



Local Time.

Dear Ms Patten,

Re: Submission to the Inquiry into Victoria's Criminal Justice System

Thank you kindly for this opportunity to contribute to the Inquiry.

We would like to acknowledge that we write this on the lands of the Wurundjeri, and pay our respects their elders past, present and yet to come.

Local Time is a research collaboration that examines the design of youth custodial facilities, and the impact of a facility's physical environment on safety, rehabilitation and ultimately the risk of reoffending. While by no means the sole factor, the physical environment of a facility greatly impacts upon the procedures within a custodial environment, the relationships between staff and young people, and ultimately a young person's prospects of rehabilitation and community safety.

With our submission we would like to reiterate and draw attention to a finding of the Armytage Ogloff review; that in Victoria, a custodial sentence for a young person is likely to do more harm than good.

This finding deserves pause and reflection.

Receiving a custodial sentence or being held on remand is currently a criminogenic risk.

It is crucial that Victoria works to reduce the likelihood of people coming into contact with the justice system and directs resources toward addressing the underlying causes of crime. This includes raising the age of criminal responsibility. We want to emphasise the importance of a justice reinvestment approach, along with the importance of reducing the overall number of beds in custody.

While we trust that the committee will seek to understand ways to reduce the number of people in custody, in addition our submission seeks to highlight the importance of what occurs within custody. In the last-resort event that a young person is remanded or sentenced to custody, it is important that they find themselves within a safe and therapeutic environment, conducive to their prosocial rehabilitation, reducing the risk of their reoffending. Our research aims to understand and explain what this looks like in concrete terms.

Regarding the Inquiry's first two Terms of Reference, we would like to clearly indicate that neither of Victoria's current Youth Justice facilities, nor the facility under construction at Cherry Creek, reflect the evidence of what works to reduce the risk of reoffending in young people.

Rather, recent international evidence shows that custodial environments that are small-scale, locally sited and integrated with the surrounding community, designed to promote relational and differentiated security, and comprising therapeutic design characteristics provide a better custodial setting for rehabilitation and reducing the risk of reoffending.

Our state has a history of progressive and evidence-based approaches as demonstrated by its dual track system for young adults. We seek this spirit in requesting a custodial system that maintains and strengthens community connection and protective factors for young people, provides an environment for the treatment of health and mental health needs, and promotes constructive relationships between Youth Justice staff and young people in custody.

As such, we seek to draw the Committee's attention to certain scientific literature along with international precedents that demonstrate evidence-based approaches to reducing the likelihood of custodial interventions, while also increasing the effectiveness of those custodial interventions that are deemed necessary. These facilities, along with their staffing approaches, philosophies and work culture, actively promote a reduction in the likelihood of reoffending.

Based on this evidence, and similar to the successful experience of New York's Close to Home initiative (McCarthy et al), we ask the committee to advise and commit to:

- Reduce and limit the use of youth prisons to only youth who have committed serious offences and pose clear and demonstrable risks to public safety;
- Reform the culture and decision-making processes of the entire Youth Justice system. This should involve changes in policies, practices, and procedures throughout the system, so that each youth is matched to the most appropriate services;
- Replace current youth prisons with small-scale, therapeutic and community-integrated facilities that focus on the strengthening and continuation of protective factors close to the community of the young person;
- Reinvest the money saved from keeping young people at home, and through more effective but less costly approaches, to further build and strengthen diversion and community-centred approaches.

Further, we would like to reiterate that research forms the foundation of successful policy and practice reforms, by building the knowledge of successful approaches and promoting transparency and accountability. In line with Armytage and Ogloff's recommendation to form Research Partnerships – we recommend the building and strengthen of partnerships between university research centres and the Department of Justice and Community safety.

To this end, please find attached our report titled Local Time: Design Guide for Small-scale Local Facilities, including executive summary and appendices documenting international precedents.

We also attach the reference referred to above, describing the New York approach as a precedent;

McCarthy P. Sch ra d V.N. & Shark M. (2016).

The Future of Youth Just ce: A Commun ty Based A ternat ve to the Youth Pr son Mode . Nat ona nst tute of Just ce.

If we can offer any further help, please feel free to get in contact.

Kind regards,

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Matthew Dwyer
M.Arch, CF

Highlighted recommendations from the report

Through the evidence gathered in this report, our immediate recommendations for the Victorian Youth Justice System at this moment are:

- Focus on early intervention and legislative change to reduce the number of young people entering the Youth Justice system and to reduce the number of beds necessary for youth custody.
- Institute systems to prevent the commissioning and building of any new large-scale youth detention facilities or the expansion of existing facilities, as there is no evidence for the efficacy of this model and they fail to reflect best-practice or current scientific evidence.
- Halt the construction of the Cherry Creek facility, as there is no evidence to support such a model. As the project is too far progressed to halt completely, reduce the operational occupancy of Cherry Creek to 70 beds and implement a facility design following the Diagrama model (Refer Appendix 1, and Armytage and Ogloff Part 2, Section 8.1.1), adapted for the Victorian context.
- Develop the model for small-scale local Youth Justice facilities in Victoria, for those young people who can be shown to have a real need for custodial intervention.
- Fund the development and implementation of a long-term demonstration project for small-scale local facilities, including three pilot facilities across rural and metropolitan locations, to substantiate the approach and provide a working basis for broader implementation across the state.
- Create a network of small-scale local facilities, replacing large-scale detention, to minimise and diversify Victoria's approach to youth custody, allowing for tailored responses to individual risks, needs and strengths; creating a step-up-step-down approach which encourages young people to grow and provides integration with the community, before trial, under sentence & prior to release.
- Fund ongoing evaluation and academic research of the model within the context of Victoria, in partnership with multidisciplinary teams of experts, to drive further improvements to the custodial approach.

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For the full report, visit:
www.localtime.com.au