

# The Youth Junction Inc. submission to the Legislative Council Legal and Social Issues Committee on the parliamentary inquiry into the Victorian Criminal Justice system.



## **ABOUT US**

The Youth Junction Inc. works with and for vulnerable Victorian young people to support choices in education and employment, and the reduction of disadvantage. We identify and advocate around systemic blockages and work to support systemic literacy in young people through a range of collaborative, innovative and integrated service responses. Over the last twelve years we have run a number of employment and education focused programs for young people between the ages of 12 to 25 years, including a first and a second order Crime Prevention programs based primarily in the West and North of metropolitan Melbourne, and we run a hub of collaborative services in the West of Melbourne which emphasises early engagement. We have been successful in delivering our Crime Prevention programs for over a decade.

The Youth Junction are there for young people whose lives have been impacted by engagement with the justice system and with the courts to develop their independence and build more choices into their lives. We support young people experiencing financial hardship, homelessness, drug and alcohol dependency, family violence or mental illness. Often these circumstances are interconnected; for example, financial stress can impact on levels of family violence, but the links are not necessarily linear.<sup>1</sup> We actively work with services like Youth Justice, Parkville College, education providers and other youth service providers to offer intensive support while walking alongside young people.

We seek to provide access to training and meaningful employment. We're proud to welcome and support newly arrived young people in our community, and empower them with the support, information, skills and tools they need.

## **CRIME PREVENTION AND HARM MINIMISATION AT THE YOUTH JUNCTION INC.**

In 2010 the organisation launched a campaign to address and reduce youth offending rates across Western Metropolitan Melbourne. The activity resulted in the creation of two justice programs; the Youth, Community and Law Program (YCLP), and the Crime Choices and Consequences Program (CCCP) which led to the Prevent Alcohol and Risk-Related Trauma in Youth (P.A.R.T.Y). In 2017 the organisation successfully applied for The Youth Umbrella Project

### **YCLP**

The YCLP is an innovative pre-sentence program which works intensively with young adults aged 18 to 25 involved in the criminal justice system. It's aim has been to reduce risk factors and the cause of offending behaviour, specifically by:

<sup>1</sup> Clancey, G. Kent, J. Lyons, A & Westcott, H "Crime and crime prevention in an Australian growth centre" Crime Prevention and Community Safety 19 (2) 23 January 2017. p.26

- Determining the cause that lead to young adults' risk taking behaviour;
- Addressing the causes that lead to young adults' risk taking behaviour;
- Increasing the capacity of the courts to refer young people to intervention services; and
- Connecting young people with services that lead to increased resilience and independence.

It has been variously funded by Victorian Department of Justice and Regulation, the Department of Premier and Cabinet (through the Public Sector Innovation Fund) and most recently by the Department of Justice and Community Safety to offer a range of specialist services to young adults who are facing criminal matters in the Magistrates' Courts of Sunshine and Werribee, and Broadmeadows. It lost it's funding in June 2021 when the Rehabilitation and Reintegration branch of Department of Justice and Community Safety lost its funding through the impact of Covid.

Over the lifetime of the program cost benefit analyses of the YCLP have been requested to underpin this request. We have undertaken one by the NERA Economic Consulting group in 2015<sup>2</sup> and another by Price Waterhouse Coopers in 2018<sup>3</sup>.

The key finding of the reports are:

- In 2015 YCLP provided support for between 120-150 clients per year, at an average cost of \$2,360 per client. In 2018 the cost sat at \$2,292 per client (\$14 per day per client). For reference in this same period, a Community Corrections Order cost \$27 per person per day.
- In 2015 YCLP Clients were much less likely to be sentenced to a period of incarceration than a comparable group of young people (6% for YCLP clients compared to 19% for the comparison group). In the 2018 report, the likelihood of custodial sentencing remained at 6% compared to 16% for the comparison group.
- The 2015 report found that by reducing the underlying causes of YCLP clients' offending, and therefore avoiding a cycle of incarceration and re-incarceration, the program is estimated to deliver benefits of around \$18,800 per client over 10 years, for a BCR of 8.0.
- The 2018 report found that the benefits are estimated to exceed the costs of the YCLP by a ratio of 2.8 to one. Over a 10 year period the benefits were estimated to be around \$10,600 per client, with the benefits of the program estimated to exceed its cost, over years by around 7.4 to one.
- By 2018 clients of the program were facing charges at the Magistrate's Court with around one in four in custody when they are assessed. Clients of the service had a wide range of needs including offence-specific case management (97%), employment (65%), alcohol and drug treatment services

<sup>2</sup> NERA Economic Consulting "Cost Benefit Analysis of the Youth Community and Law Program . Youth Junction Inc". November 2015. (unpublished)

<sup>3</sup> Price Waterhouse Coopers "Evaluation of the Youth Community and Law Program" 2018 (unpublished).

(63%) mental health services (61%) and education (55%). On average clients of the program had an average of seven areas of need to be considered to address the underlying reasons for their offending.

- In 2018, YCLP was found to engage effectively with its clients. It has high acceptance rates (95%) and high completion rates (74%). It has also been effective in linking clients with the services they need and providing a level of service tailored to the client's own need.
- The cost per successful 2018 completion on the YCLP was \$3,097 per client (at 74% completion rate) in contrast to the \$24,741 for a CCO client (at a 42% completion rate).

As the report demonstrates, the YCLP provides significant benefits to the Victorian Government through reducing incarceration costs and preventing further offending by young adults in the criminal justice system. Over the eleven years, the program has adapted to meet the needs of the referring courts, provided ancillary support programs, and met the needs of 1153 young adult clients. The program might reasonably be utilised to assist in reducing the bail supervision required of Youth Justice, or assisting with the Community Corrections backlog.

The program was agile and able to support clients during the pandemic, without significant changes to funding or program objectives. Referrals continued to be received from the courts, but during COVID lockdowns complexities increased as the courts moved to only hearing significant matters. While by comparison between 1 July and 30 September 2019 approximately 75% of referrals occurred within the community with only 25% occurring in custody, by the 1 August to 30 December 2020 quarter 82% of the assessment of young people in this program now occurred in remand, with clients being seen for much more substantial matters and less likely to have had early intervention supports.<sup>4</sup>

In this time there was a notable increase in remands to custody for this population. Of this closure cohort 56% were charged with a bail-related offence whilst subject to YCLP such as commit indictable offence whilst on bail or breach a conduct condition of bail (ex. curfew, residential condition, not to use substances). The correlation between the two figures is as a result of bail offences being upgraded to a Schedule 1 offence as a result of changes to the Bail Act (Vic) in 2018. This change resulted in young people being subject to 'the exceptional circumstances test' and 'the show compelling reason test' which reduced their likelihood of being released on bail, especially if they had no stable circumstances or address within the community.

Many of these young people were released from custody to continue on YCLP with the access to YCLP support being considered 'exceptional circumstances'. The periods of time spent in custody had negatively impacted upon their ability to engage in therapeutic interventions on an ongoing basis, and primary focus for a significant proportion was initially on issues of safety such as temporary accommodation. Time in custody also destabilised the stability achieved in the community within their individual circumstances prior to being remanded.

<sup>4</sup> The Youth Junction Inc YCLP Quarterly Report Sunshine and Werribee, January 2021, p.4

By Quarter 3 of the reporting period there were less assessments in custody (61.5%), but it is notable that this has had an impact on participants (50%) who were subject to a condition to comply with YCLP for periods of 12 months or more<sup>5</sup>. The program was designed to be approximately three months in length, but for many was a great deal longer in length during 2020. The impacts are of interest; in this quarter 37.5% of those exiting did so to adjourned undertakings, 25% were returned to prison or a community corrections order, and 8% received a fine.

Unfortunately the lapse in funding for this program has caused a referral gap for the Magistrates Courts, and Youth Services lawyers, and a gap in terms of a community based offering for young people who are in the pre-sentencing space in the West and North Metropolitan areas. The Youth Junction is committed to continuing to seek refunding for this program, but if the YCLP cannot secure an ongoing, stable funding source, these significant benefits (as well as the broader community benefits derived from reducing offending and re-offending by young people) will be lost, despite the Victorian Treasurer's assertion in May 2021 that the federal government is committed to shifting the social service's service system to more early interventions.<sup>6</sup>

#### **P.A.R.T.Y.**

The P.A.R.T.Y. program, is a vehicle delivered at set points during the calendar year to groups of young people involved in the criminal justice system to hear from those working or connected to the Royal Melbourne hospital. Presentations from some of Melbourne's leading surgeons, emergency service personnel and those personally impacted by physical trauma allowed an opportunity for young people to see first hand the consequences of risk taking behaviours. Our delivery of this ancillary program since 2010 has reduced injury and recidivism by up to 96% each year. While initially it was funded by the Proceeds of Crime Act through the Department of the Attorney General, since 2020 a partnership between the Royal Melbourne Hospital, and other private funders has enabled the program to continue through hospital education funding and charitable funding obtained by the Youth Junction Inc.

#### **Y.U.P.**

The Youth Umbrella Project has been funded under The Youth Crime Prevention Grants fund community-led initiatives since 2017, and delivered by the Youth Junction Inc since inception. The program works to reduce offending behaviour and recidivism amongst participants 12 -17 through reducing crime related risk factors, increasing engagement with school, training or employment increasing community connectedness. Over the period of the program some unexpected elements emerged including environmental factors such as an increase in remand for low level offences, and minimal early intervention services in Brimbank, and cohort changes such as an increase in complexity of young people, and an increase in self referrals. The program had its greatest

<sup>5</sup> The Youth Junction Inc. YCLP Quartering Report Sunshine and Werribee, April 2021, p.7

<sup>66</sup> Pallas, T "The VCOSS Annual Treasurer's breakfast" Park Hyatt, Melbourne, 24 May 2021.

impact in addressing the risk and protective factors for young people. To 2021 248 young people have received support on the program, and of those who have exited, 60% have successfully completed, and only 3% have gone on to a custodial sentence.<sup>7</sup>

For feedback on our crime prevention programs please see Appendix I.

## **THE CHALLENGE**

The value of community based strategies is acknowledged; it has been recognised that relationships, interpersonal engagement and the reallocation of resources can improve public safety without, or with limited use of criminal legal systems.<sup>8</sup> The approach is based primarily on reducing harms such as deprivation, punishment and isolation. The issue however is the structural precariousness of investment in these approaches. Where no one government department has a long term commitment, there appears to be a higher likelihood of short term funding and risk to the future of these programs. The focus appears to be new initiatives rather than interrogation of whether current programs are achieving validated and valued outcomes.

The pathologizing of young people while they try on roles and identities in a period of profound reconfiguration is a recognised phenomenon in our society.<sup>9</sup> Obviously this is exclusive of young people in the criminal justice system, but speaks to a more approach towards the behaviour of young people in general. In Victoria, this currently looks like high numbers of first time offenders not being offered cautions or diversion. Many young people for various reasons, navigate this stage of life without supports, and are significantly disadvantaged for no reason of their own doing. For these reasons, and others, Youth Services have a role to play in normalising and guiding the reconfiguration experience. We can see that in other areas of government there is support for a youth specific approach; the Recent Royal Commission into Victoria's mental health system recommends a dedicated service stream for young people to ensure that the system works for everyone.

More broadly, community-based Youth services also have a broader part to play in other areas of community safety which have not to date been recognised by funders. The Fourth report to Parliament by the Family Violence Report Implementation Monitor finds that currently there is<sup>10</sup>:

<sup>7</sup> Youth Crime Prevention Grants – Sustainability Progress Report, 24 February 2021, “ Participants who have exited the project since the project commenced”.

<sup>8</sup> Gleicher, L. Book Review: Defund fear: safety without policing, prisons, and punishment.” Crime Prevention and Community Safety (2021) 23: 229-232.

<sup>9</sup> Finn, J & Nybell, L. “Capitalizing on concern: the making of troubled children and troubling youth in late capitalism” Childhood: A journal of global child research, 8 (2) pp.1-7

<sup>10</sup> Report of the Family Violence Implementation Monitor As at 1 November 2020, (May 2021) Fourth Report. Retrieved from <https://www.fvrim.vic.gov.au/fourth-report-parliament-1-november-2020-tabled-may-2021>

- Limited availability of the Adolescent Family Violence Program (a community-based program), yet there is high and growing demand, including for those aged outside the 12-17 target age group.
- There are insufficient crisis response options, including adolescent accommodation and support to accompany police attending these incidents.
- Restorative justice responses were recommended by the Royal Commission as a beneficial approach, because these young people require a specialised and systemic response. The 2019 trial had issues and the program did not continue. There is agreement that more work should be done in this area.
- The complexity of issues that adolescents and families are experiencing mean that appropriate responses commonly require coordination between many sectors and services such as housing, child protection, child and family services, mental health services, police and The Orange Door, where it exists. (Family Safety Victoria has committed to explore how a response could be “tested within other sectors.”<sup>11</sup>)

Crime Statistics data shows that 80% of the young people using family violence in the home go on to have future contact with the justice system after a first adolescent family violence aggressor incident and more than half have subsequent involvement as a victim of crime, a victim survivor of family violence or a complainant on an intervention order.<sup>12</sup> Of those using violence in the home, research has shown that the young people are more likely to have complex needs, including mental illness, alcohol and drug dependencies, acquired brain injuries and previous exposure to family violence, leading to a decreased capacity to comprehend and comply with legal orders.<sup>13</sup> Arguably youth participants in the criminal justice have a higher than likely chance of being engaged in other aspects of community service and health provision so investment in these domain are likely to have long term benefits across sectors.

## **OUR SUBMISSION**

We ask that:

1. The Committee considers that the needs of young people in the criminal justice system are significantly different to the general population and require a dedicated service stream that includes multi-disciplinary care.

<sup>11</sup> Victorian Government (2020): Strengthening Perpetrator Accountability for Family Violence, p. 8 (unpublished) cited in the Report of the Family Violence Reform Implementation Monitor.

<sup>12</sup> Crime Statistics Agency (2020): Adolescent Family Violence in Victoria, February 2020

<sup>13</sup> Campbell, Richter, Howard & Cockburn (2020): The PIPA project: Positive Interventions for Perpetrators of Adolescent Violence in the Home. Sydney, NSW: ANROWS cited in the Report of the Family Violence Reform Implementation Monitor.

2. Changes to the criminal justice system for young people be informed by established knowledge across the sectors, including the Royal Commission into Family Violence, the Royal Commission into Aboriginal Deaths in Custody, and which acknowledge the previous commitment to Youth Justice Services which offered age appropriate responses, were informed by information sharing between Youth Justice and the adult system, had community support services, and young offender case management.<sup>14</sup>
3. The Committee seriously considers a return to the focus on funding community-based correctional programs to not only provide a cost effective solution to dealing with criminal offenders, allow for early intervention, but also alleviating some of the economic and logistical pressures of systemic incarceration.<sup>15</sup>

## **WHY**

The young people we support face great difficulties in their lives for which they are often poorly resourced; this includes family violence, mental health, histories of drug or alcohol abuse, unemployment and homelessness. Young people coming from out of home care, young people from refugee backgrounds and new and emerging CALD communities are disproportionately overrepresented in the justice system. These hardships have been ongoing and have risen increasingly during the COVID -19 pandemic.

COVID-19 is not just a global pandemic, but has potential long term implications for Victoria young people, in a number of interrelated areas. The Sentencing Advisory Council (2020) has recently found that in Victoria, the number of children (aged from 10-18 years old) remanded in Youth Justice custody on an average day had doubled from 48 to 99, an escalation of 106%.

There is a significant remand crisis in Victorian Youth Justice. Whilst historically known for their progressive policies favouring a human-rights and therapeutic approach in consideration of young people's developmental needs, the enactment of changes by government to the Bail Act in 2013 led to a significant spike in youth remand populations and perpetuated custodial overrepresentation of the most vulnerable young people in society (Grover 2017). Should the Victorian Youth Justice system focus on effectively reducing youth offending long-term, it can do so by reducing tertiary justice expenditure on prisons, and diverting unsentenced young people from detention through reinvestment in community-led youth evidence-based supports (Galpin, unpublished paper, Victoria University, 2020). It has already piloted and begun evaluating these programs, which can have a significant positive impact in multiple life domains, including education and employment, and ability to travel.

<sup>14</sup> Department of Justice and Regulation "North West Metropolitan Area 2018-20 Business Plan, p.6

<sup>15</sup> Wong, J, Bouchard, J., Gravel, J. Bouchard, M. and Morselli, C. "Can At-Risk Youth be Diverted From Crime? A Meta-Analysis of Restorative Diversion Programs" *Criminal Justice and Behavior*, pp.1310 -29.

Community based solutions can enable young people to participate in the education and employment system while working to address the drivers of their behaviours. For young people, the longer they are out of work, the higher likelihood of their skills and productivity deteriorating, as well as self-esteem, mental health, and social connection with others. Long term engagement in employment and building a career are often the key pathways in which young people can initially build skills, activate citizenship, and navigate pathways for making their contribution to society. This is not of surprise to them; young people undertaking our virtual programs during lockdowns in 2020 were significantly more engaged in programs around Family Violence education (90%), employment (80%) and mental health (80%) than other activities such as cooking (Youth Junction Iso program, August- September 2020).

The damage to career prospects and earning potential during a period of economic downturn is often long term or even permanent. Research from the 1980s and 1990s during previous economic downturns, has shown that those young people who qualified and are trying to land their first full-time position will struggle, and will likely do so for up to a decade afterwards<sup>16</sup>. This can have a delayed effect on career prospects or other life milestones such as purchasing a home or starting a family.

The pandemic has also shone a light on mental health. Social isolation, insecure work, and uncertainty about the future have all played a toll on young people's mental health. In 2020 YAC VIC highlighted an increase of 33% of young people presenting to emergency departments for mental ill health. Headspace's annual survey has found that during the first lockdown one in three young people between the ages of 12 and 25 reported high or very high levels of psychological distress.<sup>17</sup> Good mental wellbeing is vital for young people to develop and flourish. Having stress or low wellbeing across a range of areas is likely to have cumulative and longer-term negative impacts on young people, lowering their resilience, adding stress and potentially affecting their brain development. Mental health is better able to be addressed at the earliest stages, and in situations where young people are able to be supported within their community.

Fundamentally, despite significant government investment in public policies, services and local initiatives, inequities for many young people have proven difficult to solve. Fragmentation and lack of coordination happens vertically (between state and local government), horizontally (between different agencies), by age (such as antenatal and postnatal, preschool, school age, tertiary), and by different groups or areas of focus (such as parenting support, family violence, job seeker).

This same fragmentation is replicated in government and non-governmental contracted services. Investment is often ad hoc, or not sustained. The committee must address the inequities, and also address silo-ing at public policy level. Kelly et al suggest that traditional crime prevention initiatives fail where they aren't integrated; the embedding in the surrounding social contexts, and the engagement between agencies and public allows for engagement of local

<sup>16</sup> J Borland, University of Melbourne, cited in <https://www.abc.net.au/news/2020-07-26/will-coronavirus-toughen-up-millennials-or-scar-them/12489880>.

<sup>17</sup> <https://headspace.org.au/assets/Uploads/Insights-youth-mental-health-and-wellbeing-over-time-headspace-National-Youth-Mental-Health-Survey-2020.pdf>

capacity, needs and prioritisation.<sup>18</sup> The community is not homogeneous and the interests are by extrapolation not universal; for example it can be difficult for the police to part of a community-based program when law enforcement roles clash with the crime prevention objectives.<sup>19</sup>

## **WHAT**

We propose that the service offering for young people in the criminal justice system:

- should focus on supporting youth people in the community, rather than loading up Youth Justice or increasing community corrections orders. This includes encouraging the use of cautions and pre-charge warnings for young people. If we agree that it takes a village to raise a child, then the system should enable the village to act.
- Should acknowledge and recognise the findings relevant to young people in the Royal Commission into Family Violence, the Royal Commission into Aboriginal Deaths in Custody, and the Royal Commission into Mental Health System, including the focus on harm reduction, rather than risk.
- need to be focused on what systemic commitment should be made collectively as a Government and community to empower young people to thrive, including understanding and addressing the causes of risk-taking behaviour, and connecting them with services that increase their independence and resilience.
- must be linked to Victoria's Free from Violence Strategy, the Roadmap to Reform, Victoria's relevant commitments to the National Closing the Gap Agreement, Crime Prevention Strategy, Youth Justice Strategy, Education State, early years reform, Victoria's Homeless Strategy, and the Anti-Racism strategy.

### *Guiding principles*

In creating this desired environment, there is an obligation to realise the above outcomes. As principles, these are:

- a prohibition against discrimination based on age or ethnicity.
- Early intervention with young people is best practise
- Community is the best place to reduce harm for young people and to embed crime prevention options
- decisions to be made in the best interests of the young person

<sup>18</sup> Kelly, K; Caputo, T.; Jamieson, W. "Reconsidering sustainability: some implications for community-based crime prevention" *Critical Social Policy: A Journal of Theory and Practice in Social Welfare*, Vol 25 (3), 1 August 2005, p.309

<sup>19</sup> Ibid. p.310-316

- the young person has a right to survive and thrive

## **HOW**

We recommend that young people be separated in central government policy development in the criminal justice system in recognition that early intervention with young people creates better opportunities to change the potential paths undertaken.

We recommend that this system structure follows informed knowledge around the systems that best work for young people to offer age appropriate responses, involves information sharing between Youth Justice and the adult system, community based services and young offender case management, and is the starting point for multidisciplinary support. The multidisciplinary supports should include targeted FV support specific to young people, mental health support, AOD support and support around youth homelessness as a starting point. Improving outcomes for young people in the criminal justice system is too big and complex a job for a single agency or Department. It involves a multitude of portfolio areas including health, welfare, justice and education.

We recommend the Committee considers a return to the focus on funding community-based correctional programs to not only provide a cost effective solution to dealing with criminal offenders, but also alleviating some of the economic and logistical pressures of systemic incarceration. To embed community based programs, long term contracts need to be embedded and outcomes measured longitudinally, rather than short term projects seeded by small innovation funds. This should be supported by an annual review to Parliament on achievement of these outcomes, and contracted agencies and/or recipients of funding to have their work evaluated against these outcomes.

We recommend the involvement of Young People in systemic design changes. In doing so we acknowledge that the engagement of those with lived experience is a sustained and ongoing practise which must be embedded and supported within the system, rather than piecemeal. Lived experienced advocates should be treated as experts in their field and supported appropriately to contribute, engage and review systems.

## Appendix I

### Testimonies from our community crime prevention programs:

“ Donald\* received an adjourned undertaking, to be of good behaviour, and to pay a \$500 donation to Youth Junction Incorporated (which I managed to convince HH Wardell to vary from the court fund given the extended great support given to Donald).

This was an amazing result, especially given the additional charges, which he would not have received without the fantastic support offered by YCLP. Donald was very happy with this, appreciative for all the assistance, and of course very relieved for it to all be over finally! So thank you again for the excellent work the YCLP team does! 😊 ”

Lauren Bowden Senior Lawyer

Victoria Legal Aid, Gippsland Regional Office, December 2020

“- Her Honour stated in Court that she considered TYJI staff member\*'s report to be an *excellent* report - and that she is extremely impressed with the work of the Youth Junction.”

Janine Perlman

Barrister

“The feedback is that of resounding endorsement for both the Youth Community Law Project and the P.A.R.T.Y Program. The completion summary sheets provided to the Court are particularly helpful and the Court has seen the benefits of this referral pathway option on those court clients that have been referred to your Youth Junction Inc programs.”

Lisa Grey

Acting Senior Registrar, Broadmeadows Court, April 2021

“Yeah a pretty good judge dismissed my case due to good behaviour and showing effort. She just told me to go to VicRoads and apply for my license but might need interlock for a bit.... Thank you... will definitely be moving forward with my life making better choices thanks for all your help tho..”

James\*, P.A.R.T.Y. participant April 2021

Feedback from a participant in P.A.R.T.Y:

“Since I committed my offence I have made the right choices and it's helping me because I always remember about the clients that are in a bad situation and I don't want to be in that situation as I have a career ahead of me. Thank you to the Program it has changed my life and my choices.”

\*Names have been changed.