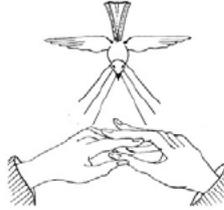
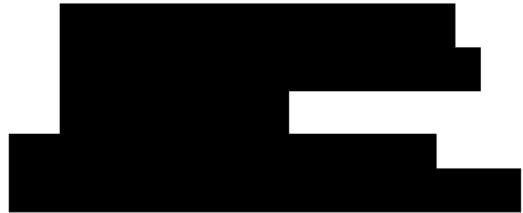


Geelong
Inter-Church
Social Justice
Network



Contact:



Submission to Victorian Parliamentary Inquiry into Youth Justice Centres

Introduction:

Members of the Geelong Inter-Church Social Justice Network are deeply concerned about the future of Victoria's youth justice facilities and services for young offenders. Members of the group have worked for decades in the adult and youth corrections area, including providing educational services at the Barwon prison. They have asked GICJN members Mike Kelly and Dr Michael Leahy, to prepare this submission to the Parliamentary Inquiry. The GICSJN has also made submissions to the Royal Commission on the Protection and Detention of Children in the Northern Territory (Don Dale), based on the work by GICSIN President, Ian Yule with indigenous populations in the Territory.

Mike Kelly (BSW BA, Criminology Melbourne) is a former CEO of Time for Youth in Geelong (now Barwon Child Youth and Family) which has provided programs for young offenders. In earlier times Mike developed Court diversion legislation for Government and contributed to the management of deinstitutionalization in Victoria in the 1970 -80s. Mike led Youth Justice reform in Geelong Victoria during the 80s and later planned Government reforms in disability, mental health and aged care in the Barwon South West Region. While at Time for Youth, Mike developed ground breaking early intervention services for young people at risk of entering the homelessness and justice systems.

Dr Michael Leahy (Ph Ds in philosophy of education and political philosophy), taught in various capacities at Deakin University for 16 years. During that time, he worked both in mainstream education and in the Deakin Institute of Koorie Education (IKE). Among his duties at IKE was the tutoring of Aboriginal prisoners in four different prisons: Port Phillip, Dame Phyllis Frost Centre, Barwon and Marngoneet, and conducting tutorials in the Grevillea Unit of Barwon prison.

Our contribution to this Inquiry is grounded in social justice principles relevant to the treatment of young offenders including **respect, compassion, inclusion, participation, equity, access, and our 'option' for the poorest and most disadvantaged in our community.** Justice is also a key consideration here and we acknowledge that young offenders, like all citizens, must face the consequences of their actions and learn from their mistakes, particularly where the common good and safety of the community is concerned. Our submission draws on the experience of group members and our knowledge of best practice research. In particular, we wish to contribute to Terms of Reference 5, 4 and 7

Terms of Reference 5

Additional options for keeping young people out of youth justice centres

Diversion from Youth Justice centres has been hugely successful

Keeping young people out of youth justice centres needs to be front and centre of planning for the future of the youth justice system. As early as *The Juvenile Offenders Act 1887* the Colony of Victoria introduced probation as a means of keeping juveniles out of prison.

The founders of the Victorian Children's Court 1906 understood the importance of developing separate approaches with adult and juvenile offenders, as did the initiators of the *The Social Welfare Act 1960*, who established Youth Training Centers and the Youth Parole Board.

These pioneers understood the detrimental impacts of 'contamination by older offenders' and understood, long before science was able to study brain formation and plasticity, that adolescence is a period of enormous growth and change. It was understood that adolescents who have had very disadvantaged and traumatic starts in life, can and do change for the better.

For well over 100 years, hundreds of thousands of young people have been diverted from adult prison and Youth Training Centres through the work of dedicated police, justice workers, social workers, teachers and community volunteers- seeking to include young people who have been **excluded and marginalized** from the community.

This has been achieved by the development of a range of Police, Court and community based efforts including cautioning, fines, probation, supervision orders, youth attendance orders, restitution, and youth support services managed by DHHS regional offices and 'not for profit' agencies.

The vast majority of young offenders continue to be successfully supported by the wider system of police cautioning and community based orders which has over many decades enabled Victoria to keep the number of young people, who have to be locked up, to a minimum.

Our first point is that the Victorian juvenile justice system has been remarkably successful, assisting the vast majority of young offenders to grow up as law abiding citizens. Historically this has largely been achieved with bipartisan political support.

Conservation of social justice values and practice

We understand that planning is well developed to transfer the administration of all youth justice services from DHHS to the Department of Justice. We have concerns about the wisdom of such a move, particularly given the relevance of the multitude of youth, family and health services administered by DHHS that young people must be connected to.

Whatever the new Governance arrangements for the development and delivery of young offender services, we believe that it is important to conserve and build upon what has worked, in particular acknowledging the work of Geelong Police, Regional DHHS Youth Justice Units and the work by non-government agencies.

Our understanding is that these Geelong instrumentalities have exercised a judicious mix of care and control, supervision and support, rights and responsibilities in working with young offenders. Geelong's agencies have been able to achieve outstanding results with young offenders with a professionalism that displays **social justice values of respect, compassion and fairness** along with the

huge responsibility of making day to day judgements that balance the best interests of young people with the safety of the community.

Our prime concern is that the social justice values that underpin the building of positive and trusting relationships with young offenders are conserved by the new administration. Of equivalent concern is that the range of diversionary services that has proved so successful in keeping young offenders out of youth justice centres and prison, be not only conserved but greatly extended and enhanced.

Successful youth justice programs need to be expanded

We recommend that successful diversion programs within the youth justice system be adequately resourced and expanded.

These programs could include

- Police cautionary program which has had a long running success in diverting high percentages of young people from the system
- Diversion orders from the court including probation, supervision orders, community and attendance orders need to be strengthened with resources on the ground to engage and re-engage young people in education, training and employment options.
- The Youth Support Service currently established in Geelong needs to be appropriately resourced to supervise young people especially working with schools and families.
- Trauma informed approaches such as Berry Street Take Two need to be greatly expanded, along with behaviour management strategies such as Therapeutic Crisis Intervention
- Youth Mentoring programs in Geelong have provided essential connection to role models and community especially for young people who have no support from a father, which tragically applies to all or at least the vast majority of young offenders.
- Restorative Justice programs have been trialled and evaluated in Geelong and found to be a successful approach for many offenders

There is never one magic solution. However, there are many fine existing programs in Geelong that are under-resourced and if better resourced could greatly enhance the capacity of our community to support and manage young offenders outside of Youth Justice Centres.

Much more can be achieved with adequate resourcing

Much more can be done to divert young people from Youth Justice Centres. While Diversion services for young offenders have been very successful (See for example DHHS and Police evaluations relating to police cautioning systems, youth restitution programs and Youth Support Units) neither these programs, nor the overall youth justice system, have been adequately resourced.

A reason for this is that young offender services, have not had the appeal of other causes (protective services, family violence, mental health or social housing). Youth corrections has historically been the 'poor cousin' of welfare and community services, always struggling to compete for both public and philanthropic funding. These young people are depicted as the hoons, the louts, the 'mall rats' in Geelong and metropolitan newspapers. In consequence, many people simply want to see them locked away from society.

We believe that the inadequacy of resourcing of youth justice with its community based options and programs, across all levels of policy, planning, programming and service delivery, has contributed to the huge challenges now faced by Youth Justice Centres.

This failure of adequate **stewardship** of Victoria's resources reflects poorly on successive Governments and our communities.

From our Geelong perspective, we see that

- local media calls to be tougher on crime,
- more young people being remanded,
- older adolescents being introduced into youth justice centers,
- the drug ICE
- and the recent development of ethnic gang cultures

have readily provided a tipping point, plunging into crisis youth justice centre's already below capacity in terms of beds, infrastructure and human resources.

The key point that we wish to make here is that a well-resourced and robust community based youth justice system, at all levels of policy, planning and service delivery, **is fundamental to ensuring justice, fairness and service** for young offenders and the community.

Dedicated central policy and program unit

The diversionary and community based youth justice system can be improved by developing a robust overall policy, framework, strategic and business plan for diversion, community supervision and earlier intervention, with clearly defined models for intervention, and with program integrity.

A well-resourced and expert Youth Justice Policy Unit is required, dedicated to the consistent development across all regions of community based youth justice. We are aware that the depletion of expertise in central office of DHHS over the last several years has had a detrimental impact on youth justice, youth homelessness and other programs critically important to children, young people and their families.

Regional experience of reform

It is worthwhile reflecting here on reforms in the human services sector that Geelong has seen over time, particularly related to the youth justice, homelessness, mental health and disability service reforms, reaching back to the regionalization developments of the early 1970s.

A key factor in each of these reforms has been strong central Department leadership in initiating, driving, enabling and supporting, and resourcing local developments through a well-resourced central unit dedicated to getting the best regional and area services for young people.

Policy Frameworks

An overarching policy framework needs to encompass new models and strategies for working with various groups within the community who are particularly **marginalized and at risk**. We understand for example that **Indigenous, Pacific Islander and Sudanese** young people continue to be overrepresented on remand and in youth justice centres. (see later discussion)

A framework needs to have socio -demographic data that enables programs to be designed, targeted and tailored to particular cultures and age cohorts, (avoiding of course stereotyping and stigmatising any particular indigenous and ethnic, groups). There can never be effective diversion without clearly defined targeting of young offenders.

A youth justice system needs to be evidence based and accountable for public funding invested in additional diversionary options. That is, the community can expect that where funding is allocated,

services are accountable for real reductions in the numbers of young people being remanded and sentenced.

We see this as important in ensuring the appropriate **stewardship of our community resources**.

Role of Community

The justice principle of **subsidiarity** is important here, meaning that while robust central policy and program leadership is essential, services need to be configured at a level closest to communities and young people. Subsidiarity ensures that communities and people are directly involved in the solutions to their problems, and that these solutions are implemented and controlled at the levels “closest to home”, where they can be influenced by those most affected. This principle is of great importance in developing services for young people of aboriginal descent and those from diverse cultural backgrounds.

The best example of the adoption of the principle of **subsidiarity** in the Barwon South West region has been the development and implementation of the Mental Health Reforms of the 1990s, wherein overall policy, programs and models were developed centrally with the capacity for regional and community services to adapt, tailor and develop services through allocated global budgets.

Communities need to be engaged

The aberrant and often violent behaviour of young offenders invokes much concern and fear in the community. We read about the riots in Malmsbury and Parkville, home invasions, car jackings and the like and wonder about our own safety and that of our families and demand that government respond. We cannot take from this however the idea that services for young offenders, have to be the prerogative of the State. “The State will make things right; therefore, I don’t have to worry about this any longer.” But, of course, in most cases, the State cannot make things right without engagement and collaboration with the community.

The social justice principle of **solidarity** is especially important to consider here when thinking about the provision of youth justice services. The principle simply says that as a community we are all in this together. We are our brother’s keeper. We have a responsibility for everyone else not just ourselves. **Hope** for young people who are in trouble lies in finding a pathway to employment training and education and a niche in the community. That necessarily involves citizen involvement at all stages as mentors, neighbours, employers, teachers, honorary probation officers, board members and the like.

Role of the not for profit sector/non- government agencies

Healthy communities, like healthy families not only provide care for young people, but also are active in setting limits - the wider business of socialization. This is why it is particularly important that government continues to build upon the not for profit sector for both the care and control of young offenders.

In this respect, Geelong, not for profit agencies, Barwon Youth and Time for Youth (now merged to form Barwon Child Youth and Family) have been at the forefront of creative and innovative programs for young offenders for some 40 years during which time they have helped provide supervision, care and support to thousands of young people who have been in trouble – not only supporting young people but active in the role of controlling aberrant behaviour and keeping our community safe.

Youth Justice Units and not for profit Youth Support Services

Young people in trouble invariably present with a range of **needs** that must be addressed if offending is to cease. These range from family conflict and violence, traumatic backgrounds, problems at school, drug and alcohol concerns, mental health issues, and so forth. As indicated we see a major challenge in the shift from DHHS administration to Justice Department relating to the social justice principle of **equitable access** to the services that young people need. **Access** will need to be ensured through the maintenance and enhancement of pathways to those programs, networks and services that are essential to support and supervise young offenders within the community

New Early Intervention and Diversion programs for youth at risk need to be resourced.

There is a substantial cross over between young offenders and young people who are homeless, traumatised by family violence, suffer from severe mental health problems and have issues with drugs and alcohol. The outstanding commonality between young offenders and homeless youth is that they **all** have experienced problems and **conflict at home and at school**. To keep young people out of the criminal justice system, it is essential to keep them in school. **Article 26, Section 1 of The Universal Declaration of Human Rights** declares that “Everyone has the right to education”. **As a Christian and interfaith network, we regard family and school as the cornerstones of child and youth development.**

Geelong has been operating a highly successful early intervention program - The Geelong Project. The project, operating across several schools, is able to identify young people at risk of becoming homeless at the secondary school level. Following identification and with the agreement of all interests, the agency worker brings together the key parties – **that is the young person, the school and the family**. Issues are then tackled and resolved utilizing a range of local interventions and community resources tailored to what the young person and family need.

We understand that this program has been evaluated by both Swinburne University and separately by Deakin University, demonstrating that that it not only keeps young people out of the homelessness and justice systems, but it is also highly cost effective. The program works because it successfully intervenes at **the** critical stage for young people in trouble, in those areas where they still have the most invested – **that is home and school**.

The technology has now been developed that enables this project to pin point those young people within schools, who will get into trouble. These developments address the historical concerns of allocating scarce resources in a way that widens the net of intervention but does little or nothing to reduce court appearances and subsequently youth justice numbers. ‘The Australian Index of Adolescent Development’, with its set of indices to identify young people at risk of offending, coupled with the ground-breaking interventions by The Geelong Project, could well provide a sound theoretical and operational platform to make timely reductions in the numbers of court appearances and subsequent youth justice centre numbers

A key challenge that we see for Justice Department in developing this diversionary approach would lie in the cross Departmental effort that is entailed in bringing together the efforts of a number of government departments in particular Departments of Health and Human Services and Education. We believe that a ‘whole of Government’ approach is required, and in a ‘spirit of solidarity’. Departments must work together in developing the best options for earlier intervention with young offenders.

Terms of Reference 4

Implications of incarcerating young people who have significant exposure to trauma, alcohol and/or other drug misuse and/or the child protection system, or who have issues associated with mental health or intellectual functioning, in relation to—

- **the likelihood of reoffending;**
- **the implications of separating young people from their communities and cultures;**

Rehabilitation and trusting relationship are essential

Incarceration within youth justice centres and prisons compounds mental health, disability and trauma related concerns. Therefore, the direction should be to avoid incarceration of all young people wherever possible through diversion and community based alternatives.

We understand that young people with who have been exposed to trauma such as, alcohol and drug abuse, family violence fractured and dysfunctional families will unfortunately end up within youth justice centres and at various levels within the justice system, because these are associated factors with their offending.

Adolescents have a huge capacity to develop and change with the right management. As incarceration, will continue to be necessary for a small percentage of young offenders, rehabilitation and treatment must be the focus within Youth Justice Centres.

Rehabilitation, treatment and education are essential elements in youth justice centres and throughout the system, as is the quality of relationships that are formed with young people.

Where-ever possible, the option of working with young people in one to one settings or carefully fashioned small groups (avoiding residential and congregate settings) is required for the best outcomes.

Our members have particular concerns about the access to these rehabilitative opportunities that young people transferred to Grevillia are receiving. There is concern that the protective nature of the facility precludes access to a range of facilities otherwise available within the prison complex thus leaving young people with excessive time in their locked rooms.

Indigenous young people

The treatment of indigenous young people is of great concern to the Network. Young people of aboriginal background are over-represented within the justice system and must be kept out of detention. We welcome the government's removal of this particularly disadvantaged group from Grevillia. Family, kin networks and school are critical for Justice workers to engage with. Programs involving traditional elders, and extended kin networks, offering mentoring and support, need to be resourced. Positive role models, like Aboriginal footballers, uncles in employment, and Indigenous counsellors could be enlisted for Indigenous teenagers at risk of falling into the criminal justice system.

GICSJN President, Ian Yule, has had extensive experience as an educator of aboriginal young offenders in the Northern Territory. The GICSJN has highlighted the need for targeted housing, cultural

education, employment and training opportunities and greater support and empowerment of indigenous communities in relation to the welfare of indigenous young offenders.

Notably the NT Aboriginal Resource and Development Services Inc has received a grant for a cultural education program; young offenders were taken to Fourth Creek, a remote outstation on Elcho Island, to keep them out of the criminal justice system. Such options are much more beneficial and cost effective than incarceration.

Locally indigenous-governed enterprises like Geelong's Award Winning **Aboriginal Cultural Centre. Narana** could have an increasing role in the employment and education of young offenders. Network members understand that identity and pride in aboriginal culture and language are hugely important to the growth, development and rehabilitation of young aboriginal people who are at risk of offending.

The network is of the view that a holistic and strategic approach is required for the diversion of indigenous youth from the justice system, reflecting the compassion and commitment that local communities expect from Government. The Network recommends that such a plan be developed by Justice Department.

Terms of reference 6

The culture, policies, practices and reporting of management at the centres

The shortfalls of youth justice centres will undoubtedly be well documented elsewhere by other contributors and reviews. We fully endorse the view that it is vitally important that YJCs are well resourced to provide the security, safety, education and rehabilitation that young people require and have the capacity in both beds and human resources to ensure community safety.

The key factor in the stability of youth facilities and progress of the young people has always been **the strength of relationships and pro-social role modelling** by staff, based upon **social justice values of respect for and dignity of every individual**.

The quality of such relationships, based upon respect and dignity, needs to be central to Youth Justice Centre philosophy. Such relations need to be underpinned by policies and practices that ensure

- Selection of staff who are able to be both caring and authoritative with the best interest of the young people
- Infrastructure that fits the dual purpose of both security and enhancing positive relationships.
- Well trained staff clear about their roles and responsibilities and vitally interested in the wellbeing of young people
- Staff equipped with a range of skills inclusive of techniques in managing violent behaviours such as Therapeutic Crisis Intervention.
- Structures that support staff
- Educational, recreational, counselling opportunities
- Rosters that ensure both continuity of supervision and care
- Development of positive team ethos and cultures

Justice delayed is justice denied.

We understand that much of the trouble being encountered in Youth Justice Centres stems from a lack of timely hearings by the courts. This has contributed to unprecedented increases in the number of remandees in detention, with the consequent problem of lack of information about the background of individuals on which to form a relationship and plan for a young person's education, training and rehabilitation.

We are aware that this is a problem across the system with adolescents living in community residential settings for example being charged, released on bail, and taking endless months before the case comes to court. It would seem that the court system requires a major injection of resources and that there is a pressing need for stronger supports for young people who are bailed.

Concluding remarks

The video aired last year on “Four Corners” showing the gross mistreatment of Indigenous and other youth at the Don Dale Detention Centre shocked members of the Geelong Inter-Church Social Justice Network. It would be tragic for Victoria, which has long had a progressive approach to working with young offenders, to take a similar path.

The application of social justice values sets the culture for critically important relationships between staff and residents and the administration of youth justice facilities and programs.

Fundamental **social justice principles** must apply irrespective of what governance and administration arrangements are in place. The same principles should apply wherever young offenders are encountered within the juvenile justice system, albeit in diversion programs or Youth Justice Centres.

Young people respond best to approaches built upon **respect, honesty, fairness, compassion and firm well-negotiated limit setting**. Many aspects of the frequently espoused punitive approaches become counter-productive.

We should reject any rationale that young people these days are much worse than in previous decades and therefore demand more punitive regimes. The widespread abuse of methamphetamines (ICE) and alcohol has fuelled violence both in the community and youth justice centres and without question this is a huge challenge for police, health services and the youth justice system.

Young people have always required timely and measured consequences in response to their deeds. However decades of experience of human service and justice professionals attest to the fact that responses to adolescent aberrant behaviours are best delivered within the context of **fairness and timeliness**, and through **trusting and supportive** relationships.

The consistent application of social justice values of ‘**respect and hope**’ account for the long running and continuing success of services for homeless and youth at risk of offending in Geelong such as City Limits Youth Refuge, which has served challenging young people for over 30 years.

It is vital to give adolescents **a sense of hope**. The less young people have got to hope for the more trouble they will make - and conversely the more that young people have got something to hope for, the less troublesome they will be.

Mike Kelly and Dr Michael Leahy on behalf of The Geelong Inter-Church Social Justice Network

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