

YOUTH PAROLE BOARD VICTORIA

Parkville Youth Justice Precinct



Wednesday, 22 September 2021

Ms Fiona Patten, MLC
Chair
Legal and Social Issues Committee
Parliament House
Spring Street
EAST MELBOURNE VIC 3002

Dear Ms Patten

Thank you for allowing the Victorian Youth Parole Board (the Board) to make a submission to the Committee's Inquiry into Victoria's Criminal Justice System. This submission will provide an overview of youth parole and detail how it makes an important contribution to the reduction of recidivism and the successful rehabilitation of young people leaving custody. The submission will briefly describe how the Board operates and the process of parole for young people leaving custody. It will explain how the Board responds in a proportionate and supportive way to young people who are struggling to comply with conditions of their parole and how this approach compliments the aim of parole which is to support and supervise young people in order to reduce their offending behaviour and promote their rehabilitation.

Background

The Youth Parole Board (the Board) was established by the *Social Welfare Act 1960* in 1961 and now continues under section 442 of the *Children, Youth and Families Act 2005*.

The Board has jurisdiction over children sentenced in the Children's Court, young people between the ages of 18 and under 21 years who have been sentenced in the adult courts to detention in a youth justice centre and young people in prison who were transferred by the Adult Parole Board to serve their sentence in a youth justice centre. Section 458 of the Act empowers the Board to grant parole to young people subject to its jurisdiction.

Victoria is one of the small number of jurisdictions which has an independent Board and one which enjoys full discretion in deciding when a child or young person (young people) can be paroled. The Board is made up of a chairperson, being a judge of the County Court, two community members (one of whom must be a female) and one member representing the Secretary of the Department of Justice and Community Safety. Community members and Departmental members are appointed by the Minister for Youth Justice and judicial members are appointed by the Attorney General.

All sitting members have an alternate member who is able to sit in their absence. The Board members are appointed for a period of up to three years and may be re-appointed. As matter of policy, one community member is an Aboriginal person.

What is youth parole?

The aim of youth parole is to promote public safety by supervising and supporting the transition of young people from custody back into the community, in a way that seeks to minimise both the frequency and seriousness of reoffending and ensures their continued rehabilitation. Parole supports children and young people to serve a concluding period of their sentence in the community under supervision and subject to other conditions, with an appropriate plan and supports to meet their education, housing, health, disability and other developmental needs.

Youth Parole is thus a critical case management intervention for young people in youth justice custody and operates as a form of supported release into the community before the expiration of a custodial sentence. While on parole, a child or young person is subject to supervision and other conditions designed to manage their risk of re-offending and promote their rehabilitation and successful reintegration into the community.

The prospect of early release on parole also serves the important purpose of encouraging young people in custody to behave and engage constructively with their rehabilitation, education and developmental and psychosocial supports.

Without parole, young people would leave custody without the support, planning and monitoring needed to make this transition successful, thereby compromising their rehabilitation and reintegration into the community. Unlike the adult parole system, youth parole is conceived as less of a 'privilege' that is earned for good behaviour, and rather as a necessary continuation of the young person's rehabilitation journey and case plan.

Neither the Armytage and Ogloff *Review of Youth Justice* nor the 2018 *Inquiry into Youth Justice Centres in Victoria* by the Legislative Council's Legal and Social Issues Committee made any specific observations or recommendations in relation to the legislative framework for youth parole in Victoria. This is reflective of the existing strength and flexibility of the existing youth parole system in Victoria and indeed Victoria's leadership in this context.

Who are the young people on parole?

The young people who are in custody are likely to have experienced a range of traumatic events in their childhood. Research has shown that this trauma can inhibit executive functioning and emotional processing and make navigating emerging adulthood additionally challenging. Many of these young people are left ill-equipped to form stable relationships, to develop resilience to cope with life's stresses, to manage antisocial behaviour, and to engage in and complete the training and education essential for living a pro-social working life in the community.

To compound this trauma the young people in youth justice custody have significantly higher rates of cognitive impairment, mental health issues, childhood abuse, exposure to criminal activities, alcohol and drug use, unstable accommodation, disrupted education, socioeconomic disadvantage, and intergenerational trauma. Furthermore, the presence of one factor can impact on the others, for example homelessness can exacerbate on mental health.

Research shows that these young people generally reduce their offending behaviour as they mature into adulthood, and most will eventually stop. This natural desistance, along with the fact that behaviour patterns are not as firmly entrenched in young adults as in older adults, means that young adult offenders can be more responsive to rehabilitative interventions than older adults.

When leaving custody, most young people will need support in all domains of their lives. For example, they need help in, finding a home, securing an income, enrolling and attending courses or school, living independently, problem solving, managing substance addition and mental health issues.

What happens when young people are on parole

The parole period has been described as a journey for the young person, rather than a single transition event, and that the journey may involve relapses. Success on parole usually requires the young person to shift their identity from one that allows offending to one that encourages a crime-free life, social inclusion and wellbeing.

Under Victoria's Case Management Framework, parole planning and engaging supports begins from the first day of a young person's sentence. Young people are engaged in a range of services and supports to meet their needs. This group of services is known as their care team and includes specialist mental health services such as Orygen Youth Health and YSAS, a specialist drug and alcohol service for youth. Most young people will be engaged in evidence based offending programs which are delivered by clinicians from Caraniche Forensic Youth Services. In addition, youth workers from Youth Justice Community Support Services (YJCSS) complement Youth Justice's statutory role and provide practical and emotional support to young people on their parole journey. Their support starts when a young person is in custody and continues following for the length of the parole order and, where necessary, beyond.

Aboriginal young people are supported through the Community Based Aboriginal Youth Justice Program. The program provides support to Aboriginal young people in contact with youth justice, including those on parole, by providing support to engage in positive pro-social activities, cultural activities and supporting young people to establish and/or strengthen their connection to culture.

The Aboriginal workers in custody in partnership with the Community Based Aboriginal Youth Justice Program worker work to ensure culturally appropriate transition support is provided to Aboriginal young people exiting custody settings into community. In the community there are other support services such as the Aboriginal Early School Leavers Program which provides support to Aboriginal young people to re-engage with employment and education opportunities and the Aboriginal Youth Support Service which provides preventative, early intervention and case management services for Aboriginal children and young people at risk of Youth Justice involvement, or subject to a Youth Justice Order. Aboriginal Intensive Support Program (AISP) workers are responsible for the statutory case management of Aboriginal young people under Youth Justice supervision. AISP workers hold identified positions and workers provide a culturally appropriate service to Aboriginal young people on youth justice orders including parole.

What happens when young people have difficulties when on parole

The Board aims to promote the rehabilitation of young people on parole when they leave custody through support and supervision. The Board receives regular updates from their case manager on their compliance with the conditions of the order and their progress in addressing their needs and behaviours. The Board is notified of any serious incidents in a timely manner.

When a young person is experiencing difficulties in complying with the requirements and conditions of their parole order, the Board takes a constructive and staged approach with the young person and their care team.

For lower risk non-compliance, Board can strengthen their support and supervision by meeting with the young person and their care team and seeking more regular updates. In those meetings they will lay out their concerns and aim to develop a plan with the young person to meet with the requirements of their order.

If the level of risk become serious, the Board may warn a young person on parole. Warnings provide a young person with an opportunity to reflect on their behaviour and to make changes that will result in successfully completing their parole. The Board works with the young person and their case manager on the reasons underpinning failing to comply with the conditions of parole. As part of the warning, the Board emphasises the need to comply with conditions of parole and warns that further non-compliance can, or will, result in cancellation of parole. Young people are provided with an opportunity to meet the Board explain what is happening in their lives and their plans going forward. The Board always encourages them to work closely with their youth justice case manager.

When risk to the community and or the young person on parole becomes unacceptable, the Board may cancel the parole order. The cancellation of a parole order triggers a warrant for the arrest of the young person who is then returned to a youth justice centre, not prison, to serve the unexpired portion of their original sentence.

Section 460(7) of the Act stipulates that no part of the time between release and cancellation should be considered as time served, unless determined by the Board. Thus, the Board is required to have regard to the extent to and the manner which the young person complied with the conditions of the order when on parole. The Board, in most cases, will grant a credit for part of the unexpired sentence for the period the young person complied with their order conditions. In making this decision, the Board takes into account the nature of the levels of compliance with the conditions. At no stage do young people spend more time in custody than the time specified in their sentence.

Although there is a significant number of parole orders cancelled, the majority of the orders are cancelled because the young person is not complying with the conditions of the order rather than reoffending. The Board recognises that parole is a journey, and that young people may have relapses and struggles on this journey. To that end, the Board will on most occasions seek another parole plan from their case manager and, when safe and appropriate, release a young person on parole again. Research has shown that young people are more likely to desist from offending after completing a period of community supervision like parole than they would if they left custody without this supervision and support.

I trust the above information will assist the Inquiry in its considerations and correct assertions made in another submission. Please don't hesitate to get in touch with us, or the Board's General Manager Murray Robinson [REDACTED] if you have any questions or need more information.

Yours sincerely

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Her Honour Judge Claire Quin

Chairperson
Victorian Youth Parole Board



Paul Grant

Alternate Chairperson
Victorian Youth Parole Board