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New approaches needed for young adults in the criminal justice system

A new report by the Sentencing Advisory Council highlights that new approaches are needed to work with young adults (aged 18-25) who have contact with the justice system, says Jesuit Social Services.

“It is clear that the criminal justice system is not adequately responding to the developmental needs of young adults, which are unique in comparison to older adults,” says Julie Edwards, CEO of Jesuit Social Services.

“This is shown in the fact that recidivism rates for young adults – meaning those who return to prison within two years of being released – are significantly higher than for other age groups. More than half [53 per cent] of young adults under 25 return to prison within two years, which is more than eight per cent higher than the general population.

“It is also well established that brain development continues until somebody is in their mid-20s, even up to 30. Young adults are greater risk takers, more likely to be influenced by peers and less future oriented than older groups and this has an impact on behaviours and attitudes,” says Ms Edwards.

“Young adults need to be treated differently to older groups at all points of their contact with the criminal justice system, including in diversion options which support young adults to take responsibility and make amends for their actions in the community, through to the way we sentence young adults and the custodial environments we incarcerate them in.”

The Sentencing Advisory Council report outlines that young adults aged 18 comprised 15 per cent of the adult population in Victoria in 2018, but 22 per cent of offenders sentenced in the Magistrates’ Court and 25 per cent of offenders sentenced in the higher courts.

In September, Jesuit Social Services held the National Justice Symposium, which drew experts from Australia and overseas to discuss issues relating to young adults in the criminal justice system. A range of possible reforms were highlighted, including an expansion of the dual track system. This system currently allows young adults up to the age of 21 to be sentenced to youth detention facilities in some circumstances, and Jesuit Social Services calls on it to include young adults aged 21 to 25, in recognition of the brain development of young adults.

“We also call on the Victorian Government to introduce a minimum workforce qualification for all custodial prison staff that reflects the challenges of the role and the impact appropriate staffing can have on rehabilitation and community safety.”

Jesuit Social Services also supports the positive alternative approaches of the Sentencing Advisory Council, including introducing a specialist young adult court to address the needs of young adult offenders being sentenced, and increasing the use of pre-court and court-ordered diversion.

“Keeping people out of prison, and supporting them in the community, should always be our goal. This is an opportunity to commit to evidence-based reform.”

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