

Emmy Elbaum


To the Members of STANDING COMMITTEE ON LEGAL AND SOCIAL ISSUES

SUBMISSION TO STANDING COMMITTEE ON LEGAL AND SOCIAL ISSUES
 INQUIRY INTO YOUTH JUSTICE CENTRES IN VICTORIA

This submission addresses criteria 4,5, 7 and 8 of the terms of reference of the Inquiry.

Please note: No aspect of this submission condones criminal acts of violence or unacceptable behaviour by youth. **All** members of the community have a non negotiable right to feel safe, including young offenders.

I am an ordinary citizen of Victoria with relevant experience, passionate interest and on-going training in working with vulnerable children over many years. I have worked with children and youth in primary, secondary and post secondary settings with a focus on disadvantaged students, as well as supporting staff to meet the learning needs of “at risk students” I have been an honorary probation officer (in the past) and have visited both at Malmsbury and Parkville.

CONTEXT

“ School dropouts pose risk of “Social Disaster” Tony Nicholson Director of Brotherhood of St.Lawrence.

In Victoria, 10,000 young people leave the education and training system each year For many the consequences are:

- Joining the dole queue
- Physical and Mental health issues
- Alcohol and drug abuse
- Not able to contribute to social cohesion
- On-going part of intergenerational poverty
- Over- representation in the juvenile justice system

“There are a plethora of reports and news articles testifying to the bleak educational outlook for both poor and indigenous students in Australia, with wide gaps in equity persisting for more than 15 years. (Educational for ALL Global Monitoring Report, UNESCO)” as reported in THE AGE “ Disadvantaged kids left behind by education system” 2012

Since education is the main pathway out of disadvantage it plays a vital role in the prevention of young people disengaging both from learning and society and ending up in the courts, juvenile system, and on to continuing criminal behaviour.

RECOMMENDATION 1.

Any initiatives undertaken to address the over representation of marginalised and disadvantaged youth in youth detention centres, must include partnerships working collaboratively and co-operatively with the Department of Education and Training to increase school and post school retention and attendance rates.

A therapeutic education process is required to meet the learning needs of traumatised, and disadvantaged students at all levels of schooling from pre-school to post school options. (see appendix 1 for relevant references)

RECOMMENDATION 2

“It takes a village to raise a child”

This is particularly relevant to the prevention of on-going entrenchment of the current, disjointed way that the juvenile justice system is working.

This is particularly relevant for the group of “out of control” repeated young offenders, for whom the current system isn’t meeting their or the community needs.

It is obvious that after the Inquiry identifies that what is currently working in the system will be continued.

A co-ordinated, and collaborative approach must be implemented where **ALL** the **relevant** people are on the “same page”, with shared goals and shared responsibility for a flexible, practical and workable plan of support for each individual.

This includes people from:

Police, Juvenile Justice, Judiciary, Education, Vulnerable Children’s Unit, Drug and Alcohol Rehabilitation,

Not for Profit Organisations, and Housing,

As well as social workers, psychologists GP’s and psychiatrist counsellors, teachers, and families (where possible and appropriate)

The young offender also needs to be part of the team and have input into the plan.

“one size fits all” thinking and acting have been shown to be counterproductive when rehabilitating young offenders.

Monitoring and evaluation of plans strategies need to be ongoing by the team of people in co-operation with the young offender till successful inclusion in community is achieved.

What is working and not working requires on-going and continuous attention and action.

Piecemeal strategies will not work. It can take many years to fully rehabilitate a person who has mainly, only known a life of criminal, violent activities supported by like minded peer group. Punitive and adult incarceration only further entrenches the young offenders’ motivation to commit “more serious offences with the additional expertise gained from adult offenders.

Scotland and Mexico are examples where long term diversion programmes have shown evidence based success. Crime rates by young offenders have significantly decreased in both counties, as have the re-offending rates. It has been a 10 year process. We can learn from these experiences and we “don’t need to reinvent the wheel”

Where there is the will there is a way.

RECOMMENDATION 3

Policies and strategies that result from the Inquiry are implemented by bipartisan agreement and not subject to political influence and changes when governments change. A long term commitment to rehabilitation of young people is critical.

IN SUMMARY:

1. Any strategies and plans must include partnerships identified as relevant to stop re-offending.
2. A therapeutic educational model of education for young offenders who have been traumatised, disadvantaged by “exposure to alcohol and/or other drug misuse and/or the child protection system, or who have issues associated with mental health or intellectual functioning” will both assist in rehabilitation programs as well as prevention of at risk students becoming involved in the juvenile justice system. (e.g Berry Street, Brotherhood of St. Lawrence, Melbourne City Mission Hands On Learning, Too Cool for School etc.)
3. As part of a prevention strategy schools need to stop expelling and suspending students and implement supportive, flexible learning programmes with support they require to do this. School attendance plays a significant role in the prevention of young people offending, but most young people will not attend school if they feel they don’t belong or are not successful.
4. As outlined by the Victorian Vulnerable Children’s Unit “ what is required is:
 - Shared understanding of the nature and scope of traumatised children and youth
 - Shared responsibility- including co-ordinating government and community efforts-e.g. diversion programmes
 - An accountability framework with clear goals and measureable outcomes and monitoring and reporting
 - A collaborative governance structure”
5. An agreed strategy that focusses on what needs to be done differently and clearly states an unconditional commitment to achieve change for young offenders.
 One strategy that could enhance this process is a series of Round Tables by invitation only for people working at the grass roots with young offenders, and/ or in diversion programmes with the aims of:
 - Share knowledge and experience of what is working well.
 - Sharing knowledge , experience and skills of effective strategies to re-engage young people who are not attending school and/or are at risk of leaving school early.
 - Create networks of learning communities to find pathways out of educational disadvantage, strategies for supporting young people who have experienced/or been exposed to alcohol and /or other drug misuse, domestic violence, sexual abuse or who have issues associated with mental health, brain injuries or intellectual functioning
 - Share their successes with preventing young people reoffending

- Create mechanisms for sharing information of productive work in rehabilitating offenders successfully,
- Collate and disseminate information gathered
- Advocacy strategies to strengthen, promote and publicise successful outcomes, so they can be duplicated across Victoria, Australia and overseas.
Involve academics, prospective students in legal, education, social work, police and counselling courses.

APPENDIX 1

VICTORIAN VULNERABLE CHILDRENS UNIT (Our Shared Responsibility Strategy (2013 - 2022)

Trauma: some Literature

Berceli, D. (2008). *The Revolutionary Trauma Release Process*. Vancouver: Namaste Publishing.

Heller, L. & LaPierre, A. (2013). *Healing Developmental Trauma*. Calif.: North Atlantic Books.

Levine, P.A. (1997). *Waking the Tiger: Healing trauma*. CA: North Atlantic Books.

Levine, P.A. (2010). *In an unspoken voice: How the body releases trauma and restores goodness*. CA: North Atlantic Books.

Levine, P.A. & Kline, M. (2007). *Trauma through a child's eyes: Awakening the ordinary miracle of healing*. CA: North Atlantic Books.

Perry, B. D. (2006). *The boy who was raised as a dog*. NY: Basic Books.

Porges, S.W. (2001). The polyvagal theory: Phylogenetic substrates of a social nervous system. *International Journal of Psychophysiology*, 42, 123-146.

Van der Kolk, B. (2014). *The body keeps the score*. US: Penguin Random House.

Van de Kolk, B.A. & McFarlane, A. (2006). *Traumatic Stress: The effects of overwhelming experience on mind, body and society*. NY: Guilford Press.