defined young offenders as being 17 to 25 years of age. (inclusive)

Young adult offenders are no longer a minority group within the offending population. As at 31 July 2000 37 % of CCS offenders were aged between 17 and 24 and in the financial year 1999/2000 24% of CORE prisoners were aged between 17 and 25.

The data in Table 1 shows a steady decrease in breach rates versus age, of Parole, Intensive Correction Orders and Community Based Orders.

<b>AGE AT COMMENCEMENT OF ORDER</b>	<b>BREACH RATE</b>
17-21	33%
22-25	25%
26-30	20%
31-35	19%
36-40	13%

**Table 1:** Breach rates of Parole, Intensive Correction Order and Community Based Orders for the period 1.1.99 to 21.12.99.

It is anticipated that if young adult offender breach rates could be lowered, (allowing a higher rate of successful completion) there will be less community based dispositions being confirmed at court. Hence, lowering the total number of Orders received. The intention is to ensure the young adult offender completes their order successfully allowing them to continue their life without further intervention from Community Correctional Services or the Court.

## **1.4 About the pilot**

The pilot provides the opportunities for young adult offenders to have individualised case management involving the offender, his or her family, their significant others, relevant agencies, and the judiciary in the development of appropriate and individualised interventions.

The pilot introduces response options to prevent unnecessary escalation of formal breach action. However, special risk cases<sup>1</sup> will remain subject to existing procedures and will be excluded from this process.

The pilot provides the opportunity for the sentencing Magistrate to be involved where appropriate to facilitate a caution.

## **1.5 Pilot Objectives**

The objectives of the Pilot are to:

1. Increase the number of successful completions of young adult offenders on orders
2. Implement case management strategies to better manage young adult offenders.
3. To work in partnership with the sentencing Magistrates', offender families, agencies, and significant others in the effective management of young adult offenders
4. Increase Magistrates' confidence in Corrections Victoria's management of young adult offenders

## **2.0 Differentiated Case Management Model For Young Offenders The Strategy**

### **2.1: Young Adult Offender Eligibility**

- ◆ All young adult offenders (aged between 17-25 years old) subject to an order with a supervision condition
- ◆ Open to all court order types excluding CCTO's and Parole orders commencing after 01.09.02.

### **2.2 Allocation and Induction**

- ◆ Young adult offenders with a supervision condition and assessed as moderate to high risk are allocated to specific skills of individual case managers
- ◆ Inform the young adult offender of order management processes, including the attendance requirements and consequences of non-compliance including cautioning and breach action

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<sup>1</sup> Special risk cases are identified as those offenders who (a) have committed further breaching offences of a serious nature or ; (b) are subjected to CCTO's.

### **2.3 Case Conferencing**

- ◆ Case conferencing to be organised by the Case Manager after consultation with respective team leader.
- ◆ Case conferencing could involve family, other relevant agencies, legal representative and significant others both in developing the Individual Management Plan and ongoing case management.
- ◆ Case plan to be devised or modified.

### **2.4 Case Planning With Team Leaders**

- ◆ Case planning with Team Leader to occur during development of detailed IMP To include information from relevant sources including: previous supervising officers (both JJ and CCS), family, social history including educational, medical, psychological, substance abuse, and prior offending history.
- ◆ Case planning could also involve other Young Offender Specialist Case Managers.

### **2.5 Role of Supervising CCO**

- ◆ Engage the young adult offender in the assessment and planning process, including the development of an Individual Management Plan in partnership with the young adult offender and his/her support system.
- ◆ Increase compliance levels of young adult offenders by identifying and addressing causal factors and or behaviours behind offending behaviour and or; non-compliance.
- ◆ Engage motivational strategies to encourage young adult offenders to comply with Order conditions and actively address criminogenic needs and issues that impact on re-offending
- ◆ To work in partnership with the sentencing Magistrate, offenders families, treating agencies, the Police and significant others.
- ◆ Devise, implement and participate in appropriate developmental programs and the delivery of specialist services.
- ◆ Provide advice to assist the judiciary in sentencing and cautioning processes.
- ◆ To facilitate the caution process when necessary.
- ◆ To record and collate relevant statistical data of young adult offenders subject to court orders
- ◆ To provide a case management service that is responsive to the needs of the young adult offender, which may include outreach as a means of engaging the young adult offender in meeting the requirements of the statutory order

### **2.6 Role of the Team Leader (Case Management)**

- ◆ Supervise the development of the IMP and or case plan.
- ◆ To undertake regular supervision and provide support to the Young offender case manager in their role
- ◆ Approve and undertake formal warnings when appropriate.
- ◆ Ensure the caution process is adhered to.

### **2.7 Application of Discretion**

- ◆ The CCO will have the authority apply discretion on incidents
- ◆ Where there is an incident relating to non-compliance with conditions, the CCO's will have the authority to deem as acceptable or unacceptable.
- ◆ After the first 4 unacceptable incidents relating to non-compliance with conditions, the CCO must have a case discussion with the Team Leader and a **Formal Written Warning** will be issued.
- ◆ If exceptional circumstances are identified the team leader may decide to issue a **Verbal Warning**.
- ◆ Following a further incident of non-compliance with conditions, the Team Leader may consider issuing a **Formal Written Warning**.
- ◆ Any further incident of non-compliance with conditions may result in the Team Leader proceeding to arranging a caution by the sentencing magistrate.

**Normal breach process is to be followed for offenders who breach by serious further offending.**

### **3.0 The Cautioning Process**

#### **3.1 Returning The Offender To Court**

- ◆ Offender subject to caution to be provided with written information on the cautioning process.
- ◆ Offender subject to caution to be directed to Ringwood Magistrates Court by way of a Lawful Direction.

#### **3.2 The Role Of The Supervising CCO**

- ◆ To seek approval through Authority to Proceed from Team Leader
- ◆ To inform offender of process and prepare and serve Lawful Direction.
- ◆ Authority to exchange information to be signed in order to invite parents/guardians or significant others.
- ◆ Cautioning proforma to be completed by CCO and verbally presented to the sentencing Magistrate. (see appendix 3)
- ◆ Supervising CCO must be present in court when warning takes place.

#### **3.3 The Role Of The Team Leader (Case Management)**

- ◆ To approve Authority to Proceed with warning.
- ◆ To be present at the caution when required.
- ◆ To update OASIS with the cautioning information.

#### **3.4 The Role Of The Team Leader (Courts)**

- ◆ Organise hearing dates with the Co-ordinator of Ringwood Magistrates Court.
- ◆ Hearings to be organised with Sentencing Magistrate where possible.
- ◆ Maintain register of caution hearing times and dates.
- ◆ To maintain statistics in relation to cautions.

### **3.5 The Role Of The Magistrates Court**

- ◆ To receive a verbal report from CCS as to the Offenders performance on the order.
- ◆ To inquire of the Offender the reasons for his/her poor attitude/poor performance/non-compliance.
- ◆ To warn the Offender in a meaningful way of likely outcomes should performance on the order fail to improve.
- ◆ To encourage the Offender to comply with the order, using positive reinforcement where possible or appropriate.
- ◆ To make or suggest any arrangements, programs, activities or therapies that CORE may direct the Offender to complete that will increase the chances of the order being successfully completed.

### **3.6 Post Caution**

- ◆ CCO to revise the Individual Management Plan or case plan if new risk factors are identified during the warning.
- ◆ Complete cautioning proforma, which is to include Magistrates comments. The young adult offender and Community Corrections Officer to sign.
- ◆ Further supervision appointment to be arranged at court with the young adult offender

## **4.1: Appendices (Appendix 1)**

**LAWFUL INSTRUCTION AND DIRECTION**

I, \_\_\_\_\_, a Community Corrections Officer at  
**Ringwood Community Correctional Services**, direct and instruct

\_\_\_\_\_  
Name of Statutory Customer

to: provide full details of the instruction including addresses, dates, times etc)

To attend the Ringwood Magistrates' Court (39 Ringwood St. Ringwood 3134) on  
(date)\_\_\_\_\_ at (time)\_\_\_\_\_am/pm for the purpose of an informal warning in relation to my  
non-compliance with my Community Based Order.

This direction and instruction is given under:

- Section 29(1)(f) Penalties and Sentences Act 1985
- Section 20(1)(g) Sentencing Act 1991
- Section 37(1)(f) Sentencing Act 1991

Signed: \_\_\_\_\_  
(Community Corrections Officer)

Date: / /

I \_\_\_\_\_ have read and understand the instructions set  
out above.

Signed: \_\_\_\_\_  
(Statutory Customer)

Date: / /

Noted and Endorsed: \_\_\_\_\_  
( Manager / SCCO)

Date: / /

**Young Adult Offender Review Sheet (Appendix 2)**

**Name:** \_\_\_\_\_ **Age:** \_\_\_\_\_ **Sex:** \_\_\_\_\_

CCO: \_\_\_\_\_

Employed      Student      Unemployed  
(please circle)

Conditions:      Sup    C/W    D/A    A/M    Psych    Other: \_\_\_\_\_  
Offences:

\_\_\_\_\_  
\_\_\_\_\_

\*\*\*\*\*

Reason for warning:      Unmotivated      Compliance  
(please circle)

Please indicate type and dates of absences:

\_\_\_\_\_  
\_\_\_\_\_

Date of Warning: \_\_\_\_\_

Family supports at Court:    Yes    No

Reasons: \_\_\_\_\_

Review One: Offender response immediately after warning:

No Improvement      Some Improvement      Great Improvement  
(please circle)

Comments:

\_\_\_\_\_  
\_\_\_\_\_

Review Two: Offender response one month after warning:

Breach      Going Well      Date: \_\_\_\_\_  
(please circle)

Review Three: Offender response two months after warning:

Breach      Going Well      Date: \_\_\_\_\_  
(please circle)

Co-ordinator signature: 1<sup>st</sup> Review: \_\_\_\_\_ Date: \_\_\_\_\_

2<sup>nd</sup> Review: \_\_\_\_\_ Date: \_\_\_\_\_

3<sup>rd</sup> Review: \_\_\_\_\_ Date: \_\_\_\_\_

(Appendix 3)

**CAUTIONING PROFORMA**

**NAME:**

**CRN:**

**D.O.B:**

**AGE:**

**ADDRESS:**

**Order details/ dates:** (Copy of the order is to be given to the Magistrate)

**Overall Compliance summary:** (include absences, dates and explanations given etc)

**Other relevant information:** (include whether family supports, partners, drug/ alcohol issues, employment etc)

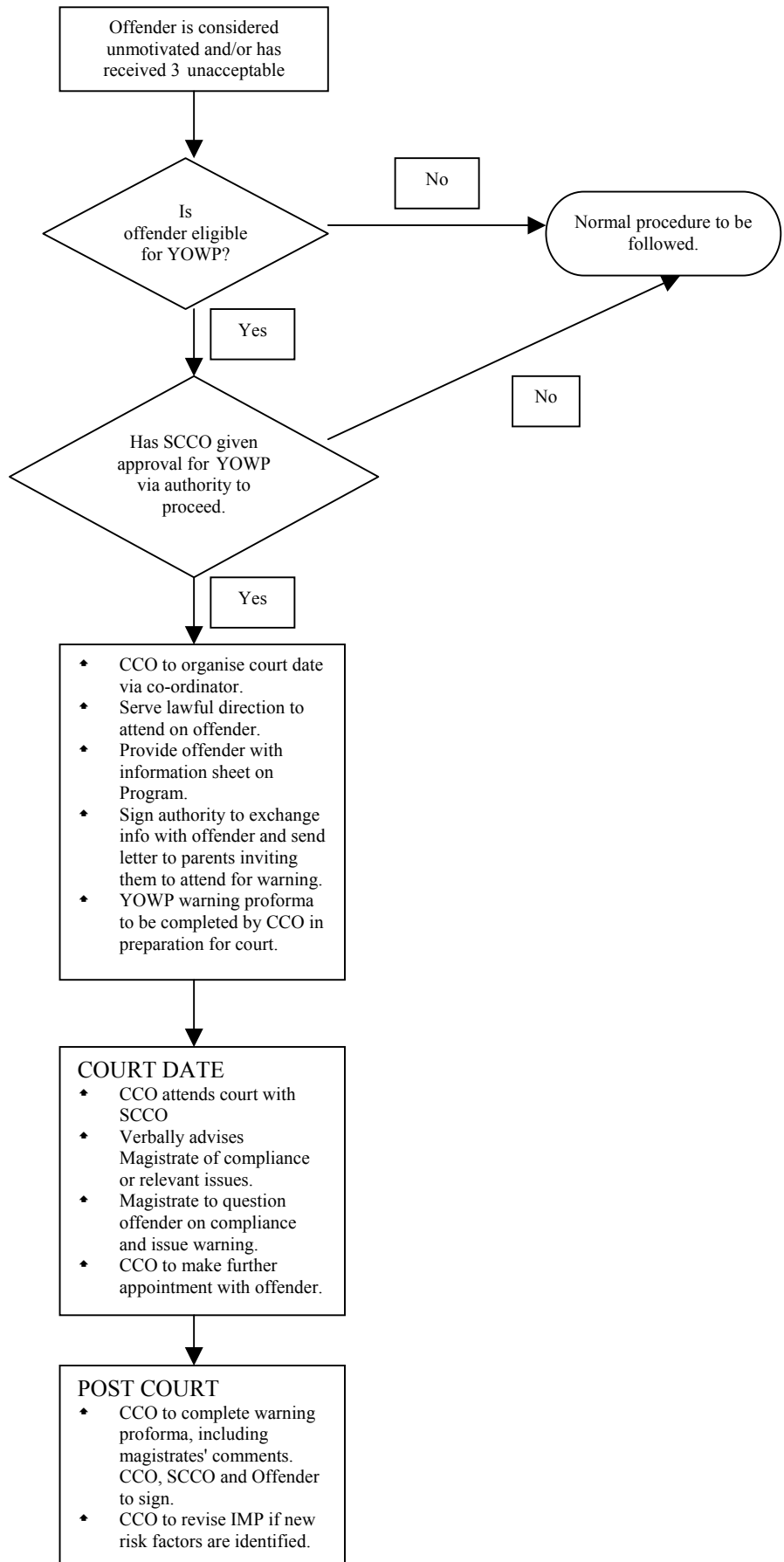
**Comments from any agencies involved:**

**CCO's overall view to order and motivation of offender:**

**Magistrates' Comments:**

Signed CCO: \_\_\_\_\_

Signed Team Leader: \_\_\_\_\_





## **CAUTIONING INFORMATION SHEET**

This is a pilot program aimed at Young Adult Offenders aged between 17-25. The objective of the pilot is to increase successful completion of Community Based Orders and Intensive Correction Orders and encourage motivation to reduce the risk of re-offending. You have been given this opportunity, instead of being formally returned to Court for breach proceedings.

### **What to expect on the day?**

- ◆ Your Corrections Officer will meet you at 9.30am at Ringwood Magistrates' Court on the day of the Caution
- ◆ The Magistrate who sentenced you to the original order will then call you and any other people you bring into Court
- ◆ Your Corrections Officer will verbally present an outline of your case and an overview of how you are going
- ◆ Then it will be your turn to talk to the Magistrate about why you have not been complying with the order. It is therefore suggested you have a think about what you are going to say to the Magistrate prior to coming to the Caution
- ◆ If your family member, counsellor or any other important people attend they will then be given an opportunity to contribute to the discussion
- ◆ The Magistrate will then discuss his / her view and consequences if you were returned to Court for formal breach proceedings in the future
- ◆ Your Corrections Officer will give you another time / date to attend a CCS office

## **AGENDA FOR THE CAUTIONING PROCESS**

1. Welcome and introductory by co-ordinator or CCO and explain objective of cautioning

"This is a pilot program aimed at Young Adult Offenders aged between 17-25. The objective of the pilot is to increase successful completion of Community Based Orders and Intensive Correction Orders and encourage motivation to reduce the risk of re-offending. You have been given this opportunity, instead of being formally returned to Court for breach proceedings"

2. Copy of the order / IBR is handed to the Magistrate
3. CCO to provide verbal overview of offender's compliance
4. Magistrate comments and asks offender for reasons to non-compliance
5. Offender responds
6. Co-ordinator asks for any other people's response or opportunity to comment
7. Magistrate outlines the consequences of future non-compliance and the possible outcome of formal breach proceedings

**DATE**

**NAME**  
**ADDRESS**

Dear *(name of offender)*,

You are currently subject to a Community Based Order / Intensive Correction Order.

On ..... you received a Final Warning from the Senior Community Corrections Officer due to your failure to attend program conditions. You have now incurred a further unacceptable absence - it is now time to front the sentencing Magistrate for a Caution to explain the reasons for not complying with the Order.

This is an opportunity to avoid formal breach proceedings. You will not require any legal representation at this time. We encourage you to invite family members or any other significant people (such as drug/alcohol worker or other counsellors) to attend the Caution with you.

If you have any further queries please speak to your Community Corrections Officer.

You are therefore directed to attend:

**Where:** Ringwood Magistrates' Court  
39 Ringwood St. Ringwood 3134

**When:** 9.30am on *(enter date of Caution)*

Failure to attend on this day may result in formal breach action commencing. If you are unable to attend you **MUST ring your Community Corrections Officer 24 hours beforehand** so the Magistrate will also know you are not attending.

Yours sincerely,

.....  
Community Corrections Officer  
Box Hill / Lilydale / Ringwood Community Correctional Services

## CHECKLIST FOR CCO'S - CAUTIONING PROGRAM

### Is the offender eligible for the Cautioning?

- Are they between 17-25 yrs old? (NO LONGER A REQUIREMENT, OPEN TO ALL AGES)
- Are they on a CBO or ICO?
- Did the Order commence after 01.09.02?
- IBR has been conducted to see no further offending
- Have they received a Final Warning by a Team Leader?
- Case has been discussed with the SCCO / Team Leader
- Authority to proceed with Caution signed by SCCO / Team Leader

### Once your SCCO / Team Leader has given authorisation to proceed with the Caution:

- Inform the offender of the process
- Arrange a Caution time /date with Court through Michael / Georgina (please note: the intention is for the Caution to occur within a couple of days)
- Team Leader and CCO to discuss Caution with offender
- Provide "letter" and "information sheet" to offender
- Lawful direction has been given to the offender and a copy on file
- Ask the offender to invite significant others
- CCO to complete "Cautioning proforma" sheet
- Approximately two days prior to the cautioning - complete email to Magistrate (please forward the email to your SCCO / Team Leader who in turn will check it prior to emailing to the respective magistrate)

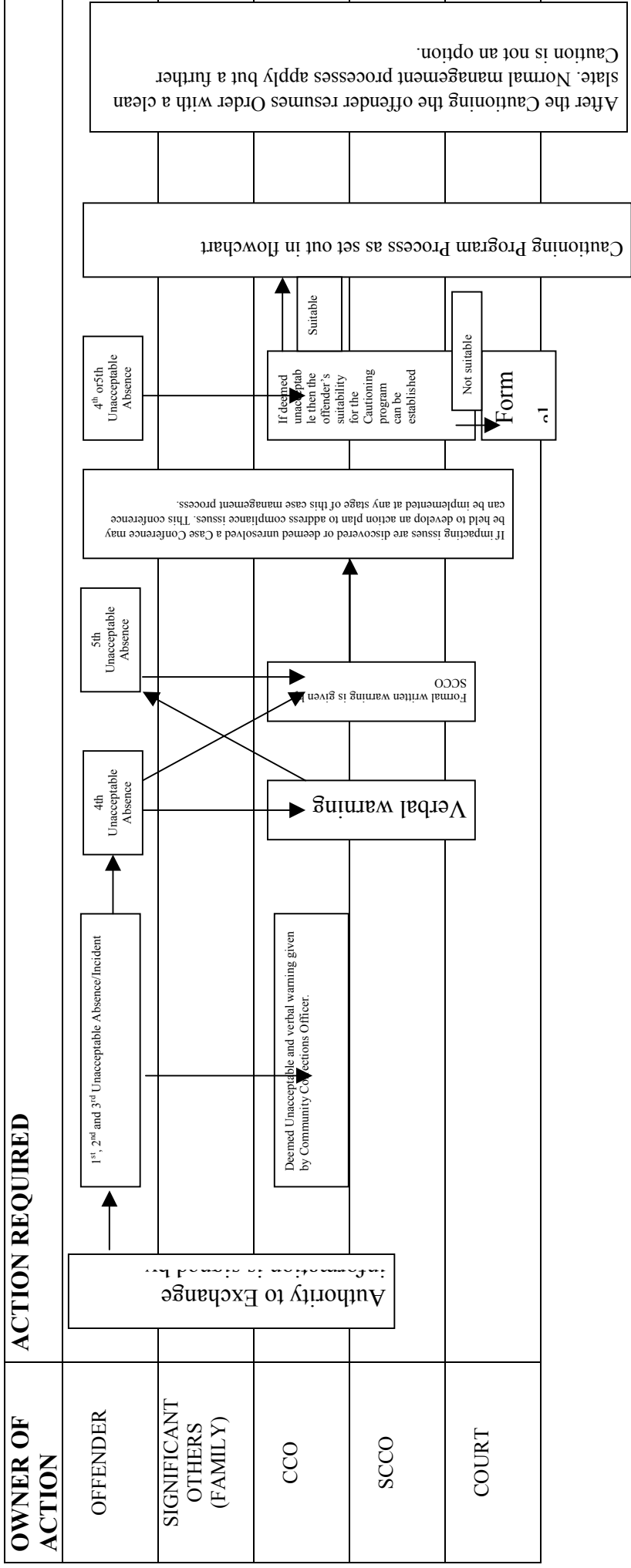
### On date of Cautioning:

- CCO attends Court at 9.30am to meet offender (and Team Leader if available)
- If offender has failed to attend, make all possible attempts to contact them
- If this still fails CCO is to inform the Manager and arrange an appointment with offender and Manager
- Advise Court co-ordinator all parties are in attendance
- Provide copy of Order / IBR to the Magistrate
- Verbally present the "Cautioning proforma" information to Magistrate
- Note Magistrates' comments on "Cautioning proforma" sheet
- Provide next appointment time for offender

### Post Caution:

- CCO and offender to revise IMP to include new risk factors if identified in Caution
- Advise SCCO / Team Leader of outcome of Caution for evaluation purposes
- Provide evaluation survey to offender one week after the caution.
- Approximately two weeks after cautioning see co-ordinator regarding scheduling one to one interview with evaluator.

**RINGWOOD CCS AND RINGWOOD MAGISTRATES COURT  
CASE MANAGEMENT OF YOUNG OFFENDER CAUTIONING PROGRAM  
DEPLOYMENT CHART**



## 5.0 EVALUATION OF THE PROGRAM

### OBJECTIVES

- ◆ Document and examine the characteristics of the Program as described by those involved in its various components
- ◆ Explore the strengths and weaknesses of the Program and identify areas for improvement
- ◆ Work with evaluation audiences to develop a report that will be useful for informing future policy and practice

### EVALUATION STRATEGIES

- ◆ Post Caution questionnaire completed by the Young Adult Offender
- ◆ Post Caution interview between the Young Adult Offender and the evaluator
- ◆ Statistics in relation to eventual successful completion of Orders by those involved in the Cautioning Process

### FINDINGS

	<b>Cautioning Sample (n=17)</b>		
	<b>mean=23.6</b>	<b>median=23.0</b>	<b>range=19-31</b>
<b>Age</b>			
<b>Gender</b>			
<b>Male</b>			<b>88.2%</b>
<b>Female</b>			<b>11.8%</b>
<b>Order Type</b>			
<b>Community Based Order</b>			<b>76.5%</b>
<b>Intensive Correction Order</b>			<b>23.5%</b>
<b>Post Caution Status at 1 September, 2003</b>			
<b>Breach – further offences and conditions</b>			<b>17.6%</b>
<b>Breach – further offences</b>			<b>0.0%</b>
<b>Breach – conditions only</b>			<b>41.2%</b>
<b>Continuing on Order</b>			<b>17.6%</b>
<b>Completed Order</b>			<b>23.5%</b>

### KEY RECOMMENDATIONS

- ◆ The aims and objectives of the Program are reviewed to ensure that the expected achievements are well defined, specific and measurable
- ◆ The Program should continue to maintain a register of participants that includes standard demographic variables, Order information and status following the Caution
- ◆ Further research into factors influencing breach rates of different Order types should be undertaken to inform any future strategies designed to improve Order completion
- ◆ Correctional staff and Magistrates should receive information and training to improve their understanding of the principles of therapeutic jurisprudence, particularly their application to improving compliance
- ◆ Corrections Victoria should explore ways of integrating the Pilot Program as an intermediate sanction within the Enhancing Compliance Framework
- ◆ Corrections Victoria should utilise the experiences of the Cautioning Pilot to expand the Program across the state
- ◆ The state wide implementation should be appropriately staged so that local stakeholders understand the purpose and intent of the Program and become actively involved in design and delivery