



The National Centre of Excellence
in Youth Mental Health

Inquiry into Youth Justice Centres in Victoria

Submission

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1. About this submission

This submission is made on behalf of Orygen, the National Centre of Excellence in Youth Mental Health. There is an urgent need for dedicated forensic mental health beds for juveniles. Any decision to build a new juvenile detention facility must include sufficient capacity and the resourcing for research and provision of evidenced-based treatments. The high rate of mental ill-health among young people in contact with the justice system and in detention demands that this issue be addressed.

Our submission highlights the need for dedicated forensic mental health services for juveniles to address the implications of incarcerating young people who have issues associated with mental ill-health (item four of the Terms of Reference). This submission has the goal of outlining the:

1. need for evidence-based forensic mental health services; and
2. importance of providing specialised community-based and residential mental health services for young people at risk of involvement or already involved in the justice system, including those on remand or in detention.

2. About Orygen – the National Centre for Youth Mental Health

Orygen is the world's leading research and knowledge translation organisation focusing on mental ill-health in young people. Orygen's work has created a new, more positive approach to the prevention and treatment of mental disorders, and has developed new models of care for young people with emerging disorders. This work has been translated into a worldwide shift in services and treatments to include a primary focus on getting well and staying well, and health care models that include partnership with young people and families.

Orygen is a not-for-profit company limited by guarantee. It is a charitable entity with Deductible Gift Recipient Status and is an approved research institute. The Company has three Members: the Colonial Foundation, The University of Melbourne and Melbourne Health.

3. There is a lack of forensic mental health services for young people

Young offenders have the highest rates of mental ill-health among the community, yet they are the worst served by clinical services. There are serious implications arising from incarcerating young people who have mental health issues in residential detention facilities that have grossly limited and inadequate specialised mental health services. More broadly within the juvenile justice system evidenced-based preventive forensic services, early interventions and treatments to address mental health needs as well as behavioural problems that contribute to (ongoing) offending are either entirely lacking or inadequately resourced.

Recent national initiatives and reforms have addressed gaps in the mental health system, however, disadvantage continues to be 'particularly evident in forensic contexts' ¹. Primary and

community mental health services are often hesitant – or outright refuse – to accept young people with behavioural and alcohol and other drug issues, especially if they have an offending background. Within residential facilities minimal primary mental health services and generic programs fail to provide the breadth of specialised treatment required.

4. The failure to provide specialist mental health services

If young people with mental health problems or disorders are sentenced to residential detention, then specialist mental health services must be provided to them. Specialist forensic mental health services for young people in detention are necessary to provide the best possible opportunity to improve their mental health and life prospects and contribute to building safer communities by providing clinical management strategies that specifically address the mental health factors (including behavioural and personality disturbance) that frequently underpin their offending.

The prevalence of mental ill-health is higher among young people engaged in the justice system compared to those who are not, and is higher again among young people in residential detention³. There is also a link between the seriousness of crimes committed and types of mental disorders⁴. Despite experiencing a higher prevalence of mental ill-health, young people connected with justice system are far less likely to have accessed mental health services⁵.

Aboriginal and Torres Strait Islander young people are over-represented in the Victorian justice system by a factor of eleven⁶. The Victorian Aboriginal Justice Agreement identified the need to strengthen ‘early identification and appropriate referral of Koori youth with mental health issues and/or alcohol/drug issues.’⁷ Forensic mental health services that cater for the needs of this population group are required.

Despite the greater incidence of mental ill-health among justice connected young people and especially those in residential detention, there are no specialist forensic mental health services provided to young people in the juvenile justice system. The Victorian Ombudsman has previously found that the Melbourne Youth Justice Precinct was ‘struggling to meet adequately the needs of children who are seriously mentally ill’⁸. The Youth Parole Board acknowledges the Department of Health and Human Services ‘provides primary health and rehabilitation services for young people in youth justice’². Specialist mental health services do not exist and are not being provided in any other part of the health system.

Young people who could benefit most from treatment are being denied the specialised mental health services they need despite negotiated protocols for access to outpatient and bed-based mental health services, overseen by the Office of the Chief Psychiatrist. A ‘perceived organisational bias’ against forensic inpatients has been identified in public hospitals in Australia¹ which further highlights the need for dedicated forensic mental health facilities for young people.

5. The need for evidenced-based forensic mental health services

The planned new youth detention facility is to have a capacity to house 224 young people, with 12 mental health beds. This latter inclusion is a welcome improvement on the existing zero mental health beds for young offenders in Victoria. However, this represents less than six percent of the resident population, whereas 30 percent of young people in detention have an established need for mental health services². If the Victorian Government is intent on building a maximum security prison facility for juvenile offenders then a mirror structure for forensic mental health services (Juvenile Forensicare) is essential to the care of young offenders and the reduction of reoffending. The expertise of a Juvenile Forensicare would be required to ensure that the best evidenced-based mental health treatment is provided.

There is an urgent need for new dedicated community-based and residential forensic mental health facilities for young people in Victoria to address the significant implications of incarcerating youth offenders (or remandees) with mental health issues. Such facilities need to have the capacity to meet demand for clinical assessment and treatment services, and should be supported by a dedicated forensic mental health research centre/team to test and evaluate the optimal methods to achieving outcomes (including reduction in recidivism).

Consistent with Victoria's adult forensic mental health services (Forensicare), a hospital facility should provide inpatient and community-based services and should also be the responsibility of the Department of Health and Human Services – not Corrections Victoria nor the Department of Justice and Regulation.

The clinical and research experience of Orygen, The National Centre of Excellence in Youth Mental Health and Orygen Youth Health Clinical Program mean the two organisations are well placed to operate a new community-based service for young people experiencing mental ill-health who are in contact with the justice system. In partnership with Forensicare, the two organisations have the expertise and organisational structure to oversee a state-wide mental health service for young people in contact with the justice system.

6. Summary

The current implications of incarcerating young people with who have issues associated with mental health needs, without providing adequate specialist mental health treatment are serious. They will be at increased risk of harm to themselves and to those around them (staff, as well other potentially vulnerable young detainees, family and friends). Furthermore, they will likely leave detention with their mental health in a worsened state or having developed new disorders.

There are a range of factors that contribute to the likelihood that a young person may offend. Increased investment is needed across social, health, educational and vocational services for young people at risk. Community-based and residential mental health services at the prevention, early intervention and treatment stages must be improved for young people at risk of involvement or already involved with the justice system.

If the Government proceeds with the planned new residential detention centre the number of forensic mental health beds should be determined by the burden of disease and need for specialist mental health services. As a hospital facility, these beds must be managed by the Department of Health and Human Services in conjunction with a specialised Juvenile Forensicare to ensure the best evidenced-based treatments are provided.

7. Further information

For further information and follow up relating to this submission, please contact:

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8. References

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