

Queensland Government interim response to the independent evaluation of the Community Justice Group Program

December 2011

Summary

The Queensland Government is committed to reducing the over-representation of Aboriginal and Torres Strait Islander people as victims and offenders in the criminal justice system.

As an integral feature of this commitment, the Department of Justice and Attorney-General (DJAG) currently funds 52 Community Justice Groups (CJGs) in urban, regional and remote Aboriginal and Torres Strait Islander communities, to support Indigenous victims and offenders through their contact with the criminal justice system.

The Community Justice Groups Program (CJG program) engages with and builds the capacity of Indigenous communities to resolve justice-related issues at a community level. It forges strong links between government agencies and Aboriginal and Torres Strait Islander communities based on mutual ownership of the causes of, and solutions to, overrepresentation of Indigenous people in the criminal justice system.

In May 2010, DJAG engaged KPMG to conduct an independent evaluation of the CJG program. The final evaluation report was received by DJAG on 23 November 2010.

The KPMG evaluation found that the CJG program contributes positively to:

- reducing the likelihood of crime escalation (for individuals and the community)
- improving the cultural appropriateness and responsiveness of the justice system
- promoting community wellbeing through volunteerism.

The evaluation made recommendations based on nine main themes: contribution to the justice system; change of program goal; strengthening of program focus; revision of the service model and activities; revision of program guidelines; level of resources and funding; improving financial and performance management; improving communication; and improving the skills and capacity of CJG members.

Generally, the evaluation recommendations are supported by the Queensland Government. During 2011, the Government consulted with key stakeholders on the evaluation recommendations. A program to give effect to the evaluation recommendations will be trialled with a small number of CJGs in 2011-12. Consultations will be ongoing during the trial period.

This will provide an evidence base for the Queensland Government to develop a final response to the evaluation by mid 2012 and progressively roll out the program improvements to all CJGs.

Background

1. Context

Aboriginal and Torres Strait Islander people are a small proportion of Queensland's population (3.5%), but constitute:

- 13.7 % of Magistrates courts and 17.2% Supreme and District courts
- 29.9% of adults in prison in Queensland.

The rate of Indigenous adults coming before the courts has increased by 16% over the past ten years (possibly partially due to improved recording of Indigenous status). The rate at which Aboriginal and Torres Strait Islander adults are incarcerated in Queensland has increased over time. The age standardised rate was 1160 per 100,000 population in 2000 and 1443 per 100,000 adult population in 2010 (ABS 2010). In contrast, the non-Indigenous imprisonment rate has decreased from 135 per 100,000 in 2000 to 121 per 100,000 in 2010.

2. Program Overview

The Queensland Government established CJGs in 1993 to deal more effectively with justice issues in urban, regional and remote Aboriginal and Torres Strait Islander communities. The Department of Justice and Attorney-General (DJAG) assumed responsibility for the program in 2006 and currently funds 52 community justice groups to support Indigenous victims and offenders in contact with the criminal justice system.

The CJG program engages with and builds the capacity of Indigenous people to resolve justice-related issues at a community level. It forges strong links between government agencies and Aboriginal and Torres Strait Islander communities based on mutual ownership of the causes of, and solutions to, overrepresentation of Indigenous persons in the criminal justice system.

There is currently a combination of 'statutory' and 'non-statutory' groups throughout the state. The term 'statutory groups' applies to 19 CJGs based in Queensland's Aboriginal communities that are established under the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*. The remaining 33 non-statutory groups were established informally by communities interested in developing local solutions to criminal justice issues within their local community. There is no great difference between the activities of statutory or non-statutory groups. However, in addition to court related activities, statutory groups have a legislative role in relation to alcohol management within their community.

DJAG has allocated a grants pool for CJGs of \$4.25M in 2011-12. Currently, the model for CJG service delivery relies on a single paid co-ordinator supported by volunteers.

3. CMC Restoring Order Report

The Crime and Misconduct Commission Report *Restoring Order - Crime prevention, policing and local justice in Queensland's Indigenous communities* (the Restoring Order Report) recommended that there be a clear and sustained commitment across Government for a criminal justice 'system' that incorporates local justice components, including local people in policing roles, local laws, local courts and CJGs.

Action 18 of the CMC report recommended:

That the Department of Justice and Attorney-General... undertake a review of the various roles and functions of those community justice groups (that is, those in Queensland's Indigenous communities) to determine how they can most effectively contribute to the delivery of crime prevention and criminal justice services in each community.

The review should also examine:

- *how to deal with conflicts of interest between the various roles and functions of community justice groups*
- *the extent to which community justice group members should be paid*
- *the extent to which other agencies can, or should, contribute to funding and capacity building for the groups [including consideration of - the extent to which the community justice groups coordinator and/or members can contribute to the provision of a sustainable cell visitor scheme in each of Queensland's Indigenous communities (per Action 45)].*

DJAG committed to expediting an independent evaluation of the CJG program as set out in the publicly available Queensland Government *Response to the Crime and Misconduct Commission Report: Restoring Order - Crime prevention, policing and local justice in Queensland's Indigenous communities, June 2010*.

In May 2010, DJAG engaged KPMG to conduct an independent evaluation of the CJG program with the final evaluation report being received by DJAG on 23 November 2010.

4. Just Futures 2012-2015

Just Futures 2012-2015 notes that CJGs play a critical role in delivering justice in Queensland and serve a range of different functions according to community need.

The overarching commitment in Just Futures 2012-2015 is:

Improved support will be provided to community justice groups to ensure that they continue to provide valuable court support to Indigenous victims and offenders and can play an appropriate role in responding to local level crime and community safety issues. Specifically, DJAG will work with community justice groups to:

- *better focus their work on court-related activities*
- *facilitate involvement of the groups in the development of local strategies to reduce the level of non-compliance with justice orders and justice process offending, prioritising discrete Indigenous communities*
- *ensure that alcohol education and assessment programs are considered as an alternative sanction to fines during sentencing in appropriate cases*
- *determine what Government support each individual group will receive, including training.*

5. Summary of Evaluation Findings

The KPMG evaluation found that the CJG program provides a positive contribution to:

- reducing the likelihood of crime escalation (for individuals and the community)
- improving the cultural appropriateness and responsiveness of the justice system
- promoting community wellbeing through volunteerism.

The evaluation concluded that there is a widespread view that the CJG program is not realising its full potential for contributing to a reduction in the over-representation of Aboriginal and Torres Strait Islander people in the justice system. It makes an overarching recommendation:

That the CJG Program be continued and that DJAG implement the enhancements identified in [the] report relating to program design, service delivery, and program administration in order to strengthen its effectiveness in the future.

The evaluation notes that the CJG Program promotes the social capital and well-being of Indigenous communities by promoting volunteerism and providing support for others within the local community and also provides a positive contribution to the justice system by:

- helping to ensure Indigenous offenders attend court avoiding the consequences of failure to attend
- providing support to help reduce the likelihood of crime escalation through: support provided to offenders in prison and upon prison release; resolution of community conflict and mediating disputes before they escalate; and supporting community members on community based orders
- working within the justice system to improve its cultural appropriateness and responsiveness to Indigenous people in line with the priorities of the Queensland Government and DJAG, through making cultural submissions as part of the court process; providing additional information to support Magistrates in their decision

making; and upholding positive images of Indigenous persons around the justice system for the wider community to see.

The CJG Program was evaluated by looking at three matters: the quality and effectiveness of the CJGs; whether it is efficient; whether it is consistent with government policy.

- Quality and Effectiveness – the program is estimated to have supported over 4000 Indigenous offenders and over 2000 victims of crime in 2009-10 which represents approximately 25 per cent of all offenders annually in Queensland who identify as Indigenous. The evaluation found that the quality and effectiveness of the CJG Program is severely constrained by poor program resourcing and governance arrangements, including unclear roles and responsibilities between program coordinators, DJAG regional staff and other justice agencies. Ineffective performance management, workforce planning and training was found to translate into highly variable program delivery across the state.
- Efficiency – the efficiency of the program could not be reliably estimated using the available financial and performance data. The evaluation was unable to determine if the current resourcing model is efficient. The inadequate financial and performance information was found to be a weakness in the program. KPMG analysis of the full financial and performance data provided by 15 CJGs was largely used to highlight the limitations of the existing data and data collection processes.
- Consistency with government policy (Strategic Alignment) – the evaluation found that the CJG program is closely aligned with strategic initiatives at both a state and national level in the law and justice area aimed at reducing contact of Indigenous persons with the criminal justice system.

The evaluation made recommendations based on nine main themes:

- contribution to the justice system
- change of program goal
- strengthening of program focus
- revision of service model and activities
- revision of program guidelines
- level of resources and funding
- improving financial and performance management
- improving communication
- improving the skills and capacity of CJG members.

Interim Response

Generally, the evaluation recommendations are supported by the Queensland Government. The actions that will be taken in response to the recommendations are included at page 8 below. Initial consultation with key stakeholders on the evaluation recommendations is complete.

In 2011-2012, a new CJG model that addresses the recommendations in the evaluation will be trialled in five to seven selected sites across urban, regional and remote Queensland. These sites are still subject to final negotiations with the CJGs. CJGs not participating in the trial will continue to be supported by DJAG throughout this time. Consultations with key stakeholders will be ongoing during this trial period

The trial will test a new approach to how DJAG allocates grant funding. Funding will be linked to providing 'foundation services' which are activities that directly relate to the objectives of the CJG program. At this stage, the proposed foundation services include:

- governance of the CJG and coordination of culturally appropriate volunteer services
- preparing and making bail and sentencing submissions to the courts (oral and written)
- providing assistance to victims, offenders and other community members, including providing general support with various applications and documents such as those for: Births, Deaths and Marriages, public housing, the Public Trust Office (for example, the preparation of wills); declaration of dry places; and victim impact statements
- leading and facilitating community networking regarding issues relevant to criminal justice
- providing advice regarding alcohol reform including participation in consultation processes and the provision of written submissions as required (statutory CJGs only).

DJAG will also be able to grant additional funding for volunteer services that are relevant to court processes, which are not foundation services, on a case-by-case merits basis. This process is not intended to limit a CJG securing funds from alternative sources for other services it wishes to provide. DJAG will encourage and assist with the securing of funds from other sources.

DJAG will use the trial as an opportunity to work closely with the selected CJGs to:

- assess the training and support needs required for individual CJGs
- improve their capacity to provide the proposed foundation services
- improve the data collection by CJGs through the redevelopment of service agreements, improved data collection tools and linkages to clear targets and performance indicators for foundation services
- implement the new model in their location in an incremental and progressive way.

This trial will allow the proposed model to be appropriately tested and adapted to ensure that the expected outcomes of the CJG program are achievable by a volunteer group.

The trial will also assist DJAG to determine how the proposed model will apply to the 52 different CJGs throughout Queensland and facilitate the identification of resources required to support the roll out of the model.

Also in 2011-2012, DJAG will:

- continue to provide support to all CJGs including resolving any service delivery issues as they arise and assist in building CJG capacity to continue to improve service delivery
- undertake a review of all legislative provisions that contain roles for CJGs
- work with CJGs to revise the overall program objectives and define the foundation services
- review the service agreements, service descriptors, performance measures, reporting tools, funding allocations process, and membership provisions
- review the current training resources and ensure that training strategies implemented focus on the competencies necessary for the delivery of the foundation services, including the governance of a CJG entity
- identify resources and funding required to support the new CJG program and funding model
- finalise operational, funding and legislative models in light of the above reviews
- develop a detailed implementation plan for a roll out of the new model to all CJGs over 2012-2014.

The work DJAG will undertake with the CJGs, to define foundation services and refine the funding model, will address the commitments in Just Futures 2012-2015. For example, the capacity and willingness of the CJGs to develop local strategies to reduce the level of non-compliance with justice orders and justice process offending and be involved in community safety planning will be explored with relevant groups.

It is expected that the work in 2011-2012 and the results of the trial will provide an evidence base from which to develop a complete final response to the evaluation by mid 2012.

Following the final response to the evaluation, DJAG will progressively roll out the new CJG program and funding models to CJGs over 2012-2014. This process will require officers to work with each of the individual CJGs to build their capacity and implement the new models in their location in an incremental and progressive way over the two year timeframe with a completion date of 30 June 2014.

Recommendations, Responses and Proposed Actions

Recommendation	Response	Proposed Action
<i>Contribution to the Justice System</i>		
<p>1. The evaluation recommends that the CJG Program continue in a modified form.</p>	Supported	<p>The Queensland Government will continue to support the CJG program.</p> <p>CJGs will continue to make an important contribution in the context of place-based solutions within <i>Just Futures 2012 – 2015</i>.</p>
<p>2. Should Government decide to continue to invest in the CJG Program, this evaluation recommends changes to improve the quality, effectiveness and efficiency of the CJG Program. The evaluation recommends:</p> <ul style="list-style-type: none"> • Program design strengthen the program design, including its program goals and objectives; • Service delivery develop a new service model, new service activities and definitions and performance management framework; and • Program administration improve the administration and performance management of the program. 	Supported	<p>DJAG will consult with key stakeholders, including government agencies and CJGs, to develop a new model for the CJG Program. Improving the program design, service delivery and program administration will be the focus in developing the new model.</p> <p>The new model will recognise that the CJG program is a volunteer-based program. Volunteer-based programs such as the CJG Program incur costs associated with governance, coordination and service delivery. DJAG recognises that for a volunteer-based program to effectively carry out volunteer services, it must have supported and resourced governance and coordination functions.</p> <p>The refined model will be trialled in 5-7 sites in 2011-2012 with wider implementation during 2012-2014 based on the results of the trial.</p>

Recommendation	Response	Proposed Action
<i>Change of program goal</i>		
<p>3. This evaluation recommends that DJAG amend the current program goal to ensure it is clearer and achievable by a volunteer based community group.</p>	<p>Supported</p>	<p>DJAG is reviewing the current goals of the CJG program and will undertake consultation with stakeholders, including government agencies and CJGs. The new CJG model will have clear guidelines and targets to ensure the refined program goals are achievable by a volunteer based group.</p>
<i>Strengthen program focus</i>		
<p>4. The evaluation recommends that the functions of the CJGs be focused primarily on providing court related support and working with clients across the justice portfolio such as Queensland Police Service, Department of Community Safety, Youth Justice and the Department of Justice and Attorney-General.</p>	<p>Supported</p>	<p>DJAG will work with CJGs to identify foundation services to be included in the new model. Foundation services may include governance and coordination; bail and sentencing submissions; general assistance to victims, offenders and the community; and community networking.</p> <p>In remote Indigenous communities, it is proposed that the CJG statutory role in relation to alcohol reforms will be maintained as a foundation service.</p>
<p>5. The evaluation recommends the range of other activities not related to the court process or justice system be removed from the DJAG Service Agreement.</p>	<p>Supported</p>	<p>The CJG model will remain as a volunteer based program. Therefore, CJG activities will depend on the resources available and CJG capacity in each location.</p> <p>Also see the response to recommendation 7 regarding services outside the court process or justice system.</p>

Recommendation	Response	Proposed Action
6. The evaluation recommends that important investment in the capacity, training and efficiency of the CJG program should occur before additional program roles such as “crime prevention” are assigned to the CJGs in the future.	Supported	DJAG will work with individual CJGs to improve their capacity in relation to foundation services.
7. The evaluation recommends requests for CJGs to undertake additional activities and roles outside the core functions should be resourced by the requesting agencies.	Supported	<p>DJAG is reviewing the CJG funding model to more clearly define foundation services. DJAG is liaising with relevant agencies to consider the resource impacts for other services, if this recommendation is fully adopted.</p> <p>DJAG is committed to continuing to provide assistance to CJGs in obtaining funds from other agencies or sources to support the delivery of other services that are consistent with the refined goals and objectives of the new CJG program model.</p>
<i>Revised service model and activities</i>		
<p>8. The evaluation recommends that clear and concise definitions should be developed for the following service activities</p> <ul style="list-style-type: none"> a. Sentencing submissions b. Assistance (to offenders and families in conjunction with Court) c. Support (regarding compliance with non-custodial Court orders) d. Personal support (assisting with completion of forms, attending 	Supported	<p>Concise definitions for foundation services will be included in the refined program guidelines and funding model.</p> <p>This will ensure that key tasks, outputs, and targets are clearly defined for the foundation services and any other services funded by DJAG.</p>

Recommendation	Response	Proposed Action
appointments) e. Networking.		
9. The evaluation recommends the relevant National Community Services Standards (NCSS) classifications be used as a guide to develop new service activities for CJGs to better define and record what each CJG does at its location.	Supported	Proposed foundation services will be aligned with relevant NCSS classifications For example: <ul style="list-style-type: none"> • the foundation service of governance and coordination is aligned with NCSS A07.1.04 Volunteer resource development and placement. • the foundation service of community networking is aligned with NCSS A07.1.02 Coordination/network development.
<i>Revised program guidelines</i>		
10. The evaluation recommends that future program guidelines should be revised to: <ul style="list-style-type: none"> • include definitions of outputs, activities, counting rules and performance reporting rules to help consistency in reporting and guide both regional staff and staff managing the CJG Program; • detail for program staff the decision-making framework for the establishment of new CJGs, performance management, non-compliance with the service agreement and decision making 	Supported	The refined model will include clear guidelines that will be developed in line with this recommendation. Included in the program refinement will be a review of the service agreements, service descriptors, performance measures, reporting tools, funding allocations process, membership provisions, and capacity building.

Recommendation	Response	Proposed Action
<p>hierarchy within the Department;</p> <ul style="list-style-type: none"> • include information about the process for resolving operational barriers to delivery of CJG funded activities with the regional office; • include information about the standard of services required, the process for application for new volunteers, and criminal history checks; • include information about auspicing arrangements to guide auspice and CJG working relationships; and • information about the participation rates, professional development and training expectations for CJG members. 		
<i>Resources and funding</i>		
<p>11. The evaluation recommends that the existing voluntary basis of this program be retained.</p>	Supported	<p>DJAG will continue to support the CJG program as a volunteer-based program, while ensuring that the expected outcomes are achievable by a volunteer based program.</p>
<p>12. The evaluation recommends that any determination of revised funding to support each CJG should factor in on-costs for CJGs such as rent, office equipment, petrol and general stationery.</p>	Supported	<p>DJAG will develop a new funding model that addresses the recommendations in the evaluation and will be trialled with 5-7 CJGs in 2011-12.</p> <p>It is proposed that the grant money provided to CJGs under any new funding model will be reasonable in relation to the costs incurred in</p>

Recommendation	Response	Proposed Action
		<p>delivering volunteer services that are consistent with the refined goals and objectives of the new CJG model.</p> <p>The proposed new funding model contains three main funding categories recognising costs associated with:</p> <ul style="list-style-type: none"> • governance of a CJG entity; • coordination costs including salary for a coordinator; office accommodation; utilities; information and communication; motor vehicle costs; and travel and accommodation; • service delivery costs.
<p>13. The evaluation recommends DJAG should also be provided with additional resources to implement an improved training schedule and communication forums with CJGs.</p>	<p>Supported in principle</p>	<p>DJAG will investigate options to implement improved training and communication forums for the CJGs. Initially, this will occur within the existing budget allocation.</p> <p>DJAG is reviewing the current training resources and will ensure that strategies are implemented that focus on the competencies necessary for the delivery of the foundation services, including the governance of a CJG entity.</p>
<p><i>Improvement to financial and performance management</i></p>		
<p>14. The evaluation recommends improvement in the data collection and financial and performance reporting of this program by:</p> <ul style="list-style-type: none"> • defining overarching program goals, which are 	<p>Supported in principle</p>	<p>DJAG will work to improve the data collection by CJGs through the redevelopment of service agreements, improved data collection tools and linkages to clear targets and performance indicators for foundation services.</p>

Recommendation	Response	Proposed Action
<p>supported by meaningful (SMART) KPIs;</p> <ul style="list-style-type: none"> developing service agreements that link funding to actual services delivered in line with the pre-determined efficiency measures (quantity, quality, timeliness, and cost); ensuring that any performance measures link directly to program goals and drive improved performance (not just measuring volume); and introducing new data definitions and collection including developing new fields into the DJAG QWIC databases and other relevant DJAG databases to collect CJG activity. 		<p>DJAG has taken action across all CJGs in 2011-12 to improve the collection of meaningful data relating to court attendance and the provision of bail and sentencing submissions. Additional functionality will be built within existing DJAG databases in 2011-12 for the storage and analysis of the data.</p> <p>New data collection, financial and performance reporting tools for all CJG activity have been developed for sites participating in the funding model trial pilot.</p>
<i>Improving communication</i>		
<p>15. The evaluation recommends introducing CJG regional forums (up to two a year) to create a higher performance culture.</p> <p>At these forums, Regional Advisors could communicate performance information to CJGs, discuss courts process/activity process issues and resolve operational blocks at a local level, invite key stakeholders such as Magistrates, Police and Correctives Services to discuss types of offences and</p>	<p>Supported in principle</p>	<p>As the current membership of the CJG State Wide Reference Group (SWRG) has lapsed, DJAG is consulting more broadly with CJGs regarding a revised model to replace the SWRG.</p> <p>As part of the revised model DJAG is exploring establishing six regional bodies that would link to other relevant state-wide bodies such as the Queensland Aboriginal and Torres Strait Islander Advisory Council and the Queensland Aboriginal and Torres Strait Islander Justice Taskforce established under <i>Just Futures 2012 - 2015</i>.</p>

Recommendation	Response	Proposed Action
court matters and offer a form of training and mentoring to CJG Coordinators		See response to recommendation 15, above.
16. The evaluation recommends DJAG continue to host discussions with the State Wide Reference Group (SWRG) to determine its future role in line with the findings and recommendations of this report.	Not supported	
17. The evaluation recommends DJAG host an annual forum where all CJGs can be represented. This would help promote their work, reinforce reward and recognition of CJG members and help support program integrity across the State. It would also offer an opportunity for Courts Innovation Programs to promote to CJGs other court-based initiatives it is operating.	Under review	DJAG is reviewing the proposal for an annual forum and is considering linkages with the other Indigenous Justice Programs managed by DJAG.
18. The evaluation recommends an internal Government process by which DJAG can communicate to key agencies the activities and performance of the CJG Program. In turn, Government agencies would have a forum by which to raise matters with DJAG regarding the CJG Program.	Supported in principle	DJAG is exploring the establishment of an Inter-departmental Committee to improve the exchange of information between agencies for the CJG Program.
<i>Improvement to the skills and capacity of CJG members</i>		

Recommendation	Response	Proposed Action
<p>19. To strengthen the capacity of CJG members participating in the CJG program, it is recommended that:</p> <ul style="list-style-type: none"> • DJAG conduct a training needs assessment of all CJGs (Coordinators and members) including what recent and relevant training has been undertaken and what training is identified as a priority for CJGs; • the findings of the training needs assessment be considered against the core activities, and a list of mandatory and non-mandatory training be developed in conjunction with a clear policy outlining the expectations to undertake training and apply its learnings at regular intervals. 	Supported	DJAG will work with individual CJGs to build their capacity and implement the new model in their location in an incremental and progressive way. This process will involve an assessment of needs, initially in the trial locations, that will inform the training and support required for individual CJGs to build their capacity in providing court related activities.
<p>20. The evaluation recommends that DJAG consider opportunities to minimise the cost burden by seeking economies of scale and collaborating with other Government agencies, organisations and programs which may require similar training for their staff.</p>	Supported in principle	Where possible, DJAG will partner with other government agencies where similar training is being provided.
<p>21. The evaluation recommends that additional funding be provided to support a regular training and capacity building strategy for CJGs in addition to existing program funding.</p>	Supported in principle	<p>DJAG will investigate options to ensure ongoing training and support is provided to CJGs and that co-ordinators and members are encouraged and supported to participate.</p> <p>DJAG will review all existing training courses and programs relating to DJAG Indigenous Justice Programs including the previously delivered Certificate IV in Business (Governance) to improve training to build the</p>

Recommendation	Response	Proposed Action
		capacity of co-ordinators and volunteer members.