

**Submission
No 12**

INQUIRY INTO YOUTH JUSTICE CENTRES IN VICTORIA

Organisation: Youthlaw

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Submission to the inquiry by the Legal and Social Issues Committee into Youth Justice Centres

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Inquiry into Youth Justice Centres

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Legal and Social Issues Committee
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Dear Committee members,

Thank you for the opportunity to provide comments to your Inquiry into Youth Justice Centres.

This is a critical juncture for the future of Victoria's youth justice system and centres. We hope our submission informs Committee recommendations that demonstrate bipartisan leadership, long term vision, rebuilds public confidence in the justice system and returns Victoria to a position of leading the country in how we secure community safety through an effective youth justice system.

About Youthlaw and Smart Justice for Young People

Youthlaw is Victoria's state-wide community legal centre for young people under 25 years of age. Youthlaw works to achieve systemic responses to the legal issues facing young people, through casework, policy development, advocacy and preventative education programs, within a human rights and social justice framework.

Youthlaw is co-located with seven other youth services as part of Frontyard Youth Services at 19 King St, Melbourne. Young people accessing Frontyard Services are mostly aged between 18 and 25 and are either homeless, experiencing significant family breakdown or deemed to be at risk.

While Youthlaw lawyers do not provide direct advocacy support to children in youth detention, we convene a youth justice advocacy coalition, Smart Justice for Young People that has many member organisations that do directly support children in detention.

Set up in 2011 by Youthlaw, Victorian youth justice advocacy coalition, Smart Justice for Young People (SJ4YP), is the youth specific arm of Smart Justice, led by the Federation of Community Legal Centres. SJ4YP brings together over 40 legal, youth, health, welfare and community organisations¹.

SJ4YP promotes evidence-based youth justice approaches and solutions, especially early intervention, prevention and diversionary approaches to youth offending that benefit those young people and their communities.

¹ includes: Youthlaw, Jesuit Social Services, Whitelion & Open Family, Frontyard Youth Services, Melbourne City Mission, headspace, Youth Support & Advocacy Service (YSAS); Law Institute of Victoria; Centre for Multicultural Youth, Youth Referral and Independent Person Program (Y RIPP), Youth Affairs Council of Victoria, Federation of Community Legal Centres, Flemington Kensington Legal Centre, Human Rights Law Centre, Springvale Monash Legal Centre, Fitzroy Legal Service, Peninsula Community Legal Centre, Gippsland Community Legal Service, Inner Melbourne Community Legal, Victorian Aboriginal Legal Service, Homeless Law , Sunshine Youth Legal Service, Berry Street, Youth Connect, Salvation Army, Save the Children , YMCA: The Bridge Project, Centre for Excellence in Child & Family Welfare, Victorian Council of Social Services, The Bridge of Hope, Taskforce, The Bridge Youth Services, Council to Homeless Persons, VICSEG, Victorian Aboriginal Community Services Associated Limited, African Communities Foundation Australia, Concern Australia, Anglicare, Oz Child, Vincent Care, Catholic Social Services Victoria, Brotherhood of St Laurence, Koorie Youth Council, Victorian Student Representative Council (VicSRC), St Luke's Anglicare, local government youth services and youth networks including Melbourne, Stonington, Knox, Hume, Casey, Darebin, Frankston, Geelong , Barwon Adolescent Taskforce, Shepparton Network of Services.

About this submission

While Youthlaw is not directly supporting children and young people in Parkville, Malmsbury or the Grevillea Unit in Barwon prison, this submission is premised on what we know and hear about these centres from the legal community sector and other members of SJ4YP. It is also premised on our extensive experience of legally representing and advocating for children and young people involved in the criminal justice system over the last 15 years.

Smart Justice for Young People (along with VCOSS, Youth Affairs Council of Victoria (YACVic) and the Federation of Community Legal Centres) held a joint consultation in early February attended by over 65 community members and youth justice experts. Our submission draws on their frontline experience working with vulnerable children and young people and their direct involvement with the youth justice system and youth justice facilities.

This submission has endorsement from the Federation of Community Legal Centres Victoria.

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Recommendation 2. Inquiry hearings engage with young people, including those with experience of the youth justice system and centres, to get their advice and ideas about what works, and what doesn't. This could be in partnership with the Independent Visitor Program for Youth Justice Centres (Commission for Children and Young People) or via other SJ4YP supporter agencies including Koorie Youth Council, Whitelion or Centre for Multicultural Issues.

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- Attention to managing the cohort or mix of residents
- The importance of reflective practice and ensuring that it is embedded in practice.
- Training in trauma-informed practice and therapeutic crisis intervention with young people to help adopt other methods of addressing trauma-related behaviours.

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Recommendation 15. We call for appropriate resources to expand bail support services so that so that assessment can be done expeditiously and they can access necessary supports to reduce the likelihood of offending prevent the significant number of people with multiple and complex needs from cycling in and out of the justice system.

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Introduction to inquiry and submission

Youth justice centres have been subject to a series of disturbances and alleged incidents at Parkville and Malmsbury and the gazetted Grevillea Unit in Barwon adult prison. These incidents have been comprehensively reported in the media and debated and documented in Hansard over recent months.

These incidents have occurred against a backdrop where:

- Victoria was the only state or territory in which the number of offenders decreased between 2014–15 and 2015–16, with a decrease of 3,163 offenders (or 4%);²
- the proportion of incidents committed by alleged offenders under the age of 25 has fallen from half of all incidents recorded in 2007-2008 to 40% of all incidents in 2015-2016;³
- there has been 4% drop in under 25 year olds & 5% drop in 15-19 year old offenders 2015 to 2016.
- out of the 550,000 10 to 17 year olds in Victoria , only some 0.6% are sentenced in court with some 0.02% sentenced to custody;
- the number of young people sentenced in Children’s Court halved since 2008–09 with only very small number receiving sentence of detention; and
- Victoria has the lowest rate of children (10-17) under justice supervision on an average day in Australia.

Disturbingly though while youth justice statistics are decreasing overall, more crime is being committed, more violently, by a small cohort of repeat offenders, and there are high numbers of young people in detention un-sentenced on remand.

Police have estimated somewhere between 200 and 300 young people, are committing recent burglaries, home invasions and car-jackings. The Crime Statistic Agency has identified a high frequency group of young offenders (1.6%) responsible for over 25% of all criminal incidents by young offenders. (182 young people).⁴

Over a couple of years the Victorian youth justice centres have struggled to deal effectively with a more violent cohort coming into the system and their subsequent interaction with staff members and others in detention. Their presence has highlighted some deficiencies that have been observed by the youth justice sector for years, an overly punitive culture, inadequate physical structure and inadequate staffing.

While improvements have undoubtedly been made, successive governments have failed to make the significant investment needed to address the long-term issues that are increasingly apparent. There is no short-term quick fix to the serious problems affecting youth justice, which have their origins not only in ageing infrastructure but in the complex interplay of health and human services, education and the justice system.

This was noted by the previous Ombudsman, George Brouwer, in 2013, when he said:

It is evident that the youth justice system is limited in its capacity to deal with a small, but increasing, cohort of young people exhibiting violent behaviours. It is important that the youth

² ABS: <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4519.0~2015-16~Main%20Features~Key%20Findings~1>

³ Victorian Crimes Statistics Agency *Changes in youth crime over the past decade* (factsheet July 2016)

<https://www.crimestatistics.vic.gov.au/media-centre/news/new-fact-sheet-released-changes-in-youth-crime-over-the-past-decade>

⁴ Victorian Crimes Statistics Agency *Patterns of recorded offending behaviour amongst young Victorian offenders* (September 2016) p7,

https://www.crimestatistics.vic.gov.au/sites/default/files/embridge_cache/emshare/original/public/2016/09/a6/b8c111e6e/20160915_in%20brief6FINAL.pdf

*justice system respond appropriately to these children rather than abrogate its responsibility by transferring them to the adult system.*⁵

A recent Ombudsman's report identifies a shift in offending patterns by some young people held in juvenile justice facilities, with evidence from the Department of Health and Human Services describing the current cohort as: "... more sophisticated, socially networked, calculated and callous offending, characterised by rapidly escalating levels of violence and disregard for authority and consequence."⁶

This cohort of offenders are undeniably presenting significant challenges to the system, Government, management, staff and other young people in youth detention. While this is the case, the system should be flexible and expert enough to deal with these challenges. We should not be responding with punitive and ineffectual approaches, including moving these young people into the adult system. This will not make the community safer.

Young people in adult prisons face the danger of being mistreated. It is important to be vigilant to ensure that practices, such as lockdowns or isolation, are not routinely resorted to. The system needs to retain a focus on rehabilitation, care and protection.

In this pressurised environment, it is important for Government not to dismantle aspects of the youth justice system that are working well and are helping to deliver a safer community. These include, Victoria's diversion programs, unique dual track system and the independent Youth Parole Board.

Key principles underpinning an effective youth justice system

I. Treat children differently to adults

Children should be subject to a system of criminal justice that is separate from the adult system. This is premised on a child's unique capacity to be rehabilitated and the accepted science that explains how the adolescent brain makes children think and act differently to adults.

The system must recognise that children (even dangerous children) are different from adults and provide them with humane care and protection.⁷

Young people's brains undergo substantial change and development, impacting on their decision-making ability, judgement and self-control.^{8,9,10} The brain continues to develop until at least the early to mid-20s.^{11,12} Developmental changes mean that young people have increased risk taking behaviour, are more susceptible to peer influence and are predisposed to exercise poor impulse control and judgement. This developmental immaturity is often exacerbated in children who have experienced abuse or neglect.

⁵ **Victorian Ombudsman**, *Investigation into children transferred from the youth justice system to the adult prison system*, December 2013.

⁶ **Victorian Ombudsman** *Report on youth justice facilities at the Grevillea unit of Barwon Prison, Malmsbury and Parkville* (February 2017) <https://www.ombudsman.vic.gov.au/Publications/Parliamentary-Reports/Report-on-youth-justice-facilities-at-the-Grevillea>

⁷ **AIC** "What makes juvenile offenders different than adult offenders" (February 2011) <http://www.aic.gov.au/publications/current%20series/tandi/401-420/tandi409.html>

⁸ **K Richards**, *What makes juvenile offenders different from adult offenders?*, *Trends & Issues in Crime and Criminal Justice no. 409*, Australian Institute of Criminology, February 2011.

⁹ **The Royal Society**, *Brain Waves Module 4: Neuroscience and the law*, The Royal Society, December 2011.

¹⁰ **J Edersheim, G Beresin and S Schlozman**, *Are teenagers responsible?*, <http://brainsontrial.com/are-teenagers-responsible/>, The Massachusetts General Hospital Center for Law, Brain, and Behavior, September 2013, accessed 19 December 2016.

¹¹ **The Royal Society**, *Brain Waves Module 4: Neuroscience and the law*, The Royal Society, December 2011.

¹² **J Edersheim, G Beresin and S Schlozman**, *Are teenagers responsible?*, <http://brainsontrial.com/are-teenagers-responsible/>, The Massachusetts General Hospital Center for Law, Brain, and Behavior, September 2013, accessed 19 December 2016.

Most youth offending is episodic and transitory with the majority of young people 'growing out' of offending behaviour as they mature. Rates of offending, generally peak, in late adolescence and decline in early adulthood years.¹³ Because of this responses to youth offending require appropriate responses and interventions. With the right support, most young people grow out of offending as they mature.

And many vulnerable young people over 18 years also require a specialised response to meet their unique needs and developmental maturity. Victoria's dual track system plays a critical role in responding to the needs of young people aged 18-20 years with an understanding of their developmental levels and distinct vulnerability

II. Embed a child rights approach

A child rights-based approach to youth justice protects and asserts the rights of highly vulnerable disadvantaged and marginalised groups of children and young people. This approach is beneficial in that:

- it ensures the integration and inclusion of an otherwise marginalised group (children and young people) in policy-making and evaluation;
- it does not demand uniformity of outcomes but creates a principle-based approach which ensures that the individuality, differing maturity levels and best interests of each young person is recognised and considered; it recognises there is no single solution to criminal behaviour, rather different methods are appropriate for different individuals;
- it is flexible and applicable to a broad array of situations. Integrated prevention encompasses housing, mental health care, schools, educational outcomes, child and youth development, parental and community support; and
- children and young people are supported to meaningfully engage with the system when it makes decisions that impact on them.

The criminal justice system incorporates a wide range of human rights ensuring the humane treatment of children and young people. Children under 18 years benefit from all the human rights and laws which take into account their special status and needs, for example:

- United Nations Convention on the Rights of the Child ("CROC");
- UN rules and guidelines such as UN Standard Minimum Rules for the Administration of Juvenile Justice - *The Beijing Rules* (1985), UN Guidelines for the Prevention of Juvenile Delinquency: *Riyadh Guidelines* 1990, UN Rules for the Protection of Juveniles Deprived of their Liberty (1990); and
- *The Victorian Charter of Human Rights and Responsibilities* ("the Charter")

Generally these instruments provide that:

- all children (persons aged under 18) are entitled to special protection. This means that all decisions concerning children and young people, including those in the criminal justice system, must be made with regard to the child's welfare and best interests. This right is, to an extent, already reflected in other Victorian laws that provide special procedures for young people and the criminal justice system (section 17 *Charter*);
- a child or young person in conflict with the law has the right to treatment which promotes their sense of dignity and worth, and assists them to engage with the community, reflects their best interests, and takes into account their age (Article 40 CROC/ section 23 *Charter*);
- wherever possible young offenders should be diverted from criminal justice processing and redirected to community support services (Article 40 CROC / *The Beijing Rules*);
- if proceedings are not diverted, they should be conducive to the best interests of the child (Article 3

¹³ K Richards, *What makes juvenile offenders different from adult offenders?*, Trends & Issues in Crime and Criminal Justice no. 409, Australian Institute of Criminology, February 2011.

CROC) with the young person free to participate in decisions that affect their interests (Article 12 CROC) (*The Beijing Rules*);

- young people who are found guilty of an offence must be treated in a manner that it is appropriate to their age, including when making decisions about sentencing, where the young person should serve any custodial sentence that is imposed, and opportunities should be provided to the young person to enable them to aid in their rehabilitation. Young people subject to a custodial order should be given the opportunity to continue their education and have access to training programmes;
- detention only be used as a last resort, and only for the shortest possible time with the end goal being rehabilitation and successful reintegration's into the community.

III. Rules for the Protection of Juveniles Deprived of their Liberty

Specifically we urge that the system and future reforms of the system align with the 1990 UN *Rules for the Protection of Juveniles Deprived of their Liberty*,¹⁴ which provides 'fundamental perspectives' on the treatment of young people under the age of 18 in correctional settings. These include:

- the number of juveniles detained in closed facilities should be small enough to enable individualized treatment. Detention facilities for juveniles should be decentralized and of such size as to facilitate access and contact between the juveniles and their families. Small-scale detention facilities should be established and integrated into the social, economic and cultural environment of the community;
- the design of detention facilities for juveniles and the physical environment should be in keeping with the rehabilitative aim of residential treatment, with due regard to the need of the juvenile for privacy, sensory stimuli, opportunities for association with peers and participation in sports, physical exercise and leisure-time activities;
- every juvenile of compulsory school age has the right to education suited to his or her needs and abilities and designed to prepare him or her for return to society. Such education should be provided outside the detention facility in community schools wherever possible and, in any case, by qualified teachers through programmes integrated with the education system of the country so that, after release, juveniles may continue their education without difficulty.
- every juvenile should have the right to receive vocational training in occupations likely to prepare him or her for future employment.
- every juvenile should have the right to a suitable amount of time for daily free exercise, in the open air whenever weather permits, during which time appropriate recreational and physical training should normally be provided. Adequate space, installations and equipment should be provided for these activities;
- every juvenile has a right to be examined by a physician immediately upon admission to a detention facility, for the purpose of recording any evidence of prior ill-treatment and identifying any physical or mental condition requiring medical attention;
- the carrying and use of weapons by personnel should be prohibited in any facility where juveniles are detained;
- instruments of restraint and force can only be used in exceptional cases, where all other control methods have been exhausted and failed, and only as explicitly authorised and specified by law and regulation. They should not cause humiliation or degradation, and should be used restrictively and only for the shortest possible period of time. By order of the director of the administration, such instruments might be resorted to in order to prevent the juvenile from inflicting self-injury, injuries to others or serious destruction of property. In such instances, the director should at once consult medical and other relevant personnel and report to the higher administrative authority.

¹⁴ **United Nations Rules for the Protection of Juveniles Deprived of their Liberty**

- personnel should be qualified and include a sufficient number of specialists such as educators, vocational instructors, counsellors, social workers, psychiatrists and psychologists. These and other specialist staff should normally be employed on a permanent basis;
- to secure the foregoing ends, personnel should be appointed as professional officers with adequate remuneration to attract and retain suitable women and men. The personnel of juvenile detention facilities should be continually encouraged to fulfil their duties and obligations in a humane, committed, professional, fair and efficient manner, to conduct themselves at all times in such a way as to deserve and gain the respect of the juveniles, and to provide juveniles with a positive role model and perspective;
- the personnel should receive such training as will enable them to carry out their responsibilities effectively, in particular training in child psychology, child welfare and international standards and norms of human rights and the rights of the child, including the present rules. The personnel should maintain and improve their knowledge and professional capacity by attending courses of in-service training, to be organised at suitable intervals throughout their career;
- qualified inspectors or an equivalent duly constituted authority not belonging to the administration of the facility should be empowered to conduct inspections on a regular basis and to undertake unannounced inspections on their own initiative, and should enjoy full guarantees of independence in the exercise of this function. Inspectors should have unrestricted access to all persons employed by or working in any facility where juveniles are or may be deprived of their liberty, to all juveniles and to all records of such facilities.¹⁵

Recommendations

1. Victoria Government embed key principles from UNCRC, the Beijing Rules and the Charter, into a new Youth Justice framework, currently being developed as part of the Review of the youth support, youth diversion and youth justice.
2. Inquiry hearings engage with young people, including with experience of the youth justice system and centres, to get their advice and ideas about what works, and what doesn't. This could be in partnership with the Independent Visitor Program for Youth Justice Centres (Commission for Children and Young People) or via other SJ4YP supporter agencies including Koorie Youth Council, Whitelion or Centre for Multicultural Issues.

Government Review of the youth support, youth diversion and youth justice services

We urge the Committee to consider the findings and recommendations of the *Review of youth support, youth diversion and youth justice* being undertaken by Penny Armytage and Professor James Ogloff, as well as other recent and pertinent inquiries and report including the Commission for Children and Young People's inquiry into the use of isolation, separation and lockdowns in youth justice centres, and the Ombudsman's report on youth justice facilities at the Grevillea unit of Barwon Prison, Malmsbury and Parkville.

In particular *Review of the youth support, youth diversion and youth justice services* presents an opportunity to address many of the current challenges in youth justice, by proving expert advice and creating a strong policy framework for a contemporary youth justice program which will include responses to address specific serious offending behaviours.

The Review will deliver a Youth Justice Strategy to enhance and position the Department's youth support, youth diversion and youth justice services to respond to the needs of vulnerable cohorts into the future, drawing on opportunities across portfolios such as mental health, child protection and housing.

The Review will assess the appropriateness of current programs and services in achieving desired objectives such as:

- ability to intervene earlier and prevent the risk of offending, re-offending and reduce acute recidivism; leveraging broader first contact interventions beyond the police – health, schools, child and family services;
- ability to effectively address the needs of cultural groups, specifically over-represented groups such as Aboriginal children and young people, and groups who have experienced acute trauma associated with violence in the home, or war / civil conflict in countries of origin or refugee settings; and
- consider best practice approaches to supporting mental health and well-being of young people, responding to mental health issues and the nature of current interventions and approaches deployed.

Recommendation

3. The Committee consider the recommendations of the *Review of the youth support, youth diversion and youth justice services* in developing its findings and recommendations.

Staffing, security, management and culture of youth justice centres (TOR 2, 6, and 7)

I. Staffing issues and workforce development

Undoubtedly youth justice staff in centres work with a very complex, high need group of children and young people. Unfortunately, over recent months we have seen many reports of issues plaguing staffing at youth justice centres, including:

- staff shortages. We have heard stories of only two staff members attending a shift where there is supposed to be 8 staff to manage 15 children,
- high-turn over of staff. There are reports of 8 out of 50 staff members inducted remaining after a year. This results in much collective knowledge lost and a very low investment in training;
- high use of casual agency staff and lack of continuity of staff. At any one time 40% to 80% of youth justice centre staff are agency staff. Agency staff receive limited training and induction e.g. they get to have one shadow session with a current staff member, before they commence their shifts. This results in inconsistent practice of staff in units (each unit run differently), lack of ongoing relationships with children and young people, and results in young people being more likely to manipulate and intimidate new staff that they have no relationship with;
- lack of consistency in workplace practices: the children do not know what the rules are;
- lack of predictability and routine i.e. from day to day a young person does not know if they are going to get out of their room. This results in understandable frustration and impacts on their mental health (up to 23 hour a day lockdown) which are all drivers leading to young people “acting up”;
- low remuneration for staff (currently \$48,489 - \$62,267 plus superannuation, casual: hourly rate: \$24.45 plus 25% casual loading, (plus penalties when applicable)).¹⁶ This translates to the same rate received by casual emergency teachers, despite centre staff having to deal with complex and high need children;

¹⁶ See details of Youth Justice Worker, Secure Services in job description at <https://jobs.careers.vic.gov.au/jobs/VG-DHHS-NSS-000002>

- under experienced , under qualified staff feeling unsafe and ill equipped to deal with conflict;
- staff feel very unsupported by management. There is a need for much greater support, affirmation and a culture of appreciation from the management level in order to build strong, united teams;
- arduous and long 12 hour shifts. Staff only have a one hour lunch break, but no shorter breaks. There is limited dedicated spaces for rest and staff self care;
- deficiencies in staff training in terms of understanding children and young people, mental health issues and de-escalation and critical incident responses.

The Community and Public Sector Union (CPSU) is calling for increased numbers of trained and experienced staff.

While critical staffing shortages must be addressed, longer term the culture of youth justice centres must be reformed. Centre staff need management support to develop skills around establishing relationships with young people. A more professionalised workforce, with a higher ratio of staff to children and better staff training and support is required.

To ensure consistency of rehabilitative interventions and a united and motivated team of staff, it is essential that the organisation has strong and consistent leadership and service management.

Staff model

The “best mix” of professionals within youth justice secure residences is likely to include qualified front line staff with extensive training in how to work with young people with offending histories, mental health and behavioural difficulties. There should be medical and mental health staff on-site, as well as education staff (preferably registered teachers), vocational staff, and at least one cultural advisor per site given the large proportion of Koori young people in secure youth justice residences. With regards to mental health, the presence of a registered psychologist, child psychiatrist, and psychiatric nurses are considered essential within a residential care environment, in order to adequately assess and manage the various mental health, emotional, and behavioural issues present among young people in secure residential care.

Training

Staff are required to be highly trained in the framework and model of care that is used to ensure consistency of staff practice and to help embed routine and order for young people. They also need extensive training in crisis management.

Although restraint may be necessary as a last resort for the purposes of safety for a young person and staff, in general non-violent methods are both appropriate and necessary as an alternative.

The skills, knowledge, and professional judgment of staff in responding to crises are critical factors in helping young people learn constructive and adaptive ways to deal with frustration, failure, anger, rejection, hurt, and depression.

One de-escalation and non-violent model of crisis intervention identified in the literature for use with young people in youth justice secure residences and used by providers in the residential care area is Therapeutic Crisis Intervention (TCI). The purpose of the TCI system is to provide a crisis prevention and intervention model for residential child care organizations that will assist in preventing crises from occurring, de-escalating potential crises, effectively managing acute crises, reducing potential and actual injury to children and staff, learning constructive ways to handle stressful situations, and developing a learning culture within the organization. The ability of the entire organization to respond effectively to

children and young people in crisis situations is critical in establishing not only a safe environment, but also one that promotes growth and development.¹⁷

Recommendations

4. Urgently address staff shortages and casualization of workforce in youth justice centres

5. Service management initiatives should include:

- Adequate support from management and remuneration
- Adequate staffing models with a particular emphasis on shifts (length) and to the self care of staff
- Attention to managing the cohort or mix of residents
- The importance of reflective practice and ensuring that it is embedded in practice.
- Training in trauma-informed practice and therapeutic crisis intervention with young people to help adopt other methods of addressing trauma-related behaviours.

II. Treatment of children and young people in detention

An immediate priority of Government should be addressing the excessive use lockdowns and solitary confinement in Victoria's youth detention centres, and detention of children in Grevillea Unit, Barwon Prison.

Use of lockdowns

A major theme emerging from Victorian Ombudsman recent *Report on youth justice facilities at the Grevillea unit of Barwon Prison, Malmsbury and Parkville*¹⁸ is that extended lockdowns of young people are contributing to the tension that leads to disturbances.

“It is evident that this is affected by a toxic combination of staff shortages and increasing overcrowding. It is predictable that a regime of lockdowns for young people will create unrest, and equally predictable that more lockdowns will follow that unrest,”

Whether staff shortages are due to overcrowding, high absenteeism or budget-oriented “efficiency dividends”, they mean one thing to young people in the centres: lockdowns. If there aren't enough staff on at any given time, there's little alternative in the current setup than to send children into their cells and lock the doors. For a detained teen, lockdowns for “operational reasons” are indistinguishable from punishment by solitary confinement.

Victoria's *Children, Youth and Families Act 2005* allows for the isolation of a young person in a youth justice setting (defined as the placing of the person in a locked room separate from others and from the normal routine of the prison) if ‘all other reasonable steps have been taken to prevent the person from harming himself or herself or any other person or from damaging property’ and if ‘the person's behaviour presents an immediate threat to his or her safety or the safety of any other person or to property.’ The period of isolation must be approved by the Secretary of the Department of Health and Human Services (DHHS).¹⁹

However the UN Special Rapporteur has stated that the imposition of solitary confinement of any duration on children is cruel, inhuman or degrading treatment and violates article 7 of the International Covenant on Civil and Political Rights and article 16 of the Convention against Torture.

Confinement is not supposed to be used as a disciplinary measure or as an everyday management tool. According to the 1990 UN *Rules for the Protection of Juveniles Deprived of their Liberty*:

¹⁷ Sited 27 February 2017 http://rccp.cornell.edu/tci/tci-1_system.html

¹⁸ **Victorian Ombudsman** *Report on youth justice facilities at the Grevillea unit of Barwon Prison, Malmsbury and Parkville* (February 2017) <https://www.ombudsman.vic.gov.au/Publications/Parliamentary-Reports/Report-on-youth-justice-facilities-at-the-Grevillea>

¹⁹ **Victorian Government**, *Children, Youth and Families Act 2005*, Act No.96/2005, 488 – Isolation

“All disciplinary measures constituting cruel, inhuman or degrading treatment shall be strictly prohibited, including corporal punishment, placement in a dark cell, closed or solitary confinement or any other punishment that may compromise the physical or mental health of the juvenile concerned.”

This practice erodes a child’s chances of rehabilitation. The Australian commissioners and guardians have recently warned:

‘It is almost impossible to reconcile seclusion with the “best interests” of the child as it serves no integrative or rehabilitative objective. Children in detention are particularly susceptible to medical, social and psychological problems which can be seriously exacerbated by the use of seclusion cells or being left alone in their own cells for extended periods of time ... In cases involving children with indicators of self-harm, mental-illness or related vulnerabilities, isolation should never be used for disciplinary purposes. Further, children with developmental disabilities or psychosocial problems should not be isolated; they may respond in unpredictable ways and be unable to convey how a period in isolation is affecting them.’²⁰

Even a few days of solitary confinement can induce or worsen harmful and abnormal neurological and emotional symptoms, aspects of mental illness including anxiety, depression, paranoia, psychosis and self-harm.

Children in Barwon Prison

Children and young people in the youth justice system do not belong in an adult prison.

Smart Justice for Young People’s objection to the gazetting of the Grevillea Unit at Barwon Prison as a youth justice centers are well documented.²¹ And we have been supportive of the legal challenges made by the Human Rights Law Centre.

The Ombudsmans’s report²² published a series of letters by Liana Buchanan, Principal Commissioner of the Commission for Children and Young People to Minister for Families, Children and Youth Affairs, Jenny Mikakos. In Ms Buchanan’s letter dated 25 November 2016 she writes:

“We understand the boys are spending 23 or 22 hours per day in their cells with no reading material, pens or paper. When they are permitted to leave the cells, they are only permitted in the units common area. The boys have no access to fresh air and are not permitted to enter the unit’s exercise yard.”

We have also heard allegations of young people in the Grevillea Unit being sprayed with capsicum spray, being beaten and injured by guards, guards being assaulted and the disturbing report of a young person attempting to take his own life.

Recommendations

- 6.** The *Children, Youth and Families Act 2005* should be amended to explicitly ban the use of solitary confinement of any duration for children.
- 7.** Alternatively the Act should be amended to introduce some time limit on the use of isolation on a young person, such as a maximum of 48 hours.
- 8.** Government immediately transfer children out of Barwon Prison.

²⁰ Australian Children’s Commissioners and Guardians, *Human rights standards in youth detention facilities* <http://www.childcomm.tas.gov.au/wp-content/uploads/2016/10/report-accg-human-rights-the-use-of-restraint-disciplinary-regimes-and-other-specified-practices.pdf>

²¹ <https://smartjusticeforyoungpeople.wordpress.com/2016/11/15/youth-advocates-warn-against-transferring-young-people-into-adult-prison/>

²² **Victorian Ombudsman** *Report on youth justice facilities at the Grevillea unit of Barwon Prison, Malmsbury and Parkville* (February 2017) <https://www.ombudsman.vic.gov.au/Publications/Parliamentary-Reports/Report-on-youth-justice-facilities-at-the-Grevillea>

Oversight of practices at the youth justice centres

Independent bodies

Oversight and monitoring of the youth justice centres is provided by a number of agencies with different, although sometimes overlapping, roles: principally, the Commission for Children and Young People (CCYP), the Victorian Equal Opportunity and Human Rights Commission and the Victorian Ombudsman.

In particular CCYP has a strong commitment to and practice of thoroughly monitoring conditions in youth justice centres. The Commissioner will table her report from her *Inquiry into Isolation, separation and lockdowns in youth justice centres* in March 2017. We again urge the Committee to consider her findings and recommendations.

CCYP has been visiting twice weekly to monitor at the Grevillea unit and we refer again to the series of letters from Liana Buchanan, Principal Commissioner sent to Minister Mikakos and her responses, as published in the Victorian Ombudsman Report on youth justice facilities at the Grevillea unit of Barwon Prison, Malmesbury and Parkville.

While it is important such monitoring continues, this practice will be enhanced by the Federal Government's recent announcement to ratify and implement the Optional Protocol to the Convention against Torture (OPCAT). This will be a positive step in monitoring and improving conditions in all Australian places of detention, including Victoria.

OPCAT will enhance how independent bodies inspect places of detention in Australia. The idea is to identify and address problems before they escalate into serious mistreatment and worse.

Leading up to this announcement the Australian Human Rights Commission (AHRC) was recently examining how the special needs and interests of children and young people under the age of 18 in youth justice detention centres and in adult facilities could be considered and monitored under OPCAT.

Recommendation

9. We recommend that Victoria Government commit to implementing relevant recommendations by AHRC and take the necessary steps to implement an OPCAT compliant independent body tasked with providing oversight of places of detention. Such a body could be modelled on Western Australia's Office of the Inspector of Custodial Services.

Departmental oversight

It is difficult to defend how youth justice facilities are being currently run, and it would appear there has been a failure of management and a lack of accountability by the Department of Health and Human Services (DHHS) over a number of years.

While Smart Justice for Young People was not supportive of the decision to transfer responsibility for Youth Justice from DHHS to the Department of Justice and Regulation (DOJR), it presents management and oversight challenges and opportunities.

Youth Justice must continue to operate in line with the *Children, Youth and Families Act* and be based on a culture, ethos and legislative framework that places the interests, developmental needs and rehabilitation of children and young people at the forefront.

In this context we are encouraged by the announcement that Youth Justice will operate as a distinct division within the Department of Justice and Regulation, and have a Deputy Secretary and Commissioner reporting directly to the Secretary.

A Youth Justice business unit of the DOJR would set strategy, policy and standards for the management of the state's system of youth justice facilities. A new division should set standards and monitors service delivery against standards, and ensures consistency of service delivery by undertaking analysis and reviews of incidents, issues and trends.

One possibility is that future oversight of the Victorian youth justice system could reflect the on site audit process and strategy recently introduced into the residential care system by DHHS in April 2015, to ensure higher standards of care and safer environment for children and young people and staff by monitoring compliance with existing legislative requirements, performance standards and contractual obligations in government-funded residential care facilities.

The active checks were one of the recommendations made by the report of the Protecting Victoria's Vulnerable Children Inquiry.²³

Recommendation

10. Set standards and monitors service delivery against standards, and introduce audits to strengthen oversight of the Victorian youth justice system.

IV. Therapeutic model of care in youth justice

All stakeholders want young offenders to be rehabilitated. Children and young people must develop positive social skills and reform their behaviour. Interventions need to be personalised, targeted and address the individual issues underlying their offending behaviour. A strong emphasis must be placed on building relationships in a safe, secure and therapeutic environment where staff are skilled and appropriately trained.

However in our view the current custodial operating model combines sentence management and operational management, and this effectively undermines effective and consistent facility management and does not provide appropriate independence and expertise in overseeing the care and pathways for children and young people.

The best opportunity for effective rehabilitative and therapeutic interactions between staff and young people is within an organisation with a clear therapeutic philosophy, as well as a united vision which all staff are committed to.

It is important that all staff are highly trained and committed to a model of care and the culture of the organisation, as inconsistent staff behaviour can become counterproductive and may undermine treatment integrity.

Implementing an overarching framework and model of care may help foster a common understanding between all staff and professionals as to the aims, goals and philosophies of the services provided to young people in detention, consequently promoting consistency in approach between staff.

²³ DHHS website sited 27 February 2017 <http://www.dhs.vic.gov.au/funded-agency-channel/news-and-events/quality-and-compliance-audits>

A good example of a model of care is the Sanctuary Model which informs the framework of organisational change required to support therapeutic approaches in residential care settings.

CPSU is calling for a redraft of operational procedures not updated in 16 years, to deal with the current offender demographic coming through the system.

Recommendation

11. Develop and implement a therapeutic model of care across all youth justice settings.

Young people in youth justice centres on remand and possible reforms

I. Overview

Disturbingly there has been a significant increase in children and young people held on remand with approximately 80% of the children and young people in youth justice facilities in Victoria are un-sentenced on remand.²⁴ This is putting enormous strain on custodial services and frustrating the young people who cannot access most custodial services while on remand.

A snapshot of statistics shows:

- in 10 years, the number of remand orders made has increased by almost two thirds, from 381 in 2006-07 to 979 in 2015-16,
- DHHS reports that the number of individual young people remanded has almost doubled in five years, from 115 in the first quarter of 2010 (July to September) to 210 in the first quarter of 2016, the highest it has been in five years,²⁵
- since 2012-13, only about 20 per cent of those remanded are sentenced to custody²⁶
- on 10 January 2017 there were 190 young people detained in youth justice facilities, 91 on remand and 99 sentenced.

This increase was in part driven by the 2013 reforms to the *Bail Act*, which imposed the same bail conditions on children as were applied to adults. Subsequent bail amendments in 2016 reversed some of the changes so children are no longer charged with breaching bail conditions, however remand figures have remained high.

A lack of appropriate services to help young people obtain bail and meet bail conditions can also contribute to the high numbers of young people on remand.²⁷ In particular, a lack of accommodation options for young people outside of custody, inadequate afterhours bail services, and limited bail services in rural areas.²⁸ Additionally delays in court hearing and processing bail applications, particularly for young people with multiple criminal matters is contributing to the problem.

II. Reforms to the bail and remand system

Much needs to be done to reduce the number of children in remand and help young people on bail to stay in the community, connected to education, employment and family life.

²⁴ Youth Parole Board *Annual Report 2015–16*

²⁵ Department of Health and Human Services, *Review of un-sentenced detention in the youth justice system – quarterly remand data 2009-2016. (In Ombudsman report page - 8 Ombudsman report*

²⁶ Department of Health and Human Services, Client Relationship Information System data provided to the Victorian Ombudsman on 18 January 2017

²⁷ K Richards and L Renshaw, *Bail and remand for young people in Australia: A national research project*, AIC Reports, Research and Public Policy Series 125, Australian Institute of Criminology, Canberra, 2013.

²⁸ Jesuit Social Services, *An escalating problem: Responding to the increased remand of children in Victoria*, JSS, October 2015.

a. Maintain child specific bail provisions as part of the Review of Bail

Committee members will be aware of the review of the bail system currently being conducted by the Honorable Paul Coghlan QC. Mr Coghlan is due to give his advice to Government on reforms to manage risk and maximise community safety by Monday 3 April 2017.

We have stressed in our submission to this Review, the importance of maintaining the child specific bail considerations of Section 3B of the *Bail Act 1977*, introduced in May 2016. These provisions reflect the sentencing provisions of the *Children Youth and Families Act 2005*, and ensure child specific factors are considered in bail decisions, and sets out considerations a court must take into account when making a determination on bail for a child. These include consideration of all other options before remand in custody, the preservation of family and home, the continuation of education, the minimisation of stigma and the likely sentence the child would receive if found guilty.

We also support the maintenance of Section 30A(3) of *the Bail Act* that established that it was no longer an offence for children to contravene bail conduct conditions.

b. Bail supports and services

We call for more and appropriate resourcing of bail supports and services, which allow the accused to remain within their community, address offending-related behaviour where that is relevant, and encourages attendance at court, increases court efficiency and decrease the number of remands and results in cost savings.

We welcome Victorian Government's commitment to expand to a state-wide Youth Justice Bail Supervision scheme and expansion of the Central After Hours Assessment and Bail Placement Service (CAHABHS) with supporting legislation.

These programs both target young people aged 10-18 years at risk of being remanded or re-remanded while on bail and who require a high level of supervision and assistance on bail in the community to comply with their bail conditions. For example young people with cognitive impairment often breach bail conditions due to lack of understanding or support to meet conditions.

Young people involved in bail supervision programs are provided with case-management to reduce the risk of them reoffending while on bail and assisting them to comply with their bail conditions. The program also helps to address their needs related to accommodation, education and training, employment, health and development, family and other matters. The program is voluntary and young people must consent to participating in the program.

CAHABHS assesses children, provides necessary supports, and advocates in favour of bail to police and bail justices and provides after hours advice on bail options when a bail justice is considering remand.

Currently the service operates from 4pm through to 3am Monday to Friday and from 9.30am to 3am on weekends and public holidays. The expansion will involve an additional five workers and an extension of hours of operation until 9am on weekdays and to a 24 hour service on weekends and public holidays.

Additionally the Victorian Government has also announced a new Intensive Monitoring and Control Bail Supervision Scheme based on a model from the UK. Every young person will receive a mandatory forensic risk assessment, intensive supervision and monitoring, face to face support for the young people and their families, including planned activities, visits outside business hours, and a 24-hour helpline, help to access the support services they need to reduce reoffending, for example mental health services.

Eight dedicated teams comprising four youth justice workers, one supervisor and one psychologist in each team will deliver intensive case-management

As a condition of bail the young person will be required to report more regularly to DHHS and Victoria Police and comply with education, training or work requirements. If they fail to meet these requirements, they risk having their bail revoked. On a cautionary note the scheme will need to be wary of conditions of bail being more onerous than is necessary and amount to unfair management of the child.

c. *Expediting remand*

Where detention on remand is used, young people should be held for the shortest time possible, be detained separately from convicted young people and have the right to communicate regularly and privately with their legal advisers. However we are aware of young people being held on remand in youth justice centres for over 3 months at a time.

It is well established that being in custody, even for short periods of time, limits the opportunity for rehabilitation and increases the likelihood of criminal behaviour.

Young people on remand have been removed from any support networks, family and educational engagement they may have had in their community, and they access far fewer services in detention than those on sentence, and no therapeutic interventions.

They often cycle through system without any assessment of their needs or referral to services. They require treatment plans that provide them to better access to education and counselling while on remand.

These children and young people live with great uncertainty, stress, anxiety and frustration as regards their future. This period of limbo is difficult to navigate, particularly given their lack of developmental maturity and delays in decision making. This is compounded by high rates of mental health concerns and trauma by many young people. Youth detention creates further trauma and the preconditions for mental illness

For those young people with complex cognitive or developmental needs, a long period of time between their offence and the legal outcome can serve to diminish their sense of responsibility and minimise their understanding of how their behaviour has affected others and themselves.

Due to high levels on remand, mixing of young people on remand from those on detention is inevitable, with some experiencing a normalisation of incarceration, which increases the chance offending and progressing to more serious offending.

Being held on remand is associated with other negative results for young people, including disruptive and harmful behaviours. The young people are frustrated, bored and often angry. The Youth Parole Board has observed '*custodial progress reports to the Board show a pattern of unsettled behaviour on remand but improved, more compliant behaviour after and on sentence.*'²⁹

So presumably the strain and stretch from high number on remand places on the system, resources and staffing is one factor in the increased tensions and aggressions being experienced in youth justice centres. And as mentioned above typically lockdowns are used as part of a safety and security management regime to restore order, e.g. after an incident.

Recommendations

12. We strongly advise against the removal or amendment of section 3B of the *Bail Act 1977*.

²⁹ Youth Parole Board Annual Report 2015–16

13. We call on the Victorian Government to retain provisions in the *Bail Act* so that children will not be charged with the offence of breaching bail conditions.

14. Training for Victoria Police to includes an adequate focus on the provisions of the current legislation (as of May 2016) as regards young people and bail, and on the vulnerabilities of young people under the age of 18.

15. We call for appropriate resources to expand bail support services so that so that assessment can be done expeditiously and they can access necessary supports to reduce the likelihood of offending prevent the significant number of people with multiple and complex needs from cycling in and out of the justice system

16. Introduce strategies in court to bring remandees matter before the court in timely manner

Youth justice centre reforms

I. About children and young people in youth justice centres

This Inquiry provides an opportunity to the shift focus from demonising the children and young people in detention, to better understand how they ended up in youth justice centres and to assume collective community responsibility.

We need to recognise that the children and young people involved in the criminal justice system predominately come from disadvantaged backgrounds and have complex needs with many of them have histories of trauma, mental illness, cognitive disability, and/or alcohol and other drugs misuse.

Children and young people with cognitive impairment, those who have not completed secondary school, and those living in the poorest parts of Victoria, or living in the out of home care system, Koori young people³⁰, Maori and Pacific Islander young people and culturally and linguistically diverse young people, particularly from Sudan, are over-represented in our centres.

The likelihood is that many of these children have been exposed to systemic disadvantage and socio-economic factors and suffered trauma, abuse, neglect and violence, family dysfunction, low socio economic conditions.

- Young people from areas of lowest socioeconomic status were 7 times as likely as those from areas of highest socioeconomic status to be under supervision in Victoria (AIHW 2015)
- A study by Jesuit Social Services of young people placed in custodial remand in Victoria between 1 July 2008 and 30 June 2010 found that 25% of this group came from only 2.1% of the state's postcodes.
- Children aged 10 to 17 years living in areas of the lowest socio-economic status were almost three times as likely to be in detention on an average day as those from the higher socio economic status.³¹

³⁰ In 2014-15 Aboriginal young people in Victoria were 11 times more likely to be on youth justice supervision and 12 times for more likely to be on detention than non-aboriginal young people.

³¹ **Jesuit Social Services**, 'Thinking Outside: Alternatives to remand for children' (2013) 17.

The results of a snapshot survey of 167 males and nine females detained on sentence and remand on 7 October 2015 carried out by the Department of Health and Human Services shows:

- 45 per cent had been subject to a previous child protection order
- 19 per cent were subject to a current child protection order
- 63 per cent were victims of abuse, trauma or neglect
- 62 per cent had previously been suspended or expelled from school
- 30 per cent presented with mental health issues
- 24 per cent presented with issues concerning their intellectual functioning
- 66 per cent had a history of both alcohol and drug misuse
- 38 per cent had a family history of parental or sibling imprisonment.³²
- 10 per cent were homeless with no fixed address or residing in insecure housing prior to custody

This disadvantage becomes more deeply entrenched, as young people progress from early contact with the criminal justice system, through to, in the most severe cases, imprisonment, with many vulnerable young people becoming caught in a lifelong pattern of cycling in and out of the justice system. The Sentencing Advisory Council reported that the six-year reoffending rate of young offenders first sentenced at 10–12 years old (86%) was more than double that of those who were first sentenced at 19–20 years old (33%), with 75% graduating to the adult system.³³

It is vital to consider what changes could be made to these centres and the wider continuum of care, based on the literature and evidence-based practice, so that current service provision can be enhanced, thereby promoting the best possible outcomes for this population, their families, and the community.

II. Breaking the link between child protection and youth justice

There is a consistent evidence of a link between children and young people experiencing child abuse and neglect and later offending.³⁴ Young people involved in the child protection system are 14 times more likely than the general population to be under youth justice supervision,³⁵ with some 41% of young people subject to youth detention in 2014-15 were also involved in child protection in the same year (Australian Institute of Health and Welfare (2016)).

Aboriginal young people in the child protection system were twice as likely to be under youth justice supervision as non-Aboriginal children.³⁶ Sixty percent of children aged 10 at the time of their first youth justice supervision, were also in child protection.³⁷

The Victorian Government's *Roadmap for Reform: Strong Families, Safe Children*, sets out a broad agenda for early intervention and prevention, and community-focused service integration focused on strengthening communities to better prevent neglect and abuse, delivering early support to children and families at risk, and securing a better future for children who cannot live at home.

However much needs to change. One way the Victorian government can reduce the chance of involvement in youth justice and help young care leavers achieve better health, employment and quality of life by providing holistic support and care until at least age 21. The Home Stretch Campaign seeks to bring to

³² <http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/reports-publications/youth-parole-board-annual-report>, p 30

³³ **Sentencing Advisory Council** *Reoffending by Children and Young People* (December 2016)

³⁴ **Judy Cashmore**, *The link between child maltreatment and adolescent offending*, Family Matters No. 89, Australian Institute of Family Studies, December 2011

³⁵ **Australian Institute of Health and Welfare**, *Young people in child protection and under youth justice supervision 2014–15*, data linkage series No. 22, Cat. no. CSI 24, Canberra, AIHW, 2016

³⁶ **Australian Institute of Health and Welfare**, *Young people in child protection and under youth justice supervision 2014–15*, data linkage series No. 22, Cat. no. CSI 24, Canberra, AIHW, 2016

³⁷ **Australian Institute of Health and Welfare**, *Young people in child protection and under youth justice supervision 2014–15*, data linkage series No. 22, Cat. no. CSI 24, Canberra, AIHW, 2016

Victoria an extended out of home care system to support young people beyond 18 years. This means that young people in out of home care would be offered support in their transition into adulthood, would not be rendered homeless from 17 years, and would be less likely to intersect with the justice system. SJ4YP, along with many other organisations, are part of the Home Stretch campaign,³⁸ calling on the Victorian government to extend the leaving care age from 18 to 21 years.

Recommendation

17. Raise the age of leaving out of home care to at least 21 years.

III. Development of a new justice centre

As the Committee is well aware the Victorian Government has announced the development of a new \$288 million, 224-bed youth justice centre, to be opened in Werribee South in 2020. This complex will include a 12 bed mental health unit and an 'intensive supervision unit' of at least 8 beds.

Multiple reviews have found the Parkville centre was not suitable for its intended purpose and posed an unacceptable risk to staff and young inmates. Back in 2010 the Victorian Ombudsman recommended the review of the suitability of the Precinct in light of his investigation with a view to replacing it with a new facility, saying:

"I consider that the design and location of the Precinct is inappropriate for a custodial facility which houses vulnerable children who have the propensity to harm themselves, other detainees and staff the only practical way to address the conditions at the Precinct in the long term is to develop a new facility at another site."

We urge Committee members to give serious consideration to the appropriate design and development of the new facility or facilities. In overcoming the infrastructure problems of the Parkville Centre, the design of the new youth justice facility must also consider the recommendations of the current youth justice review.

A new youth justice facility should be built for purpose and people: provide for the safety and security of staff, children and the community and also the rehabilitative and educational supports that vulnerable children need in an age appropriate and therapeutic environment.

As described above, Victoria's youth justice population constitute some of the most disadvantaged and vulnerable young people and present with a range of complex needs. There are also specific subgroups within this population who may be considered more vulnerable and at-risk for negative outcomes, including female offenders, young offenders aged less than 13 years, those with disabilities, those who have concurrent care and protection status, and those demonstrating aggressive behaviours in detention.

So while the new facility has been described in media reports as a "high security" centre, it must have different kinds of accommodation units available for children with a diversity and complexity of welfare and security needs ranging from highly vulnerable to potentially violent.

It must support the flexibility, step down or streaming expected in a best practice model of secure facility management.

Community and Public Sector Union (CPSU) is calling for urgent upgrades to facilities, and the establishment of a complex needs unit that would allow problematic youth to be separated from others.³⁹

³⁸ **Anglicare Victoria**, The Home Stretch Campaign, <http://thehomestretch.org.au/about/>, accessed 21 February 2017.

³⁹ **Community and Public Sector Union (CPSU) Public Perspective** – Summer 2017/ 33

https://www.google.com.au/?gws_rd=ssl#q=CPSU+Public+Perspective+%E2%80%93+Summer+2017%2F+33&

Ideally units should be relatively small in size, with small units, so children and young people held are given individual, therapeutic continua of care.

Facilities must also be in keeping with the rehabilitative and therapeutic aim of residential treatment, with due regard to the need for children's privacy, sensory stimuli, opportunities for association with peers and participation in sports, physical exercise and leisure-time activities, and education and training.

Recommendation

18. A new youth justice centre should be built for purpose for children and young people, providing for the safety and security of staff, children and the community and also the rehabilitative and educational supports that vulnerable children need. It should have a mix of units to meet the complexity and diversity of children and young persons welfare and security needs, and including a complex needs/ therapeutic unit.

IV. Other youth justice centre models

In designing and developing a new facility, we recommend that Victoria should explore alternate models that appear to be working well in other jurisdictions.

While there are other examples, the models in Spain and New Zealand point to Victoria's need for new investments in appropriately qualified and well-supported staff, in-depth screening and assessment individualised plans and having a mix of facilities to meet the diversity and complexity of the youth justice population.

Spain

In the Spanish juvenile system at La Zarza, a 61 bed re-education centre, they have few violent incidents in centres, no escapes, few restraints and do not use batons or handcuffs. They have a high ratio of staff, comprising mostly educators and psychologists and a lower number of security guards. They have a 75% re-integration rate. Some key aspects to this successful model include:

- Ensuring that security guards are employed but that they do not interact with the young people;
- Providing adequate staffing. For a 61 bed facility they employ 80 educators, 20 semi educators and 7 security guards (solely security & good order);
- the staff interacting with young people are educators and are not guards (educators have no role in physical restraint & semi educators can use restraint if required);
- Mandating all staff have a degree qualification;
- An initial 20 day induction of all young people which includes a full medical & psychological assessment;
- Ensuring each young person is seen by a psychologist daily
- Every young person has an individual plan that is consistently monitored.
- Guaranteeing young people are in a facility as close as possible to their family and that family contact is encouraged and not unreasonably withheld;
- Managers and directors of facilities are psychologists;
- Having a mix of facilities to meet the complexity and diversity of the youth justice population. An example of this is their secure residences that have a ratio of 11 educators to 10 young people providing individualized programs of psychological support, education and vocational training
- Ensuring facilities are relatively small (max population is 90); and
- Requiring facilities include autonomous sections that enable young people to prepare for leaving detention.

- The judge visits the centres every three months. Children can see them at any time if they have concerns about their treatment. If they are making exceptional progress, staff can ask the judge to reconsider the sentence.

New Zealand

While New Zealand is not immune from violent incidents inside youth detention, the system is reserved for the most serious offenders. In New Zealand, about 80 per cent of young offenders are dealt with outside the court system, with 250 police officers skilled in youth work overseeing community diversion.⁴⁰ They operate a largely diversion-focused system, which has been in place for 28 years and includes family group conferencing for more serious offending.

The four youth justice residences in New Zealand provide secure residential care to young people who are generally aged 14 to 17 years and deemed to require such care. Of the four, three residences are located in the North Island and one in the South Island. They are: Korowai Manaaki, Auckland (46 beds, of which 40 are youth justice and 6 are Corrections Act beds for custodial sentences), Te Maioha o Parekarangi, Rotorua (30 beds), Te Au rere a te Tonga, Palmerston North (30 beds) and Te Puna Wai o Tuhinapo, Christchurch (30 beds). In total, these residences provide 136 beds nationally. The annual operating budget for secure youth justice residences in New Zealand is around \$33 million.

The main function of these secure youth justice residences is to provide a secure and safe environment for young offenders where a judge decides that a young person is unsafe to live in the community and, where practical, address drivers of offending behaviour. The judge's decision is based on his or her assessment of the underlying risk to the community and the suitability or otherwise of other less restrictive options available to manage the risks and needs of the young person.⁴¹

Recommendation

19. In designing and developing a new facility, we recommend that Victoria should explore alternate models that appear to be working well in other jurisdictions.

V. Assessment & case management planning

Young people entering youth justice facilities often face multiple disadvantage and have complex needs, including a history trauma, mental health issues, intellectual disability and drug and alcohol issues. Undertaking a comprehensive assessment of every young person upon entering the youth justice facility can help identify their immediate needs and inform the development of individualised intervention plans.

Yet we understand that many young people tracking through the youth justice centres do not have comprehensive assessment on their arrival at youth justice centres.

Assessment of young people in youth justice centres has two purposes:

1. to identify the immediate acute needs of the young person at admission, and
2. to guide the individualised intervention /rehabilitation plan.

Assessment should therefore begin when a young person first has contact with youth justice services, with reassessment conducted periodically right through to the young person's exit from youth justice services.

The assessment process for the young person's individualised plan should involve standardised identification of a wide range of risk and protective factors of the young person. In addition each young person should be screened for physical and mental health problems, educational needs, cognitive deficits,

⁴⁰ <http://www.abc.net.au/news/2017-02-11/nt-youth-detention-royal-commission-looks-to-new-zealand/8260612>

⁴¹ <https://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/research/youth-justice/youth-justice-report-secure-residences-11-fa.pdf>

substance use, any immediate risks to self (including self harm or suicidal ideation) risk to others and from others. Such a systemic, holistic and comprehensive assessment acknowledges the childhood experiences and environment that may contribute to the young person's behavioural and mental health difficulties.

To facilitate good outcomes for a young person it is important to develop an individualised plan and implement appropriate, individualised and effective interventions, which align with the young person's identified strengths and difficulties from assessment, as opposed to a one size fits all approach. Their individualised plan should incorporate intervention for implementation post release.

Implementing multidimensional interventions and rehabilitative programmes, such as educational, mental health, cultural, medical, speech and language and family based interventions are important to ensure that the wide array of difficulties the young person may be experiencing are addressed.

We support a model of a multidisciplinary primary and allied health services (including doctors, psychiatric nurses, psychiatrists, psychologists, and social workers) available onsite at youth justice centres. This facilitates greater responsive to young people's needs and if the team is on site they are available and responsive to be called to help with young people and provide important consultative support for staff.

Within 24 hours of a young person coming on remand they should have a primary health assessment with a doctor, and within 48 hours have a comprehensive mental state assessment with a psychologists or mental health worker to develop a treatment plan.

This multidisciplinary health team meet weekly to discuss progress of young people. And team members have consultations with the staff in the units to support them in how to best manage trauma or some deterioration in a young person.

Recommendation

20. Each young person coming into a youth justice centre undergo a comprehensive primary health and mental health assessment within 48 hours of arriving and have an individualised treatment/rehabilitation plan prepared, that includes to post-release interventions.

VI. Therapeutic and trauma informed programs

Given so many children and young people in detention have complex histories of trauma and abuse, their recovery requires an understanding of trauma and its impacts by service providers, and support for young people to understand their own experiences, needs and strengths.

Monash University researchers have made recommendations for facilitating trauma recovery in youth justice settings which includes:

- provide training and support to deliver trauma-informed services across the youth justice sector.
- embed screening and assessment of trauma into practice.
- improve the delivery of trauma-specific interventions within custodial youth justice settings. Access to evidence-supported therapeutic interventions, particularly those addressing the impact of complex trauma
- develop approaches which support young people to address core difficulties like emotional regulation.⁴²

⁴² Mendes, P., Baidawi, S. & Snow, P.C. (2014). Good Practice in Reducing the Over-Representation of Care Leavers in the Youth Justice System. Leaving Care and Youth Justice – Phase Three Report. Melbourne: Monash University.

- prioritise specific therapeutic interventions for young people on dual child protection and youth justice orders who are aged 10 to 14, as they are exceptionally vulnerable

The reality is that such therapeutic and trauma informed interventions have not yet been properly tested in the Victorian youth justice context.

We understand that back in 2013, Government and Youth Justice embarked on piloting intensive therapeutic care units to prevent or manage future violent incident or escalating situation in youth justice. However the disturbances last November stalled their commencement.

Such units were not in anyway intended to become a “*super max*” youth prison by default, rather the thinking was that over time this therapeutic framework would be applied over the whole youth justice custodial operation.

The proposed units were modelled on Berry Street’s Take 2 program,¹ an intensive therapeutic service for children and young people in the child protection system, demonstrating, or at risk of demonstrating, behavioural or emotional disturbance. Take Two is funded by DHHS and is a partnership of child and family services, mental health, academic, and indigenous services and provides knowledge on best practice responses of the service systems to the needs of this client group.

We submit this approach must be introduced as a matter of urgency to Victorian youth justice centres.

Recommendation

21. Implement tailored, therapeutic, trauma-informed and rehabilitative training and intervention and supports for young detainees, including those being held on remand.

VII. Educative programs

The histories of young people in the youth justice system are characterised by both academic struggles and behaviour difficulties. Many young people who come into contact with the system are already disengaged from education, having with limited possibilities of fitting back into school when they leave the justice system.

The survey in the Youth Parole Board Annual Report highlights that some 62% of the young people detained on sentence or remand in 2015-16 had been suspended or expelled from school. The Ombudsman report on Prison rehabilitation and reintegration highlighted that only 5 to 7% of Victorian prisoners had completed Year 12 or equivalent, and that poor literacy/numeracy was widespread.⁴³

As the former Chair of the UK Youth Justice Board, Rod Morgan (2007) put it:

*It may be too much to say that if we reformed our schools, we would have no need of prisons. But if we better engaged our children and young people in education we would almost certainly have less need of prisons. Effective crime prevention has arguably more to do with education than sentencing policy.”*⁴⁴

Parkville College was established in 2012, in response to recommendations from the Ombudsman’s report in October 2010. Parkville College is a specialist Victorian Government School that provides education to

⁴³ **Victorian Ombudsman**., *Investigation into the rehabilitation and reintegration of prisoners in Victoria (2015)*

⁴⁴ <http://pamelasnow.blogspot.com.au/2015/07/education-and-youth-crime-prevention.html>

students who are, or have been, detained in custody. Working in unison with the Department of Health and Human Services, they deliver education across seven diverse campuses throughout Victoria. Parkville College operates 7 days 52 weeks per year and is registered as a specialist school, and caters for students with disabilities, as well as social, emotional, learning and behavioural difficulties.

In response to the diverse array of abilities, Parkville College teachers have developed a flexible curriculum to meet students' varying needs and interests, comprising of the Victorian Certificate of Education (VCE) and the Victorian Certificate of Applied Learning (VCAL). The school supports students through all levels of education regardless of their age, background and level of education, from early primary years, through to secondary and beyond.

The Education Justice Initiative (EJI), a partnership between Parkville College and the Children's Court, is funded by the Department of Education and Training (DET) to address educational disadvantage among young people involved in the youth justice system in Victoria.

The aim of EJI is to connect young people appearing before the Melbourne Children's Court (Criminal Division) or Children's Koori Court to an appropriate, supported education pathway through liaison and advocacy with schools and training providers, and engagement with relevant DET Regional staff. There are EJI positions in Geelong, Mildura, and Morwell.

Of the 75 young people EJI (in the Melbourne Children's Court) provided direct support to over a period of 4 months, 33 were new enrolments or reconnections with school 20 of those were out of school for over 12 months.⁴⁵

Recommendations

22. Continuation of Parkville College model and extension for young people immediate post release to assist with the transition back to schooling in the community where they live.

23. That the Education Justice Initiative be supported to continue its work within the criminal division of the Melbourne Children's Court and the Koori Courts, and consideration be given to how EJI can work with the Navigator initiative to be established by DET as part of the Education State agenda.

Early intervention, diversion, crime prevention and other alternatives to detention (TOR 5)

I. Successful existing interventions

Ultimately, the best way to reduce the number of young people at risk of isolation in youth justice centres is to intervene early to reduce and prevent youth offending.

Current and future reform and investment focus in youth justice should be even more heavily weighted in favour of supporting family, health, education, community development and ultimately greater socioeconomic equity, as youth crime primarily has its origins in these intersections.

Victoria has historically had a largely successful diversionary and rehabilitative response to youth crime which has been widely acclaimed by other Australian jurisdictions. Aspects of Victoria's youth justice system that have served the state well in terms of preventing offending and promoting rehabilitation and are having an impact in diverting children away from the system.

⁴⁵ *Education at the Heart of the Children's Court; Evaluation of the Education Justice Initiative Final Report, 2015.*

<https://www.vu.edu.au/sites/default/files/victoria-institute/pdfs/Education-at-the-Heart-of-the-Children's-Court-Final-Report-web.pdf>

Arguably the overall reduction in youth crime statistics shows that some programs are having an impact in preventing offending and diverting children from the system. This focus has arguably helped to give Victoria one of the lowest child crime rates in Australia and one of the lowest child imprisonment rates

The Victorian Government should not be pressured into reactive, populist decisions that detract from the success of these programs and focuses.

a. *Engagement in education*

We must prevent and reduce students' exclusion and disengagement from education, in light of the strong link between youth crime and chronic disengagement from school.

Government has made investment in education for young people to ensure that they have the best start in life and reduce their risk of developing antisocial or offending behaviour. The 2015/16 State Budget included almost \$4 billion in additional funding for early childhood, schools and training to make Victoria "the Education State".

We welcomed the Victorian Government's strong commitment to strengthening student engagement, as evidenced by substantial new investments in student equity funding, the Navigator, LOOKOUT and Reconnect programs, and the refunding of the School Focused Youth Service and Local Learning and Employment Networks.

The Victorian Government's new LOOKOUT Education Support Centres employ education and allied health staff to give children and young people in out-of-home care a better chance of doing well in their education. Young people in out-of-home care tend to move between care settings, and therefore educational settings, so are at high risk of falling through the cracks educationally, and are less likely than their peers to attend school, engage with education or attain a Year 12 or equivalent qualification, leading to poorer social, academic and life outcomes.

The \$8.6 million two-year Navigator pilot supports young people aged 12-17 years who are not connected to schools at all or are at risk of disengaging (i.e. students who have not attended school for at least 70% of one term or more). It aims to increase the numbers of young people connected to school and engaged in learning and achieving their full potential.

There are many other different models of support programs that could run in schools that would assist this cohort of young people. They include doctors, lawyers and youth workers in schools, and restorative justice programs in schools

Further targeted action is still needed to prevent and reduce the forcible exclusion of students (and other forms of disengagement), and to re-engage these students. Here, we are concerned not only with formal suspensions and expulsions, but also with the unofficial processes through which students are urged or instructed to leave school or only attend part-time without a clear, beneficial and mutually-agreed transition plan. We are also concerned for those students who drop out of school without adequate follow-up or transition planning.

b. *Youth diversion programs*

Youth diversion includes evidence based interventions, programs and mechanisms used by police and courts to assist young people to address the underlying reasons for their offending. Victoria has a range of diversion programs to support children to stay away from the criminal justice system and programs that help young people on bail to stay in the community, connected to education, employment and family life. These existing options include pre-court (cautions, Youth Support Service), pre-plea (bail supervision, ROPES) and post plea (deferral of sentence, Youth Justice Group Conferencing

Evaluations of diversion programs show they are extremely effective and much more cost effective than court convictions and even higher level sentencing such as supervisory orders, probation and detention. See this [Youth Diversion factsheet](#).

Youth Support Services (DHHS)

A DHHS funded program, offers diversion that addresses the underlying drivers of youth offending behaviours, supports young people and their families to address problems before they become too serious and is currently available to police in the Melbourne metro and some regional areas. Police directly refer young people aged between 10 and 17 years, at risk of becoming involved in or in the early stages of involvement with youth justice, to a youth worker for general casework support and links to relevant services and programs.

YSS has been evaluated by DHHS

Children's Court Youth Diversion Service (CCYD)

Prior to the state election in 2014 the Victorian Government announced it would commit \$600,000 for one year for a pilot of pre-plea diversion programs in Children's Court. During the election the Andrews Labor opposition also committed to funding the youth diversion pilots, to legislate diversion and invest in state-wide diversion programs.

Five pilots were tested and evaluated out of Dandenong, Broadmeadows, Werribee, Ballarat, Ararat and Stawell courts.

The Youth Diversion Pilot Program (Jesuit Social Services, YSAS and Centacare Ballarat) has been successfully completed by more than 90% of its participants, and it appears to have had positive impacts on young people's educational engagement, mental health support and employment prospects.⁴⁶ Of the 427 young people who completed a diversion over the fifteen months that the program was in operation, 88% received an intervention in relation to offending, such as discussions regarding the impact of their offending and victim empathy, support with anger management, and engagement in restorative processes such as family or community conferencing. 43% of the young people who completed diversion were provided with support in relation to community engagement and family life; 59% were supported to re-engage with education and employment; and 46% were supported to improve their health in areas including mental health and AOD use. Across all these areas, the majority of the young people who took part in an intervention showed an improvement e.g. re-engagement with education or a better understanding of the impacts of their offending.

A full evaluation of the pilot should be available to the Committee via DHHS.

Building on these pilots, Government has committed \$5.6 million over two years towards a state-wide, pre-plea youth diversion program in the Children's Court. This program commenced in January 2017, DHHS is delivering the Children's Court Youth Diversion Service (CCYD) in all Children's Court across Victoria.

CCYD provides an opportunity for eligible children and young people appearing before the Children's Court to:

- address harm caused by their offending by taking responsibility and completing a diversion activity
- address the underlying cause of their offending
- where required, receive assistance to engage with support services
- avoid the stigma associated with a criminal record and its impact on future life opportunities

CCYD coordinators conduct same-day assessment following a magistrate's referral, advise the court on suitability for diversion and report back to the court on a young person's compliance with the court's direction.

⁴⁶ **Jesuit Social Services**, 26 April 2016, media release, 'Youth diversion helps young people avoid lifetime involvement with the justice system'

CCYD Coordinator will consult with the young person and family, Victoria Police prosecutors and legal representatives as part of an assessment.

c. Dual track system

Another critical component of Victoria's diversion system is our unique and widely lauded 'dual-track' system which enables suitable 18 to 20 year olds convicted of offences to avoid adult prison.

Section 32 of the *Sentencing Act 1991* legislates that some 18 to 20 year olds convicted of serious offences can be detained in a youth justice centre instead of an adult prison if the court believes the young person has reasonable prospects for rehabilitation, or is particularly impressionable, immature or likely to be subjected to undesirable influences in an adult prison.

Even in this current pressurised environment virtually all youth justice stakeholder continues their support for the dual track model, including CPSU. However it must be supported with the necessary staffing in youth justice centres.

Recommendation

24. We recommend that Government continues to commit to a range of early intervention, crime prevention and diversion programs and invest significantly in programs that aim to address the causes of and risk factors behind youth offending.

25. We recommend a long term commitment to a well resourced, state-wide youth diversion program in the Children's Court, enshrined in legislation. There should be a spectrum of diversion options articulated clearly in the legislation and available state-wide, including police warnings, formal cautions, pre-charge, pre-plea and pre-sentencing models, as well as time-limited intensive case management for some young people following their participation in group conferencing. Young people should be able to access diversion pathways which are culturally appropriate and resourced to assess their circumstances closely and develop a diversion plan tailored to the needs of the individual.

26. Preserve and support the dual track system.

II Other interventions needed

There is considerable scope to improve and strengthen initiatives designed to keep young people out of the criminal justice system and youth detention.

We urge the Committee to take on board the recommendations that will flow from a current review of youth support, youth diversion and youth justice services, which has a focus on long term solutions.

a. Place-based crime prevention interventions and justice reinvestment strategies

As mentioned previously, children and young involved in youth justice often come from communities experiencing entrenched intergenerational disadvantage. Young people from the lowest socioeconomic areas are six times more likely to be under supervision than those from the highest socioeconomic areas.⁴⁷ One quarter of children and young people on remand come from Victoria's 16 poorest suburbs (2.6%).⁴⁸ The Government's crime prevention plan, *Community Safety Statement 2017*, includes new and expanded grants to assist local communities to target the underlying causes of crime and address new and emerging crime trends.

⁴⁷ Australian Institute of Health and Welfare, *Youth justice in Australia 2014–15, Bulletin 133*, AIHW, April 2016.

⁴⁸ **M Ericson and T Vinson**, *Young people on remand in Victoria: Balancing individual and community interests*, Jesuit Social Services, Richmond, 2010.

Recent Place based Youth Grants to assist communities to target the underlying causes of crime and address new and emerging crime trends announced in the 2016-17 budget. The funding includes \$8 million over two years to address issues for young offenders as well as young people at risk of offending in 8 locations (Hume, Wyndham, Ballarat, Geelong, Frankston, Casey, Latrobe, Greater Dandenong), including \$1.5 million targeting Koori young people in 9 Regional Aboriginal Justice Advisory Committee (RAJAC) regions. The funds are directed to funding local community partnerships to identify local needs linked with young people offending in that area and to leverage intensive support initiatives that reduce re-offending and prevent criminal justice engagement.

We support a multi-layered, cooperative and coordinated strategy that is owned and driven by the community. It must involve all layers of government and the business and community sectors, reflecting shared responsibility and joint commitment to resolve this entrenched problem. This strategy must take account of the unique characteristics and circumstances of local communities and be sustained over the long term.

A common sense framework for this approach is justice reinvestment which promotes greater local place based investment over the longer term that is more likely to have a real and sustainable impact on the complex social issues underpinning youth crime.

Justice reinvestment involves investing in disadvantaged communities to identify, develop and implement locally tailored solutions addressing economic and social determinants and risk factors behind youth offending. It will help reduce the number of children and young people at risk of becoming adult offenders or prisoners, and overtime reducing expenditure in courts and prisons, with these saving redirected to other disadvantaged communities. It also has the flexibility and responsiveness to support communities to identify and deliver “quick wins as well as long term positive outcomes.

There have been calls nationally and in Victoria to explore justice reinvestment as an alternative, long term criminal justice approach and to learn lessons from other jurisdictions. This approach is being trialled in Bourke⁴⁹ and Cowra⁵⁰ in NSW and Ceduna⁵¹ in SA, bringing police, government and community together to work up solutions that cut youth crime, save money and strengthen the community.⁵²

The Victorian Ombudsman recommended: that the Department of Justice and Regulation:

*Using justice reinvestment methodology, pilot and evaluate local approaches to crime prevention and community safety in disadvantaged Victorian communities with the aim of reducing reoffending and increasing community safety*⁵³

Additionally Victoria's Deputy Chief Magistrate, Jelena Popovic, also called for Victoria to rethink its responses to criminal behaviour, by taking a longer term approach to law and order. She has encouraged decision makers to learn from other jurisdictions that are trialling justice reinvestment measures.⁵⁴

Recommendations

27. Prioritise investment in place based community-led early solutions that prevent offending behaviour and promote community safety.

⁴⁹ https://www.theguardian.com/australia-news/2017/feb/23/funding-for-communities-not-prisons-the-promise-of-justice-reinvestment?CMP=share_btn_tw

⁵⁰ <https://www.theguardian.com/australia-news/2017/feb/23/the-small-town-trying-to-shift-spending-from-punishment-to-prevention>

⁵¹ https://www.theguardian.com/australia-news/2017/feb/24/ceduna-bid-to-keep-indigenous-youth-out-of-jail?utm_source=esp&utm_medium=Email&utm_campaign=GU+Today+AUS+v1+-+AUS+morning+mail+callout&utm_term=214731&subid=10930485&CMP=ema_632

⁵² For more info go to: <http://youthlaw.asn.au/campaigns-advocacy/justice-reinvestment-home/>

⁵³ **Victorian Ombudsman**, *Investigation into the rehabilitation and reintegration of prisoners in Victoria (2015)* Recommendation 2

⁵⁴ **Bianca Hall** “Deputy Chief Magistrates calls for Victoria to rethink crime” The Age, 24 August 2016

28. Develop and commit to long term funding of justice reinvestment strategies to tackle the causes of crime and address entrenched disadvantage.

b. Individual targeted and intensive interventions and case-management

Reforms to youth justice should include new resourcing for specialist, evidence-based interventions to change the behaviour and circumstances of serious, high volume offending offenders.

It is not helpful or accurate to portray the situation as unprecedented, or to imply that these young people are inherently and irreparably ‘worse’ than any young offenders before them. The youth justice system must be sufficiently expert and flexible to cope with these evolving challenges, which will continue to change into the future.

We need to be strategic and sophisticated about tailoring interventions for those young people committing more serious, repeat, high volume crime. There needs to be a commitment to intensive programs and significant resources to do this work well.

The Crime Statistics Agency identified some 182 young people in the ‘high offender’ category group who commit almost one quarter (23.6%) of all offences in Victoria.⁵⁵ There have been estimates of between 180 and 500 young people who are involved in repeat, serious offending. This group is small enough that targeted, intensive interventions could be provided to each young person and their family. Police and services providers often know these young people but do not have the resources or flexibility to provide the intensive support required. There are some good programs but they are under-resourced.

These young people could be assisted to reform their behaviour, by providing intensive case management from highly skilled staff.⁵⁶ This may require afterhours and weekend support and two case workers for a period of time. Assertive outreach can help identify these young people and deliver support in their community.⁵⁷

Providing comprehensive, multidisciplinary interventions can help address the complex issues they may face, such as mental health, experience of trauma, drug and alcohol, housing stability and reengagement with education or employment, along with tailored programs that build their skills and promote pro-social behaviour.⁵⁸ Engaging with the young person’s family and community can also strengthen family support and build their social and cultural connections.

We cannot overstate the importance of workers building positive relationships and taking the time to understand the young person’s passions and interests, as well the issues they face.⁵⁹ They can then work alongside these young people to build the scaffolding needed to address their issues, develop their skills and help set them on a positive pathway.

Further research may be required on the risk and preventative factors and the best response for the high volume offending group.⁶⁰

⁵⁵ P Sutherland and M Millsteed, *In brief: Patterns of recorded offending behaviour amongst young Victorian offenders*, Number 6, Crime Statistics Agency, September 2016.

⁵⁶ Julie Edwards, <http://www.theage.com.au/comment/dealing-with-young-offenders-is-difficult-but-not-impossible-20161128-gszb9r.html>

⁵⁷ YSAS, *YSAS Snapshot: Findings from the assertive outreach initiative with African-born young people*, October 2013

⁵⁸ Julie Edwards, <http://www.theage.com.au/comment/dealing-with-young-offenders-is-difficult-but-not-impossible-20161128-gszb9r.html>

⁵⁹ YSAS, *YSAS Snapshot: Findings from the assertive outreach initiative with African-born young people*, October 2013

⁶⁰ P Sutherland and M Millsteed, *In brief: Patterns of recorded offending behaviour amongst young Victorian offenders*, Number 6, Crime Statistics Agency, September 2016.

Recommendation

29. Investment to tackle high volume offending through intensive, targeted and multidisciplinary interventions.

c. Post-release transition services

On release from detention, many children and young people do not receive sufficient support in their respective communities and a high number reoffend. Supporting young people in their transition from custody to community is critical, particularly in terms of linking with family, providing stable accommodation and re-engaging with education and employment pathways.

Post release support needs to be planned while a young person is in custody. Too often young people are released without any links to education or employment adding to their social and community disconnectedness and isolation. As a young person gets close to their release date the treatment plan should involve a psychologist setting up community based referrals and supports. Ideally the worker would take the young person to meet with the community workers

Youth Justice clients in custody requiring post release support (including parole eligible, remissions and remand clients) will be identified for referral to the Youth Justice Community Support Service (YJCSS) through the Youth Justice case planning and parole planning process.

As part of service it would be beneficial for the young person to be taken to school and or employment during the day and return to custody once finished. Apparently Whitelion used to bring employers in to custody to engage with the young person and set up interviews for them post release.

Once released the young person should already be linked in to safe housing, education, employment and activities of interest. To reduce the likelihood of reoffending the young people need to have strong links to their interests. They have to feel connected to, and valued by their community

Recommendation

30. Ensure YJCSS (or an equivalent service) provided continuity of care and transition support to those leaving detention. Reintegration into the community (including support for up to 12 months) should be a major focus.

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