

Legal and Social Issues Committee

Victorian Parliament

Submission on Youth Justice Centres in Victoria

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Submission to the Legal and Social Issues Committee: Youth Justice Centres in Victoria

A. Introduction and Background

The Legal and Social Issues committee has commenced an Inquiry into youth justice centres in Victoria. Recent incidents, the safety of staff and young offenders, and options for keeping young people out of justice centres are included in the scope of the inquiry.

This joint submission has been prepared by four people with considerable experience in the design, development, and implementation of programs and services within the juvenile justice system. This includes youth justice centres, community based alternatives, and children, youth and family services at the community level. This experience spans a period over 3 decades of working within Social Welfare Department (known by a variety of names over the three decades), a summary is included in an attachment, Section E.

During this period, the numbers of young people in youth justice centres reduced significantly with the implementation of community based early intervention programs, and alternative support services for children, youth, and families. Critical was the development of a culture with a focus on minimal incarceration and its potential harm, and increasing investment in rehabilitation, training and supported re-integration into the community. The outcome was that Victoria had the lowest incarceration rate and the lowest youth offending rate in Australia.

Today, however, we are facing significant challenges to our youth justice system. In this context, we contend that youth justice, together with the child protection system, are critical markers of how a democratic state is confronting the testing challenges of rapid change. Young people will flourish when we are handling change well, but they are also significant markers of testing problems in our complex world.

The principal focus of this submission will be on highlighting some of the basic, but fundamentally important principles, which have and should shape the design, development, and implementation of programs and services within today's youth justice system. We seek to demonstrate that these principles have been tested in past practice, and they complement each other across the different legal, organisational, custodial, and non-custodial aspects of youth justice.

Our second focus will be the brief identification of key societal issues, both longstanding and more recent, which are impacting on some families and young people, in adverse ways. We believe that the recent incidents in Victoria's youth detention centres were related to societal issues as well as failures in the operation of the service system.

In this context this submission argues the response of the State to the problems in our youth justice system requires a clear affirmation of the key principles we know actually work, and work well,

alongside necessary adaptations of our practice which allows us to confront the contemporary reality of young peoples' troubles and offending behaviours.

Since the early days of white settlement in Australia, young people have often been the age group to first register the positive and adverse consequences of social, economic and technological change. The state's first 'youth justice' responses, such as the housing of hundreds of abandoned and wayward children in prison hulks moored along the Yarra River, demonstrated how vulnerable children and youth were critical markers of the problems of early settlement.

Therefore, we believe that in the second part of this submission, it is appropriate for us to attempt to identify some key contemporary challenges, which may further inform the Legislature's review of youth justice.

In conclusion, to this Introduction, we believe that notwithstanding the current challenges confronting the State, the fundamental objectives, principles, and frameworks for youth justice established and developed since the 1960's continue to constitute an effective and relevant platform for this era. They therefore need to be applied with a consistent commitment, while at the same time responding in regulation and in practice to the key elements of the changing world of young people in general and troubled young people in particular.

Finally we are aware that the Government has established a review of youth support, youth diversion, and youth justice services "in order to create a policy framework for the development of a contemporary youth justice program and accompanying service delivery model". The review will be led by Penny Armitage and Professor James Ogloff. We consider that all of the issues covered in our submission may be relevant for many aspects of the scope of that review.

B. Key Guiding Principles developed at National and State levels

We would draw attention of the Committee to two significant documents prepared by the Australasian Juvenile Justice Administrators.

One is titled “**Australasian Juvenile Justice Administrators Juvenile Justice Standards 2009**”, and the other “**Australasian Juvenile Justice Administrators – Standards for Juvenile Custodial Facilities (Revised Edition March 1999)**”. Both documents have previously been submitted, by the Department of Human Services, to the Royal Commission into Institutional Responses to Child Sexual Abuse, and are thus available as public documents, copies are attached.

In addition, we draw attention to another important document – A Ministerial Statement providing the current government policy framework, “A balanced approach to Youth Justice, 2000”. Whilst this may be 16 years old, it does contain an outline of key strategic directions and objectives.

These documents set out the basic principles for the administration of youth justice centres, succinctly and with clarity. We have revisited our experience, and from that experience, can totally support the principles as set out.

Further, we want to highlight some principles focused on practice, which we consider to be of fundamental importance when designing and implementing policies and programs within both youth justice centres, and community based services. Therefore, we have listed some examples of practice, which we believe to be critical in addressing today’s issues.

Principle: Rehabilitation focus

Within the Youth Justice system, it is in the public interest that all children have access to appropriate programs as the foundations of a rehabilitation focus. The principal purpose of a youth justice system is to intervene in a way that contributes to the reduction of re-offending.

In sentencing adults, Victorian courts are required to focus on the objectives of punishment and deterrence as well as rehabilitation. However, in sentencing juveniles the primary goal of the Children, Youth, and Families Act 2005 is the rehabilitation of young offenders.

The Ministerial Statement (2000) “A Balanced Approach to Juvenile Justice in Victoria” outlines “a balanced approach” to respond to the individual young person and that person’s needs and circumstances, the victims of crime and the interests of the community. The strategy is based on a three-pronged approach to tackle these challenges by:

- Diverting young offenders from entering the youth justice system, or from progressing further into a life of crime
- Providing better rehabilitation of high-risk young offenders

- Expanding pre-release, transition and post release support programs for custodial clients to reduce the likelihood of re-offending

Over a number of years, it would appear that the youth justice system may not have received the attention it deserves from the community, and successive governments. We are aware that a number of reviews have been undertaken in the 2000s, with reports outlining problems and recommendations such as the Ombudsman Report 2010. It is apparent that significant difficulties have been experienced in implementing these “rehabilitation” approaches over recent times, particularly given the changed societal forces affecting young people, the apparent reduction of resources, and possibly a lack of community support for addressing this problem.

The Director of Anglicare, Paul McDonald said recently that, “the crisis in Victoria’s juvenile justice system has unfolded slowly. It has been a long time coming, but in the past six months the situation has boiled over ---there was a cavalier approach to public service staffing cuts several years ago that saw decades of experience walk out the door. Cuts in the Department of Human Services crippled the crucial advisory and policy arms. (Complete letter attached).

The Director of Jesuit Social Services, Julie Edwards recently said, “(a) comprehensive approach must balance supervision, monitoring, and accountability with tailored programs that change their behaviour and build solid skills, offering hope and a chance to build a healthy identity. The work must not cease until that behaviour change occurs and the young person is on a pathway to a positive and contributing future. These programs may be expensive on an individual basis, but far less costly – both in financial terms and community grief – than the current inadequate, piecemeal approach or resort to imprisonment” (complete letter attached).

We consider that the fundamental principle of a rehabilitation based youth justice system should still hold, and that it is necessary to access the research and understanding which informs the development of effective models of rehabilitation in our changing world.

Principle: Youth community diversion programs are central elements, not an “optional extra”

The design and development of youth justice services and programs need to be undertaken within the context of wider community, and particular youth, needs at the time. The overall system needs to be planned as a whole, linking the planning from primary intervention services, youth prevention, and diversion programs, through to all levels of security and placement options within the youth justice centres.

Integration and coordination with the wide range of community-based services for children, youth, and families is essential, across all primary, secondary, and tertiary based services. It is critically important to intervene at the earliest possible time in order to prevent risks of offending, re-offending and to reduce

acute recidivism. Examples of broader first contact interventions include health, schools, and child and family services including responding to mental health issues and well-being of young people. We note that in Victoria the police warning system has worked well particularly for young people who test boundaries and commit spur of the moment criminal acts, but are not experiencing family or community troubles.

The AJJA (2009) document noted above states:

“The purpose is to reduce offending by working with families and/or support networks of children and young people who are involved in the juvenile justice system :

- The safety and wellbeing of children and young people is prioritised in relation to family and community support
- Services to reduce reoffending are delivered within the context of family and support networks.
- Children, young people, their families, and support networks are enabled to participate actively in assessment, case planning and decision making.
- Cultural advice from family and community regarding children and young people who are Aboriginal or Torres Strait Islander informs service delivery
- Cultural advice regarding children and young people from a CALD background is actively sought from family and community.
- Family and community contact is facilitated for children and young people in custody
- Children and young people are involved with the community”

Principle: Placement options need to be available for different legal, security and developmental needs within youth justice centres (including remand centres as part of the youth justice system).

The design and development of juvenile justice centres should have a range of placement options available, to take account of both the security and developmental needs of different groups, all supporting safe and positive environments for staff, children, and young people, whilst promoting rehabilitation.

Security options need to cover, for example, from high security units to medium, to open/trust units and programs (either on the one site or by way of different sites). Facilities need to be available for placement of young people on remand, separated from those convicted and sentenced, and also separated on an age and gender basis. Close access to the Court system needs to be available.

Developmental Needs

Developmental needs must take into account age considerations (for example, 10 – 14 and 14 – 18 age groups, paralleling the Children’s Court Divisions, finer gradations and dimensions may also be required); gender based needs; mental health needs; behaviour characteristics and so on.

“Youth justice services should be delivered to children and young people in ways that recognise vulnerability; recognise developmental levels; recognise gender; recognise cultural and religious beliefs and practices; promote procedural fairness while paying regard to legislative and service rights; separate children and young people from adult populations” (from the AJJA 2009 Principles).

Within this overall context, we are very concerned about a great danger of overriding such basic principles, if the planning focus for Youth Justice Centres is now being driven from a focus on the security needs of a small group of “difficult” young people. This group of young people may have special needs for security and control, given the more violent behaviours exhibited, but there is also a need to focus on the developmental needs of other groups of young people, separately. It may be necessary to consider the need to separate these other groups from the “high security needs” group. The demands for increased fortification, security, and control measures for this smaller “high security needs” group, should not be allowed to “swamp” the planning needs for other groups.

On this matter, it should also be noted, that if the proposed new centre is to house a wide range of young offenders, younger age offenders and non-violent offenders are likely to be influenced by events in the centre, even if they are in separate buildings. Specific planning efforts may be warranted for those young people on remand, and for the more manageable (majority) of young offenders.

Therefore, we strongly propose retaining a portion of the Parkville site for 10- 14 age group boys and all age group girls. The site is close to Melbourne for the provision of professional support services, family visits and other engagement programs and services. Current facilities may need to be improved to ensure the provision of relevant and appropriate rehabilitation programs such as education and training. Aspects of security facilities may need to be re-examined and improved, but the site could be adequate for the purpose. Separate Remand facilities could also be retained and enhanced on this site (see section on Remand, below). Funds that may have been required on the high security centre for these groups, could be made available for such an up-grade.

The developmental needs are significantly different for this age group and gender. It would not seem appropriate or necessary provide a facility for these groups within a fortified, secure centre for the more difficult, older age group, young people. The design solutions for these groups are significantly different, and the impacts on programs and overall culture impacts on younger males, females could be disastrous and a retrograde step for applying the basic principles we are outlining.

Remand function and its facilities

The remanding of children and youth in custody, namely in a remand facility, must be after serious consideration and as a last resort to their continued placement, ideally at home with parents.

To incarcerate children and youth before their court appearance before a Judge of the Children Court is a major step of loss of freedom before the community adjudicates on their innocence or guilt.

It is a principle of the legal system to separate all remandees from those who have been convicted by the court, and are in lawful custody. This separation should always be maintained.

There are many problems associated with keeping young people on remand, in secure environments for long periods, with uncertain legal outcomes. Sometimes the times are extended because of overloads in the system or because of the strategies applied by either the prosecution or the young person's defence.

This raises the issue of the location of the Remand Centre in any consideration of the youth justice system. Central location is critical for a host of reasons, and generally applied in most jurisdictions in the western world. Access to the courts, police, prosecutors and defence lawyers, social workers, teachers, medical staff, family and friends as supportive resource people is vital. The transportation system involving police commuting between courts all over Victoria, but essentially in central Melbourne, is a major consideration of this logistical issue.

The children and young people, who will involve boys and girls from the age of 10 and up to 18 years, will require a comprehensive program involving teachers, counsellors, psychiatric staff, youth officers, recreation personnel, employment advisors, and the like.

The management of the centre should involve small group settings, or within individualised contexts, and address the rights and needs of the remandees.

It is important that the Court system should be focused on the earliest processing of cases, thus minimising remand and incarceration periods, and taking account that a high percentage of children and youth will be released into the community often to the care of parents and possibly under a program of community supervision and support.

We consider that Court processes may need to be changed (and/ or additional resources to be made available), to achieve more timely responses and rapid attention to individual, family and community needs. We have been advised that, until recently, about 80 per cent of young people in custody at Parkville were on remand. This has created many problems, not the least of which is, that the young people have been detained in an unsuitable, over-crowded facility without access to any appropriate programs.

Taking into consideration the principles asserted here, it is our strong position that the Remand Complex should be retained on the Parkville site, and fully redeveloped to accommodate the population and programming parameters set out above. This will facilitate the separation of remandees from the convicted youth. The logistical and family considerations, together with the myriad of personnel associated with children and youth on remand, confirms Parkville as the appropriate site for redevelopment.

Principle: A “relationships based” focus is a fundamental requirement of practice.

A fundamental underlying principle relates to fostering and maintaining a “relationships based” practice approach throughout all aspects of the youth justice programs and services, particularly including youth justice centres. Children and young people are developing, and have specific developmental needs at different stages of their development, and relationships are critically important for enhancing their learning and modeling of themselves. This includes all of the placement units including high security.

Some practice examples include:

- Early focus on young person's key relationships and history
- Assignment of one officer to keep a close connection with each young person
- Maintain a trainee record system, which tracks what was happening
- Key role of people other than custodial staff such as chaplains, nurses, community visitors to connect with trainees
- Regular, structured contact in each section, with executive staff, in order to review issues, recognise achievements, discuss section problems, and so on.

Models for working with young people in high security units have been set out in the findings of Report prepared by Murray Robinson, Manager Client Services, Secure Service, DHHS, following a Churchill Fellowship visit to various countries in 2015. We would support the findings as set out pages 6-9 of the attached copy of the Report, following an examination of “Trauma-informed models of Youth Detention”. The findings provide a clear guideline for effective intervention approaches within high security units (and in transition units and programs). The Report findings highlight some of the following areas:

- Trauma-informed models are effective
- Well-trained, supervised and supported staff are essential
- Climate of units should be open
- Trauma informed tools are needed to support the operation of the model
- Reducing the number of restraints and isolation
- Clinicians on the unit
- Behaviour support systems
- Education
- Participation
- Options in Remand
- Use of tools and marketing, and use of sensory rooms
- Transformational leadership required

Principle: A focus on the recruitment of appropriate staff, at all levels, to facilitate the application of the above Principles.

Appropriate staffing is the key fabric through which the relationship focus of programs will be delivered. Therefore, a high priority needs to be given to staff recruitment and training, at all levels of management and direct supervisory staff.

All staff should be trauma informed, interested, and skilled in engaging young people. Special efforts are required to provide incentives and structured approaches to attracting and retaining professionally qualified executive staff.

Training must occur early in the placement of staff, and include a practical emphasis on daily interactions with trainees, and for intervention with difficult behaviours, including Therapeutic Crisis Intervention (Lloyd Owen letter attached).

We have noted the summary of findings of Report prepared by Murray Robinson, Manager Client Services, Secure Services, as set out above. Essentially the proposed program approaches require the availability of well-trained, supervised and supported staff, who can then engage with young people within the models as outlined in the findings

Sufficient staff numbers need to be available for every shift to maintain security and control of behaviours, safety of staff and trainees, to supervise programs, but also to interact with trainees for establishing relationships.

As the Victorian Director of Anglicare, Paul McDonald, said recently on this problem, “Perhaps the most salient point regarding the detention centre riots, is the breakdown in the all-important relationship between young people and the youth officers inside” (complete letter attached).

Principle: Ensuring an open and social climate within the closed system of youth justice centres

There is a need to maintain an “openness” to “outside” influences within the youth justice centres (even with security needs taken into account). Examples include the provision of Chaplaincy services, ombudsman access to trainees, programs encouraging outside community visitors, outside professional staff visiting (clinicians, teachers, social workers, training instructors, and sports instructors), community organisations, and groups attending for activities, and so on.

Of course, family visiting is one key to reducing isolation and strengthening the sense of belonging to the world outside. Maintaining relationships and providing opportunities for young people and their families to deal with those that are problematic, is an important goal.

All these connections are 'normalising' experiences for youth in custody reaffirming their connections to the 'outside', and broadening their perspectives and experiences beyond the institution. The sense of their lives as more than 'prisoner' to that of son or daughter, friend, team member, club member, school student, worker and so on, is critical to reinforcing the possibilities of a different life where they are welcome and have some sense of belonging.

At the same time, these connections can be vital to solving problems of isolation, loneliness, or possible victimisation, or harm in the youth justice facility.

Principle: Separation of youth correctional programs from adult correctional programs

Ideally, it is important to ensure the separation of juvenile justice programs and services (for children and youth ages 10 to 18) from those for adults (ages 18 onwards). In addition, it has been recognised, over recent decades in Victoria, that there can be an overlap of developmental needs in the age groups 18 to 21, and the Adult Courts have been given the option of sentencing an adult in this age group to a youth justice centre.

Irrespective of the assigned locale of organisational control of juvenile correctional programming, we would propose that a clear separation be maintained between adult corrections, and those engaged with adolescents.

Such a clear policy and administrative separation should be maintained, even if the administration of youth justice programs is in fact transferred to the Justice Department.

For example, we would suggest that a separate Division and Departmental Head for Youth Justice should be established, directly accountable to the Minister. We would propose that the Youth Parole Board should remain as a separate entity, to be the ultimate overseer of sentence review for those detained in a Youth Justice Centre. We would also propose that consideration be given to the establishment of a separate Youth Residential Board, to focus on the needs of those young people sentenced to a Youth Residential Order.

Considerable attention would need to be given to ensuring an appropriate focus is maintained on the priorities of the youth justice programs and services, particularly given that the ages include 10 to 14 year olds, boys, and girls. It would be important to develop and maintain a strong culture based on the principles outlined in Section B, above. We would further suggest that the administration and management of the Youth Secure Welfare Services (programs for secure placement of the 10 to 14 age group, on protection orders, currently administered by Secure Services within the Department of Health and Human Services) should remain with child protection services in the Department of Health and Human Services.

Consideration would also need to be given to the administrative arrangements at the local and regional area to ensure separation of youth justice programs from adult community based correctional programs. At the same time, it would be essential to maintain coordination and close linkages with the children's, youth, and family services delivered at the regional level by the Department of Health and Human Services (for example child protection services). In many instances, the same children, young people, and families may be involved with both systems.

C. The Principles, the Current Context, and Implications for Youth Justice

This submission concedes that the decline in the State's youth justice system may have many explanations. We are not equipped to argue a definitive case that explains the recent events that led to this review. The interaction of policy and legal changes, declining commitment to certain programs, alongside increasing use of remand, deteriorating infrastructure, all could configure to produce unintended and unforeseen outcomes. The factors are complex and we do not have the data or the capacity to explain recent events. Ironically, the very fact of closing institutions and reducing the diversity of options, because of the successful reduction in inmates, may have itself been part of the problem.

There is general agreement that a variety of well-known factors remain key to understanding youth crime. However, the apparent rise of reckless, self-defeating, violent acts raises new questions. Such extreme events, involving young people on remand or serving short sentences, have not generally been seen as a prominent part of the story of juvenile crime in the past

We acknowledge that we personally may not have encountered the current severity of these challenges, but now they must be addressed in both the planning, design and administration of today's youth justice services. Building on the proven imperatives of the past Victoria needs innovative approaches to confront the changing, alienating and increasingly violent world of many, not all, young offenders today.

In this context, we believe that there are a number of key systemic forces impacting on Victoria's male juvenile offenders which have precipitated this Parliamentary Inquiry and a number of other inquiries currently in train. In particular, we need to confront a changing story about violence in the world of some young males. They are as follows:

- **FAMILY VIOLENCE:** Increasing severity of family violence, including not only adult male violence, but also emerging patterns of violence amongst teenage children, because of, and related to, family problems. These issues have been the subject of a major royal commission in Victoria.
- **VIOLENCE AND THE MEDIA:** The increasing coverage of violence in the media, including both mainstream and on-line media, that, among other effects, can model aggressive and violent behaviours to young people
- **ON LINE VIOLENT GAMES:** In this context, the ready accessibility, and use of on-line games and social media, again modelling violent role models for boys and young men. It can also lead to distorted impressions of the consequences of violence and desensitised views of the impact on others

- **SCHOOL RETENTION ISSUES:** Reduced capacity of mainstream schools to hold and engage alienated, poorly performing, and troubled boys in education, and their consequent alienation from learning and positive roles and activities.
- **LACK OF UNSKILLED WORK:** The changing availability of unskilled jobs for young men and the significant loss of manual, unskilled, respected, secure, meaningful ‘masculine’ jobs
- **DRUGS AND VIOLENCE:** The well-documented attraction to, and impact of, certain drugs for alienated insecure young men, providing them with stimulation, the illusion of empowerment, and escape from the reality of their lives
- **CULTURAL ISOLATION:** Increasing alienation and disconnection of some ethnic groups of young people caught between different social and cultural worlds, and struggling to find some solidarity and acceptance in Australian communities
- **AVAILABILITY OF ALCOHOL:** High levels of social acceptance and marketing of alcohol use among young people and accessible points of sale

These distinctive changes and challenges in the experience of some C21 Australian children and young people need to be recognised in order to understand what is happening and why. We contend that the impacts and consequences of social change, economic change, cultural change and new technologies are all part of the story of youth violence.

In this context, we believe there are three areas of practice intervention that are key to confronting contemporary challenges:

(1) Developing practice in a range of programs which assist in the formation of positive non-violent masculine identities

The lives of many young offending males may have been marked by a lack of relationships with, and alongside, men with coherent and positive masculine identities. For some adolescents their concepts of masculinity may have been, largely, defined by their peers, media, social media, and alienated men. This has always been part of the story in youth justice, but there are new, and technologically enhanced, forces at work now.

When the family, community, and schooling experiences of young men today foster a sense of alienation and powerlessness, many will naturally seek to fill this void. While this constellation of life experience has always been a problem for disadvantaged and abused young people, the difference now is that new medias, drugs, role models and the on line world may give them attractive and addictive models for realising “winning” identities and power. However, many of these models of power can also be destructive.

Today's juvenile justice practice has to strengthen young men's self-worth and self-image, while addressing destructive models of male violence and power.

The formation of identity, sexuality, and masculinity today is increasingly influenced by markets, the media, computer games, and advertising. Their major purpose is to create and sell products and addictive processes, which offer the promise of power, identity, masculinity, and popularity. At the same time, some of these products and processes can model violence and extreme behaviours as natural and desirable elements of today's manhood. These forces are powerful and can appear to legitimate extreme behaviours, including criminal behaviours, as young people search for meaningful identities, a sense of power, and excitement.

Recent media reports about the problems of male youth correction facilities, in this State and others, have featured images of guards and police, often in full riot gear, forcefully controlling inmates with batons, tear gas, and shields. We recognise that these are last resort measures to address situations out of control. They also are powerful messages of power and submission, and will have profound impacts on some of the young men and boys involved. It is imperative these measures do not come to define the problems and solutions of today's youth justice services in the minds of the public and young people in particular.

Today's youth justice practice has to challenge these powerful models of masculinity and replace them - an extremely difficult and challenging task.

(2) Developing practices which maximise for young offenders opportunities for learning, working, achievement and recognition in all aspects of their life in custodial and non-custodial settings

Today's youth justice services have to create learning opportunities, meaningful real work experiences, and the formation of relationships which restore some sense of purpose and belonging for their clients.

Like all young people, they need the opportunity to experience the pride of working to some purpose, making friends, facing real challenges, the chance to 'graduate', enjoy 'rites' of passage and rituals, and most of all, experience setbacks, but not exclusion. In many respects, addressing these rites of passage has always been a key part of effective practice in youth justice. Now, in the context of increasing exclusion from school and work, they are even more central to rehabilitation.

Victoria has many excellent services, especially in the provision of support, counselling, and social activities. However if their clients are not in school, training or work there are often voids these services cannot fill. School retention is critical, but many schools in the public system are struggling to retain disadvantaged and disengaged young students. Building a sense of purpose, direction, and self-respect in an increasingly competitive world is still one of the keys to an effective youth justice program, and that task is becoming more difficult. It will not be achieved by isolating young offenders in the

community or in detention, with television and mobile devices as their major activity and source of connection with the world.

(3) The future role of modern technologies in youth justice

Young people's use of media can reinforce the already powerful appeal of living for and in the moment, with the promise of more and extreme stimulation always readily available. Action, stimulation, and the urgency of the present transcend the more complex engagement with the lessons and obligations of the past, or the aspirations and possibilities of the future. The problem here is that this addictive, instant and low cost stimulation may be increasingly alien to, and in conflict with, any sense of the relevance of the future. Living with such fractured perspectives of time, losing 'sight' of both consequences and continuity, disconnects some young people from the impact of their actions on themselves or others.

Today's young people may find a powerful momentary identity in their violence and the energy of the gang and the offence, but their persona and their sense of themselves, are made even more narrow and fragile. If the state's response is to punish, isolate, and degrade in the now, the identity of these young people becomes even more vulnerable. It may also serve to reinforce powerful antisocial identity, and to bolster felt or feared inadequacies, with weapons, fast cars, and destructive behaviour.

The issues at work here are complex, and they are unlikely to be resolved with traditional behaviourist treatment approaches. They will have to be confronted in the undeniable reality in which they occur, and address the essential tensions of that reality. There are, however, hopeful developments in advancing understandings of brain development, dealing with childhood trauma, and fostering positive masculinities.

Increasingly the role of technology in the treatment of some forms of mental illness opens the door for the development of on line programs, which support young offenders, with respect to managing their lives, extending their learning, controlling aggressive behaviours, and setting and monitoring their personal targets and goals. New technologies have a powerful potential role in building and maintaining key relationships. In this sense, they are potential keys to interventions with alienated young offenders.

D. Overview and Conclusion

1. The basic principles, as set out in this submission remain central and relevant to the current crisis. However, it is also important to find new ways to apply the basic principles for the emerging and challenging societal issues impacting on young people, particularly young men's masculine identities, and the development of appropriate ways for dealing with violence, within the overall youth justice system.
2. It is currently apparent that resources will be committed to developing a high security complex to deal with a small, extremely difficult group. Within the youth justice centre or centres, it will be necessary to invest considerable resources into the program requirements, as well as the infrastructure – to maintain the rehabilitation and “relationships” focus, at the same time as providing for any necessary security and control requirements.
3. The design and development of youth justice centre(s) must take into account the developmental needs of the different age groups and gender, with separation options being available. This also requires different program approaches and ‘separation’ options in meeting these developmental needs. In this context, it is recommended that part of the current facility at Parkville, is maintained, and improved for providing suitable program options for different age groups, gender, and legal status.
4. It is important to develop creative and flexible youth diversion and prevention programs. Investment of funding is necessary to adapt and enhance these programs in the context of significant societal changes. In particular there is a need to find ways to engage at risk young people alienated from their homes, schools, communities and work, even if they have not committed offences.
5. Overall, the societal changes identified in this submission will have a considerable impact on the lives of vulnerable young people in the future. However, these changes are of significance beyond youth justice. Many parallel problems were identified by the Victorian Royal Commission into Family Violence. Young people inside or just outside the youth justice system are, as we said earlier, flag bearers for what is best in our community, and what is not working well.

We should take heed.

E. Attachment: Background Information and history summary

Submission by:

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- Michael Olijnyk (1967 to 1993; Superintendent Turana YTC; Director Youth Justice Centres; General Manager Client Services OIDS; General Manager Regional Support Services)
- Lloyd Owen (1968 – 1992, Acting Superintendent Malmsbury and LKK YTC; Superintendent Allambie, Superintendent Winlaton YTC; Regional Director Outer East and North East Regional Centres; Social work Academic and Researcher; PhD on good practice with challenging youth and optimal services to support good practice)
- Ken Williams (1965 to 1993; Superintendent Turana YTC; Superintendent Turana YTC; Director Youth and Family Welfare; Assistant Director General Operations, Regions and Programs; General Manager Family, Youth, and Children's Services)

We were part of the major changes that took place through the 1960's into the 1990s, with the formation of a new Social Welfare Department, and the establishment of a Youth Welfare Division, covering the juvenile justice centres, and alternative services for young people in need. The Divisional structure of the Social Welfare Department had reflected the primary functions for which it had been responsible and thus there were the following divisions: Family Welfare, Youth Welfare, Prisons, Probation and Parole, Training and Research and Statistics

The Department of Community Welfare Services was established on 13 February 1979. The change was intended to facilitate the development of an integrated system of community-oriented and needs-based welfare services, with an emphasis on prevention rather than control of social problems.

Following the creation of the new Department of Community Welfare Services there was a major re-organisation of the administration, which emphasized regionalisation. Regional centres increasingly became responsible for a range of functions previously administered by several different divisions. In particular, probation and parole services became regionalised to such an extent that a distinct probation and parole division ceased to exist. There was a clear separation of the administration of adult and juvenile correctional services, which had also been evident in the Social Welfare Department. From 1979 there was a further major shift in administrative perspective and juvenile correctional services became far more closely linked to the provision of family and child welfare services.

The Correctional Services Division was responsible for the administration of the Victorian prison system and for developing alternatives to institutional care including community-based attendance centres. Community-based corrections also encompassed correctional services provided by the Regional Services Division of the Department including probation, parole and community service orders.

In 1983 a major review of Victoria's prison system was undertaken, and as a result the Office of Corrections was established. The Office of Corrections was administratively separated from the Department of Community Welfare Services and the Director General assumed the powers of a Chief Administrator. The Office of Corrections assumed responsibility for the administration of the prison system and for the provision of adult correctional services, which compass custodial services and facilities, and a range of non-custodial services. Responsibility for juvenile correctional services and institutions remained with the Department of Community Welfare Services.

In 1985, following the appointment of a Minister for Community Services, a Department of Community Services, was established. The establishment of the new Department followed a major review and redefinition of many services, which had traditionally been regarded as health services. The Department became responsible for pre-school services, and for domiciliary care services, family health services, physical and sensory disability services and intellectual disability services, all of which had previously been administered by the Health Department.

During this 3-decade period, and onwards, the focus was always on rehabilitation and the provisions of support for young people within the context of maintaining community safety. Programs were developed for varied forms of custody, education and training, family visits, weekend leave, health and mental health services, work release and community supervision.

Reports over this period indicated that the Victorian system was significantly more effective than other states in relation to maintaining lower institutional numbers and a wider range of community based alternatives to juvenile justice centre placement.

At the same time as the Department sought to contain and reduce institutional expansion, a number of Youth Welfare Services were established at the regional level (youth attendance centres), and the full range of correctional and support services was ultimately transferred and managed at a regional and local level. This sought to ensure the integration and coordination of services for children, young people, and families (including child protection services, family support, youth probation and parole supervision, and local youth services, and connection to mainstream health, education, employment and welfare services)

During these times, many changes were occurring within the community, all impacting on children, young people and families. Some of these included changes in education approaches, employment opportunities, programs and approaches for mental health services, and groups with particular needs. Substantial changes to family form, gender roles, and family supports were also in train. The planning for, and development of, programs for young people within the youth justice system, needed to take such changes, into account.

At that stage, the planning was based on age divisions within the juvenile justice court system, being 10 to 17 at age of offending /charges, and a dual track system for ages 17 to 21 of offending charges, in the adult court system.

In 2005 when the Children's Court Act extended the Court's criminal jurisdiction to include youth in instances where offending /charges occurred up to 18 years of age. This added a one-year age cohort to the youth remand and justice centre system. Such a significant change would have had an impact on the existing youth justice facilities and may have been a contributing factor, among many other ones, on the reported demise of facilities in the later period (for example some of the problems highlighted in the Ombudsman Report in 2010).

Such chronological changes need to be taken into account in the planning for diversion, court, remand and juvenile justice programs as well as the variations in maturity, ability, and levels of complexity and disturbance in both the individual and their social context.

An article, published in the Monthly, March 2017, by Russell Marks, titled "How authorities lost control of juvenile detention", provides a useful outline of the current pressures impacting youth justice systems across Australia. It also provides a historical summary leading up to the current crises that are being experienced in youth detention facilities. It highlights similar issues relating to basic principles, and the importance of understanding the impacts of societal trends, as we have outlined in our submission. We have attached a copy of the article for the information of the Inquiry.