



# Jesuit Social Services

Victorian State Election Platform:  
Youth Justice

November 2018



Jesuit  
Social Services  
Building a Just Society

## The Victorian State Election

Elections are times for asking what kind of a society we want. They invite us to name our own vision. At election times, too, politicians offer us their visions for a good society. We have a responsibility to assess what they offer, and have an opportunity to advocate for change.

Jesuit Social Services accompanies and works with people and communities who are excluded and isolated.

Our work with people on the margins draws our attention to the multiple and interrelated factors that cause disadvantage, push people to the margins, diminish communities' capacity to shape their future, and damage the natural environment we all depend on. This understanding challenges us to take account of these challenges in our accompaniment and our advocacy. We bring together 'doing' and 'influencing' to ensure our programs and advocacy are shaped by our practice wisdom, evidence and rich heritage.

We work with people with significant barriers to participation and social and economic inclusion.

We accompany them, address their needs and partner with community, business and government to support them onto a pathway to education, training and employment.

Our doing and influencing spans:

- Disadvantaged and marginalised communities
- People with complex and multiple needs
- People involved or at-risk of entering the youth and adult justice systems
- Boys and men who are in trouble or causing trouble
- Aboriginal and Torres Strait Islander communities
- People and families seeking asylum
- Education, training and employment

The experiences of vulnerable people are diverse. So are their needs. Effective responses demand programs that can be tailored to individual needs, constant adaptation for successful delivery, and sustained commitment from governments. Above all, they must be founded on the recognition that every human being deserves a second chance.

## Youth Justice

Youth justice is at a crossroads in Australia. In every state and territory across the nation, governments are grappling with youth justice issues as they seek to reduce crime, improve community safety and respond to public concern that is being fanned by sensationalist media coverage.

In order to inform discussions around youth justice in Australia, Jesuit Social Services looked beyond our borders for potential solutions. In 2017, some of the senior leaders of our organisation undertook an international #JusticeSolutions study tour, taking in parts of Norway, Germany, Spain, the United Kingdom and the United States. The findings form the basis of our report #JusticeSolutions: *Expanding the Conversation*, which can be found at [jss.org.au](http://jss.org.au).

On our study tour, we saw that effective approaches to youth justice have a clearly articulated vision that guides all policies, programs and procedures. They focus on early intervention and diversion, preventing young people from further contact with the justice system, using child-specific approaches and engaging families and communities. They have thorough assessment and planning processes that are supported by strong social infrastructure and well-resourced community alternatives to locking up young people. When detention is necessary, the focus is on strong education, addressing problem behaviour and underlying needs, and building social and practical skills through programs that prepare young people for reintegration into their community. Custodial facilities are small and close to the homes of detainees, with positive cultures and well-qualified staff who are trained to build relationships of trust, rather than punish. All of this is underlined by a deep commitment to take the time to listen to young people, and their families, to truly understand what is driving their behaviour and ensure that those issues and needs are addressed.

It's time to fix youth justice in Victoria. We need our leaders to work collaboratively, constructively and in good faith with experts in the field – service providers, academics, the judiciary, police, community members, and most importantly young people, their families and communities – to develop a united vision for our youth justice system. We need a clearly-articulated vision and purpose, interventions that will deliver on agreed outcomes, and appropriately qualified staff to implement these.

The *Youth Justice Review and Strategy: Meeting needs and reducing offending* (the *Review*), conducted by Penny Armytage and Professor James Ogloff AM, found that over half of youth justice spending is dedicated to youth justice custody.

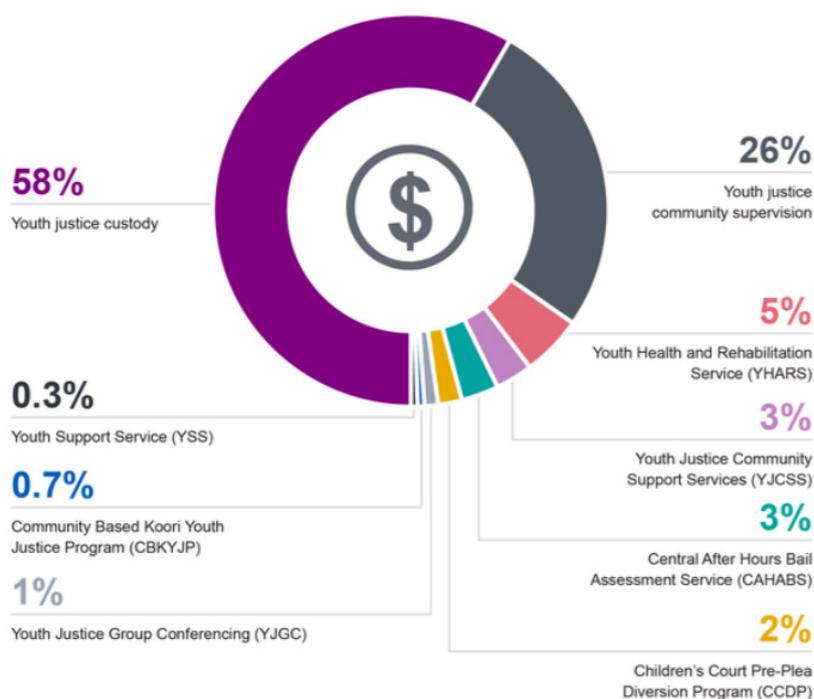


Chart reproduced from Ogloff, J. & Armytage, P. (2017). *Youth justice review and strategy: Meeting needs and reducing offending*. Part 1, p.72.

We need to invert the current funding structure. We need to shift investment away from prisons, towards prevention and early intervention.

We must address the underlying causes of crime by intervening in the web of disadvantage that impacts on individuals, families and communities – and on keeping young people out of the youth justice system wherever possible. For those young people who do come into contact with the youth justice system, we need to commit to rehabilitation as the primary goal in order to support and challenge young people to become their best selves.

## Our asks

We call for the next state government to:

- Develop a ten year plan, backed up with investment for the Victorian youth justice system including:
  - a rollback of regressive sentencing practices such as mandatory detention.
  - setting and monitoring targets to reduce the number of young people offending, reoffending, on remand and in detention.
  - through better use of data and investment in research and evaluation, build a shared understanding of what is working and what else is needed to improve outcomes.
- Raise the age of criminal responsibility from 10 to 14 years.
- Restore access to the dual track system and extend age eligibility to 24 years old.
- Invest in Aboriginal agencies and communities to reduce overrepresentation of Aboriginal and Torres Strait Islander young people in the justice system.
- Strengthen diversion opportunities for all young people, at each point in the justice system.
- Expand restorative justice conferencing to out-of-home care placement.
- Reduce the number of children and young people on remand.
- Strengthen custodial and transition support to set children and young people up for success when they return to the community:
  - ensure education and therapeutic support are a priority in detention.
  - improve intensive support when young people exit detention to connect with housing, education and training and the community.
- Ensure the new youth detention facility is built according to the evidence of best-practice in the rehabilitation of young people, with transparent monitoring of numbers in detention
- Strengthen the capability of the youth justice workforce to address the complex needs of young offenders. Introduce a minimum qualification standard.
- Retain and upgrade the Parkville Youth Justice Precinct for specific youth justice cohorts. Develop a purpose-built transition facility at the site, with a portion of the facility providing purpose-built accommodation for young women.

## **Develop a ten year plan, backed up with investment for the Victorian youth justice system including:**

- **a rollback of regressive sentencing practices such as mandatory detention.**
- **setting and monitoring targets to reduce the number of young people offending, reoffending, on remand and in detention.**
- **through better use of data and investment in research and evaluation, build a shared understanding of what is working and what else is needed to improve outcomes**

For a long time, Victoria led Australia in its approach to youth justice. The starting point was that children are children – and that those who get in trouble need a different response to adults. It was recognised that most children grow out of offending as they mature, and that the children most likely to offend are often the ones who have faced the toughest circumstances growing up.

Strengths included a strong culture of collaboration (across police, government, the community sector and courts) and our unique dual track system, which has kept many vulnerable young offenders aged between 18 and 20 years out of adult prisons. The effectiveness of Victoria's approach was reflected in its low rates of young people under supervision (both in the community and in detention).<sup>1</sup>

Over the past decade, populist reactions on the part of governments seeking to cultivate a 'tough on crime' image have often replaced evidence-based policy.

A surge in the negative media narrative on youth crime in Victoria has triggered another wave of more punitive, law and order responses – including the erosion of dual track and longer sentences for young people, increasingly punitive sentencing policy including mandatory sentencing, and the announcement of a new \$288.8 million secure youth justice facility in Cherry Creek.

Alongside this, in their 2017 *Youth Justice Review and Strategy: Meeting needs and reducing offending (Youth Justice Review)*, Penny Armytage and Professor James Ogloff OAM observed that there was a lack of strategic planning and ad hoc use of experts in Victoria's youth justice system.<sup>2</sup>

The Victorian youth justice system must be underpinned with a strong vision so that all our responses to young people are geared toward the right goals. We must develop a ten year plan for youth justice in Victoria.

This plan must include clear targets to reduce offending, reoffending, and the number of young people on remand and in prison. Targets must also be set to reduce the overrepresentation of Aboriginal children and young people in the justice system.

We need to listen to and work with young people, families and communities so that the system meets their needs. They must be involved at all points, including policy development, service design, implementation and program evaluation.

## Raise the age of criminal responsibility from 10 to 14 years.

In Victoria, primary school age children as young as 10 can be brought before the court, sentenced and imprisoned.

Capturing young children in the justice system, rather than addressing their offending behaviour and holding them accountable in their schools, families, and communities, starts a cycle of incarceration that is hard to break. We know that children first detained between the ages 10 and 14 are more likely to have sustained and frequent contact with the justice system throughout their lives.<sup>3</sup>

Our age of criminal responsibility is a breach of human rights standards<sup>4</sup> and puts Australia out of step with the rest of the world, where the median age is 14 years.<sup>5</sup>

### Age of criminal responsibility: international comparison<sup>6</sup>

AUS	NZ	CAN	ENG	USA <sup>1</sup>	FRA	GER	SWE	NED	CHN	JPN
10	10	12	10	6-12	13	14	15	12	14	14

Child offending experts, psychologists and criminologists agree that younger children have rarely developed the social, emotional and intellectual maturity necessary for criminal responsibility before the age of 14 years<sup>7</sup>

Children who come into contact with the youth justice system are likely to have experienced complex disadvantage, including exposure to mental illness, drug and alcohol abuse, homelessness and child abuse and neglect. The Youth Parole Board Annual Report for 2017-18 found that of a snapshot of young people involved with the justice system, 37 per cent had had contact with child protection at some time.<sup>8</sup>

We need to raise the age of criminal responsibility from 10 to 14 years, and put in place restorative responses that work with families, schools and communities to support - rather than punish - vulnerable children aged 10-14.

Restorative justice would hold young people to account for their behaviour, while family-centred approaches and preventative measures would target the social and economic factors which lead to anti-social behaviour.

Following the Royal Commission into the Protection and Detention of Children in the Northern Territory, the Northern Territory government has given in-principle support to raising the age of criminal responsibility to 12 years and a presumption against incarcerating a child younger than 14 years.

No primary school aged child should be in prison. We call on the elected Victorian government to take the lead and go further, raising the age of criminal responsibility to 14 years, and investing in alternative approaches that support vulnerable children in trouble.

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<sup>1</sup> The age of criminal responsibility varies between US states.

## Restore access to the dual track system and extend age eligibility to 24 years old.

Victoria's unique 'dual track' system allows young offenders aged 18 to 20 years to serve custodial sentences in youth detention instead of adult prison.

A dual track system acknowledges that young people who offend need a different response to adults. Dual track enables courts to make decisions based on the prospects of rehabilitation and vulnerability of the young person. It is intended to prevent vulnerable young people from entering the adult prison system at an early age.

The dual track system is one of the key aspects of Victoria's justice system that has contributed to our comparatively low rates of youth offending and reoffending. The evidence shows us that young people who spend time in adult prison are more likely to re-offend on their return to the community than young people exiting youth detention.<sup>9</sup> Research shows that the brain continues to develop until the age of at least 25.<sup>10</sup> So too does the ability to control impulsivity, judgement, planning for the future, foresight of consequences and other characteristics that form moral culpability.<sup>11</sup>

In September 2017, the Victorian Government amended sentencing laws, significantly restricting dual track sentencing options for young people who commit certain crimes, and increasing maximum detention periods.

Legislation has also recently passed in Parliament to introduce mandatory custodial sentencing for injuring emergency workers. The 'special reasons' exception of psychosocial immaturity which applies to all statutory minimum prison sentences will be removed, once again making it less likely that young people will have access to the dual track system.

By effectively introducing a presumption *against* dual track sentencing, these changes mean more young people will end up in adult prisons.

The effects of changes to dual track are already beginning to show. The number of young people aged 18-20 sentenced to adult prison rather than youth justice facilities has significantly increased. In 2013, just under half of young people sentenced to detention in the County and Magistrates' Courts were sentenced to youth detention. By 2017, only one third were sentenced to youth detention, with two thirds sentenced to adult prison.<sup>12</sup>

The 2017 *Youth Justice Review* called for the restoration of the dual track system. The *Review* emphasised the importance of maintaining a low-security custodial model which focuses on rehabilitation, education and training, and work readiness for young people.<sup>13</sup>

We must immediately restore Victoria's unique 'dual track' system and expand its operation for young adults up to 24 years. We must not unwind the things that have made our system strong. Restoring and extending dual track is one important step towards this.

## **Invest in Aboriginal agencies and communities to reduce overrepresentation of Aboriginal and Torres Strait Islander young people in the justice system.**

Aboriginal and Torres Strait Islander young people are significantly and increasingly overrepresented in our youth justice system. Aboriginal and Torres Strait Islander young people make up two per cent of young people aged 10–17 in Victoria, but 18 per cent of the 10-17 year olds under youth justice supervision. Five years ago, Aboriginal and Torres Strait Islander young people were 11 times more likely than non-Indigenous young people to be under youth justice supervision. Now, Aboriginal and Torres Strait Islander young people are 14 times more likely to be under supervision.<sup>14</sup> This is an indictment on our system.

Aboriginal and Torres Strait Islander children and young people in youth justice are also more likely to have experienced economic and social disadvantage than non-indigenous young people under supervision – nationally, 42 per cent of Aboriginal and Torres Strait Islander young people lived in the lowest socioeconomic areas before entering supervision, compared with 33 per cent of non-indigenous young people.<sup>15</sup>

The ongoing and increasing overrepresentation of Aboriginal and Torres Strait Islander young people in our youth justice system is therefore in direct contradiction to efforts on the part of government to work alongside Aboriginal and Torres Strait Islander communities to enhance self-determination. It is clear those efforts are missing their mark.

We must acknowledge the role that complex disadvantage and intergenerational trauma can play in young people becoming involved in the justice system.

We must use a community capacity building approach to bring together the government, community organisations, Aboriginal community controlled organisations and Aboriginal and Torres Strait Islander communities. This must include practical support and investment in Aboriginal community controlled organisations to work with their communities.

**Government and community sector organisations must work alongside Aboriginal agencies and communities to reduce overrepresentation in the justice system. Our ten year plan for youth justice should include specific targets to reduce the overrepresentation of Aboriginal children and young people in the justice system, and the expansion of programs that provide culturally appropriate support for Aboriginal children and families.**

Diversion is crucial in reducing overrepresentation of Aboriginal and Torres Strait Islander young people in the youth justice system.

When young people have a strong sense of identity, belonging and meaningful connection to their communities, they are less likely to engage in offending behaviour. We need to nurture and enhance this connection to help support Aboriginal and Torres Strait Islander young people involved in the justice system to revert to leading healthy lives. We need responses to offending that are culturally safe and for Aboriginal and Torres Strait Islander children and young people and their families. We need approaches that build on the strength and resilience of Aboriginal and Torres Strait Islander communities.

Recognising the need to divert vulnerable children away from the youth justice system, Jesuit Social Services is in partnership with the Victorian Aboriginal Legal Service (VALS) and the Victorian Aboriginal Child Care Agency (VACCA) to deliver Barreng Moorop. In 2017 Jesuit Social Services transitioned the lead role in partnership to VACCA who now administers the program, with VALS and Jesuit Social Services remaining engaged as partners.

Barreng Moorop works with 10-14 year old children, their siblings and their families residing in the North and West metropolitan regions of Melbourne who intersect the criminal justice system. The program provides culturally-responsive, trauma-informed services to divert young Aboriginal people away from the criminal justice system.

Case studies from Barreng Moorop articulate its effectiveness:

## Case Study: Rachel

Rachel\* is 13 years old and is on a Permanent Care Order in the care of her extended family member. The family have been involved with Barreng Moorop since September 2015. Barreng Moorop's work with the family has included:

- Supporting Rachel's extended family member to access and move into a transitional housing property and relocating Rachel to live with her extended family member
- Completing and submitting a public housing application
- Linking Rachel's extended family member in with a doctor to address her health needs
- Working in collaboration with Rachel's school to improve her self-esteem and sense of self
- Providing support to transition Rachel from primary to secondary school and assisting with accessing financial aid to purchase school supplies
- Providing transport so that Rachel can continue to access counselling
- Working with the school, counsellor and Rachel's extended family member, to develop behaviour management strategies to support Rachel to manage her behaviour and interaction with others.
- Providing education about bullying and cyber safety
- Organising care team meetings with all services involved with the family

As a result of Barreng Moorop's work with the family, key outcomes include:

- The school noted that Rachel's involvement in incidents at school decreased when she moved in with her extended family member
- Rachel has smoothly transitioned to secondary school and is engaged in schooling
- Rachel and her extended family member are currently residing together in transitional housing together and her extended family member has been offered a public housing property
- Rachel's health management has improved, including sexual health awareness, and has continued engagement with counselling
- Rachel is engaged in pro-social activities which has improved her physical health as well as her self esteem
- Rachel has attended holiday camps and met other children her age outside of school
- Contact with extended family is improving
- Rachel's extended family member is receiving Centrelink benefits and Family payments, and has improved health management

### **Rachel has not had further involvement with the police**

\*Not her real name

**We call on the Victorian Government to expand the Barreng Moorop model throughout Victoria to provide a whole-of-family approach in Aboriginal and Torres Strait Islander communities.**

## Strengthen diversion opportunities for all young people, at each point in the justice system.

Most offending by young people is episodic, transitory, of a minor nature, and unlikely to constitute a risk to the safety and welfare of the community. Most young people will outgrow their anti-social behaviour as they mature and/or are turned away from crime by police cautioning or youth diversion programs.

Whilst prison may be necessary in a small number of cases, it should always be used as a last resort, and never for children less than 14 years old. Young people leaving detention are more likely to go on to reoffend than young people supervised in the community.<sup>16</sup>

In recognition of this, and of the particular vulnerabilities of children, most modern youth justice systems aim to divert children away from the criminal justice system.

We need to do more to invest in evidence-based alternatives that work to divert young people away from deeper involvement in the justice system. Diversion, with a focus on rehabilitation and restoration, should be the first option at all points in the system. Welfare-based and restorative justice approaches are more effective in reducing re-offending among children than use of custody and prison sentences.

We welcome the Victorian Government's state-wide expansion of diversion programs, including support for the Children's Court Youth Diversion Service, initially piloted by Jesuit Social Services, and the Youth Justice Bail Supervision program.

Based on Jesuit Social Services' experience delivering the Youth Diversion Pilot Program, we know that building a supportive relationship of respect and trust via a strengths-based practice approach is what builds capacity and resilience in young people in the long term. A key element of our approach includes creating partnerships with program participants, their families and community supports.

More than 90 per cent of participants successfully completed our pilot diversion program and had their matter dismissed. Common positive outcomes included: young people demonstrating a better understanding of the impact of their offending; improved family and community relationships; re-engagement with education; and improved mental health. This success was underpinned by Jesuit Social Services' deep community roots and proven engagement with young people with a history of offending.

**As a matter of principle, we believe the statewide diversion program is best delivered by a community agency as a diversion away from the statutory system. We call on the elected Government to engage community service organisations to deliver the Children's Court Youth Diversion service in Children's Courts across Victoria, and to adequately resource the community sector to support young people to successfully complete diversion plans.**

## Expand restorative justice conferencing to out-of-home care placement

There are clear links between young people's involvement in the out-of-home care system and youth justice. In Victoria, from 2014 to 2016, five per cent of young people aged 10-16 years old in the child protection system were also under youth justice supervision.<sup>17</sup> The Youth Parole Board Annual Report for 2017-18 also found that of a snapshot of young people involved with the justice system, 37 per cent had contact with child protection at some time.<sup>18</sup>

We believe that there is an opportunity to work in a better way with young people who find themselves in challenging situations in out-of-home care settings. Currently these young people have limited access to a therapeutic, diversionary, restorative based process to work through the issues they face. Too often, the criminal justice system ends up being the default response for these young people. A restorative justice process using the methodology of Group Conferencing would be an effective means of addressing conflict and repairing the harms experienced by children in residential units.

Restorative justice views crime as more than breaking the law – it recognises that when people have committed a crime it also causes harm to people, relationships and community. Restorative justice focuses on *repairing* this harm. It brings people together – the offender, the victim and others affected – to acknowledge the harm, consider how best to repair it, and prevent similar harm in the future. This process is often transformative, creating fundamental changes for individuals, relationships and communities.

### Case study: Youth Justice Group Conferencing

*Group Conference regarding Aggravated Burglary – 17 year-old - Gang related matters.*

Family support - Victim attended - Detective attended.

Young person stated:

*"I feel so bad for doing this. I think it's just rude. In a thousand years I would never break into someone's house again. I am very sorry for what happened. It's not who I am".* He went on to say he *"felt ashamed, scared, too scared to go to police. I thought I was a criminal. I was too scared to apologise to the victim"*. Reflecting more on the victim impact, he stated *"I really scared them because I went into their home. \*\*\* was really angry with me because he felt like he couldn't protect his wife, I am here to show them that I am not who they think I am. I am disappointed with myself."*

The victims' reaction to this was to state:

*"I feel you are very genuine. You have to understand how we feel. You came into our house and took our belongings. You said you were so drunk but you weren't too drunk to come in and take our stuff."* After hearing more of the young person's life story, the victim's partner added *"You seem like a decent kid. If you need help I would be happy to do that. I came angry but I am not now. You don't have a face of a criminal"*. The victim then concluded by saying *"You are a good kid. I can see it. Be proud of yourself. Enjoy life."*

The young person apologised, saying:

*"I am very sorry for what I've done. I feel bad for how I have affected you. You are genuine people. I will pray for you tonight."*

When discussing an outcome plan, the victim stated:

*"we don't need anything from you other than you are doing well. It's (Group Conference) been a big success, it's good for us and [the Detective] to see the good person in you."*

At the conclusion of the Group Conference the victim stood up and asked to hug the young person and his family.

The young person wanted to create a piece of art for the victim as his way of saying sorry.

In Victoria, Youth Justice Group Conferences have run since 1995. Group Conferences help young people see the impact of their actions on victims of crime, and support young people to restore relationships with those they have harmed.

Group Conferences reduce recidivism and promote victim satisfaction.<sup>19</sup> An evaluation of Victoria's Youth Justice Group Conferencing Program, delivered by Jesuit Social Services across metropolitan Melbourne, found that more than 80 per cent of participants had not reoffended two years later – this compared to 57 per cent for the comparison group.<sup>20</sup>

Group Conferences are complemented by targeted but time-limited intensive case management support post-conference. The focus of this work holds young people and their families accountable for their commitment made at the group conference. This support focuses on engaging the young person back into purposeful activity, including education, training and employment pathways.

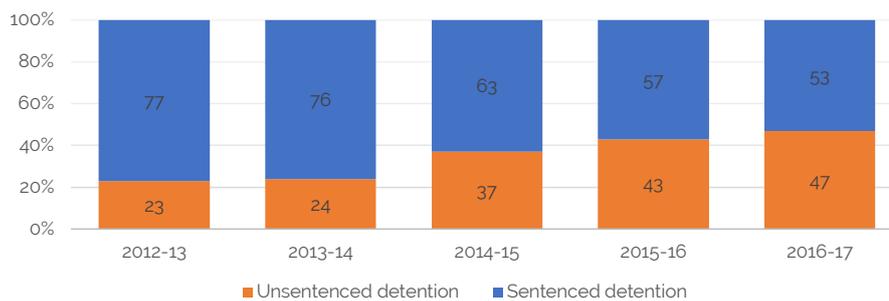
Restorative justice conferencing for young people in out-of-home care at the pre-court/pre-sentence stage would be an effective, therapeutic intervention to address issues that contribute to young people's challenging behaviour within residential units and therefore divert them from possible criminal charges.

**We call on the elected Victorian government to expand restorative justice conferencing to out-of-home care placement.**

## Reduce the number of children and young people on remand.

Successive governments have introduced increasingly punitive sentencing regimes for children and young people. For instance, amendments to the *Children, Youth and Families Act 2005* mean that the Supreme and County Courts must take into account sentencing requirements for adults when sentencing young people aged 16-18. Other legislative changes have effectively introduced a presumption against dual track sentencing and a presumption in favour of uplifting serious youth offences from the Children's Court to the higher courts for young people aged 16 years or older. Among others, these changes have meant that despite our decreasing youth offending rate in Victoria, our rates of detention are increasing.<sup>21</sup>

Too many young people are also being held in unsentenced detention. In the past five years, the proportion of young people held in detention unsentenced has more than doubled from 23 per cent in 2012-2013 to 47 per cent in 2016-17.<sup>22</sup>



The increase was initially driven by reforms to the Bail Act in December 2013 that imposed the same conditions and restrictions on children as are applied to adults. While these amendments were reversed in 2016 by the current Government, the number of children on remand remains unacceptably and unnecessarily high. This has also been the result, in part, of recent changes to sentencing practices and an increasingly "risk averse" youth justice system.<sup>23</sup>

Our experience is that bail restrictions fall more heavily on young people experiencing disadvantage and homelessness, who find it harder to argue for and access bail, particularly given the need to have stable accommodation. The link between disadvantage and the likelihood of not receiving bail are clear. As the Victorian Law Reform Commission highlighted:

**"Although bail law appears to apply equally to everyone, it doesn't operate that way in practice. Indigenous Australians, immigrants, children, young people, people with mental illnesses and women are all disadvantaged by the operation of the current bail law."<sup>24</sup>**

Each time a young person is placed in detention, they are cut off from their support networks, are more likely to be exposed to negative influences, and often fail to access the education and rehabilitation services that would set them up for success when they return to the community. Many support services are not available to young people on remand. Time on remand has been shown to increase the likelihood of a young person reoffending in the community.<sup>25</sup>

Furthermore, most children and young people who are remanded do not go on to receive a custodial sentence. On average, since 2012-13, only around 20 per cent of those remanded were sentenced to a custodial order.<sup>26</sup>

In a very small number of cases, placing a young person on remand may be necessary when they pose a real risk to the community. But in most instances, this is not the case.

Too many young people continue to be locked up on remand simply because alternative accommodation cannot be found.<sup>27</sup>

We welcome the recent expansion of the Central After Hours Assessment and Bail Placement Service. However, there is room for more investment to reduce the number of young people on remand. We must focus on after-hours and supported housing by establishing small transitional homes for young people on bail.

This should be coupled with work by both the Victorian and Federal Governments to address the lack of affordable housing that is contributing to the soaring rates of youth homelessness in Victoria.

**We call for the establishment of small transitional homes each providing safe accommodation for three to four young people involved in the youth justice system for up to 12 months.**

Staffed 24 hours, the houses would facilitate access to tailored life skills, education and work readiness programs, and coordinate a transition to sustainable long-term independent living options.

**We call for the elected Victorian government to:**

- **rollback regressive sentencing practices such as mandatory detention,**
- **restore access to the dual track system and extend age eligibility to 24 years old,**
- **set and monitor targets to significantly decrease the number of children and young people held on remand in Victoria.**

## **Strengthen in-detention and transition support to set children and young people up for success when they return to the community:**

- **ensure education and therapeutic support are a priority in detention,**
- **improve intensive support when young people exit detention to connect with housing, education and training and the community.**

All young people in detention will one day be released back into the community. From day one, programs and interventions for young people in prison should be geared toward this eventual transition.

In the last State Budget, the Victorian Government invested in expanding structured day programs outside school hours in youth justice centres. While this is a welcome investment, more can be done.

We must ensure that young people's needs are thoroughly assessed so that interventions are targeted and effective. This means from the moment a young person enters youth detention, they receive intensive multidisciplinary assessment by educators, doctors, dentists, psychiatrists and alcohol and drug specialists, as well as individualised plans tailored to their offending behaviour, that ensure they can re-integrate with family and community at the end of the sentence. Youth justice custodial environments need to provide cultural safety, health and mental health services, alcohol and drug services, disability support, and responses to young people's experience of trauma.

The "principle of normalcy", which underpins the highly successful Norwegian justice system, holds that life inside prison should resemble life outside prison as much as possible. This avoids 'institutionalisation' of young people and promotes adherence to human rights standards inside prisons, so that when young people return to the community, they are less likely to be 'institutionalised' and able to re-integrate more easily.

We need a holistic and therapeutic approach that is integrated into a wider through-care model.

Specialised mental health services for young people are one important part of this approach. To ensure appropriate services are delivered, specific funding, workforce capacity building and appropriate programs are required. Victoria needs ongoing, sustainable and comprehensive forensic mental health services for young people, both in the community and custody. We need a state-wide service network providing:

- secondary consultation and support for community mental health outreach services that manage young people with offending behaviours (predominantly referred via the Youth Justice Mental Health Clinician initiative)
- comprehensive training and supervision to community services to assess and manage mental illness related violence and offending (including family violence)

When young people leave detention, they must be supported to connect with housing, education and training. This transition planning should commence as soon as the young person enters detention. We must improve intensive support when young people exit prison, using a step-down model to connect with housing, education, training and support in the community. There is also a need for a supported pathway to community mental health services for young people leaving custodial detention where required.

We believe that ongoing, coordinated and youth-focused practice can produce better outcomes for young people, and for the community. The Victorian Youth Justice Community Support Service (YJCSS) provides a positive example of this approach. YJCSS helps prevent re-offending by focusing on a young person's development, preparing them for adulthood and re-connecting them with the community.

Jesuit Social Services is the lead agency delivering YJCSS across metropolitan Melbourne. Our case work focuses on broad aspects of a young person's life, such as social connection, economic participation, wellbeing and resilience, gender and identity, health, and self-determination. Through our case work, young people in the justice system develop:

- independence, resilience and pro-social connection to family and community
- skills and knowledge to make informed choices about their future
- the means to participate more fully in their community
- connections to family, education, training, employment and community

While we commend the Victorian Government for extending operating hours, additional investment in YJCSS is required so that it can provide support to **every** young person exiting youth detention. Jesuit Social Services believes that being able to work holistically with a young person, their family and their community is essential in their support. Investment in YJCSS needs to provide for this level of engagement. We need sensible responses to youth offending that consider the long-term picture. From the minute a young person enters detention, we need to work toward rehabilitation and facilitating their return to the community better off than when they entered.

## Case Study: Youth Justice Community Support Service

Background: This young person was referred to YJCSS when he was 17 and had been in Parkville Youth Justice Centre for several years for serious offences. The young person had no prior history with Youth Justice and was extremely anxious leading up to release. He had a history of trauma prior to his offending and had previous involvement with child protection.

Upon his release on parole he was placed in a transitional housing property through the YJ Transitional Housing Manager (THM) program (part of YJCSS). The young person already had some independent living skills and was passionate about music. He was quite closed and superficial in his engagement with his YJCSS worker initially.

Support provided by YJCSS:

- financial budgeting/independent living skills
- recreational activities
- counselling
- assistance to get Learners permit and licence
- resume preparation and job seeking
- engagement in education
- family work around relationship with parents

Stable case management and housing was integral to this young person's progress and he:

- completed a lengthy parole successfully – no further offending
- successfully completed a THM tenancy, transferred into a Youth Foyer
- completed one course at TAFE and enrolled in a second course
- connected with new peers through TAFE
- gained employment at a juice bar
- passed his driver's licence test and bought a car
- has plans to drive around Australia when his course is finished
- is managing relationships with parents more easily
- is managing his anxiety.

## **Ensure the new youth custodial facility at Cherry Creek is built according to the evidence of best-practice in the rehabilitation of young people, with transparent monitoring of numbers in detention.**

Retain and upgrade the Parkville Youth Justice Precinct as a facility for specific youth justice cohorts. Develop a purpose-built transition facility at the site, with a portion of the facility providing purpose-built accommodation for young women.

International evidence shows that small, home-like facilities that help young people to stay connected to their families and communities are the most effective models of detention. Large youth justice facilities, far from children's homes, families and communities, such as Cherry Creek, are not effective at rehabilitating young people or reducing offending.

On our 2017 #JusticeSolutions study tour of Europe, the UK, and US, we saw that good youth justice programs focus on early intervention and diversion, preventing young people from further contact with the justice system, using child-specific approaches and engaging families and communities.

When prison is necessary, the focus is on strong education, addressing problem behaviour and underlying needs, and building social and practical skills through programs that prepare young people for reintegration into their community. They use facilities that are small and close to the homes of young people, with positive cultures and well qualified staff who are trained to build relationships of trust, rather than punish.

Given what we know about what works in youth detention, building a new children's prison at Cherry Creek is the wrong approach. However, since its construction is already set to proceed, it is crucial that the prison is adequately resourced and designed to deliver rehabilitation-focused programs for residents. Creating an environment focused on containment and security will only serve to exacerbate the challenges which have led to young people committing offences.

**Genuine consultation on the Cherry Creek operating model must take place across the community, youth, education and health sectors, including on the underpinning practice framework co-designed with these key stakeholders, reflected in the staffing, programs, therapeutic model, transitional arrangements, and physical environment of Cherry Creek.**

**We support the *Youth Justice Review* proposal to retain and upgrade the Parkville site for specific vulnerable cohorts. In line with the *Youth Justice Review's* findings, we call for development of a purpose-built transition facility at the site, with a portion of the facility providing purpose-built accommodation for young women.**

## **Strengthen the capability of the youth justice workforce to address the complex needs of young offenders. Introduce a minimum qualification standard.**

People who work with children in youth justice must have the right qualifications to respond to the complexity of those they work with. Young people in prison have the most complex needs, often have experienced disadvantage and trauma, and can present with challenging behaviours. This means we need professionals who can understand and work appropriately and meaningfully with these children and young people. However, in Victoria, there are no minimum qualification requirements for youth justice custodial workers.

High staff turnover of youth justice workers has also been identified as a considerable problem. The Final Report of the Victorian Parliamentary Inquiry into Youth Justice Centres in Victoria found that, at one stage, only eight out of 50 new staff hired stayed longer than one year in the job and, at another time, 30 out of a recruitment pool of 50 left prior to completing their induction training.<sup>28</sup>

We can turn to international jurisdictions to see examples of best-practice in youth justice workforce capability.

In the Netherlands, staff require a minimum three-year bachelor degree to work in youth prisons,<sup>29</sup> and in Spain's youth detention 'Re-education Centres' run by non-profit organisation Diagrama, front-line staff (named 'educators') are expected to have a professional qualification.<sup>30</sup>

In Norway, the training undertaken by correctional staff is currently a minimum of two years, and plans are in place to extend this to a three year Bachelor degree in the very near future. The course involves both academic and on the job (i.e. within prison) components. As we learnt on our #JusticeSolutions tour, a significant part of prison staff training involved equipping them with the capacity to focus on engagement and building relationships with people. Entrants are screened for life experience and positive, humanistic attitudes. Course participants are paid to undertake the training – they are the only paid students in the Norway system. This provides an incentive for people to embark on this career path, which is highly sought after. Entry is competitive and the status of this profession is respected in the community.

Recent events in Victoria have highlighted the risk of using an under-skilled, under-resourced and casualised workforce to address the needs of a vulnerable and complex group of children and young people.

The Victorian youth justice workforce must be qualified and grounded in principles that place the interests, developmental needs and rehabilitation of children and young people at the forefront. We must strengthen the capability of the workforce to meet the complex needs of young offenders and introduce minimum qualifications.

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