

The Secretary
Legal and Social Issues Committee
Parliament House, Spring Street
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Friday 3 March 2017

Dear Secretary,

Inquiry into Youth Justice Centres in Victoria

We are writing in response to the above inquiry which provides an ideal forum in which to respond to the escalating concerns regarding the contemporary challenges impacting upon the youth detention system.

Our submission will provide feedback on areas relevant to the Victorian Alcohol and Drug Association's (VAADA) remit as peak body for the Victorian alcohol and other drug sector. Additionally, we will offer some general comments which reflects our broad experience in issues relating to vulnerable populations and tenuous service systems.

We note that, by way of general principle, administering a process whereby there is a diminution of rights including access to the necessary treatment and community service supports within any vulnerable cohort exacerbates current challenges and leads to greater harms going forward. For those incarcerated, this effectively leads to an increased risk of recidivism, reducing community safety and enhancing a career path deep into the criminal justice system.

We note that the general tenor within the recent public commentary on issues relating to youth justice detainees tends to have a punitive and alarmist edge. While the issues have been significant there is a need for clarity, best practice and evidence to be paramount going forward as the implementation of rapid, punitive and uninformed policy will have significant reverberations for years to come and strip Victoria of the long held view that our youth justice system is the best in the nation. It is apparent that youth justice policies will have a long term impact on correctional demand.

3. Reasons for, and effects of, the increase in numbers of young people on remain in the last 10 years

We note that there has been a significant and alarming increase in the number of young people on remand with presenters at the VAADA 2017 Conference noting that 95 percent of all young people incarcerated at Parkville are on remand (Jovetic and Dietrich 2017). This is despite an overall decrease in young offenders from 2007/08 to 2015/16 (Milstead and Sutherland 2016). Various reports have, despite the overall reduction in youth offending, noted a small cohort of high risk young people which have been committing a number of high profile crimes engendering public concern.

There has been a tightening on bail laws and practices which has created an environment where young people are likely to be remanded, as has occurred within the adult system, where the significant increase in

the prison population has been partially driven by the number of people on remand more than doubling from 2010 to 2016.

Remand does not afford the same level of stability and support when compared with sentenced individuals. Within the youth justice system, remand is reviewed every three weeks (Jovetic and Dietrich 2017) contributing to significant instability. Further, due to the nature of this process, there is only minimal support provided to remanded young people with regard to treatment, rehabilitation and support programs. This essentially amounts to an increasing, largely unsupported population of young people on remand experiencing limited stability. It is likely that this has contributed to the increasing challenges evident within the system and is indicative of lost opportunities for positive interventions.

Notwithstanding the obvious need to re-assess the systemic nature of the problems arising from current sentencing and remand issues, it is obvious that in the absence of such logic greater support should be afforded to young people on remand by way of the necessary treatment and rehabilitation programs and greater efforts should be undertaken to address the lack of stability within this cohort.

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 intellectually functioning, in relation to –

a. the likelihood of reoffending;

The complex interplay of the various signifiers of disadvantage such as trauma, dependency, mental illness, a history of child abuse and/or an intellectual disability in many cases likely contributes to greater levels of harm and risk to the community. It is evident that high levels of disadvantage are prevalent among various cohorts within the Youth Justice system. For instance, young people with the lowest socio economic circumstances are seven times more likely to be incarcerated in comparison to those from the highest socio economic areas and 41% of young people in youth detention during 2014/15 were also involved in child protection (YACVic et al 2017).

Maximising opportunities to address the many elements of disadvantage is central to reducing recidivism and to that end, there is a need to ensure that greater access to support is availed throughout the process, particularly for the significant portion of young people on remand.

Consideration should be afforded to the work undertaken by Magistrate Jennifer Bowles as a *Churchill Fellow* on her proposal for mandatory alcohol and other drug (AOD) treatment. Currently a high level working group has been convened and the work is being further finessed within that forum. Going forward, this could be, in some circumstances, a cost effective alternative to youth detention.

5. additional options for keeping young people out of youth justice centres

The number of individuals on remand within the youth justice system is unacceptably high and likely contributing to the range of issues which have afflicted this system. There is an immediate need to explore options relating to diversion, bail, mandatory AOD residential rehabilitation as well as comprehensive outreach support for high risk young people.

The system must be recalibrated to provide greater support to those on remand within the youth detention centres. Further supports should be afforded more generally, with consideration given to international models such as that operated by *Diagrama* in Spain.

A significant shift in the way the juvenile justice system, and more broadly how the adult corrections system functions is needed. Broadly, policy and endeavour within areas relating to youth should be

adherent to the practice of justice reinvestment. This place based response involves identifying regions where there are large portions of youth detention detainees and bolstering the existing support services in response to the specific needs and challenges evident with this cohort (Brown et al 2012). The increased supports reduce reoffending, achieving a saving in future justice expenditure and allowing further resourcing to be ploughed into the various support services, creating a cycle of enhancing community resilience. Increased AOD support should be provided to young people who have been remanded with necessary linkages fostered and enhanced between Centre -based AOD treatment and community programs.

It is crucial that the dual track system is retained to maximise rehabilitation prospects for young people. Ensuring that no child is detained within an adult prison should be prioritised with the necessary investment and activity conducted to rapidly facilitate this. Introducing young people into adult correctional environments and supervised by the adult correction staff will increase the likelihood of reoffending and pave the way for long term engagement with the adult correctional system.

8. any other issues the Committee consider relevant.

There has been a sense of haste with the recent developments in youth detention policy, some of which are being carried out despite contrary best practice and evidence. These policies include shifting responsibility of Youth Detention to Corrections and transferring some youth to Barwon Prison. The concern is that these policies will become entrenched, and very difficult to unwind in lieu of the likely pending problems, harms and expenses that will ensue. We urge the government to cease developing further policy in this regard until such time as this and other reviews can be considered to advise best practice going forward. In the interim, we would recommend that highly experienced individuals in youth justice be convened to advise and respond to problems as they emerge and that a Youth Justice Strategy be developed with a view to retaining Victoria's reputation of good practice in youth justice.

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References

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