

YOUTH JUSTICE REVIEW AND STRATEGY

Meeting needs and reducing offending
Part 1 – July 2017

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Authorised and published by the Victorian Government,
1 Treasury Place Melbourne Victoria 3000

July 2017

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Foreword

Victoria's statutory youth justice services operate in a changing environment. Youth justice has a substantial responsibility to act in accordance with the laws that govern them and the policies and procedures that guide them. They are tasked with ensuring they care for and supervise some of the state's most vulnerable young people. They must provide high-quality interventions so that these young offenders fulfil their obligations to the courts and address their offending behaviour and the harm they caused their victims. Youth justice services must also promote public safety while acting in the interests of both the young offender and the community.

Striking the balance between these sometimes competing interests in our contemporary society is not simple. It requires consideration of the nature and causes of youth crime, as well as what works with young people who are still developing. These young people do not always have the maturity to fully appreciate the consequences of their conduct, either in the short or longer term.

We recognise the challenges facing the increasingly diverse youth in today's fast-paced and changing world. Charlie Taylor's words (from his recent review of the youth justice system in England and Wales) resonate with us:

It is right that children who break the law are dealt with differently to adults. Children act impulsively and often do not appreciate the consequences of their actions; they are not emotionally developed and may struggle to communicate effectively. This is particularly true of so many children who offend, who have learning or speech and communication problems. But children also have great strengths on which to build and are capable of rapid and extraordinary change. There needs to be a shift in the way society, including central and local government, thinks about Youth Justice so that we see the child first and the offender second. Offending should not mean forfeiting the right to childhood.

Taylor 2016, paras. 6 and 9

Many of the offenders with whom the youth justice system works do not have many of the supports that are routinely available to most children and young people. Many are victims, as well as perpetrators, of crime, and many have backgrounds that do not excuse their offending but have undoubtedly contributed to their involvement in the criminal justice system. Tragically, to date, the youth justice system has not broken the cycle of offending for too many young offenders. For more than half of young offenders, they penetrate further and further into the criminal justice system over their life's course.

We were tasked with reviewing the youth justice system at a time when Victoria is experiencing some very confronting youth crime. The nature of this crime is challenging to both the community and the agencies collectively charged with keeping our community safe. The system is attracting unprecedented attention and the Victorian Government is called upon to do more when adverse events, such as riots and escapes, question the efficacy of current arrangements. The community is understandably frustrated, frightened and fearful of the brazen acts of some young offenders.

As a result, the Victorian youth justice system, which had for many years been praised for its approach and lauded as the most progressive and effective in our nation, has been severely criticised and exposed. Unfortunately, its past achievements neither protected it from, nor prepared it for, its current challenges.

Many factors contributed to its inability to meet the current challenges. Perhaps its history of success made it complacent. The complex and fragmented organisational structure may have made it difficult to effect change. It may be that it was overshadowed by more pressing considerations relating to the care and protection of the statutory child welfare system. It also could have been disadvantaged by its relative isolation as a comparatively small system, so it did not keep abreast of reforms across like systems

globally and nationally. Its lack of transparency and rigorous external scrutiny may have contributed individually or collectively to its lack of responsiveness.

Whatever the reasons, the system was caught off guard by the changing nature of youth offending and the complexity of young people's needs. It did not heed early warning signs echoed in many external reviews, events and research about the need for change over the past decade. Service levels have deteriorated significantly, signalling the need for substantial change.

Over many years, Victoria successfully addressed the needs of young people, as evidenced by only a small number of Victorians coming into contact with the youth justice system. Once in the system, however, their outcomes have not been good – evidenced by high rates of recidivism and many young people proceeding to the adult criminal justice system. The current state of a system – of which we were once so proud and with which we have been involved for some decades – has distressed many. We were confronted by some of the issues we observed and analysed, as no doubt will those who read this report.

The system has become insular and resistant to change. The current state of the system and the ongoing critical incidents to which it responds made this Review confronting. Victoria is home to many leading researchers and experts in adolescent health, development, violence and offending, and the system reflects pockets of innovation. However, as a whole, the youth justice system has stagnated and failed to adopt new evidence or responses.

High-level indicators across the system acted as a shield against reform. The decline in the number of young people entering the statutory youth justice system was attributed to the Victorian youth justice approach. This view led to a whole-of-system failure to accept that, from first contact with youth justice, young people were unlikely to receive the rehabilitation programs and interventions they need – cycling in and out of the system. Young people previously involved with youth justice would then go on to reoffend at very high frequency.

The system delivered fewer and fewer interventions over the years, with young people subject to very limited evidence-based program interventions that address offending. Rehabilitation efforts devolved to over-reliance on unstructured, one-to-one counselling by psychologists in the custodial facilities and community. The exception was establishing Parkville College, although recent system pressures make it increasingly challenging for all young people to attend school appropriately.

The community and custodial workforce do not have clarity about their functions and, over time, their roles have become blurred and chaotic. They are frustrated at the lack of time, structures and support available to provide the rehabilitation work required to address offending and to support young people towards safe, healthy and productive futures. The detrimental decline in programs has coincided with a lack of transparency in, and evaluation of, the outcomes of the youth justice system, with no forward strategy for continual service review and improvement.

Although fewer young people enter the system, there has been a troubling increasing trend in the prevalence of young people who have committed crimes against the person. The system has not responded adequately to the challenges of the growing number of more serious offenders. Also concerning is the rise in the number of young people on remand and the corresponding consistent decrease in the ratio of sentenced to remanded youth.

The Victorian community has struggled to grapple with, and understand, how a system could get to this stage. The increasing and unprecedented violence and the system's inability to address the offending of the approximate 1,700 young people who are supervised by Youth Justice each year has received significant negative media attention. The extent of the decline in the system is very disconcerting for those who have been involved with youth justice in the past, or on the fringes of the system.

However, we should not despair at this current confluence of very difficult phenomena. Just as young people in the system so often show incredible resilience and capacity to change, the Victorian youth

justice system has a demonstrated capacity to evolve creatively and resiliently. At its heart, Victoria's youth justice system has both a strong foundation and the building blocks to evolve. We also have effective police diversion and strong social services, reducing the number of young people sentenced by the Children's Court.

The Victorian Government has demonstrated its commitment to improve the system by:

- announcing urgent legislative reforms
- injecting significant resources at the preventative, early intervention and tertiary ends of the spectrum
- committing to a new custodial facility
- introducing machinery of government changes to the system administration by transferring it from the Department of Health and Human Services to the Department of Justice and Regulation.

It is all too common for governments and services to accede to populist notions that getting 'tough on crime' will remediate the problems seen. The government has resisted such a reactive stance and has shown considerable restraint. Indeed, we must remember that no study has shown that offending is reduced by increasing penalties and conditions. By contrast, the evidence of what works relies on responsive and humane services that simultaneously instill a sense of responsibility in young people while meeting their broader needs. Particularly with young people, we must maintain a long-term vision for their rehabilitative potential.

The challenges outlined above have certainly not been unique to Victoria. Other jurisdictions in Australia and overseas have also grappled with increases in client complexity, difficulties in the management of custodial facilities and workforce attraction and retention issues. New South Wales, a jurisdiction the Review team considers as progressive in a number of areas, is now seeing good results from changes introduced following a 2010 strategic review of its youth justice system. As mentioned above, the United Kingdom recently commissioned a strategic review of youth justice in an effort to address persistent offending, the over-representation of specific cohorts in youth justice and to improve the functioning of custodial centres.

During our Review, we received engagement and commitment from:

- clinicians and service providers in the health, human services and education sectors
- non-profit agencies
- Victoria Police, the Children's Court, representatives from the broader justice system and the law
- academics, researchers and others.

We conducted more than 115 consultations with more than 675 individuals across various sectors. From these consultations, we observed first-hand the commitment of so many people and groups, and derived significant hope for future opportunities. We benefited from contact with very senior leaders in the area, as well as from the young people themselves. Many of these organisations and their representatives willingly shared their expertise, ideas and information and data with us, and in so doing enriched the quality of our analysis.

Representatives on the Project Advisory Group, drawn from a range of government and non-government agencies, service providers and advocacy groups, generously gave up their time on multiple occasions to contribute to the Review. Even though the Project Advisory Group members represent the tip of the iceberg with respect to the provision of services to young people, their commitment and enthusiasm undoubtedly reflects the attitudes and passion of service providers more broadly.

The youth justice system has a committed, loyal, energetic and dedicated staff group working within community supervision programs. Despite the unprecedented challenges they face, many custodial staff remain steadfast and committed to the needs of the young people with whom they work – even in the

most difficult circumstances and even when at times they worried about their safety and that of their colleagues.

Our youth justice system has some recognised examples of contemporary thinking and best practice. Parkville College provides fundamental educational opportunities for young people in and, in some cases, exiting custody – programs that help them succeed and improve their life chances away from crime. The Male Adolescent Program for Positive Sexuality (MAPPS) has a longstanding reputation for effectively providing services to this often challenging group. These and many other initiatives offer us insights into what is possible when evidence-based practices are developed; these programs build upon the knowledge and expertise of mainstream services and adapt them to the needs of this important group of young people.

The system has the commitment of many of our community leaders, especially in our Aboriginal and culturally and linguistically diverse communities; their elders and peak organisations strongly advocate for the priority that must be given to addressing the over-representation of young people from their communities in the system. They partner with service providers to ensure the system reflects the commitment to respecting diversity.

Finally, and most importantly, it has many young people who want to share their insights and perspectives to improve the system and its outcomes. Some of these young people have direct personal experience of the system themselves or through family and friends; others have an indirect interest in matters affecting youth.

With these and other characteristics at its essence, we are confident we can realise our vision for a youth justice system that can:

- share its expertise, knowledge of its clients' needs and offending trajectories to work with others to prevent youth offending
- intervene early and effectively with young people at risk and/or who are early in their offending cycle
- target interventions that support young people to address their offending behaviours while they remain in the community and are supported to have their broader needs for stability and security in their daily lives met
- provide custodial services for those who are remanded or sentenced to a period of detention that are safe and humane and create the opportunity for rehabilitation.

Achieving our vision will require a commitment to sustained improvement, strong leadership and a willingness to confront head-on some of the limitations of current interventions, as well as law reform and resources.

It has been our privilege to undertake this Review on behalf of the Minister and the Secretary of the Department of Health and Human Services.

We received invaluable assistance from a diligent and hardworking project team led by John Spasevski and Jen Hyatt and supported by Jen Hogan and Grant Hunter. They managed the challenges of the Review in a demanding, eventful and rapidly changing environment with many competing priorities. We could not have produced this report without them and the assistance provided by many others including Rachel Martin, Lucy Nihill, Emma Cassar, Stefan Luebbers and Jeff Pfeifer.

We received policy advice, program information and data from officers in both the Department of Health and Human Services and the Department of Justice and Regulation, all of whom endeavoured to respond to our needs. We received expert legal policy advice from Eamonn Moran PSM QC. We benefited from the material made available to us from the ever-responsive Malcolm Feiner, who managed to find helpful information.

We appreciated the professional support of many who facilitated our site visits, consultations and workshops to ensure we understood the breadth and complexity of the work of the youth justice system.

We are enormously grateful to the young people who met with us in the consultations and on visits and the 1,000-plus young people who completed our survey.

We are cautiously optimistic about the changes that are afoot within the youth justice system.

We commend this report to you and appreciate the commitment the government has given to its consideration.

Penny Armytage

James Ogloff AM

April 2017

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Abbreviations

AIHW	Australian Institute of Health and Welfare
AJA	Aboriginal Justice Agreement
AVIP	Adolescent Violence Intervention Program
CAHABPS	Central After Hours Assessment and Bail Placement Service
CALD	Culturally and linguistically diverse
CBT	Cognitive behaviour therapy
CCYP	Commission for Children and Young People
CHART	Changing Habits and Reaching Targets
CMIA	<i>Crimes (Mental Impairment and Unfitness to be Tried) Act 1997</i>
COSI	Client Outcomes and Service Improvement
CRIS	Client Relationship Information System
CSP	Client Services Plan
CSRA	Cell Sharing Risk Assessment
CYFA	<i>Children, Youth and Families Act 2005</i>
DHHS	Department of Health and Human Services
DINMA	Disease Injury Near Miss Accident
DOJR	Department of Justice and Regulation
EARL-20B	Early Assessment Risk List for Boys
EARL-21G	Early Assessment Risk List for Girls
ERG	Emergency Response Group
FTE	Full-time equivalent
IFS	Individual Family Support
ISP	Intensive Supervision Probation
JJ NMDS	Juvenile Justice National Minimum Data Set
LGA	Local government area

LS/CMI	Level of Service/Case Management Inventory
MACNI	Multiple and Complex Needs Initiative
MAPPS	Male Adolescent Program for Positive Sexuality
OHS	Occupational health and safety
PCFP	Priority Child and Family Projects Branch
PPB	Promoting Positive Behaviour
PINS	Provisional Improvement Notices
RNR	Risk-Needs-Responsivity
ROGS	Report on Government Services
RTO	Registered training organisation
SAVRY	Structured Assessment of Violence in Youth
SERT	Safety and Emergency Response Team
SESG	Security and Emergency Services Group
SPA	Senior practice advisor
SSMP	Separation Safety Management Plan
STICS	Strategic Training Initiative in Community Supervision
THM–YJHPI	Transitional Housing Management – Youth Justice Housing Pathway Initiative
VALS	Victorian Aboriginal Legal Service
VCAL	Victorian Certificate of Applied Learning
VEOHRC	Victorian Equal Opportunity and Human Rights Commission
VLA	Victoria Legal Aid
VONIY	Victorian Offending Needs Indicator for Youth
YHaRS	Youth Health and Rehabilitation Service
YLS/CMI	Youth Level of Service/Case Management Inventory 2.0
YSAS	Youth Support and Advocacy Service

Chapter 1: Introduction to the Review

Chapter 1 introduces the Youth Justice Review. It outlines the context, funding and scope of the Review and explains the approach of the Review team in undertaking consultations. It explains where the Review did not address all aspects of the terms of reference, and why, as well as where concurrent Review activity is, or has been, undertaken.

1.1	PROJECT OVERVIEW	1.1.1 Context and impetus for the Review
		1.1.2 Terms of reference
1.2	APPROACHES AND LIMITATIONS	1.2.1 Methodology
1.3	PROJECT SPONSORSHIP	
1.4	CONCURRENT REVIEW ACTIVITY	

1.1 Project overview

1.1.1 Context and impetus for the Review

Since 2010 the number of youth offenders in Victoria has declined steadily. However, these fewer young offenders are being charged, on average, with more offences, and serious and recidivist offending is rising.

The Andrews Labor Government won the state election in 2014 on the back of a platform that included a pledge to undertake a range of initiatives to support the youth justice system including a review into the Victorian system. The Department of Health and Human Services (DHHS) ultimately commissioned this Review of its youth support, youth diversion and youth justice services. The Review fulfils the Andrews Government's election commitment to undertake a review of, and develop a new strategy for, Victoria's youth justice system.

This Review marks the first attempt at systemic reform of statutory youth justice services since 2000. It is an opportunity to redesign the youth justice system, ensuring it is underpinned by an evidence-based understanding of what works to address offending and considers how to shift trajectories for young people at their earliest contact with the youth justice system.

The Review formally commenced in August 2016. The first Project Advisory Group meeting was held in September 2016. Information about the Review, including the terms of reference and the Project Advisory Group membership, was published on the DHHS website in October 2016.

1.1.2 Terms of reference

Scope

The Review considered the department's youth justice programs and services (either provided directly or funded) relating to youth support, youth diversion and youth justice services only. The existing youth justice service includes statutory and non-statutory service responses to address youth offending in Victoria. The full terms of reference (Appendix 1) provide further detail on these services and programs.

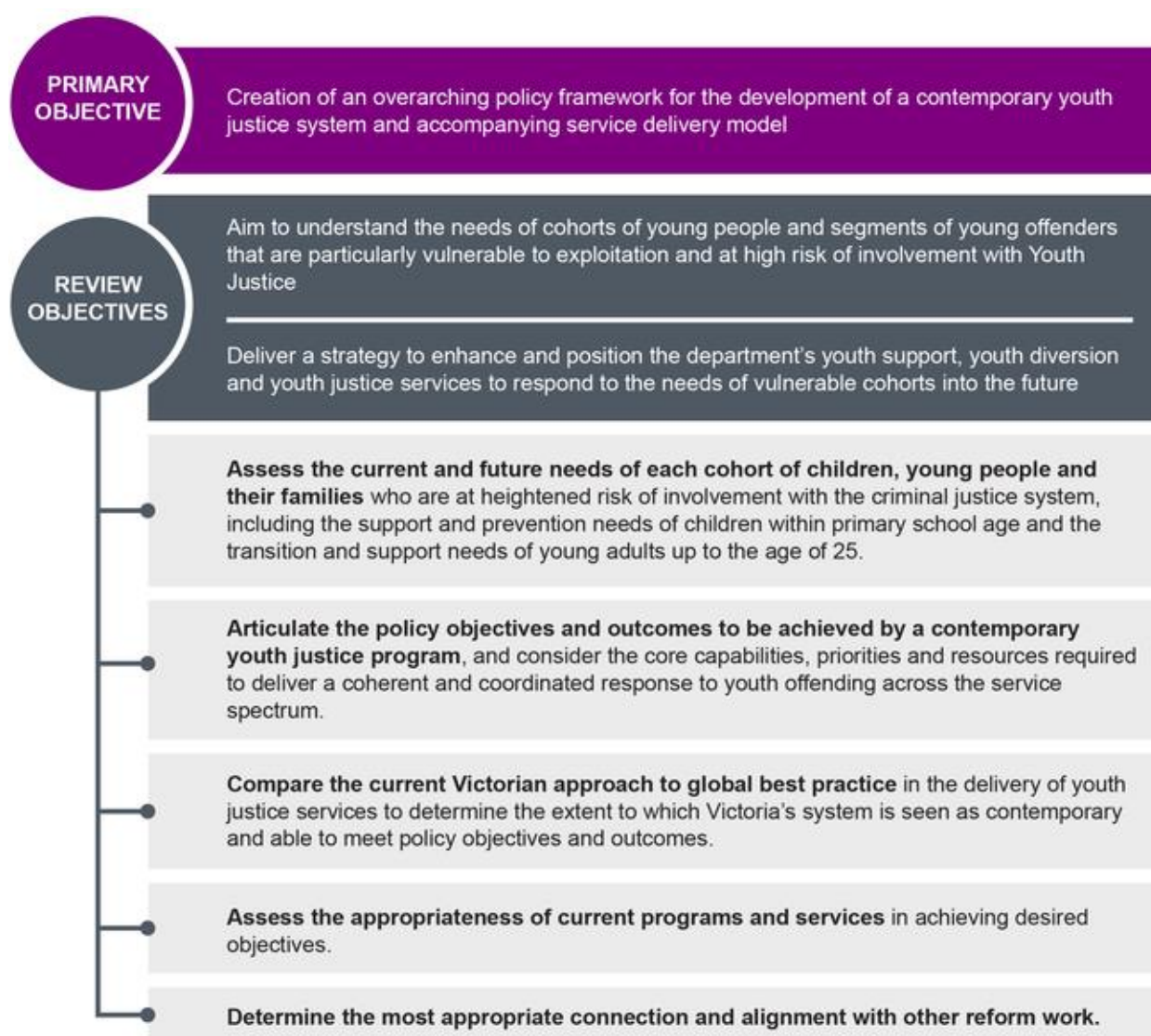
The Review considered key interfaces between in-scope services and programs and other programs and services, both within the department and across government. It included interfaces to deliver sustained outcomes for the young person and the community following supervision (including connection to education, employment, policing, family and community).

The capital program and investment for these services was out of scope of the terms of reference for this Review.

Objectives

The objectives of the Review are summarised in Figure 1-1.

Figure 1-1: Review objectives



1.2 Approach and limitations

1.2.1 Methodology

Overview

The Review used a blended project methodology to develop the foundations for a new strategic policy framework to replace 'A Balanced Approach to Youth Justice'. In developing the foundations, the Review team considered:

- the vision for the system
- the principles of the system
- the future service model
- reform areas
- initiatives and their sequencing
- the implementation approach
- the future suite of interventions
- evidence-based frameworks
- the cultural competency platform
- an enhanced governance model
- an outcomes framework (incorporating a service coordination and integration matrix, and a monitoring and evaluation framework).

To achieve this, the Review comprised three key aspects:

- an analysis of data and documentation
- a formal literature review
- extensive stakeholder consultation and engagement.

Each aspect is discussed below.

Analysis of data and documentation

The Review team had access to a wide range of data and documentation and focused attention on the following issues.

- **Cohort needs analysis:** Analysis of client data, including demographics, health presentations, cohorts and client pathways and offence-specific segments and trends over time, as well as specific needs and emerging trends.
- **Definition of a contemporary system of supports for youth diversion, support and justice:** High-level literature scan in relevant areas, secondary research and analysis of national and international comparator systems, and high-level design features of a contemporary system including future service delivery models.
- **Strategic analysis of the current system:** Data analysis, system performance, performance and outcomes comparators and benchmarks, consideration of current areas of reform and their potential

impact (e.g. the Justice data linkage project,¹ the workforce capability and recruitment framework, funding model reforms, the DHHS outcomes framework and DHHS clinical governance standards).

- **Program, service and system enablers analysis:** Specific program and service analysis, service model and model of care analysis (including supervised bail and custodial model), system levers and enablers analysis (including funding, commissioning, performance management and workforce), and analysis of key interfaces including local partnerships and networks.
- **Issues prioritisation:** Detailed issues analysis and the case for change, assessment of current state against contemporary standards and best practice, and alignment with whole-of-government criminal justice and human services reforms.

The Review team also considered a range of external reviews as well as more than 35 reviews undertaken by external agencies and consultants, or internally by Secure Services, since the 2010 Victorian Ombudsman investigation into the conditions at the Melbourne Youth Justice Precinct.

The Review team would like to acknowledge the particularly helpful information provided to us from the Crime Statistics Agency (CSA), the Sentencing Advisory Council and Victoria Legal Aid. This information has significantly aided the analysis contained in this report.

Given the breadth of the terms of reference for the Review and the dynamic and evolving environment in which the Review was conducted, it was challenging to ensure we had considered all relevant, and the most contemporaneous data and documentation available.

Literature review

The Review team considered key literature and research, policy, program and service evaluations from state, national and international sources, relating to contemporary approaches and responses to challenging, complex and criminal behaviour by children, adolescents and young adults.

We sourced literature from available databases, academic and peer reviewed journals. We sourced policy, program and service evaluations directly from DHHS, its funded agencies and equivalent government agencies nationally and internationally.

We tested the conclusions drawn from the literature review with key experts and stakeholders to explore and confirm the validity and applicability of emerging directions to the Victorian context. We also compared the literature review findings with a very useful internal systems analysis conducted by Victoria Police (2016).

The full literature review is provided at Appendix 3.

Consultation and engagement

Youth engagement and consultation

The Review was undertaken in alignment with Victoria's Youth Policy – Building Stronger Youth Engagement in Victoria (DHHS 2016a). The Review included consultation workshops and surveys with young Victorians, who contributed their perspectives, experiences and insights.

A survey of more than 1,000 children and young people aged from 13 to 25 was undertaken by DHHS from late February until 3 March 2017. It focused on young people's attitudes towards crime and youth offending, noting that many of the views expressed are similar to those heard through other channels of information in the Review.

¹ The Justice data linkage project is a multiple government agency data resource managed by the Crime Statistics Agency. It incorporates, among others, data from Victoria Police, the Department of Justice and Regulation and DHHS. Requests can be made for data analysis of the linked datasets.

Consultation methodology

The Review team worked across multiple disciplines and engaged with key sector, community and service delivery stakeholders, other government departments and agencies, including Victoria Police, and academics. The Review team engaged with DHHS executives and programs leaders, as well as frontline staff.

The consultations included workshops, individual interviews, focus groups and forums to:

- establish the current and future needs of each cohort of children, young people and their families who are at heightened risk of involvement with the criminal justice system, including their prevention, transition and support needs
- testing of hypotheses in regard to gaps in the current system as well as potential areas of reform for the future
- test contemporary policy objectives and outcomes by considering the core capabilities, priorities and resources required to deliver a coherent and coordinated response to youth offending across the service spectrum
- discuss and compare the capacity of the current Victorian approach to delivering youth justice services with alternative approaches
- assess whether the current programs and services achieve the expected outcomes
- discuss connection and alignment with broader reforms impacting on criminal justice, mental health, disability, homelessness, human services, health, family violence and family services.

The Review team visited a number of youth justice facilities across Victoria and undertook a visit to the Reiby Juvenile Justice Centre in New South Wales to gain insight into other jurisdictional approaches.

Figure 1-2 summarises our stakeholder consultation.

Figure 1-2: Stakeholder consultation for the Review

STAKEHOLDER CONSULTATION	<p>YOUNG PEOPLE</p>	<p>With support from the Office for Youth and Create, the Review team facilitated a series of youth workshops with Victorian young people who had exposure to the youth justice system. These small group workshops were held to help understand the experiences, perspectives and attitudes of young people towards crime and the youth justice system and to test identified systems gaps and opportunities for improvement to youth justice.</p> <p>The perspectives of young people were also captured through a statewide web-based survey, promoted with support from the Office for Youth, Youth Central (a government website with information for young people on all aspects of life) and Victoria Police. More than 1,000 young people responded to this survey and provided insights into contemporary attitudes about crime, the community and how young people expect the government to respond.</p>
	<p>YOUTH JUSTICE WORKFORCE</p>	<p>Site visits were conducted with staff from across DHHS divisions and the youth justice community across Victoria, who engaged in focus group discussions.</p>
	<p>FACILITY VISITS</p>	<p>The Review team visited all youth justice custodial sites, observing operational practice and engaging with key management staff as well as individual workers. The Review team also visited the Reiby Juvenile Justice Centre in New South Wales.</p>
	<p>CRITICAL EXPERTS</p>	<p>The Review team engaged with experts and peak bodies to shape and inform the focus of the Review and its conclusions. Consultation was undertaken with key leaders and groups. A list of these can be found in the appendix.</p>
	<p>THE SECTOR</p>	<p>The Review team engaged with existing sector groups focusing on youth justice, including the Aboriginal Justice Forum, the Sentencing Advisory Council Roundtable on Reoffending by Young People, the Murdoch Childrens Research Institute and the Youth Justice Health Symposium on Responding to the Health Needs of Justice-Involved Young People.</p>
	<p>GOVERNMENT – YOUTH JUSTICE POLICY</p>	<p>The Review team engaged with existing government and departmental fora, including the DHHS Executive Board, executive leadership meetings across key DHHS divisions, the Individual and Family Services Area Director and Managers Statewide Forum, and Child Protection Policy and Operations Implementation forums.</p>
	<p>YOUTH PAROLE BOARD</p>	<p>Observation visits were conducted with the Youth Parole Board, and follow-up consultations occurred with the chair.</p>

Limitations

To the extent possible, the Review addressed all aspects of the terms of reference, with two exceptions:

- engaging with young people involved in youth justice and their families
- analysing overall efficiency and cost-effectiveness.

Young people and families

The Review team did not consult formally with young people in custody, reflecting ethical considerations and time constraints. However, we did consult with young people who were in the community and had past or current experience of community-based orders or who had recently been released from custody. In addition, we had informal discussions with young people in custody, including in private, during visits to the custody centres. Finally, we engaged with more than 1,000 young people via a youth justice survey (Appendix 5). The views of these young people enriched the report, its findings and recommendations.

For the reasons mentioned above, the Review team did not consult formally with family members of young people involved with the youth justice system. Through the youth workshops and survey, we did however, receive input from young people who had siblings or parents involved with youth justice or the adult criminal justice system.

Efficiency and cost-effectiveness

This Review did not undertake an assessment of the overall efficiency and cost-effectiveness of Victoria's youth justice system. In the time available, it was not possible to undertake a functional or efficiency review or cost-benefit analysis. Determining an initial budget base for comparison was very difficult given the rapidly changing environment impacting on the program throughout the entire period of the Review. Dynamic and iterative changes and announcements affected the budget base for the youth justice system up to the conclusion of the Review.

These announcements included increases to the staffing base for community and custodial supervision, new orders and associated operational costs, new program funding, insourcing of functions, expansion of program reach and asset investment in capital repairs, as well as the announcement of a new facility and associated operating costs.

1.3 Project sponsorship

The project was sponsored by the Minister for Families and Children and Minister for Youth Affairs. The Secretary of the DHHS appointed the independent reviewers. Day to day, the reviewers and the project secretariat reported to the Deputy Secretary, Portfolio Strategy and Reform within the DHHS.

The Project Advisory Group (established in September 2016) was a valuable forum and facilitated expert advice and dialogue in relation to the emerging challenges, directions and opportunities for improvement.

The Project Advisory Group was co-chaired by the Honorable Jenny Mikakos (Minister for Families and Children and Minister for Youth Affairs) and Kym Peake (Secretary, DHHS). Appendix 1 lists the other members.

The Project Advisory Group met on two occasions during the course of the Review.

Internal support and Review secretariat services were provided by a designated project team in the Priority Child and Family Projects (PCFP) branch of the DHHS Portfolio Strategy and Reform Division. PCFP worked closely with other program areas within DHHS including the Statutory and Forensic Services branch, the Safeguarding and Community Services branch, the Community Services Programs and Design branch and the Operations Division, Area staff and Divisional leaders.

An internal advisory group of program and policy executives also provided advice and consultation to the Review and met on two occasions.

1.4 Concurrent review activity

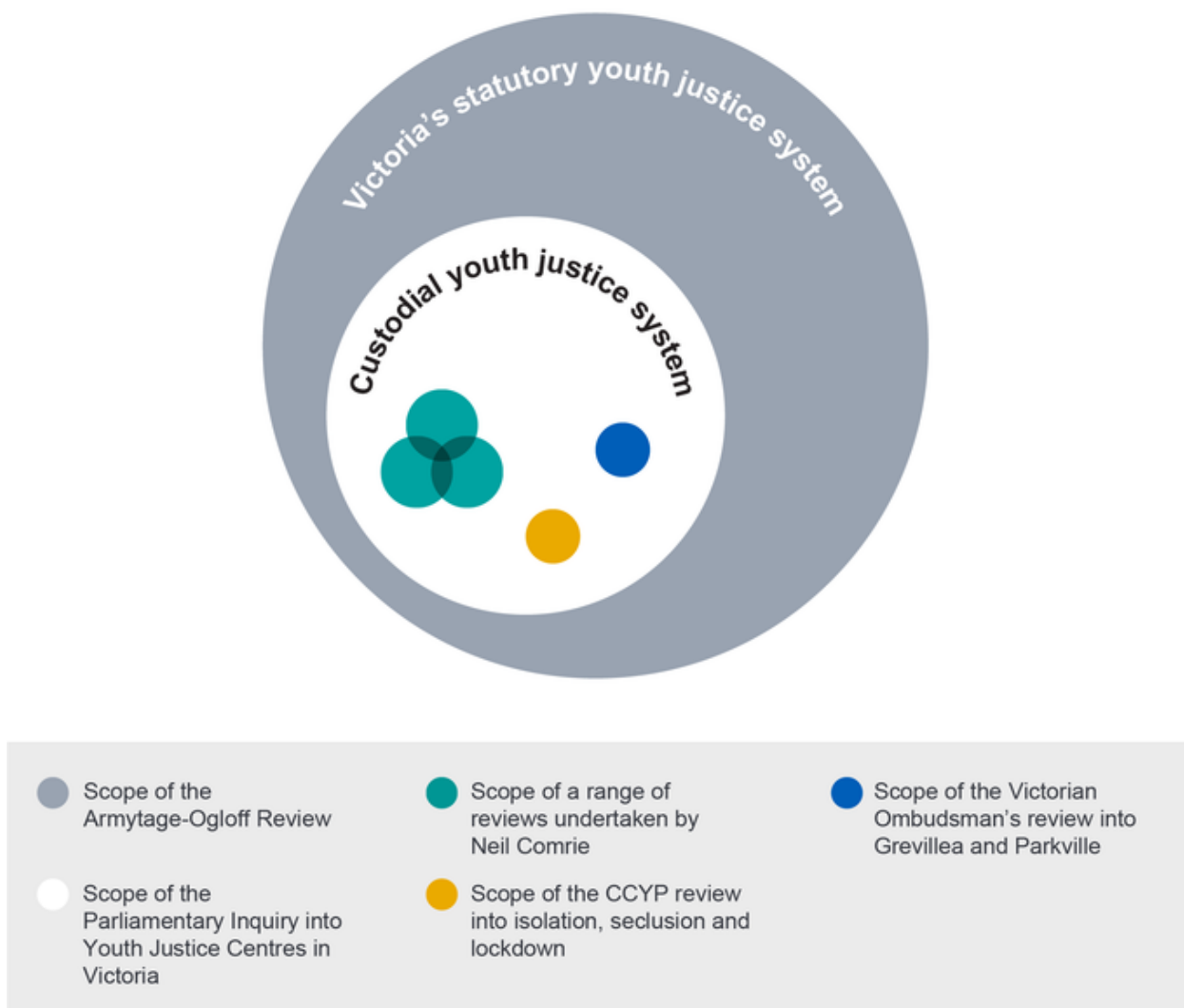
During the Review, there were several other significant pieces of work that focused on the Youth Justice program, including:

- the as-yet-unconcluded Parliamentary Inquiry into Youth Justice Centres in Victoria
- the Commissioner for Children and Young People's own motion review titled *The Same Four Walls: Inquiry into the use of isolation, separation and lockdowns in the Victorian youth justice system* (released March 2017).

Additionally, the Minister commissioned Neil Comrie to undertake a number of reviews following incidences at both Parkville and Malmsbury in 2016 and 2017, with his final report due in late April 2017. Much of this work had closely aligned terms of reference.

Figure 1-3 is an indicative representation of the overlapping scope of these concurrent reviews. This Review has the widest scope, focusing on the entirety of Victoria's statutory youth justice system.

Figure 1-3: Overlapping terms of reference for concurrent reviews – indicative only



Due to the timing of the concurrent review activity, this project was not able to fully benefit from the findings from this work.

Chapter 2: Victoria's statutory youth justice system

Chapter 2 provides an overview of the youth justice system in Victoria. It highlights where youth justice fits within the broader criminal justice system and emphasises its relative small size. The legislative and policy framework is explained, with a focus on the rights of young people in Victoria and how these are protected, including via independent oversight mechanisms and funded legal assistance. It also identifies reforms to the justice and youth sectors as a whole, which have sometimes had unintended consequences for the youth justice system. Chapter 2 has the following structure:

2.1	SYSTEM OVERVIEW	2.1.1 Victoria's unique youth justice system
		2.1.2 An evolving legislative basis
2.2	YOUTH JUSTICE IN THE BROADER JUSTICE SYSTEM	2.2.1 The statutory youth justice system is small with a defined role
2.3	THE LEGISLATIVE FRAMEWORK	2.3.1 The jurisdictions of the courts
		2.3.2 Sentencing principles
		2.3.3 Sentencing options
		2.3.4 Youth detention in Victoria
2.4	PRACTICE STANDARDS AND MANUALS	2.4.1 Youth Justice practice manuals
		2.4.2 Model charter of rights for children and young people detained (AHRC 2016)
		2.4.3 Department of Health and Human Services Client Services Charter
		2.4.4 Department of Health and Human Services Delivery Standards
2.5	VICTORIA'S YOUTH PAROLE BOARD	2.5.1 Overview
		2.5.2 Parole
		2.5.3 Transfers
2.6	INDEPENDENT OVERSIGHT FUNCTIONS	2.6.1 Overview
		2.6.2 Commissioner for Children and Young People
		2.6.3 Commissioner for Aboriginal Children and Young People
		2.6.4 Victorian Ombudsman
		2.6.5 Victorian Auditor-General
		2.6.6 Victorian Equal Opportunity and Human Rights Commission
		2.6.7 Ratification of the Optional Protocol to the Convention against Torture and Other Cruel and Inhumane or Degrading Treatment or Punishment

2.7	LEGAL SERVICES AND PROTECTIONS FOR YOUNG PEOPLE	2.7.1 Funded legal services for young people
		2.7.2 Protections for young people with disability
2.8	POLICY FRAMEWORK AND CONSIDERATIONS	2.8.1 'A balanced approach'
		2.8.2 Youth Policy – Building stronger youth engagement in Victoria
		2.8.3 Positive Pathways for Victoria's Vulnerable Youth – a policy framework to support vulnerable youth
2.9	REFORM CONTEXT	2.9.1 Overview
		2.9.2 Justice reforms
		2.9.3 Community and policy reforms

2.1 System overview

Victoria's youth justice system is a relatively small statewide statutory system that straddles the broader criminal justice system and the child welfare system. It is small in terms of the number of young people involved, with approximately 1,500 young people receiving a new court order each year. When combined with young people already in the system, approximately 2,100 young people in total are under youth justice supervision each year. In 2015–16, approximately 1,400 were aged 10–17 and 700 were aged 18 or older (Australian Institute of Health and Welfare (AIHW) 2017b, Table S1).

Our youth justice system is small relative to the broader child welfare and the criminal justice systems that shape and influence it. For example, 10 times more young people receive Child Protection substantiations each year (AIHW 2016a), and 10 times more young people aged 18–24 are in prison than in youth justice custody (Corrections Victoria 2015, 2016).

Children and young people in the criminal justice system and in child welfare systems are protected under the *Victorian Charter of Human Rights and Responsibilities Act 2006*. The Charter enshrines cultural, health, family and educational rights. For children and young people in the criminal justice system, section 23 explicitly requires that children aged 10–17 who are detained be separated from adults. It also requires that children convicted of an offence be treated in an age-appropriate manner for his or her age. It further affirms that an accused child must be brought to trial as quickly as possible.

Several legislative instruments affect the youth justice system and how it operates:

- The statutory youth justice system is outlined in discrete chapters of the *Children, Youth and Families Act 2005* ('the CYFA'), although most of the Act focuses on child protection and out-of-home care. The CYFA is particularly concerned with protecting the needs of vulnerable children who are removed from their families through a decision of the courts, including young people in youth justice.
- The Commission for Children and Young People provides independent oversight for the youth justice system (as well as the child protection and out-of-home care systems) under the *Commission for Children and Young People Act 2012*. The commissioner's role is to promote the safety and wellbeing of children, particularly vulnerable children.
- The statutory youth justice system is also subject to the *Crimes Act 1958*, the *Sentencing Act 1991*, the *Bail Act 1977* and other criminal justice legislation such as the *Crimes (Mental Impairment and Fitness to be Tried) Act 1997* and the *Serious Sex Offender Registration Act 2004*.

This complex operating environment creates issues for Victoria's youth justice system.

First, while CYFA prioritises vulnerable children and young people removed from their families, the purpose of the youth justice system differs from that of the child welfare system. The latter system is involved with children and young people to protect them from harm, care for them and promote their welfare. By contrast, the youth justice system has an additional, very distinct role that relates to a young person's offending.

Second, reforms and changes to the broader criminal justice system also shape youth justice. Youth justice officers must fulfil the supervisory functions expected under the criminal law system, including overseeing compliance with orders and initiating breach of orders where young people fail to comply with conditions attached to their orders. Changes to the criminal law, sentencing and other Acts often apply across both adult and youth justice systems.

The result of these issues is a very small youth justice system that is influenced and challenged by the same pressures seen in the broader child welfare and criminal justice systems. Over the past decade, both the child welfare system and the broader criminal justice system have experienced increasing demand and cumulating systems pressure. Not surprisingly, the youth justice system has experienced these same trends and pressures.

2.1.1 Victoria's unique youth justice system

Further complicating Victoria's youth justice system are unique features that affect how our custodial youth justice centres operate:

- separating young people by age group (10–14; 15–17)
- offering the 'dual track' sentencing option for young people 18–21 years of age.

These features are described below.

Separating young people by age

As well as separating children from adults (as prescribed in the Victorian Charter of Human Rights and Responsibilities), the CYFA imposes separate responses for people in custody aged 10–14 and 15–17. It allows for the youth residential centre order sentencing option for people aged 10–14 years, who must be separated from those aged 15–17 sentenced to youth justice centre orders. These youth residential orders allow a maximum sentence of one year for a single offence or two years for aggregated offences. Youth justice centre orders must not exceed two years for a single offence or three years for aggregated offences.

The distinction intends to provide materially different responses in custody. However, it is based on arbitrary age groups and does not consider the seriousness of the crime committed or a young person's individual characteristics. This approach is not present in other Australian jurisdictions, and it exceeds the protections and requirements prescribed by international human rights law.

Dual track sentencing for young adults aged 18–21 years

Victoria's wider criminal justice system acknowledges the distinct needs of young adults aged 18–21 years who are subject to criminal orders. Specifically, the Sentencing Act includes a 'dual track' sentencing option for particularly vulnerable young adults aged 18–21, which allows adult courts to sentence these young adults to custody in youth justice facilities as an alternative option to adult prison. Young adults can receive youth justice custody sentences for a maximum sentence of up to three years.² This includes any young adult who is convicted up until their 21st birthday.

Those sentenced to custody in youth justice through dual track sentencing are a very small subset of all young adults sentenced to adult corrections custody or community orders. Approximately 7,000 young

² The Premier announced an intention to increase the length of an aggregate sentence to up to four years. This change is yet to come into effect; however, if implemented, it will lead to young people up to 25 years of age being held in youth justice centres.

adults aged 18–20 years are sentenced each year; of these, only 1.8 per cent are sentenced via dual track to custody in youth justice (Sentencing Advisory Council 2005).

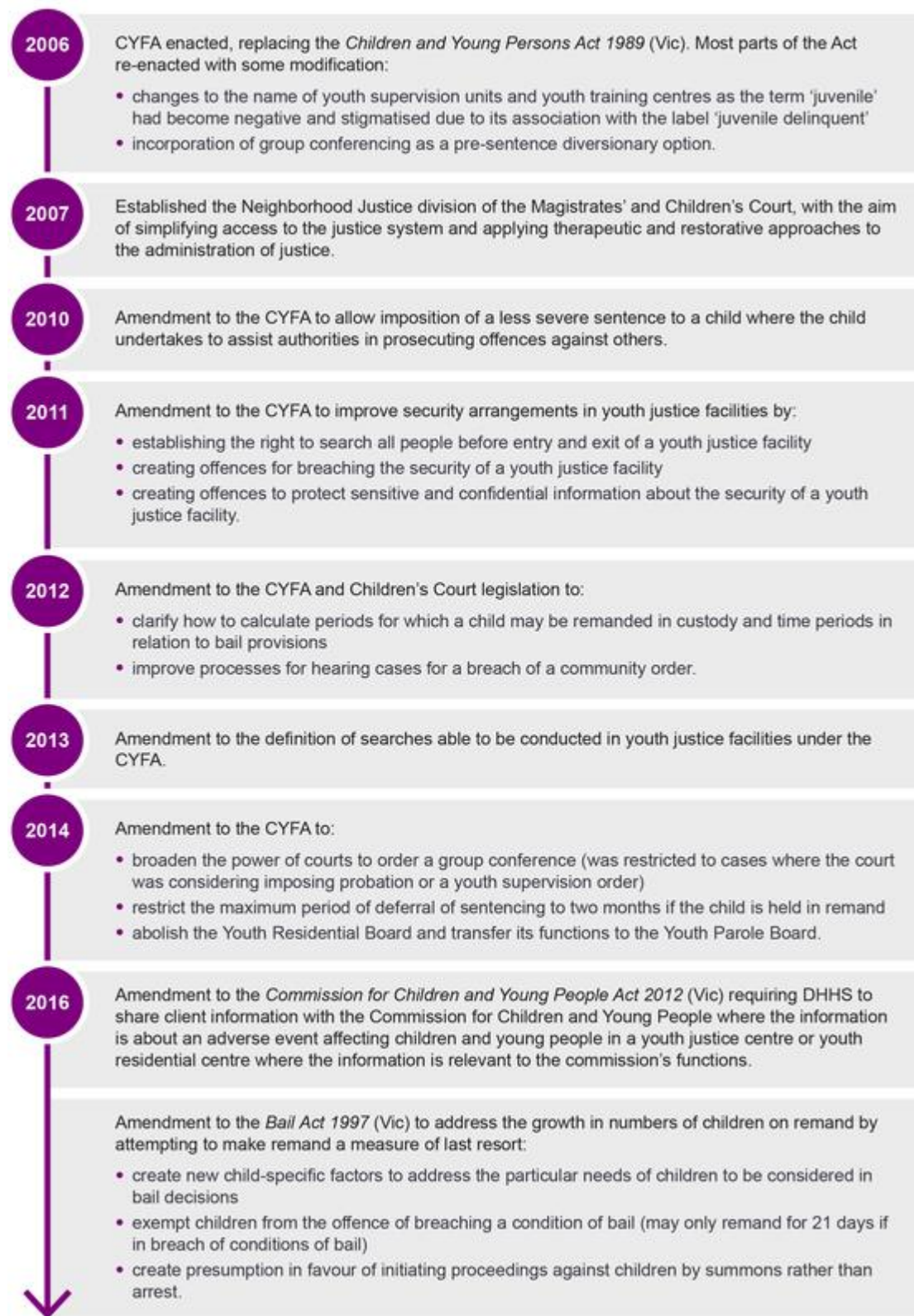
However, despite the small numbers, this distinctive feature of Victoria’s youth justice system significantly affects how our custodial centres operate. As the young adults are entitled to serve their entire sentence in youth justice facilities under the dual track system, the facilities can house young people aged 18-24 years, who must be kept separate from young people under 18 years of age.

The dual track sentencing option is described in full detail below (see ‘Custody orders for persons aged 18 + years – Victoria’s dual track’).

2.1.2 An evolving legislative basis

The legislative basis for Victoria’s youth justice system has evolved over time, often responding to challenges in the broader child welfare and criminal justice systems. Often, these changes focused on discrete challenges and issues, such as a diversionary measure (e.g. introducing group conferencing (legislated in 2006) or pre-plea diversion (to be introduced in 2017)), or were a response to legal reform or public concern (e.g. the Bail Act was amended in 2010, 2013 and 2016 and is likely to change again as a result of the Bourke Street Mall tragedy). Figure 2-1 summarises the key changes between 2006 and 2016.

Figure 2-1: Key legislative changes (not exhaustive), 2006–2016



Observation The legislation governing the youth justice system has changed incrementally over the years and has not been systematically reviewed since its introduction in 1989.

2.2 Youth justice in the broader justice system

Victoria's youth justice system is part of a much larger and layered criminal justice system. The criminal justice system as a whole is responsible for community safety and includes significant effort at the local, community, state and national levels.

The youth justice statutory system alone cannot deliver a safer Victoria – it must work closely with the broader justice system across the justice cycle. To be effective and dynamic, the system must be guided and informed by the expertise of Victoria's strong academic, advocacy and oversight bodies, the justice sector, legal advocates, Koori elders and community leaders, to name a few. To achieve good outcomes for young people and to mitigate risk to the Victorian community, the system must also work closely across disciplines to meet the health and education rights of young people and to respond to their broader needs.

2.2.1 The statutory youth justice system is small with a defined role

The Victorian statutory youth justice system responds to young people aged 10–17 years who are either charged with or found guilty of a criminal offence. The Criminal Division of the Children's Court has jurisdiction for hearing and determining criminal matters for young people aged 10–17 years (excluding fatal offences and attempted murder).

The Productivity Commission's (2016) Report on Government Services states that the purpose and aim of youth justice system in Australia is to:

- reduce the frequency and severity of youth offending
- recognise the rights of victims
- promote community safety.

In Victoria, this purpose extends to young adults aged 18–20 found guilty of a crime and sentenced to a custodial sentence in youth justice as an alternative to adult prison. This is the dual track system.

Observation

The purpose and aim of the youth justice system is to reduce the frequency and severity of youth offending, recognise the rights of victims and promote community safety.

2.3 The legislative framework

The legislative basis for the system is dispersed across the CYFA and criminal justice statutes.

State government legislation designates statutory responsibility to particular government departments that administer community and custody for young people aged 10–17 years and young people over 18 years who are eligible for dual track.

First, Chapter 5 of the CYFA relates to children and young people aged 10–17 years who have been charged with, or who have been found guilty of, offences. Other legislation (the Sentencing Act, Crimes Act, Bail Act and the Victorian Charter of Human Rights and Responsibilities) also influence the system, as do international and Victorian human rights agreements. Figure 2-2 summarises the relevant legislative instruments, conventions and protocols.

Figure 2-2: Summary of Victoria’s relevant legislative instruments, conventions and protocols

INTERNATIONAL	United Nations Convention on the Rights of the Child	Requires signatory states to treat children with humanity and dignity, only using detention as a measure of last resort.
	United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules)	The rules emphasise the wellbeing of young people and encourage proportionate responses to crime, considering circumstances of the offender. They establish detention as a last resort.
	United Nations Standard Rules for the Protection of Juveniles Deprived of their Liberty	These rules build on the 'Beijing Rules' requiring tailored care and programs for each individual dependent on their particular needs and requirements.
	The Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment	This protocol aims to prevent the mistreatment of people in detention by establishing independent international and national inspection systems.
DOMESTIC	Charter of Human Rights and Responsibilities Act 2006 (Vic)	Requires protection in the best interests of children. The charter further requires that children are segregated from adults, brought to trial as quickly as possible, and treated in an age-appropriate way.
	Children, Youth and Families Act 2005 (Vic)	The leading instrument for youth justice in Victoria. Provides for the jurisdiction of the Children’s Court, outlines sentencing principles and order options and establishes youth justice centres and the Youth Parole Board.
	Sentencing Act 1991 (Vic)	Provides Victorian courts with the discretionary power to sentence youth offenders aged 18–21 to a youth justice facility rather than prison.
	Bail Act 1997 (Vic)	Establishes bail laws and what courts must consider when granting bail, including conditions that can be applied.
	Crimes Act 1958 (Vic)	Outlines Victorian criminal acts for which youth offenders can be charged.

2.3.1 The jurisdiction of the courts

The Children’s Court of Victoria has jurisdiction for most matters, with some matters covered in higher courts (Figure 2-3).

Specifically, the Children’s Court deals with offences alleged to have been committed by a person under the age of 18 years, as long as they are not 19 years or older at the time the proceeding is commenced. The Children’s Court may not, however, sentence a person who is 21 years or older on the day of sentencing. The jurisdiction of the Children’s Court extends to all summary and indictable offences other

than murder, attempted murder, manslaughter, child homicide, arson causing death and culpable driving causing death. However, a child may object to a charge for an indictable offence being heard and determined by the Children's Court, or the Children's Court itself may decline to hear and determine a charge for an indictable offence in exceptional circumstances. Such a charge must then be heard and determined by the County Court or the Supreme Court.

The Children's Court comprises the Family Division, the Criminal Division, the Koori Court (Criminal Division) and the Neighbourhood Justice Division.

The Koori Court (Criminal Division) deals with offences (other than sexual offences) where the child identifies as Koori, pleads guilty or has been found guilty and consents to the court dealing with the offence. When sentencing, the Koori Court (Criminal Division) may consider oral statements made by a Koori elder or respected person.

The Neighbourhood Justice Division may be constituted only by a magistrate with knowledge of, or experience in the application of, the principles of therapeutic jurisprudence and restorative justice. There must be a link with the municipal district within which the venue of the court is located, and the child must consent to the division dealing with the matter.

The *Courts Legislation (Neighbourhood Justice Centre) Act 2006* and an amendment of the CYFA (section 520E(2)) lists a range of people, including a Children's Neighbourhood Justice officer, a youth justice officer and a health service provider, who may report, make a statement or submission or give evidence to the Children's Court sitting as the Neighbourhood Justice Division when it is considering sentencing.

The Magistrates', County and Supreme Courts can also sentence young offenders to youth justice facilities.

Figure 2-3: Jurisdiction of the courts

AGED 10–17 AT TIME OF COMMISSION OF OFFENCE	CHILDREN'S COURT	HIGHER COURTS
AGED 18– 21 AT TIME OF SENTENCING	<p>Criminal Division hears all charges except specified fatal offences</p> <ul style="list-style-type: none"> Hears all charges against children for summary offences. Hears all charges for indictable offences, other than seven specified fatal offences: murder, attempted murder, manslaughter, child homicide, defensive homicide, arson causing death and culpable driving causing death. Conducts committal proceedings into all serious charges. Grants or refuses bail, or makes changes to bail conditions of a child charged with an offence. Hears breaches of a sentence. <p>Koori Court (Criminal Division)</p> <p>Hears charges where:</p> <ul style="list-style-type: none"> the child is Aboriginal the offence is within the jurisdiction of the Criminal Division other than a sexual offence the child intends to or has already pleaded guilty to the offence or has been found guilty of the offence by the Criminal Division the child consents to the proceedings being dealt with by the Koori Court. 	<p>Fatal offences</p> <p>The County and Supreme Courts hear charges for murder, attempted murder, manslaughter, child homicide, defensive homicide, arson causing death and culpable driving causing death.</p> <p>Children's Court excluded</p> <p>The County and Supreme Courts hear charges where the Children's Court has excluded its own jurisdiction to hear indictable offences summarily where the Children's Court considers a case 'unsuitable' to be heard summarily due to the existence of 'exceptional circumstances'.</p> <p>If child has turned 19</p> <p>If a child has turned 19 by the time their court case commences in the Children's Court, it will be transferred to the Magistrates' Court.</p> <p>Sentencing options</p> <p>Higher courts can sentence children under the Sentencing Act or the CYFA. Higher courts have the option to sentence children to adult prison but should only do so in exceptional circumstances.</p>
		<p>Dual track</p> <p>Higher courts can sentence young offenders (under 21 years of age at the time of sentencing) to serve a custodial sentence in a youth detention facility rather than an adult prison if certain criteria are met.</p> <p>Approximately half the young offenders deemed to meet the criteria between 2005 and 2009 were sentenced to a youth detention facility rather than an adult prison. This represents approximately 1.8 per cent of all young offenders sentenced in Victoria.</p>

Group conferencing

A group conference is a pre-sentence mechanism for young people aged 10–17 years who have pleaded or been found guilty of an offence serious enough to warrant a supervision order either in the community or in custody. With the child's agreement, the court may defer sentencing for up to four months. During this time, the child meets with other people, often including the child's family members and the victim of the young offender's crime. The objective is to increase the child's understanding of the effect of their offending, reduce their likelihood of reoffending and negotiate an outcome plan.

After the conference, the convenor prepares a report for the court, including the outcome plan. The court may refer to the report when considering its sentence. Participating in a group conference and agreeing to an outcome plan will result in a less severe sentence for the child. However, not participating does not lead to a more severe sentence. Group conferencing was legislated in 2006.

Children’s Court Clinic

Under section 546 of the CYFA, the Secretary of the Department of Justice and Regulation (DOJR) must maintain a Children’s Court Clinic. This clinic assesses children, provides clinical services to children and their families, and submits reports to courts and other bodies.

2.3.2 Sentencing principles

Sentencing purpose

The sentencing options for children are implicit. The CYFA does not clearly state the purposes for imposing sentences, although rehabilitation is the implicit focus (Sentencing Advisory Council 2012). By contrast, the Sentencing Act, which applies to adults, includes sentencing principles that focus on punishment, deterrence, rehabilitation, denunciation and protection of the community (Figure 2-4).

Figure 2-4: Sentencing principles for youth justice and adult systems

SENTENCING PRINCIPLES		
	Youth justice system (CYFA)	Adult system (<i>Sentencing Act 1991</i> (Vic))
Sentencing purpose	No clear statement of purposes for which sentences can be imposed; however, rehabilitation is the implicit focus.	Clear statement of principles focusing on punishment, deterrence, rehabilitation, denunciation and protection of the community.
Sentencing considerations	Sentencing considerations listed in the CYFA include the need to preserve family relationships and ensure education prospects for the child, yet enforce the requirement for responsibility for actions.	Considerations under the Sentencing Act include previous offending, reputation and significant contributions made by the offender to the community.
Detention as a last resort	Detention as a last resort is a key principle of youth justice and not expressly stated in the CYFA. It is, however, implicit in the sentencing hierarchy.	The Sentencing Act expressly provides that a court should not impose a sentence that is more severe than necessary to achieve the purpose for which it is imposed.
Detention for the shortest period justified	The principle that detention should be for the shortest appropriate period of time is not expressly stated in the CYFA yet reflected in concurrent sentences and maximum length of sentences.	The Sentencing Act expressly provides that a court should not impose a sentence that is more severe than necessary to achieve the purpose for which it is imposed.

In *R v Mills* (1998), Batt JA referred to ‘the principles that in the case of a youthful first offender rehabilitation is usually far more important than general deterrence and that such an offender is not to be sent to an adult prison if that can be avoided’ (*R v Mills* (1998) 4 VR 225 at 242).

It is often the case that a young person receives a lesser sentence than an adult who commits the same crime.

Sentencing considerations

Section 362(1) of the CYFA lists sentencing considerations the Children’s Court must consider when sentencing a child including:

- the need to strengthen the relationship between the child and their family
- the desirability of allowing them to live at home
- the desirability of allowing their education, training or employment to continue without interruption or disturbance.

These considerations indicate a preference for non-custodial options and are balanced by considerations such as the need to protect the community and the need to ensure the child bears responsibility for their actions. Section 362(1)(d) of the CYFA also refers to the need to minimise the stigma resulting from a court determination.

Detention as last resort and for the shortest appropriate period of time

A critical sentencing principle for the court is that detention should be used only as a last resort and for the least amount of time that is justified. It draws on the notion that time is material during adolescence, so multiple sentences must be served concurrently, and there are clear maximum sentence lengths for each order.

This principle reflects international principles (such as article 37(b) of the United Nations Convention on the Rights of the Child and the ‘Beijing’ and ‘Havana’ Rules). It reflects the sentencing considerations (such as the desirability of allowing the child to continue their education) but also recognises that non-custodial interventions may be more effective.

However, the CYFA does not clearly state that detention should be used only as a last resort. Rather, it can be construed from sections 361, 410(1)(c) and 412(1)(c) of the CYFA. Similarly, the CYFA does not clearly state that detention should be for the shortest period of time that is justified. By contrast, section 5(3) of the Sentencing Act provides that a court must not impose a sentence that is more severe than that which is necessary to achieve the purpose or purposes for which the sentence is imposed.

Observation

There is not a clear statement of principles in the Act that describes the purpose and aims of the youth justice system.

2.3.3 Sentencing options

The Children’s Court has a hierarchy of sentencing options if it finds a child guilty of an offence (Figure 2-5). If the offence is punishable by imprisonment, the court may record a conviction and order that the child be detained in a youth residential centre for up to one year (if the child is under the age of 15 years) or in a youth justice centre for up to two years (if the child is 15 years or older). The court must explain any sentence imposed by it as plainly and simply as possible to the child, their parents and the other parties.

Section 358 of the CYFA lists the reports and other matters that the court may account for in considering its sentence. It includes a pre-sentence report prepared by the Secretary to DHHS or the Secretary to DOJR under Division 6 of Part 7.8 of the CYFA.

Section 360 of the CYFA identifies a range of sentencing options at the disposal of the Children’s Court. Figure 2-5 shows that the options available to the court range from the dismissal of a charge, through to the imposition of a youth justice centre order. Some sentencing options can be imposed either with or without a conviction being recorded, such as a fines, probation or a youth supervision order.

The Children’s Court may also order restitution or compensation of up to \$1,000 or award costs against the child. If it finds the child guilty, it may also make orders or impose disqualifications ordinarily only available on a conviction (section 360(5), CYFA).

If multiple convictions are involved, a young person aged 20 might be sentenced to detention in a youth justice centre for up to three years, resulting in them being 23 years of age on release. The same restrictions apply in relation to sentencing by the Supreme Court or the County Court. A youth justice centre order can only be made by those courts in respect of a person under the age of 21 at the time of being sentenced, and the maximum term of the order is three years.

Figure 2-5: Hierarchy of Children’s Court sentencing options

WITHOUT RECORDING A CONVICTION	NO FURTHER SUPERVISION	Dismiss the charge	No further action taken.
		Non-accountable undertaking	An order that the child do or refrain from doing specified acts for a period of six months (or 12 months in exceptional circumstances).
		Accountable undertaking	Undertaking where a child can be held accountable for a breach e.g. court can impose a fine if breached.
		Good behaviour bond	Proceedings adjourned with a bond entered for less than half the amount of the maximum fine for the offence. Child must be of good behaviour and observe any special conditions.
		Fine	In respect of each offence, the fine cannot exceed 1 penalty unit if the child is under 15 or 5 penalty units otherwise (this is doubled if the child is over 15).
WITH OR WITHOUT RECORDING A CONVICTION	COMMUNITY-BASED ORDERS	Probation	Least intensive community-based order requiring compliance with a number of conditions.
		Youth supervision order	Community-based order requiring regular reporting to a youth justice unit for support and supervision. Must obey mandatory conditions.
		Youth attendance order	Most intensive community-based order only used as a direct alternative to custody for children over 15 years of age.
CONVICTION RECORDED	CUSTODY-BASED ORDERS	Youth residential centre order	Detention for children aged 10–15 in a youth justice facility for a maximum period of one year, or two years if multiple offences.
		Youth justice centre order	Detention of children above the age of 15 in a youth justice facility for a maximum period of two years, or three years if multiple offences.

Sentences supervised by Youth Justice

Young people may be subject to supervision orders in the community or in custody as a consequence of their crime and to support rehabilitation. In 2014–15, 5,482 young people were under youth justice supervision in Australia on an average day, 1,084 in Victoria. Nationally 84 per cent of these were supervised in the community compared with 85 per cent in Victoria. Those not under community supervision were in detention (AIHW 2017b, Table S1).

In 2015–16 the average length of time a Victorian youth spent under supervision was 190 days. This is just above the national average of 181 days (AIHW 2017b, Table S30).

The orders available under the CYFA and Sentencing Act are explained below (see Appendix 10 for more detail).

Community orders for 10–17 year olds

Community-based orders under the CYFA that require supervision by youth justice workers include probation orders, youth supervision orders and youth attendance orders.

The average length of time young people in Victoria spent under community-based supervision was 169 days in 2015–16, just below the national average of 171 days (AIHW 2017b, Table S65).

Probation order

This is the least intensive and most common community-based supervisory order. A child under a probation order must obey a number of conditions, including reporting to relevant persons when required, not reoffending, obeying instructions from youth justice officers, reporting changes to address and school, and not leaving the state without permission (section 381, CYFA).

The court can impose additional conditions such as that the child attends school or abstains from drugs or undergoes treatment or counselling.

Youth supervision order

A youth supervision order requires the offender to report to a youth justice unit regularly for support and supervision. It is usually given to young people who have been found guilty of quite a serious offence, or numerous offences.

A child subject to a youth supervision order must comply with a number of mandatory conditions for the duration of the order including:

- reporting to youth justice personnel as required
- not reoffending during the order period
- obeying instructions of the youth justice personnel
- attending places specified in the supervision order
- reporting changes to their address, school or employment
- not leaving the state without permission.

The child must also participate in community service or other programs if directed to do so.

The court can also impose special conditions under section 399(2), provided it gives reasons. These conditions must relate to the offence and can include things such as attending school, abstaining from the use of alcohol or illegal drugs, not leaving their place of residence during specified hours, undergoing counselling, or participating in disability services (section 381(3,4), via section 399(3), CYFA). The court is able to order any other condition that it considers necessary or desirable (section 381(4)(h), via section 399(3), CYFA). Common orders include requiring a person refrain from visiting a certain geographical area.

As far as possible, the responsible Secretary must avoid interfering with the child's attendance at their place of employment, education, training or religious observance, or with the religious beliefs of the person when requiring attendance.

The Secretary can require the person to engage in community service activities; however, the person is not entitled to receive any remuneration for this work. Community service or other activities refers to structured and supervised work, tasks or activities that benefit a community organisation and/or individual and provides a means for reparation for offending.

If the person breaches the youth supervision order by failing to observe a condition, they can receive a warning or return to court, where the order can be varied, confirmed or revoked, and replaced with any sentence the court thinks just.

Youth attendance order

A youth attendance order is the most intensive community-based order option. It is a direct alternative to detaining a child, only accessible when the offender would otherwise be sentenced to serve time in a youth justice facility. It is generally reserved for persistent offenders and those found guilty of a serious offence. It is available only to those aged 15 years or older at the date of sentencing, and the child must consent to the order. Before imposing this sentence, the court must commission a report from DHHS to determine if the child is suitable to serve the order.

This order aims to provide the person with activities and requirements that account for the gravity of the behaviour, penalise the person by restricting their liberty, require the person to make amends by performing community services and provide opportunities to receive instructions, guidance and assistance that will help the person to develop the ability to abide by the law (section 405, CYFA).

The offender must comply with a number of conditions including:

- attending the youth justice unit each week for a maximum of three attendances and up to 10 hours per week
- engaging in community service activities if directed
- obeying the youth justice personnel and carrying out directions as requested
- not reoffending during the order period
- reporting changes to address, school or employment
- not leaving the state without permission.

Special additional conditions such as those for youth supervision orders may be imposed if the court sees fit.

Custody orders for persons aged 10–17 years

Custody orders are the most serious sentencing options and involve detention in a youth justice centre.

Young Victorians spent an average of 78 days in detention during 2014–15, 10 days more than the national average of 68 days (AIHW 2016b, Table S104).

Youth residential centre order

A youth residential centre order is a custodial order for children over the age of 10 years but under the age of 15 years at the date of sentencing. A child can be detained in a youth residential centre if the offence is punishable by imprisonment, if the court has considered a pre-sentence report and group conference report (if there is one), and if the offence is sufficiently serious that no other order is appropriate.

The period of detention must not exceed the maximum term of imprisonment prescribed for the offence and, in any event, must not exceed one year unless the child is convicted of more than one offence, in which case the aggregate period of detention for all offences must not exceed two years.

Youth justice centre order

A youth justice centre order is a custodial sentence imposed on children aged over 15 years but under 21 years on the date of sentencing. The offence must be punishable by imprisonment and the court must be satisfied that no other order is appropriate before imposing this order. The court must also receive and consider a pre-sentence report and the group conference report if the child has participated in such a conference.

The sentence must not exceed the maximum term of imprisonment for the offence if committed by an adult and, in any event, must not exceed two years. If convicted of more than one offence in the same proceeding, the aggregate period of detention for all offences must not exceed three years.

Any period of detention in respect of any other offences shall be served cumulatively.

Custody orders for persons aged 18+ years – Victoria’s dual track

Young people aged 18–21 years are not held to the same standard of culpability as adults, given their immaturity and developmental stage. Victoria’s dual track provides magistrates and higher courts with the option of sentencing young people aged 18–21 years to custody in youth justice facilities as an alternative to adult prison. This system has been in place for more than 50 years and extends the range of sentencing orders available to adult courts when dealing with young offenders. It aims to prevent vulnerable offenders from entering the adult prison system at a young age.

The Sentencing Act sets out clear legislative criteria for using this option. Specifically, the court must be satisfied that there are reasonable prospects for rehabilitation of the offender, or that the offender is particularly impressionable, immature or likely to be subjected to undesirable influences in an adult prison.

The court must have regard to the nature of the offence, as well as the young offender’s age, character and history.

A young offender may be detained in a youth justice centre for a maximum of two years if directed by the Magistrates’ Court, or three years if directed by the County or Supreme Court. These maximums apply regardless of how many offences the young offender is convicted of in the same proceeding.

Unlike most other jurisdictions, Victoria allows young offenders to serve their entire sentence in a youth detention facility. Provided offenders are sentenced before their 21st birthday, young people in a youth justice facility can theoretically be up to 24 years of age; however, it may be possible for these young people to access parole and complete a portion of their order in the community.

Observation

The Act prescribes a range of orders, age ranges and completion requirements. It does not prescribe the purpose or outcomes expected of each order.

2.3.4 Youth detention in Victoria

Establishing youth justice facilities

Part 5.7 of the CYFA deals with establishing corrective services for children (Figure 2-6). Under section 478, the Governor-in-Council may establish, or abolish, remand centres, youth residential centres, youth justice centres and youth justice units. The Minister may issue directions relating to the standards of centres and units.

The Victorian custodial youth justice system currently comprises three facilities: Malmsbury, Parkville and Grevillea (see Chapter 3 for more detail).

All three facilities have been established as a youth justice centre and remand centre. Malmsbury and Parkville have also been established as a youth residential centre; the Grevillea Unit has not, which means it cannot house young people under 15 years of age.

Figure 2-6: Gazetted arrangements for youth justice facilities

<p>MALMSBURY</p>	<ul style="list-style-type: none"> • 14 April 1965 Established as Youth Justice Training Centre under the <i>Social Welfare Act 1960</i> (Vic) • 22 Dec 2005 Established as Remand Centre under <i>Children and Young Persons Act 1989</i> (Vic) NB: When established as Youth Justice Training Centre there was no distinction between age. As per transitional provisions it is therefore considered both Youth Justice Centre and Youth Residential Centre (see <i>Children and Young Persons Act 1989</i> (Vic) Sch 3(5.20))
<p>PARKVILLE</p>	<ul style="list-style-type: none"> • 24 June 1993 Established as Youth Training Centre and Youth Residential Centre under <i>Children and Young Persons Act 1989</i> (Vic) • 5 August 1993 Established as Remand Centre under <i>Children and Young Persons Act 1989</i> (Vic) • 2 June 1994 Location moved and established new Royal Park location as Youth Justice Centre, Youth Residential Centre and Remand Centre under <i>Children and Young Persons Act 1989</i> (Vic)
<p>GREVILLEA</p>	<ul style="list-style-type: none"> • 17 Nov 2016 Established as Youth Justice Centre and Remand Centre for emergency accommodation • 29 Dec 2016 Revoked as Youth Justice Centre and Remand Centre for emergency accommodation • 29 Dec 2016 Re-established as Youth Justice Centre and Remand Centre (not for emergency accommodation) • No Youth Residential Centre

Legislative requirements within youth justice facilities

Separation requirements

International human rights agreements require that children in custody be separated from adults. Specifically, article 37(c) of the United Nations Convention on the Rights of the Child requires that children are separated from adults when detained unless it is in the child's best interests not to do so.

The Australian Law Reform Commission (1997) also stated that children must be separated from adults because they have different needs including behavioural patterns, emotional states and vulnerability to contamination from criminal influences from adult offenders. Notably, Australia lodged a reservation to this provision, to the effect that it is accepted only to the extent that separating children from adults is considered feasible and consistent with the obligation that children be able to maintain contact with their families, having regard to the geography and demography of Australia.

In addition, the CYFA requires youth facilities to separate cohorts of children based on age, sex and conviction status. Rule 28 of the United Nations Standard Rules for the Protection of Juveniles Deprived of their Liberty (the 'Havana Rules') states the principal criterion for separating different categories of juveniles should be based on the type of care best suited to their needs and to protect their physical, mental and moral integrity and wellbeing.

Remand cohort

Children on remand are awaiting trial or hearing of a charge, awaiting sentence or in transit to or from a youth residential centre or youth justice centre. As well as separating children from adults and by gender, the CYFA also requires separating children on remand as follows:

- Children on remand must be separated from those serving a period of detention unless the Secretary considers it appropriate not to separate them, having regard to their best interests and the child consents (section 482(c)). This separation requirement is directed at accommodation requirements. The CYFA arguably does not impose a duty on the DHHS Secretary to keep young people on remand separate from sentenced young people in activities such as education classes, recreation activities health promotion programs and rehabilitation programs. However, unless the best interests exception applies, they must be accommodated for sleeping purposes in a separate part of the facility.
- Young people held on remand who are aged under 15 years must be separated from those held on remand who are aged 15 years or older (section 482(d)). The separation requirement in relation to this category is expressed in absolute terms. The DHHS Secretary must separate them at all times unless exceptional circumstances apply.

These requirements aim to avoid contamination from criminal influences, particularly if the offender is found innocent.

Sentenced cohort

By establishing youth residential centres (for young people aged 10–14 years) and youth justice centres (for those aged 15–17 years) and young people aged 18–24 years sentenced through dual track, the CYFA separates younger children from older children who may be a negative influence.

Historical basis for age separation

The separation based on age most likely arises out of the common law principle that children under the age of 14 are presumed criminally incapable. This is termed *doli incapax*. The presumption is irrebuttable for children under the age of 10 throughout Australia, meaning that children of this age cannot be held responsible for their actions. Children between the ages of 10 and 14 cannot be convicted of an offence unless the prosecution brings proof that the child understood their act or omission to be wrong, to rebut the presumption.

This principle has been established in the Children's Court and welfare legislation for more than 100 years.

From 1928 until 1989, courts could make a guardianship or wardship order for children under the age of 15 who had committed an indictable offence, committing them to the care of the state. The state could then deal with the child in a number of ways, including housing them in a reception centre or home. The reception centres were utilised for housing all wards of the state, for both welfare and criminal cases, as long as they were under the age of 14.

In 1970 a social welfare department was established to replace the social welfare branch, to advance the interests of deprived or underprivileged children, young persons and adults, among other things. It had two divisions: the family welfare division and the youth welfare division (which previously existed).

The *Children and Young Persons Act 1989* was enacted in response to the Child Welfare Practice and Legislation Review, chaired by Dr Terry Carney, which addressed the long history of neglect of child and family welfare in Victoria. It brought together all legislative provisions governing children and young people in need of protection or who have committed offences into one Act. It abolished the sentencing option of guardianship and replaced this with the youth residential centre order for children between the ages of 10 and 14.

However, these separate cohorts create operational and structural challenges in managing these young people (see Chapters 6 and 8 for further details).

Requirement to address client needs

Section 482(2) of the CYFA gives detainees entitlements including having their developmental needs catered for and reasonable efforts made to meet their medical, religious and cultural needs. They have further entitlements to: receive visits from parents, relatives and legal practitioners; receive information on the rules of the centre; and understand their rights and responsibilities within the centre. They can complain to the Victorian Ombudsman or Secretary of DHHS about the standard of care, accommodation or treatment they receive in the centre.

It is the responsibility of the DHHS Secretary to ensure section 482(2) is complied with. These entitlements apply to all young people detained in a remand centre, youth residential centre or youth justice centre, irrespective of how they got there. Section 482(3) of the CYFA further requires the Secretary to report to the Minister annually on the extent of compliance with this provision.

Requirements to address the developmental and welfare needs of children are based on international human rights agreements. The Havana Rules specifically outline requirements to address the needs of young people in detention (Table 2-1).

Table 2-1: Havana Rules for addressing the needs of young people in detention

Rule 12	The deprivation of liberty should be effected in conditions and circumstances which ensure respect for the human rights of juveniles. Detained juveniles should be guaranteed the benefit of meaningful activities and programs which would serve to promote and sustain their health and self-respect, to foster their sense of responsibility and encourage those attitudes and skills that will assist them in developing their potential as members of society.
Rule 27	As soon as possible after admission, each juvenile should be interviewed and a psychological and social report identifying any factors relevant to the specific type and level of care and program required by the juvenile should be prepared. This report, together with a medical report, should be used for determining the most appropriate placement for the juvenile within the facility and the specific type and level of care and program required and to be pursued.
Rule 28	The detention of juveniles should only take place under conditions that take full account of their particular needs, status and special requirements according to their age, personality, sex and type of offence, as well as mental and physical health, and which ensure their protection from harmful influences and risk situations.
Rule 38	Every juvenile of compulsory school age has the right to education suited to their needs and abilities and designed to prepare them for return to society. Education should be provided outside the facility wherever possible and, in any case, by qualified teachers through programs integrated with the State education system so that, after release, juveniles may continue their education without difficulty.
Rule 47	Every juvenile has the right to a suitable amount of time for daily exercise, in the open air whenever weather permits.
Rule 48	A juvenile should be allowed to satisfy the needs of their religious and spiritual life.
Rule 49	Juveniles must receive adequate medical care.

Prohibited actions

International agreements strictly limit and guide the use of force and punishment in youth justice facilities. The Havana Rules deal with physical restraints and the use of force (Table 2-2).

Table 2-2: Havana Rules restricting the use of disciplinary measures in youth justice facilities

Rule 63	Prohibits recourse to physical restraints and the use of force except in exceptional cases where all other control methods have been tried and only as explicitly authorised by law. The use of physical restraints or force should not cause humiliation or degradation and should be used only for the shortest possible time. Instruments of restraint might be used to prevent the juvenile from inflicting self-injury or injuries to others or serious destruction of property.
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Rule 65	Prohibits the carrying and use of weapons by personnel.
Rule 67	Provides that all disciplinary measures constituting cruel, inhuman or degrading treatment must be strictly prohibited including corporal punishment, placement in a dark cell, closed or solitary confinement or any other punishment that may compromise the physical or mental health of the juvenile. Restricting diet and restricting or denying contact with family members should be prohibited for any purpose.

Division 2 of Part 5.8 of the CYFA prohibits using the following actions in relation to young people detained in a remand centre, youth residential centre or youth justice centre:

- physical force unless reasonable and necessary or otherwise authorised
- the administering of corporal punishment, that is, any action that inflicts or intends to inflict physical pain or discomfort on the young person as a punishment
- any form of psychological pressure to intimidate or harm the young person
- any form of physical or emotional abuse
- the adoption of any kind of discriminatory treatment.

Observation	The CYFA aligns with international law regarding the proper treatment of children and young people in detention.
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Victorian youth justice regulatory framework

The Children, Youth and Families Regulations 2007 are made by virtue of section 600 of the CYFA. Relevantly, the regulations:

- outline the terms and conditions of a youth parole order, which include requirements not to break the law, to be supervised and to obey the instructions of the parole officer, including reporting, being interviewed and notifying of change of address or if leaving Victoria
- outline requirements for the particulars of use of isolation in youth justice facilities to be recorded
- prescribe requirements for conducting searches and requiring a record of these searches
- require a record to be kept of items seized in youth justice facilities
- provide that a child can be remanded in custody in a police gaol for not longer than two working days
- prescribe the form of notices for particular functions (e.g. a notice of suspension of service of youth supervision, or a youth attendance order).

The Children’s Court Criminal Procedure Rules 2009 provide for the practice and procedure of the Criminal Division of the Children’s Court and include forms of procedural documents and orders.

The Children’s Court (Evidence – Audio Visual and Audio Linking) Rules 2008 outline the form and procedure for applying for audiovisual or audio-link hearings in the Children’s Court.

The County Court Criminal Procedure Rules 2009 outline the form and process of appeals from the Children’s Court to the County Court.

The Sentencing Regulations 2011 provide for the orders made under the Sentencing Act and provide the obligations of offenders in relation to the orders.

The Bail Regulations 2012 outline the form of bail-related documents such as an undertaking of bail or a notice setting out the obligations of bail.

The treatment and dealings with children and young people in the criminal justice system is dispersed across various legislative and regulatory frameworks.

2.4 Practice standards and manuals

Youth Justice is required to meet the standards and expectations of the following practice manuals, charters and standards.

Youth justice practice manuals

Operational standards and specifications should provide guidance for management and staff as to the minimum standards to be met through service provision.

For Youth Justice this includes the:

- Youth Justice Community Practice Manual
- Youth Justice Custodial Practice Manual.

These manuals are the core resource for youth justice workers and funded agencies to understand the operational requirements and standards that apply when working with young people subject to youth justice orders.

Charter of rights for children and young people detained

In addition to practice manuals, the Australian Human Rights Commission (AHRC) has developed a model charter of rights for detained children and young people. Victoria and the Commission for Children and Young People (CCYP) were involved in the development of the charter and are seeking to implement a Victorian charter that reflects the parameters of the national charter.

Client services charter

At the time of the Review, the DHHS Client Services Charter applied to youth justice workers to guide their interactions and engagement with young offenders.

Service delivery standards

The DHHS service delivery standards apply to DHHS-delivered services and require the youth justice system to deliver a consistent standard of quality and service to young offenders. The standards require that young people: are informed of their rights and responsibilities; are empowered to have a say and communicate their needs; are able to access and engage with the range of supports they need; are treated in a way that supports their broader wellbeing; and have the opportunity to participate in how youth justice services and programs are delivered.

These are described in more detail below.

2.4.1 Youth justice practice manuals

DHHS has two practice manuals that guide the practice of youth justice. These are described below.

Youth Justice Community Practice Manual

This manual closely reflects the Child Protection Manual, and is published online on the department's website.

The manual includes practice instructions and was developed by a range of people with relevant expertise, including the Operations and Practice team. It is subject to regular updates to reflect changes

in legislation and policy. Policies and procedures include a breakdown of responsible parties for undertaking activities. The manual spans all operational activities and provides links to relevant interagency protocols and legislation.

Youth Justice Custodial Practice Manual

This manual is located on the department's intranet and contains all procedures relating to work undertaken by Youth Justice staff in custodial settings. The manual receives updates and reviews to ensure its ongoing compliance with updated legislation. Policies and procedures include a breakdown of responsible parties for undertaking activities. The manual spans all operational activities and provides links to relevant interagency protocols and legislation.

The manual is lengthy and is not publicly available. It highlights procedures in a wide variety of operational contexts, including detailing communication, search and young people-related safety procedures, both across the system and specific to each facility.

2.4.2 Model charter of rights for children and young people detained

In 2016 the Australian Children's Commissioners and Guardians developed and released 'A model charter of rights for children and young people detained in youth justice facilities'. DHHS and the CCYP were involved in the consultation process and development of the national charter. To embed the national model rights, the Children's Commissions and Guardians across Australian jurisdictions committed to developing equivalent charters for all states and territories.

The CCYP has led the development of the Charter for Children and Young People in Youth Justice Centres for Victoria. This has included consultation with children and young people involved with Youth Justice, Youth Justice staff, Parkville College staff, the Commissioner for Aboriginal Children and Young People, and the Disability Services Commissioner. The charter has not been finalised for Victorian centres; however, it is consistent with the model charter developed by the AHRC.

The AHRC model charter draws on the following fundamental rights: UN Rules for the Protection of Juveniles Deprived of their Liberty: the 'Havana Rules' or JDLs (1990), UN Minimum Rules for the Administration of Juvenile Justice: the 'Beijing Rules' (1985), and the Convention on the Rights of the Child (1989).

An outline of the model charter is provided below, using the plain language statements that are provided to young people in custody.

The charter

'This Charter of Rights tells you what you can expect while you are detained. The rights apply to everyone so you have to respect other people's rights.'

You have the right:

- *To be treated equally, and not treated unfairly because of your sex, sexuality, race, religion, disability or other status (CRC 2, JDL 4)*
- *To be treated with respect and dignity by staff and to be kept safe while you are in the youth justice centre (JDL 1, 12, 31, 66,87)*
- *To be given a copy of the rules of the centre, and information about your rights and responsibilities, in a language that you can understand (JDL 24)*
- *To see a doctor or nurse whenever you need to, and to receive proper healthcare (JDL 49)*
- *To receive help for your mental health if you need it, and to be transferred to a mental health facility for treatment if required (Beijing 26.2, JDL 53)*
- *To get help if you have problems with drugs or alcohol (JDL 54)*

- *To have special care and protection if you are vulnerable or have special needs (JDL 27,28)*
- *To have regular contact with your family and friends through visits and phone calls (JDL 59,60, 67, CRC 37, Beijing 26.5)*
- *To get help to see a lawyer, and to talk to them privately (JDL 18(a))*
- *To have an interpreter for formal meetings or medical examinations if you are not fluent in English (JDL 6)*
- *To get information and news about what is happening in the world (CRC 17, JDL 62)*
- *To have a say in decisions about your rehabilitation and other issues that affect you (CRC 12)*
- *To participate in activities and programs that help your rehabilitation (JDL 12)*
- *To continue your education, or to do training to learn useful skills for work (JDL 38)*
- *To get exercise every day, and to go outside every day except in bad weather (JDL 47).*
- *To have enough good food (including food that is suitable for your culture or religion, or dietary requirements), and to have drinking water available whenever you need it (JDL 37)*
- *To have clean clothes, and to wear your own clothes if you go out of the centre (JDL 36)*
- *Not to be punished unfairly, and only in accordance with the rules of the centre or the law (JDL 66-71)*
- *Not to have force used against you, or restraints used on you, unless absolutely necessary, and never as a punishment (JDL 63 - 64)*
- *Not to be isolated from other young people unless necessary to keep you or others safe, and never as a punishment (JDL 67)*
- *To practice your religion or express your culture and, whenever possible, to be able to see religious or spiritual advisors (JDL 4 , 48, CRC 30))*
- *If you are Aboriginal or Torres Strait Islander, whenever possible, to participate in cultural activities and celebrations with other Aboriginal or Torres Strait Islander people (CRC 30)*
- *To make a complaint about your treatment to an independent person (like an official visitor) and to be told what happens with your complaint (JDL 75 and 76)*
- *Before you leave the centre, to get help with somewhere safe to live and ongoing support (JDL 80).'*

2.4.3 Department of Health and Human Services Client Services Charter

The Client Services Charter was introduced in 2014 across all DHHS services and programs. The charter outlines key requirements of departmental staff when engaging with clients.

The charter advocates that clients of DHHS should expect to be able to easily contact, apply for and use the services provided for the department. To allow this, services must ensure they:

- arrange interpreters if required
- are polite and respectful
- protect personal information
- provide opportunities for the clients to be involved in decisions about services they access.

If the department makes a decision that affects a client, they have a right to be informed and understand how to ask for the decision to be reviewed, or understand how to make a complaint.

Youth justice workers are required to comply with the charter, and young people should expect respectful engagement by their youth justice workers.

2.4.4 Department of Health and Human Services Service Delivery Standards

The Service Delivery Standards are a set of requirements that must be met by funded service providers delivering services in the scope of either the *Disability Act 2006* or the CYFA. They aim to ensure that no matter which service provider a person accesses, they experience the same quality of service.

The standards superseded former program-specific standards and outline the four service delivery standards, management and governance standards. The service standards are available on the department's website.

The four key areas are:

- empowerment
- access and engagement
- wellbeing
- participation.

Services should assist people to understand and exercise their rights and responsibilities. They should also have fair, transparent and equitable access to services that respond to clients' needs in a timely manner.

Services should enhance people's wellbeing by adopting early intervention and evidence-based strategies focusing on people's strengths, risks, wants and needs. Each individual should have a plan that is regularly reviewed, updated and evaluated. Services should be provided in an environment that is safe and free from abuse, neglect, violence and preventable illness.

Services should provide people with the right to choice and decision making and to assist them to actively participate in their community.

2.5 Victoria's Youth Parole Board

2.5.1 Overview

The Youth Parole Board approves and supervises parole and is also responsible for transfer decisions between youth justice and adult prison.

A child being detained in a youth residential centre or youth justice centre (other than under Part 5A of the Crimes (Mental Impairment and Unfitness to be Tried) Act) comes under the Youth Parole Board's jurisdiction (sections 462–3, CYFA). Specifically, the Youth Parole Board:

- may release a detainee on parole, amend or vary the terms and conditions of parole and cancel parole
- can issue warnings to offenders in youth justice facilities or on parole (it issued 17 warnings in 2015–16)
- is responsible for transferring youth offenders between youth justice facilities and to and from prison.

The board consists of:

- a judge of the County Court
- the Secretary or an officer appointed on the nomination of the Secretary
- two other people who have experience in matters relating to child welfare, at least one of whom must be a woman.

Alternate members can be appointed to each of these positions.

The Youth Parole Board Secretariat is led by the Manager, Operations and Practice, Youth Justice and Disability Forensic Unit in DHHS.

Appendix 6 analyses the themes identified by the board over the past 10 years.

2.5.2 Parole

Parole permits a young person to serve part of their sentence in the community with guidance and supervision from a parole officer. It aims to provide support and assistance to a young person to help them transition successfully from detention to the community. The Children, Youth and Families Regulations prescribe terms and conditions for youth parole orders, including being supervised, not breaking any law and not leaving Victoria without permission. Additional special conditions can be attached to parole such as attending substance abuse counselling, anger management counselling or a motor vehicle offender program (Youth Parole Board 2016).

In Victoria, releasing a young offender on parole is an administrative decision made by the Youth Parole Board under section 458 of the CYFA. The courts do not have the power to set a non-parole period, regardless of the detention period imposed. This contrasts with the adult system, where a court sentencing an adult to imprisonment for two years or more must set a non-parole period.

The board considers a number of factors when deciding on parole; in particular, the board must be satisfied that suitable accommodation is available before granting parole. Other factors include:

- the young person's risk to the community
- the best interests of the young person
- the circumstances of the offence and their criminal history

- the plans for release and assessments
- reports from a variety of professionals (Youth Parole Board 2016).

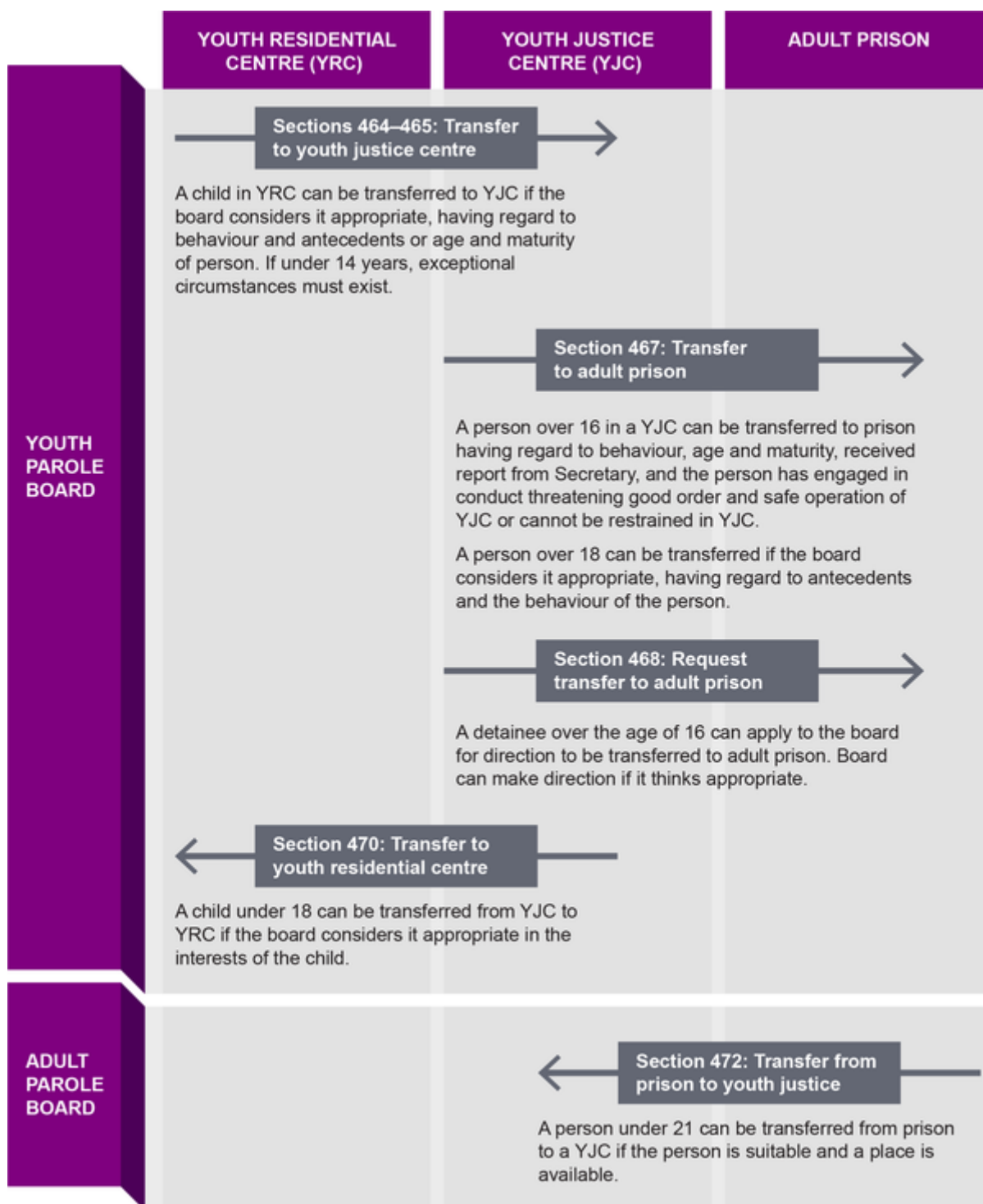
In 2015–16, the board issued 196 parole orders, three less than the previous year. It cancelled 85 parole orders (or 44 per cent of all parole orders issued) – 34 for reoffending and 51 for failing to comply with parole conditions (such as not reporting to a parole officer or not complying with special conditions) (Youth Parole Board 2016).

Most cancellations came from Children’s Court orders and not those on dual track orders.

2.5.3 Transfers

The Youth Parole Board has the power to transfer a person from a youth residential centre to a youth justice centre or from a youth justice centre to a youth residential centre or to a prison. The Adult Parole Board may transfer a person from a prison to a youth justice centre or a youth residential centre (Figure 2-7).

Figure 2-7: Transferring young offenders



- **Transfers from a youth residential centre to a youth justice centre** – The board approved one transfer in 2015–16 and three transfers in 2014–15.
- **Transfers from a youth justice centre to a youth residential centre** – The board did not approve any transfers between 2013–14 and 2015–16.
- **Transfers from a youth justice centre to prison** – The board approved one transfer in 2015–16, down from two transfers in 2014–15 and four transfers in 2013–14.
- **Transfers from prison to a youth justice centre** – The Adult Parole Board transferred one young person from prison to a youth justice centre in 2015–16 (Youth Parole Board 2016).

The rate of transfers may have changed in the current financial year due to the significant number of offline units and the establishment of Grevillea youth justice centre. Data is not yet available for this financial year.

In determining whether to transfer a person from a youth residential centre to a youth justice centre, the Youth Parole Board must have regard to ‘the antecedents and behaviour of the person or the age and maturity of the person’ and only make the transfer if the board considers it appropriate to do so (CYFA, section 464). Only in exceptional circumstances can a child under the age of 14 years be transferred to a youth justice centre.

In considering whether to transfer a child aged 16 or more to prison from a youth justice centre, the Youth Parole Board must have regard to the child’s antecedents, behaviour, age and maturity. Further, unless the child has requested a transfer or previously been transferred from prison, a child may only be transferred to a prison if the board is satisfied that the child’s conduct has threatened the good order and safe operation of the youth justice centre and that the child cannot be properly controlled in a youth justice centre. However, a young person aged 18 or older who was sentenced by an adult court may be transferred from a youth justice centre to prison if the Youth Parole Board considers it appropriate to do so, having regard to their antecedents and behaviour. There is no requirement that such a person may only be transferred if they cannot be properly controlled in a youth justice centre. This distinction is based solely on the identity of the sentencing court.

A young person transferred to a prison is a ‘prisoner’ for the purposes of the *Corrections Act 1986*. Accordingly, such a person has all the rights set out in section 47 of that Act, including the right to be classified and to have that classification reviewed annually and the right to take part in educational programs in the prison. They are also subject to the disciplinary regime set out in Part 7 of the Corrections Act and may be directed to work in a prison industry or approved work program.

The Youth Parole Board may transfer a child under the age of 18 from a youth justice centre to a youth residential centre if it considers that to be in the young person’s interests, having regard to their antecedents and behaviour.

The Adult Parole Board may transfer a person aged under 21 from prison to a youth justice centre or, if under the age of 18, to a youth residential centre, if satisfied that it is appropriate and in the interests of the young person to do so and that the young person is suitable for detention there and that a place is available for them.

Transfers of children from youth justice centres to adult prisons have been heavily criticised, given the conditions children face in adult facilities and the incentives for long-term detainees of youth justice facilities to commit violent acts.

Observation

The Youth Parole Board has both quasi-judicial and administrative functions regarding the granting of parole, supervision of parole orders, and the placement of children and young people in youth justice centres.

2.6 Independent oversight functions

2.6.1 Overview

Current oversight of the youth justice system is focused on the welfare of young people.

A number of independent agencies oversee the function of the youth justice system, with their roles established in legislation (Tables 2-3 and 2-4). These functions provide a level of protection and oversight for children and young people.

Table 2-3: Independent oversight functions of the youth justice system

Body	Oversight functions	Systemic inquiries	Child death inquiries	Issues inquiries
Commission for Children and Young People	Inquiries to promote continuous improvement (Part 5, CCYP Act) Investigation of child deaths Review of Category One Incidents (60A, CCYP Act) Notification before transferring persons aged 16 years from youth justice to adult prison Independent Visitor Program Promote capacity and compliance with Child Safe Standards (Part 6, <i>Child Wellbeing and Safety Act 2005</i>)	Yes	Yes	Yes
Victorian Ombudsman	Inquiries and investigations with discretion	Yes	Yes	Yes
Victorian Auditor-General	Inquiries and investigations with discretion	Yes	No	No
State Coroner	Investigation of deaths	No	Yes	No
Victorian Equal Opportunity and Human Rights Commission	Responsible for protecting Victorians from discrimination and human rights breaches	No	No	No

2.6.2 Commissioner for Children and Young People

The CCYP is an independent statutory authority established in 2013 under the *Commission for Children and Young People Act 2012*. It is the principal overseer of youth justice facilities in Victoria. The commission has a function under section 8(1)(a) of the Act to ‘provide advice to Ministers, Government Departments, health services and human services about policies, practices and the provision of services relating to the safety or wellbeing of vulnerable children and young persons’. It aims to promote improvement and innovation in policies and procedures relating to the wellbeing of Victorian children and young people. The commission conducts policy, research and communications activities and conducts inquiries and systemic reform, and has a reporting function on the implementation and effectiveness of strategies regarding children and young people.

Crucially, the CCYP monitors the performance of youth justice facilities. A person detained in a youth residential centre or youth justice centre is a ‘vulnerable client or young person’ for the purposes of the Act. The DHHS Secretary is required to disclose to the CCYP ‘any information about an adverse event relating to ... a person detained in a youth justice centre or a youth residential centre if the information is relevant to the commission’s functions’ (*Commission for Children and Young People Act 2012*, section 60A). This requirement was introduced as a legislative amendment in early 2016.

The CCYP’s strategic priorities for 2016–17 include increasing oversight of youth justice. It has operated the Independent Visitor Program since 2012 in which volunteers visit the centres monthly and talk to

young people about their experience. The Independent Visitor Program reports to government periodically, to address the concerns and issues young people raised with volunteers.

Since November 2016 the commissioner's office has been visiting the Grevillea Unit at Barwon Prison two to three times per week to verify improvements made to the site and to identify ongoing or new problems (CCYP 2017). The commission has also initiated two inquiries and conducts advocacy for humane, evidence-based responses to young people who have become involved in crime.

2.6.3 Commissioner for Aboriginal Children and Young People

The Commissioner for Aboriginal Children and Young People is an additional commissioner appointed under the Commission for Children and Young People Act by the Governor-in-Council, on the recommendation of the Minister. The Principal Commissioner and Commissioner for Aboriginal Children and Young People lead the CCYP together.

2.6.4 Victorian Ombudsman

The principal function of the Ombudsman is to enquire into or investigate any administrative action taken by or in an authority, other than that relating to corrupt conduct or freedom of information. The Ombudsman has jurisdiction over youth justice facilities. Under section 482 of the CYFA, young people detained in remand centres, youth residential centres or youth justice centres are entitled to complain to the Ombudsman about the standard of care, accommodation or treatment that they receive. The Ombudsman reports that complaints frequently involve the charter, which require the Ombudsman to determine whether an action is compatible or not with rights protected by the charter (Victorian Ombudsman 2017).

In its 2017 report, the Ombudsman noted difficulties fulfilling its role, due to an amendment in the Ombudsman Act that prohibits it interviewing witnesses who are younger than 16 years of age.

In 2015–16 the Ombudsman received 62 complaints about youth justice centres, predominantly relating to issues of 'food, clothing, conditions, health services and alleged assault or abuse' (Victorian Ombudsman 2017, p. 12). Concerns relating to alleged assault or abuse in youth justice centres are discussed further in Chapter 3.6.

The case study at Figure 2-8 is a key example of work undertaken by the Victorian Ombudsman in its oversight role for the Victorian youth justice system.

Figure 2-8: The Ombudsman’s investigation into children transferred from the youth justice system to the adult prison system (December 2013)



2.6.5 Victorian Auditor-General

The Victorian Auditor-General is an independent officer of the Victorian Parliament appointed to the management of public sector resources on behalf of Parliament and the Victorian community. The Auditor-General, supported by the Victorian Auditor General’s Office, also provides assurance on the financial integrity of Victoria’s system of government.

In 2008 the Auditor-General examined the extent to which diversionary and rehabilitation services provided by the then Department of Human Services (now DHHS) and the Magistrates’ Court of Victoria maximised diversion of young offenders from the criminal justice system, reduced the risk of reoffending and improved rehabilitation and reintegration into the community (Victorian Auditor-General’s Office 2008).

The Auditor-General’s planned program of performance audits for 2016–17 included an audit titled ‘Diverting young people from the criminal justice system 2016–17’.³

2.6.6 Victorian Equal Opportunity and Human Rights Commission

The Victorian Equal Opportunity and Human Rights Commission (VEOHRC) is an independent, statutory body responsible for protecting Victorians from discrimination and human rights breaches under the Charter of Human Rights and Responsibilities. As the Charter applies to the youth justice system, the commission has a role in educating about rights and also intervenes in cases where the Charter is considered. It is currently involved in litigation relating to the establishment of the Grevillea Youth Justice facility. The VEOHRC reports annually to the government about the operation of the Charter. The VEOHRC does not handle complaints related to the Charter; these are directed to the Ombudsman.

Table 2-4: Oversight and monitoring functions

Legislation	Oversight and monitoring function
<p>Commission for Children and Young People Act 2012</p>	<p>The CCYP is an independent agency. Its annual report is tabled in parliament, as are the outcomes of any systemic reviews it initiates. Its functions include:</p> <ul style="list-style-type: none"> • promoting continuous improvement in policies and practices relating to the safety and wellbeing of children and young people, particularly those who are vulnerable • conducting inquiries into the services provided or omitted relating to the safety and wellbeing of an individual or group of vulnerable children or young people • conducting inquiries into a health service, human service or school where there are persistent or recurring systemic issues, and a review done within the commission's resources would help improve the provisions of those services to either an individual or group of vulnerable children and young people. <p>Section 5 of the Act defines vulnerable children and young persons to include young people involved with youth justice.</p> <p>The CCYP operates the Independent Visitor Program for youth justice centres, which includes monitoring the safety and wellbeing of young people in custody and promoting their rights and interests.</p> <p>It undertakes inquiries into the deaths of children known to Child Protection, including young people on dual orders with Youth Justice.</p>
<p>Ombudsman Act 1973</p>	<p>The Victorian Ombudsman is an independent officer of the Victorian Parliament who is accountable to parliament and investigates complaints about state government departments, most statutory authorities and local government.</p> <p>The Ombudsman’s investigative powers include investigating a range of services whose function is to support children, youth and families.</p>
<p>Audit Act 1994</p>	<p>The Victorian Auditor-General is an independent officer of the Victorian Parliament who is accountable to parliament, reporting to parliament and the community on the management of public sector resources and providing assurance on the financial integrity of Victoria’s system of government.</p> <p>The Victorian Auditor-General’s Office is the organisational and resourcing unit that assists the Auditor-General in the discharge of the position’s legislative functions.</p> <p>It conducts performance audits undertaken within the public sector, including into services to young offenders.</p>
<p>Children, Youth and Families Act 2005</p>	<p>Part 5.7 of this Act relates to establishing corrective services for children. Section 482(2) sets out certain conditions for the form of care, custody or treatment, while section 487 sets out prohibited actions in managing detainees.</p>

³ This Review understands that this audit has been put on hold, pending the outcomes of this Review and a subsequent plan of action by the government.

Legislation	Oversight and monitoring function
	Section 482(3) requires annual (internal) reporting by the Secretary to DHHS to the Minister for Community Services on the extent of compliance with the form of care, custody or treatment (set out in section 482(2)).
Coroners Act 2008	<p>Special categories of death, called reportable deaths, must be reported to the Coroner's Court. Reportable deaths include the death of a person who immediately before death was a person placed in custody or care.</p> <p>The coroner may comment and make recommendations about public health or safety or the administration of justice aimed at helping to prevent similar deaths.</p>

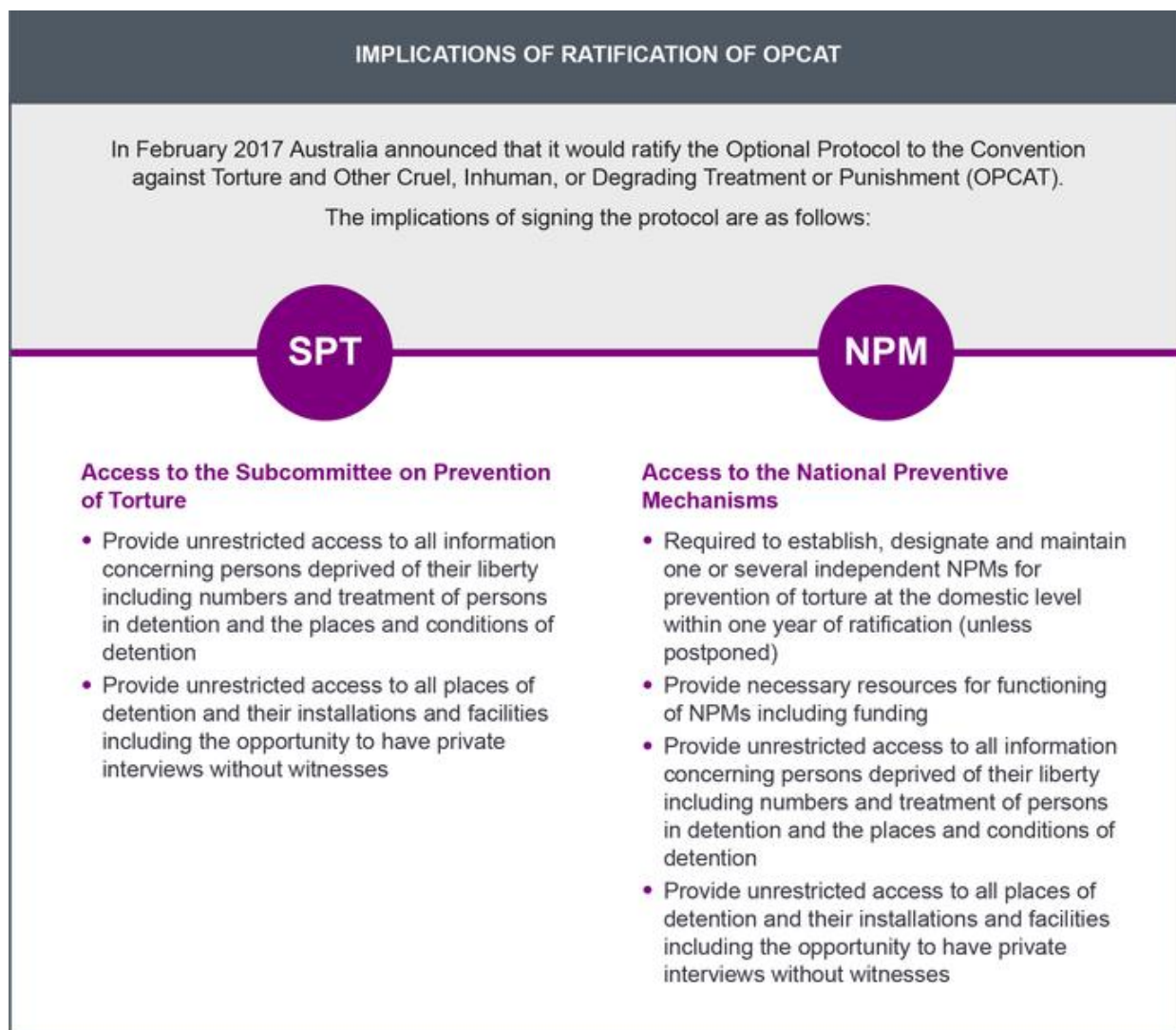
2.6.7 Ratification of the Optional Protocol to the Convention against Torture and Other Cruel and Inhumane or Degrading Treatment or Punishment

In February 2017 the Australian Government announced that it would ratify the Optional Protocol against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment (OPCAT) in December 2017. A summary of the implications of ratification is provided at Figure 2-9.

This will lead to the establishment of National Preventative Mechanisms, with the aim of preventing abuses through regular independent visits to all detention facilities to identify risk factors and protective safeguards. The role of the National Preventative Mechanisms includes undertaking regular visits, interviewing people in detention, assessing records and reporting, and inspecting conditions in facilities.

The Victorian Ombudsman will investigate the practical changes needed to implement OPCAT in Victoria. This will most likely lead to stronger and more transparent independent oversight of Victoria's youth justice custodial facilities.

Figure 2-9: Implications of ratification of OPCAT



Observation Children and young people in custody must have access to independent complaints mechanisms and oversight to ensure their appropriate treatment and wellbeing while they are removed from their families and community. The range of existing oversight functions are likely to be strengthened through the ratification of OPCAT.

2.7 Legal services and protections for young people

Young people often need to rely on publicly funded legal services. These are described below.

2.7.1 Funded legal services for young people

Victoria Legal Aid

Most young people involved with youth justice receive legal services through Victoria Legal Aid. This statutory body provides government-funded legal services and advice, including outreach to young people and young adults in custody in police gaols, youth justice facilities or adult prison (Figure 2-10).

Figure 2-10: Victoria Legal Aid functions



Victorian Aboriginal Legal Service

Koori young people can also access Victorian Aboriginal Legal Service (VALS). VALS is an Aboriginal community-controlled organisation that provides legal services (advice, representation and case work), client support services, pre- and post-prison release support services, community legal education, analysis and advice on the impact of law and policy, systemic advocacy for the rights of people, and awareness raising across legal and broader social services spheres (Figure 2-11).

Figure 2-11: Victorian Aboriginal Legal Service functions



2.7.2 Protections for young people with disability

Observation

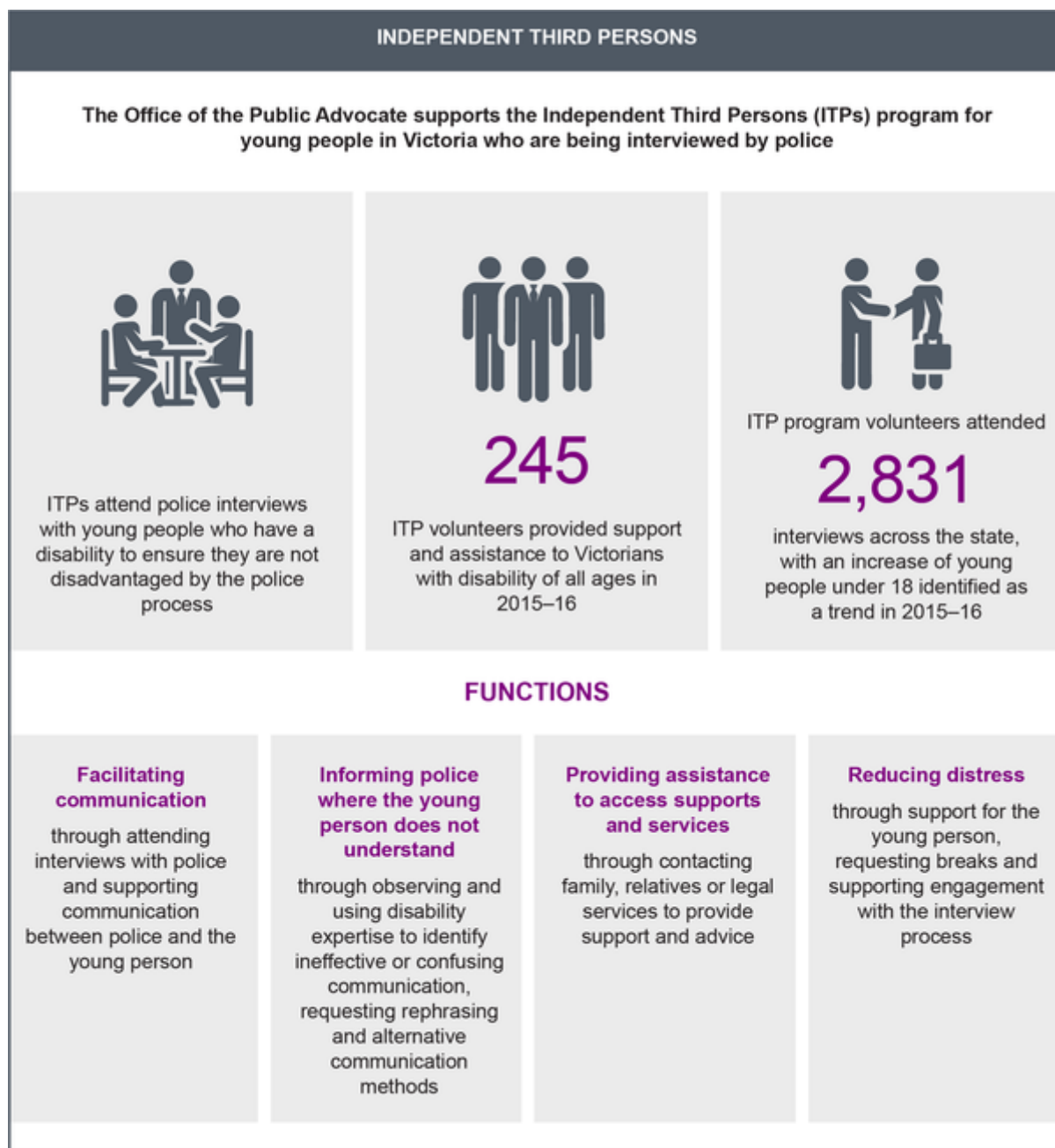
The majority of young offenders rely on publicly funded legal services for advice and advocacy.

The Office of the Public Advocate oversees Victoria's Independent Third Persons Program for all Victorians with disabilities involved in the criminal justice system. According to its 2015–16 annual report, the number of young people with disabilities requiring support increased, and those with acquired brain injury and cognitive impairment were particularly disadvantaged in the criminal justice process (Office of the Public Advocate 2016).

Young people with cognitive disabilities require support to understand verbal instructions and/or to provide accurate responses due to cognitive impairment, language and communication delay. If not identified early in the criminal justice process as an issue, the small number of disability supports can significantly disadvantage young people through their involvement with police, courts and youth justice services, with language and cognitive delays often presenting as defiance and lack of respect for authority.

The functions of the Independent Third Persons Program are critical to assisting identification of disability and cognitive impairment early in the criminal justice process (Figure 2-12).

Figure 2-12: Independent Third Persons Program functions



2.8 Policy framework and considerations

2.8.1 ‘A Balanced Approach’

In 2000, A Balanced Approach to Juvenile Justice in Victoria set out the government’s reform strategy. The framework focused on the diversion from, and rehabilitation of, young people in custodial care.

At the time, the system was challenged by:

- the changing profile of young people
- an increase in the complexity of young people
- the impact of drugs and alcohol on offending by young people
- the increase in young women involved with youth justice
- the increase in men aged 17–21 years in youth justice custody
- the over-representation of Aboriginal, Vietnamese and Cambodian young people in youth justice.

By focusing on diversion and rehabilitation, the framework aimed to prevent careers of reoffending by implementing timely and tailored rehabilitation efforts, coupled with strengthened pre- and post-release programs.

This bipartisan reform affirmed and consolidated Victoria’s youth justice system as a leader across jurisdictions.

However, Victoria and adolescence has changed significantly since this reform. While some of the challenges facing the youth justice system in 2000 resonate today, the context and the necessary response has shifted substantially.

Key policy principles

The principles underpinning the youth justice system have remained largely unchanged over recent decades. The three-pronged approach articulated in A Balanced Approach remain the fundamental reference point for the youth justice system. The policy framework formed one part of a whole-of-government response to reduce crime rates. The framework’s three key policy principles were:

- diversion of young people from entry into the youth justice system, or from progressing further into a life of crime
- provision of better rehabilitation for high-risk young people
- expansion of pre-release, transition and post-release support programs for custodial clients to reduce the likelihood of offending.

The framework outlined a range of new initiatives that would be implemented to support these principles. The reform program was to be supplemented by a suite of evaluation and support mechanisms to support implementation (Figure 2-13).

Figure 2-13: A Balanced Approach initiatives

A BALANCED APPROACH TO JUVENILE JUSTICE IN VICTORIA NEW INITIATIVES		
DIVERSION	REHABILITATION	PRE-RELEASE, TRANSITION AND POST-RELEASE SUPPORT
Expansion of the Juvenile Justice Court Advice program	Aboriginal and CALD support workers to be employed at all juvenile justice centres	Extension of community support and community house program
Trial of a Bail and Court Support Service for 17–20 year olds	Expansion of programs to better address offending behaviour and substance abuse issues	New mentoring program to ensure young offenders are supported by a significant adult
Enhancement of diversionary support for young women, Aboriginal and CALD clients	Strengthen rehabilitation programs in senior youth training centres	Existing post-release agencies will be funded to work with additional young people
Expansion of extensive program of police cautioning	Extension of training programs with TAFEs to improve employment prospects	Range of post-release agencies to be expanded
Pilot of alternate approaches to working with young people on adult community corrections orders	Extension of health services (counselling, drug withdrawal services, family support work)	Specialist post-release services to be scoped and resourced for CALD, Aboriginal and young women offenders
	Innovative, residential drug treatment programs to be expanded	Increase of resources for parole supervision
		Reshape of pre-release program to support employment, training and accommodation for young people
		Development of supported education and vocational training opportunities
EVALUATION, TRAINING AND SUPPORT		

Detention as a last resort

The 2000 policy framework reaffirmed the government’s position that detention should only occur as a mechanism of last resort, in line with the Community Services Policy 1999. The position of this policy reflected the government’s view that the most socially responsible and cost-effective response to young people is to establish community-based services where most young people are dealt with in their own communities.

Intended policy outcomes

Overall, the 2000 policy framework was designed to contribute to the following outcomes:

- increased diversion of young people aged 17–20 years away from the criminal justice system
- an overall reduction in the number held in custody
- a system that responds in a manner conducive to rehabilitating young people, providing youth-focused, gender- and culturally-specific case management of young people
- a positive response to the drug issues affecting young people
- the decommissioning of sub-standard facilities used as interim accommodation at Melbourne Juvenile Justice Centre (Turana).

Observation

The broad features of the 2000 policy framework ‘A Balanced Approach’ provide for diversion, rehabilitation and transition support across the continuum of youth justice.

2.8.2 Youth Policy – Building Stronger Youth Engagement in Victoria

Victoria’s Youth Policy was launched in June 2016. The policy acknowledged the contribution of young people as advocates who are at the forefront of progressive thinking and are critical to developing solutions and ideas to inform and guide policymaking and service development.

The policy outlines a Youth Engagement Charter (Figure 2-14), which provides principles for engaging young people in practice:

- recognition and respect for young Koori people
- valuing cultural diversity and showing cultural respect and sensitivity
- treating all young people fairly and respecting their rights
- supporting the role of young people in decision making
- promoting inclusivity and celebrating diversity
- empowering young people to share decision making.

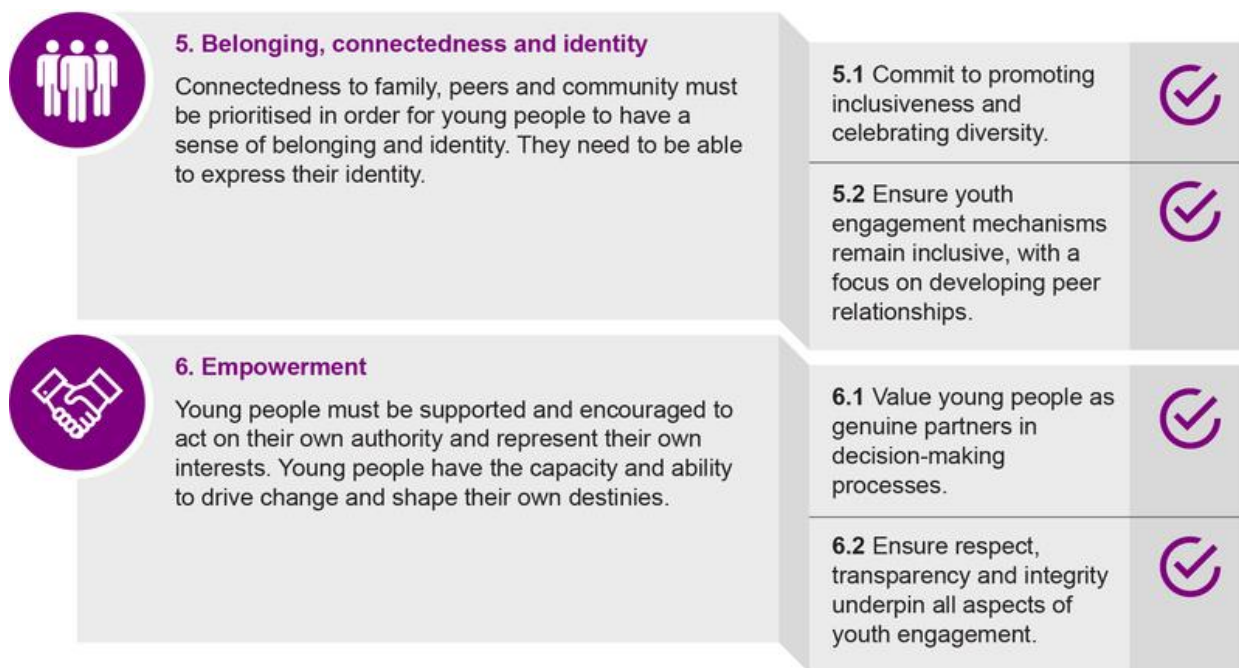
The Victorian Government has committed to using the Youth Engagement Charter to guide it in:

- creating policy and shaping reform
- communicating with young Victorians
- delivering programs and services
- evaluation performance and outcomes.

The current youth justice system does not align with this policy and does not have youth advisory groups that enable structured and regular avenues for young people to shape and influence the directions of Victoria’s youth justice system.

Figure 2-14: Youth Engagement Charter

YOUTH ENGAGEMENT CHARTER		
GUIDING PRINCIPLES		GOVERNMENT WILL:
 <p>1. Recognition and respect for Aboriginal people as the first people of Australia</p> <p>Policies that impact on Aboriginal young people must promote self-determination, self-governance, connection to land and culture, and build on the strengths and resilience of Aboriginal communities and their young people. Aboriginal young people are the current and future leaders in their communities and beyond. Listening to their voices and hearing what is important to them is the foundation of working together to create new ways to design programs and deliver services.</p>	<p>1.1 Recognise and respect the culture and connection to land as a right of Aboriginal young people.</p>	
	<p>1.2 Recognise the importance of culture to self-esteem and identity.</p>	
 <p>2. Cultural respect, understanding and awareness</p> <p>Victoria values cultural diversity and enables young people to practise their culture free of discrimination.</p>	<p>2.1 Remain committed to culturally sensitive engagement with young people that respects and celebrates diversity.</p>	
	<p>3.1 Respect the rights of all young people to participate in decisions that affect their lives.</p>	
 <p>3. Equality</p> <p>Young people must be valued and treated fairly, regardless of their circumstances, gender, sexuality, ability, faith or background. The diversity of experiences, abilities, identities and cultures of young people must be acknowledged and valued, underpinned by a commitment to eliminate all forms of inequality and discrimination.</p>	<p>3.2 Value young people as experts in their own experiences, recognising them as equal partners in identifying and implementing solutions.</p>	
	<p>4.1 Recognise that young people must be at the centre of decision making about issues that are important to them.</p>	
 <p>4. Youth-centred</p> <p>Young people are the experts in their own experience. Young people must be at the centre of decision making about issues that are important to them. This leads to smarter and more effective policy and program design.</p>	<p>4.2 Utilise innovative engagement mechanisms</p>	



Source: DHHS 2016a

2.8.3 Positive Pathways for Victoria’s Vulnerable Youth – a policy framework to support vulnerable youth

In August 2010 the Victorian Government released Positive Pathways for Victoria’s Vulnerable Youth – a policy framework to support vulnerable youth. The policy framework set out the government’s commitment to better support vulnerable young people and their families, moving towards improved integration of services, stronger localised approaches and earlier and more effective responses for these young people and their families.

The framework was structured around five focus areas to guide existing and future development in youth services across Victoria at the statewide and local levels:

- engagement in education, training and employment
- early identification of vulnerability
- tailored responses to particular groups
- local partnerships, planning and participation
- effective services, capable people.

These focus areas addressed both the needs of young people and the systems that deliver services. The actions and targeted investments within the framework were designed to ensure that vulnerable young Victorians are supported to achieve the same outcomes that are sought for all young Victorians: that they have a strong sense of belonging, are motivated to create and share in opportunities and are valued for their contributions and influence in their communities.

The policy framework included specific initiatives to enable earlier identification of young people who are showing signs of vulnerability, with a particular focus on those who are at risk of entering the youth justice system.

Observation

Previous policy statements provide useful guidance around support for Victoria's youth, including young people in youth justice.

Victoria's Youth Policy provides a strong blueprint for engaging young people in policy development and program design. This approach would strengthen and benefit the relevance and effectiveness of Victoria's youth justice system.

2.9 Reform context

2.9.1 Overview

Criminal justice and health and human services reforms have influenced the policy directions of Youth Justice in the 16 years since A Balanced Approach was introduced.

Criminal justice reforms include restorative justice reforms, reforms to bail and parole, responses to the Harper Review (discussed in section 2.9.2) and the Crimes (Mental Impairment and Fitness to be Tried) Act reforms.

The Victorian Government is also reforming the community and social services sectors, most significantly via its response to the Royal Commission into Family Violence and the 'Roadmap for Reform: Strong Families, Safe Children'. Specifically, reforms to family services, specialist family violence services, child protection services and out-of-home care may also affect those using the youth justice system.

The following sections describe the major reforms that have affected Victoria's youth justice system and that could affect it into the future.

2.9.2 Justice reforms

The following reforms to the wider criminal justice system have affected youth justice.

Restorative justice reforms

The CYFA enshrined restorative justice practice (a New Zealand practice now considered a global standard for both youth and adults) as part of Victoria's youth justice system via group conferencing. Victoria uses group conferencing as a diversionary intervention once guilt is apportioned/accepted and pre-sentencing has taken place. In conferences, young people repair relationships with victims and the wider community, explore personal accountability and develop an action plan to cease offending. These action plans are typically made with input from a young person's family and community supports.

Research suggests that restorative justice:

- has the ability to prevent some offenders from further criminal activity
- slows the offending of others
- is more effective for violent (as opposed to property) offences
- is more effective post rather than pre-sentence.

While there are differing expectations of what the process offers, there is clear evidence that those willing to engage in the process benefit (Australian Institute of Criminology 2015).

Bail reforms

Changes to Victoria's wider bail arrangements have affected youth justice.

Among other things, amendments to the Bail Act in December 2013 included a list of bail conditions. These bail conditions apply to young people as well as adults, and the result was a steep rise in the number of young people on remand due to bail breaches.

This prompted a further response from the government, and parliament passed the Bail Amendment Bill 2015 on 11 February 2016. The changes commenced on 2 May 2016 and included:

- creating new child-specific factors that address the particular needs of children to be considered in bail decisions
- exempting children from the offence of breach of bail condition

- creating a presumption in favour of initiating criminal proceedings against children by summons rather than arrest, which may result in remand.

Further, in January 2017, Premier Daniel Andrews announced a new review of bail laws by retired Justice Paul Coghlan QC, in response to the tragic events in Bourke Street. The accused was on bail when the incident occurred. The findings of this Review may potentially affect the circumstances under which young people are released on bail.

Other reforms beyond the remit of young people have had an indirect impact for youth justice. They have done so by influencing judicial behaviour, legal advice provision and departmental responses in a broad manner. The following are examples of this.

Parole reform

The government reformed the adult parole system in the wake of Jill Meagher’s murder after former High Court Judge Ian Callahan found the offender (Adrian Bayley) should have had his parole revoked.

Harper Review and Serious Sex Offender Detention and Supervision reforms

Similarly, Masa Vukotic’s murder in March 2015 prompted an overhaul of how Victoria treats sex offenders, as the offender (Sean Price) was previously convicted of rape and released under a serious sex offender supervision order.

New legislation (the *Serious Sex Offenders (Detention and Supervision) Amendment (Community Safety) Act 2016*) came into effect on 1 June 2016 to address perceived shortcomings in serious sex offender detention and supervision orders. The Harper Review noted these orders could not adequately manage offenders’ propensity ‘for violence unrelated to purely sexual assaults’ (Complex Adult Victim Sex Offender Management Review Panel 2015).

The fact that the panel focused not only on sexual offending but also on violent offending raises implications for how violent offending by young people involved with youth justice is considered as part of this Review.

Crimes Mental Impairment and Unfitness to be Tried Act reforms

Young people with disabilities and mental impairment are over-represented in youth justice (see Chapter 4), an important contextual fact for this Review. Unfortunately, attempts to correct this over-representation have not been successful to date.

In June 2014 the Victorian Law Reform Commission delivered its review of the Crimes (Mental Impairment and Unfitness to be Tried) Act (‘the CMIA’) and handed down 107 recommendations. One recommendation involved creating a framework for operating the CMIA in the Children’s Court, although only once a dedicated youth forensic facility was established. There is currently no such facility.

In December 2016 the government introduced the Crimes (Mental Impairment and Unfitness to be Tried) Bill 2016, delivering on 45 of the 107 recommendations.

Observation

Victoria’s criminal justice system is constantly reforming to address contemporary issues and challenges as they emerge. The youth justice system has not been proactive in pursuing the same level of legislative and programmatic reform specific to children and young people.

2.9.3 Community and policy reforms

The following reforms to the wider community and social services system have affected youth justice.

Response to the Royal Commission into Family Violence

Many of the young people who enter the youth justice system are victims of family violence. Research shows problematic family circumstances increase the risk of crime committed by young people, therefore, addressing family violence can help reduce the risk of young people offending.

The Royal Commission into Family Violence provided an opportunity to examine the family violence system from the ground up and was tasked with finding solutions to prevent family violence, better support victim survivors and hold perpetrators to account.

Delivered in March 2016, the royal commission's 227 recommendations are directed at improving the foundations of the current system, seizing opportunities to transform the way systems respond to family violence, and building the structures that will guide and oversee a long-term reform program that deals with all aspects of family violence.

The royal commission had significant implications for youth justice, specifically:

- the response to adolescent perpetrators of family violence, acknowledging that adolescent perpetrators of family violence have their criminal orders supervised by the youth justice system, identifying concerns regarding the lesser focus on family violence offending through programs and interventions to address their family violence (detailed in Figure 2-15)
- addressing the acute housing needs of adolescent perpetrators of family violence who are unable to reside in their family home due to their violence (detailed in Figure 2-16)
- improving screening for victims of family violence, acknowledging that youth justice does not screen for victims of family violence or undertake assessments to inform responses to address harm caused (detailed in Figure 2-17)
- strengthening information sharing regarding family violence perpetrators, victims and interventions, acknowledging that the youth justice system has very poor information sharing with family services, Victoria Police and other agencies involved in responding to perpetrators and victims of family violence (detailed in Figure 2-18).

Youth Justice is responsible for two recommendations:

- **Recommendation 127** – The Victorian Government, subject to successful evaluation of the Youth Diversion Program Pilot, establish a statutory youth diversion scheme [within two years].
- **Recommendation 128** – The Victorian Government trial and evaluate a model of linking Youth Justice Group Conferencing with an Adolescent Family Violence Program to provide an individual and family therapeutic intervention for young people who are using violence in the home and are at risk of entering the youth justice system [within two years].

Figure 2-15: Royal Commission into Family Violence – adolescent perpetrators of family violence and youth justice

RESPONDING TO ADOLESCENT PERPETRATORS OF FAMILY VIOLENCE

Having regard to the submissions and evidence put to the Commission and to the scholarship in this area, the Commission finds that **adolescent violence in the home must be better recognised as a form of family violence**. The Commission recommended that response to adolescent family violence is better resourced across all systems – including police, courts, youth justice, human services and specialist family violence, integrated family mental health, and disability services. Specific considerations include:

There is a need to **raise awareness about adolescent violence in the community**, along with easy-to-find information about the options and services available to address adolescent violence.

Adolescent violence in the home should be recognised by the family violence system as different from adult-perpetrated family violence.

Involvement with the criminal justice system for adolescents who use violence in the home should be a last resort – therapeutic responses should be adopted. **Priority should be given to specialist therapeutic responses that work with the young person and their families as early as possible.** The underlying causes of the violence should be addressed to prevent any further violence and involvement in the criminal justice system.

Responses should be flexible and tailored to the particular circumstances of each family. For example, the intensity of any intervention should be appropriate to the level of risk posed to family members.

There is a need for an immediate response to adolescent violence in the home so that young people understand the consequences of their actions and family members can be protected.

Removal of the young person from the family home should be avoided as much as possible. Where there is no other option but for the young person to leave the home, appropriate supported accommodation should be provided to them.

Improvements need to be made to our justice system so that **greater use can be made of diversionary and restorative options** when the family wants this.

Source: Royal Commission into Family Violence Report 2016, Vol IV, p. 166

Figure 2-16: Royal Commission into Family Violence – adolescent perpetrators of family violence, acute housing needs and youth justice

RESPONDING TO THE ACCOMMODATION NEEDS OF ADOLESCENT PERPETRATORS OF FAMILY VIOLENCE

The Commission believes that investment is needed in supported accommodation options for these young people who have used family violence that can run alongside adolescent family violence programs and provide an immediate option for police and families.

We do not consider that out-of-home care/residential care is an appropriate option for many of these children as this brings its own risks in terms of the wellbeing of children. Nor is the youth refuge system likely to be an option, as refuges are over-subscribed and the mix of children and young people who themselves are escaping violence, with a young person who is a user of violence, is inappropriate. Instead, creativity needs to be shown by government in developing alternative supported housing options.

This might include rapid rehousing schemes for older adolescents into transitional housing stock managed by housing associations, with support provided by a youth specialist, lead-tenant schemes or other longer term accommodation options, again with support from a youth specialist.

Source: Royal Commission into Family Violence Report 2016, Vol IV, p. 170

Figure 2-17: Royal Commission into Family Violence – screening to identify victims of family violence and implications for screening in youth justice

IMPROVING SCREENING FOR FAMILY VIOLENCE AGAINST CHILDREN AND YOUNG PEOPLE

Screening to identify whether a person may be a victim of family violence is the first step to triggering a supportive response. One process that aims to promote identification of family violence is screening.

The Australian Institute of Health and Welfare has defined screening as a process by which an organisation or professional attempts to identify victims of violence or abuse in order to offer interventions that can lead to beneficial outcomes...The Commission was told that the current practice for health services in Victoria is targeted screening for family violence, except in antenatal care and child and family health services, where routine screening is recommended.

The Commission recommends that routine screening be required in all public antenatal settings, to improve the safety and health outcomes of women and children. While screening is a process that is distinct from a formal risk assessment, it does serve as a mechanism to identify women who are at risk. Therefore, any screening process should align with best practice knowledge about family violence risk factors.

Source: Royal Commission into Family Violence Report 2016, Vol IV, p. 3–4, 49

Figure 2-18: Royal Commission into Family Violence – information sharing across government and implications for youth justice information sharing for adolescent family violence perpetrators and victims

IMPROVING INFORMATION SHARING

The Commission recommends that a statewide Central Information Point be established to provide up-to-date information to assist risk assessment and risk management, in particular for medium to high-risk cases. Introduction of an actuarial risk assessment tool within the revised CRAF ... will help with determining medium to high-risk category cases. This model is loosely based on the existing South Australian Multi-Agency Protection Service model...

The Central Information Point should consist of a co-located multi-department team led by Victoria Police and with representatives from the Departments of Justice and Regulation (including Corrections Victoria) and Health and Human Services (including health, drug and alcohol, mental health, child protection, housing and homelessness and **youth justice services**).

Source: Royal Commission into Family Violence Report 2016, Vol I, p. 195–196

Progress has been made to implement some of the royal commission’s recommendations. The unprecedented investment of \$572 million enabled the Victorian Government to begin its immediate reforms and start implementing the most urgent recommendations, and in November 2016 the Victorian Government released Ending Family Violence: Victoria’s Plan for Change.

Work is already underway to:

- implement prevention programs to ensure family violence and gender inequality are not tolerated
- develop the strategic and structural foundations for ongoing prevention activities and initiatives
- strengthen prevention and responses for Koori communities and diverse communities
- establish Support and Safety Hubs
- meet demand for services
- strengthen responses for families and keep children safe
- embed earlier, more effective responses
- provide safe and stable housing and support recovery

- ensure victim-centred justice
- enhance the response of courts to family violence
- strengthen police responses to family violence
- improve perpetrator interventions and accountability
- strengthen the Family Violence Risk Assessment and Risk Management Framework
- share information and work more effectively
- work in partnership across all levels of government.

There have been discrete initiatives for youth justice directly committed to as part of work to date, specifically the establishment of the pre-plea diversion in the Children’s Court and expanding the community-based Koori Youth Justice Program to ensure that each area statewide has a minimum of one worker to deliver prevention and early intervention programs. However, there is substantial work to be developed in regard to: responding to adolescent perpetrators of family violence who may also be victims of family violence; identifying and responding to victims of family violence within youth justice; responding to the acute housing needs of adolescent family violence perpetrators with consideration of how this impacts on their ability to comply with youth justice supervision orders; and significant improvements to youth justice technology, client records and information-sharing systems, practice and workforce cultural change to enable information-sharing reforms and integration.

Observation	<p>The Royal Commission into Family Violence identified gaps in the response to young offenders who perpetrate family violence and who are victims of family violence. Significant reform is required to youth justice to address these gaps including:</p> <ul style="list-style-type: none"> • responding to the risk of family violence and adolescent perpetrators of family violence • addressing the acute housing needs of adolescent perpetrators of family violence as part of bail and community and parole supervision • improving screening for victims of family violence among young offenders sentenced for other crimes • strengthening information sharing regarding adolescent perpetrators and victims of family violence with family services, Victoria Police and other agencies.
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Roadmap for Reform

Similar to addressing family violence, supporting young people and their families is an important part of addressing the needs of young people in the youth justice system. The Roadmap for Reform, released in April 2016 as part of government’s initial response to the Royal Commission into Family Violence, sets out once-in-a-generation changes designed to improve the lives of vulnerable children, young people and families in Victoria. The roadmap sets out a clear case for change and an initial outline of how a new system will operate to better support Victoria’s most vulnerable individuals, families and communities.

At its core, the roadmap centres on three broad reform directions:

- **Building supportive and culturally strong communities and improving access to universal services** – Strong connections to family and community, as well as improved access and participation in universal services, provide all children with a strong start in life. Healthy brain development is a strong protective factor against problems in adolescence and adulthood.
- **Supporting children, young people and families in need with integrated wraparound supports and targeted early interventions** – Helping families navigate the range of services they need is an

important step towards implementing strengths-based, family-centred, highly structured and intensive interventions.

- **Strengthening home-based care and improving outcomes for children in out-of-home care** – Foster and kinship carers need to be equipped with the skills, training and supports to care for children who cannot live at home. Residential care needs to be transformed to provide intensive treatment for young people with complex needs.

The Roadmap for Reform outlines a vision of a transformed service system, along with a suite of immediate actions that will build confidence, stability and functioning within families by:

- making support and advice available to families in every community
- driving a family-centred approach – led by children and parents’ needs and risks, and a stronger voice for families in decision-making processes
- building positive opportunities and connections for vulnerable families within their communities
- building on the recommendations of the Royal Commission into Family Violence to develop shared responsibility and bring together the full range of services and supports needed by victims and other vulnerable families
- prioritising earlier preventative support to identify issues early, rather than responding to them after they have happened
- recognising and supporting cultural identity as a strength and protective factor for children and families
- transforming the out-of-home-care system by building the capacity of home-based and culturally appropriate models of care and trauma-informed treatment for victims of child abuse and neglect.

By implementing the changes within the Family Violence Plan and Roadmap for Reform, the government is seeking to create a system that provides a seamless experience for clients – a system that can account for their changing circumstances from periods of crisis to periods of relative stability, and shift the intensity and types of services based on what children and families need at a point in time to prevent a drift towards crisis services.

Observation

The focus on early intervention, strong connection to culture and community, and whole-of-family support outlined in the Roadmap for Reform are features that would significantly strengthen Victoria’s youth justice system.

Housing

Housing is the foundation for financial, social and emotional security, as well as better health and wellbeing. In many instances, vulnerable young people (including many in the youth justice system) and their families cannot access safe and secure housing, further exacerbating underlying causes of vulnerability. Young people in youth justice often cite concerns about housing, and the Youth Parole Board must consider the availability of stable housing before granting a young person parole.

The prevalence of homelessness in Victoria is increasing, placing unprecedented pressure on the social housing sector. This increase in demand has led to a more than doubling of unmet need and has manifested itself in a 74 per cent increase in rough sleeping in the City of Melbourne, which has a disproportionate impact on young people who are homeless. Social housing provides homes to many Victorians in need. However, the supply of social housing has not kept up with demand, made worse by less low-cost housing in the private rental market.

Improvements in housing availability have the potential to positively affect Victoria's youth justice system.

In March 2017 the Victorian Government announced Homes for Victorians, a coordinated approach across government and across the state. Homes for Victorians provides a significant increase in new social housing supply, broadens the range of housing assistance and delivery partners, provides assistance in private rental and targets services to people most urgently in need of housing. It also includes initiatives responding to recommendations of the Royal Commission into Family Violence. These announcements are not youth-focused; however, they provide a leveraging opportunity for young people and their families. Enabling access to affordable housing can assist in breaking the cycle of poverty for young people and their families.

Observation

The reforms to social housing, housing rental brokerage and flexible housing assistance for homeless Victorians are reforms that the youth justice system will benefit from to address the housing instability and homelessness experienced by many young offenders.

Education sector reform: The Education State

The Education State is a broad-based reform agenda that sets ambitious targets for the Victorian education system over 10 years in four target areas:

- **learning for life** – ensuring more students achieve excellence in reading, maths, science and the arts
- **happy, healthy and resilient kids** – building the resilience of children and encouraging them to be more physically active
- **breaking the link** – ensuring more students stay in school and breaking the link between disadvantage and outcomes for students
- **pride and confidence in our schools** – ensuring every community has access to excellence in every government school and classroom.

A central focus of the reforms is ensuring that a child's social and economic background does not determine how well they do at school. Research highlights that children and young people from disadvantaged backgrounds are at a greater risk of poorer education outcomes. Targeted programs for disadvantaged students, high-needs students and young people in out-of-home care can reduce school absences, lift aspirations and increase positive perceptions of a student's own ability.

The Education State reforms cover the whole life cycle of education, from early childhood through to schools and into adulthood. In addition to ambitious reform agendas in schools and the TAFE and training sectors, the government has publicly committed to the release of an early childhood development reform plan.

A focus on reforming the early childhood sector reflects the overwhelming evidence on the importance of the early years to a person's whole-of-life outcomes, and the broader benefits to government and society. In keeping with the theme of prevention and early intervention, investments in early childhood, through parenting support and supporting participation in early childhood education, contribute to healthy brain development and lasting educational, income and health benefits.

Although the education system is beyond the scope of this Review, reforms across the education system to maximise participation in early childhood education, achievement and engagement in school and skill development for employment are essential protective factors that can reduce the likelihood of a young person becoming involved in criminal activity. As will be explored in other parts of this report, enabling a child to acquire language and literacy skills will facilitate greater engagement in later schooling, with positive effects flowing later in life.

These reforms provide opportunities for young people to leverage off service systems that are currently undergoing unique transformation and reform. These include safety and support hubs as part of the response to the Royal Commission into Family Violence. In addition, the Roadmap for Reform is transforming Child Protection and, in particular, the quality of the out-of-home-care system, including residential care. This is particularly important due to the high number of dual clients in the youth justice system, of which many reside in residential care. The current reform context provides vulnerable young people, including young people involved with youth justice, an opportunity to access services and supports that are likely to have an impact on their lifelong outcomes.

Observation

Education reforms will strengthen schools as a setting for primary prevention by reducing disengagement from school.

Education sector reform: Vocational education and training

Young people engaged with youth justice have repeatedly been identified as experiencing high rates of school disengagement and long-term unemployment. Recent government initiatives in the vocational education and training sector have the potential to deliver increased opportunities for young people in contact with the youth justice system to help them engage in employment-focused training and to re-engage with the education sector.

From January 2017 the Victorian Government commenced implementation of the Skills First reform agenda, designed for the VET system. Skills First comprises a series of reform elements that aim to improve the quality and outcomes of vocational training, with a specific focus on improving employability outcomes for vulnerable Victorians.

Targeted investment is supporting the delivery of courses that lead to employment in six major industry growth areas, aiming to provide graduates with a greater opportunity of sustainable future-proofed employment. Innovation funding is supporting partnerships between education, industry, curriculum research and development to ensure training delivery maintains pace with industry needs.

In addition, a \$30 million investment is being made in increased subsidies and one-off grants to training providers who deliver locally relevant and specialist skills training in regional areas. Targeted investment will be based on evidence of skills demand at the local level.

Recognising that private providers do not meet the needs of all Victorians, supplementary funding will complement the market-based funding for TAFE and Learn Local providers. TAFE and Learn Local providers deliver more intensively supported learning experiences, often including supplementary supports such as counselling and campus facilities. Investing in these supplementary services provides more equitable access and opportunity for learners with backgrounds of disadvantage and with higher individual needs.

Further, a \$20 million investment has been announced to support high-needs learners who require additional support and encouragement in pursuing vocational education. The Reconnect initiative provides increased subsidy loadings for identified registered training organisations (RTOs) delivering VCAL courses to early school leavers aged 15–24, or to young people aged 20–24 who have completed Year 12 and who have been unemployed for 12 months or longer. Identified RTOs are primarily TAFE, Learn Local and non-profit providers. The subsidies allow providers to partner with appropriate organisations to deliver additional wraparound supports to participating young students.

Complementing Reconnect, the two-year \$8.4 million Navigator pilot operates across eight areas, including four regional areas, to support young people aged 12–17 who are not connected to school or who are at risk of disengagement. Young people are eligible for Navigator if they are aged between 12 and 17, live in an area identified as a 'Navigator site' and have attended 30 per cent or less of the

previous school term. Navigator provides students with a suite of direct one-to-one services including targeted outreach, school-based interventions, mediation and advocacy support with schools, referral to specialist services and group conferencing with involved parties to support school re-engagement.

Improving early intervention and reengagement with the education sector has the potential to reduce the number of young people becoming, and staying, engaged with the youth justice system by increasing the protective supports around those most at risk. Increased availability of responsive and supported training, Navigator and Reconnect services have the potential to reduce the time spent by Youth Justice staff in addressing wider welfare needs and providing greater opportunity to focus on criminogenic interventions.

Observation	Education State reforms are supported by additional funding and program support for vulnerable Victorians in the vocational education and training space. Providing young people involved with youth justice with access to these educational supports is critical.
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Chapter 3: Snapshot of the delivery of youth justice services in Victoria

Chapter 3 provides an overview of the delivery and performance of all funded services in youth justice in Victoria. It highlights funding and delivery of key services to young people involved in the system including those who may not be on a youth justice supervision order. It also outlines training and education requirements for Youth Justice staff, as well as its governance structure. This chapter outlines the performance of the youth justice system across key indicators and points out critical areas in which data is not currently recorded.

<p>3.1 YOUTH JUSTICE IS A SMALL PROGRAM WITH DISPERSED DELIVERY TO RELATIVELY SMALL CLIENT NUMBERS</p>	<ul style="list-style-type: none"> 3.1.1 Functions of the youth justice system 3.1.2 Community-based youth justice 3.1.3 Youth justice custody 3.1.4 Health and rehabilitation – YHaRS 3.1.5 Education – Parkville College
<p>3.2 GEOGRAPHIC LOCATION OF YOUTH JUSTICE FACILITIES</p>	<ul style="list-style-type: none"> 3.2.1 Community youth justice locations 3.2.2 Custodial centre locations
<p>3.3 GOVERNANCE</p>	
<p>3.4 SERVICE DELIVERY AND FUNDED SERVICE PROVIDERS</p>	<ul style="list-style-type: none"> 3.4.1 Statutory functions delivered by DHHS youth justice workers 3.4.2 Intensive case management, services, interventions and support delivered by funded service providers 3.4.3 Elements of the youth justice service are delivered by funded service partners
<p>3.5 THE YOUTH JUSTICE WORKFORCE</p>	<ul style="list-style-type: none"> 3.5.1 Overview 3.5.2 Workforce profile 3.5.3 Job classification 3.5.4 Staff qualifications 3.5.5 Training and professional development 3.5.6 Occupational health and safety 3.5.7 Occupational violence 3.5.8 Workforce distribution and demand management

3.6**MEASURING SERVICE PERFORMANCE AND OUTCOMES**

- 3.6.1 Outcomes measurement across Victorian government
- 3.6.2 Outcomes measurement for youth justice systems
- 3.6.3 National Report on Government Services
- 3.6.4 Measuring the success of Victoria's youth justice policy framework – 'A Balanced Approach'
- 3.6.5 Key indicators
- 3.6.6 Involvement with Youth Justice
- 3.6.7 Age of the Victorian youth justice cohort
- 3.6.8 Change in offending patterns over time
- 3.6.9 Assaults in custody
- 3.6.10 System cost

3.1 Youth Justice is a small program with dispersed delivery to relatively small client numbers

The following section will provide a further breakdown of output measures data provided in Budget Paper No. 3 for 2016–17.

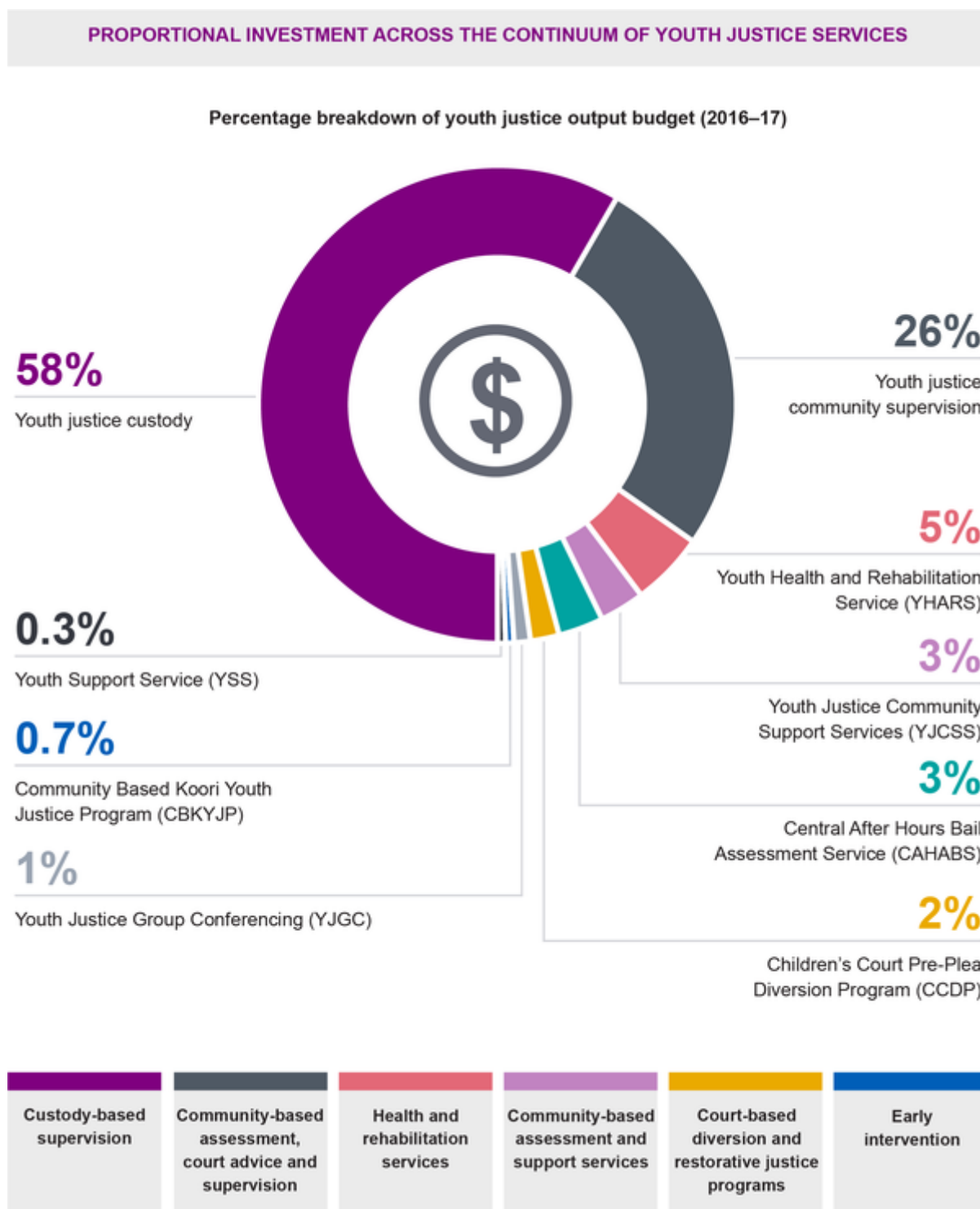
3.1.1 Functions of the youth justice system

The Youth Justice program provides multiple discrete functions across the continuum of youth justice. Delivered in the community and in custody, these functions include:

- community-based early intervention and support
- court-based diversion and restorative justice programs
- community-based assessment, advice and supervision
- custody-based supervision
- health and rehabilitation services in custody and the community.

Figure 3-1 shows the proportional distribution of investment across the youth justice continuum.

Figure 3-1: Proportional investment across the continuum of youth justice services



3.1.2 Community-based youth justice

Community-based youth justice early intervention and support

The following **early intervention programs** are funded by Youth Justice and target young people at risk of offending who are identified by police:

- **The community-based Koori Youth Justice Program is for Koori young people** and aims to support cultural and community protective factors for young people not involved in crime. The

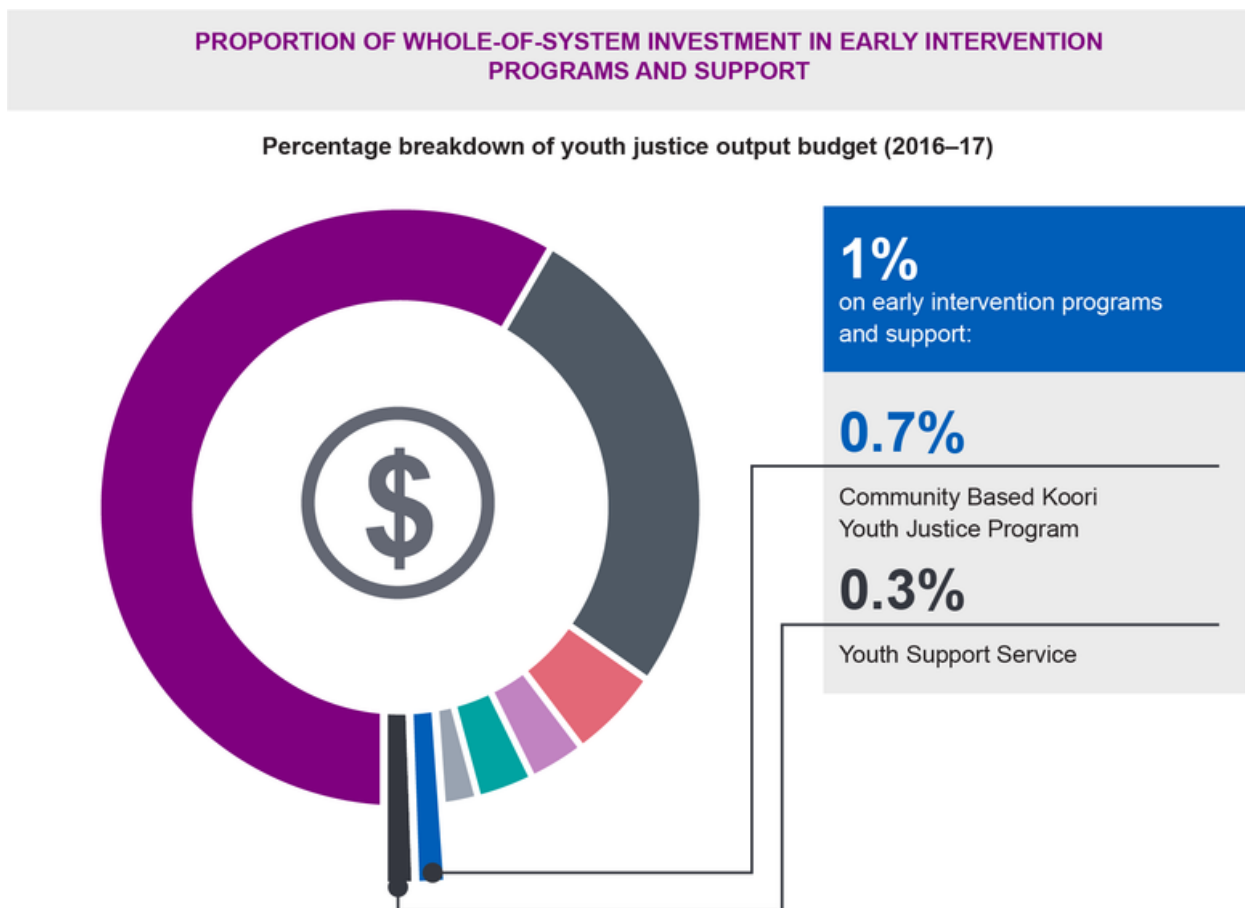
program is delivered by 24 staff employed through 13 Aboriginal community-controlled organisations and one community service organisation. These staff work in all 17 departmental areas and focus on prevention and early intervention, in close partnership with education providers and police.

- **The Youth Support Service is for young people referred by police** and aims to divert young people from court before charge or before proceeding to court. The service is delivered by the Youth Support and Advocacy Service (YSAS) across the Melbourne metropolitan region and the Latrobe Valley. These sites include Melbourne CBD, Box Hill, Dandenong, Frankston and Latrobe Valley. In 2016, funding was announced for further delivery of the YSAS in both North East Melbourne and Loddon Mallee areas. These will be delivered by Aboriginal community-controlled organisations.

The current investment in community-based youth justice fails to provide a statewide response to early intervention and support. This means that young people may be disadvantaged based on their location.

Figure 3-2 shows the whole-of-system investment in early intervention as one per cent, with 0.7 per cent for the community-based Koori Youth Justice Program and 0.3 per cent for YSAS.

Figure 3-2: Proportion of whole-of-system investment in early intervention programs and support



Court-based diversion and restorative justice

The two court-based diversion and restorative justice programs are:

- **The Children’s Court Pre-Plea Diversion Program** – This is a statewide response designed for young people who address harm by taking responsibility for their offences, address the causes of their offending, participate in diversion activities and, where appropriate, engage with support services. Upon successful completion of the diversion program, the young person is eligible to have

their charges dismissed with a non-disclosable criminal record for the offences related to the diversion order.

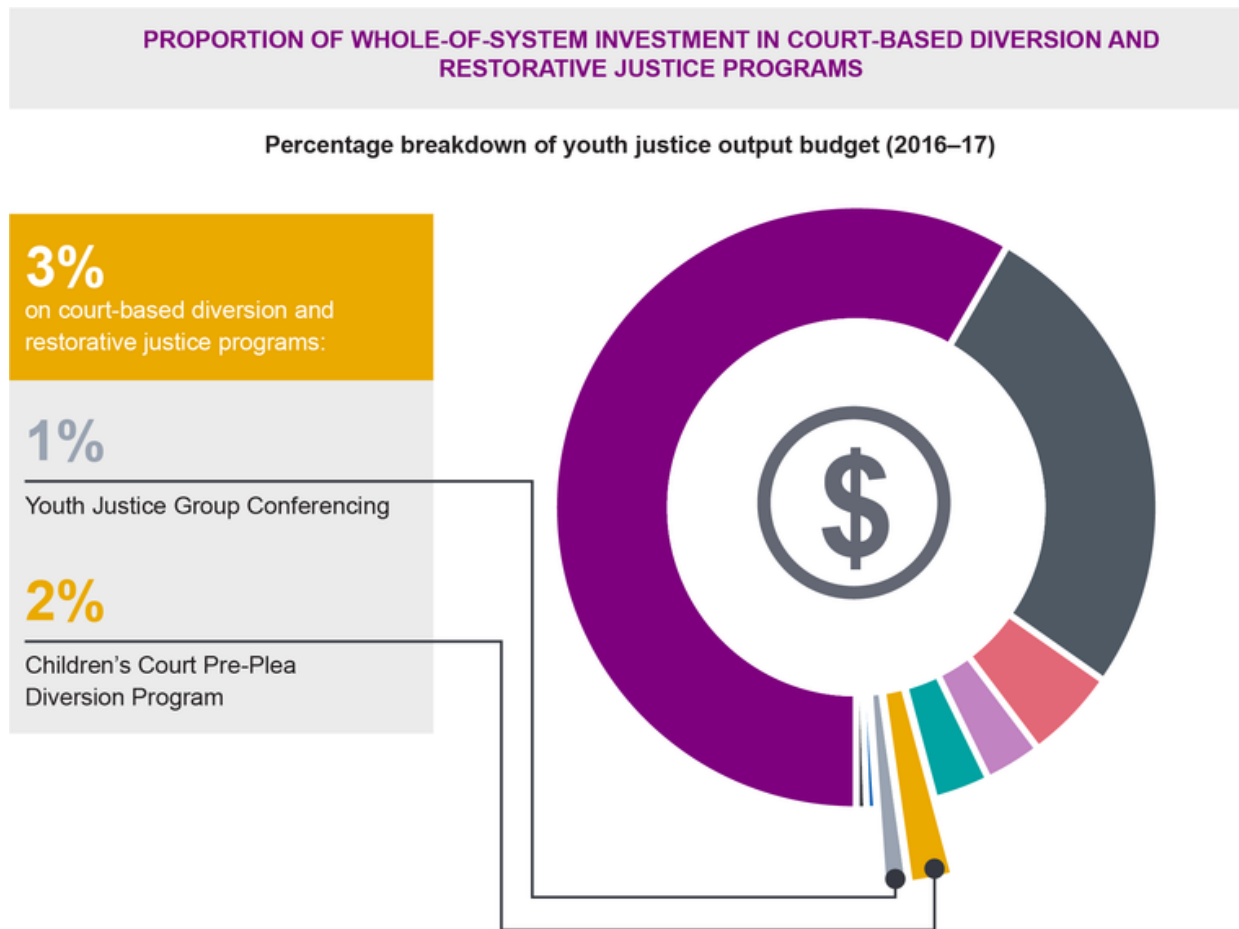
As of January 2017, the program is delivered by 18 DHHS staff, including two coordinators, who are responsible for statewide oversight of the program. The program is available at all Koori courts as well as courts in the following areas: Ringwood, Shepparton, Seymour, Cobram, Wodonga, Wangaratta, Benalla, Mansfield, Corryong, Myrtleford, Melbourne, Heidelberg, Broadmeadows, Neighbourhood Justice Centre (Collingwood), Bendigo, Echuca, Kyneton, Maryborough, Castlemaine, Mildura, Swan Hill, Kerang, Robinvale, Ouyen, Moorabbin, Frankston, Dandenong, Latrobe Valley, Korumburra, Bairnsdale, Sale, Orbost, Omeo, Werribee, Sunshine, Geelong, Colac, Ballarat, Ararat, Horsham, St Arnaud, Nhill, Edenhope and Hopetoun. As of February 2017, there was one vacancy (of the 18 positions) that is intended to cover the areas of Warrnambool, Hamilton and Portland.

Around 350 adjournments for diversion were made in the first three months of statewide service delivery.

- **Youth Justice Group Conferencing** – This is designed for young people and the victims of their crime, families and police, with the aim to raise understanding of the impact of crime. The program is delivered by seven community service organisations across 11 areas dispersed throughout all divisions: Outer Gippsland, Barwon, Western District, Loddon, Mallee, Central Highlands, Outer East, North East Melbourne Area, Southern Melbourne, Western Melbourne and Goulburn. In Victoria, the group conferencing is positioned post finding of guilt. In 2016 the eligibility criteria for Youth Justice Group Conferencing were expanded, allowing the court to refer a young person to participate in Youth Justice Group Conferencing when the court is considering any sentence supervised by Youth Justice.

Figure 3-3 shows the whole-of-system investment in court-based diversion and restorative justice is three per cent: two per cent for the Children's Court Pre-Plea Diversion Program and one per cent for Youth Justice Group Conferencing.

Figure 3-3: Proportion of whole-of-system investment in court-based diversion and restorative justice programs



Assessment, supervision and support

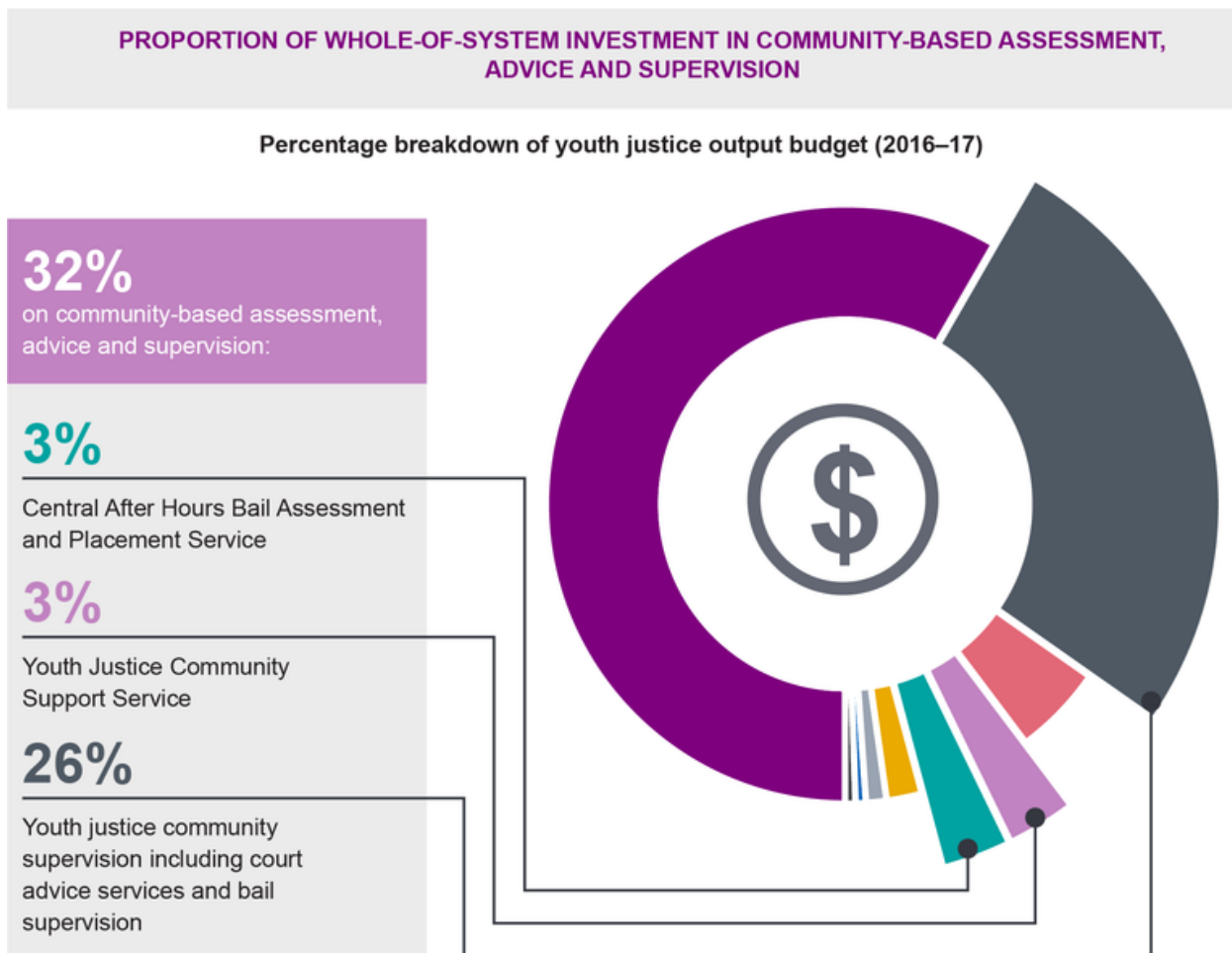
There are six assessment, supervision and support programs.

- **The Central After Hours Assessment and Bail Placement Service** assesses the risk/suitability of young people who police identify for remand or bail, and advises bail justices or magistrates about managing risk pre-sentence. Staff responsible for this service receive all calls via a paging service. For young people apprehended in rural areas, CAHABPS acts as a central point of telephone contact for police when considering bail after hours, with assessments conducted via telephone. In metropolitan areas, workers attend the police station to conduct an assessment of the young person's suitability for bail and, if appropriate, place the young person in suitable accommodation.
- **The Court Advice Service** provides information to the children's and adult courts on a range of community-based options including diversion, bail and community support services. The Court Advice Service undertakes suitability assessments for bail supervision, Youth Justice Group Conferencing, and youth justice centre orders. The Magistrates' and higher courts can also request that the youth justice service provides advice, bail supervision, pre-sentence and progress reports for young adults aged 18–20 where diversion from a more intensive adult justice outcome is possible.
- **Bail supervision**, for young people on bail who police and courts identify as a risk to the community before they are found guilty of a crime, is delivered by community DHHS staff. Variation exists, with some areas employing dedicated bail workers and others requiring general case managers to deliver bail supervision among other duties. Variation is based on local conditions including geographic area and demand.

- **The Koori Intensive Bail Support Program** aims to reduce the over-representation of Koori young people by providing outreach support and bail support as well as pre- and post-release support for Koori young people exiting custody. The program is delivered by five DHHS staff who are based in Goulburn, the North East Metropolitan Area, Inner Gippsland, Southern Melbourne and Barwon. This program is not available statewide and does not capture areas of high Koori populations such as the Loddon Mallee area.
- **The management of young people who are found guilty of crime**, and whom the court subjects to Youth Justice supervision in the community or in custody, is delivered by approximately 166 DHHS staff across all area offices.
- **The Youth Justice Community Support Service** provides (and facilitates access to) case management and support services during supervision in the community and after release from custody. The service is delivered by 10 community service organisations covering each division: Loddon, Barwon, Western District, COSI – West, Southern Melbourne, Western Melbourne, Barwon, Outer East, North East Melbourne Area, Southern Melbourne, Brimbank, Melton, Mallee, Inner Gippsland and Goulburn.

Figure 3-4 shows that the whole-of-system investment in community-based assessment, supervision and support is 32 per cent: three per cent for CAHABPS , three per cent for the Youth Justice Community Support Service and 26 per cent for Youth Justice Community Supervision (including court advice services and bail supervision).

Figure 3-4: Proportion of whole-of-system investment in community-based assessment, advice and supervision



Of the funding allocated to youth justice, there is a very moderate investment in early intervention and support, court-based diversion or restorative justice.

3.1.3 Youth justice custody

Custody-based youth justice

The management of young people charged or convicted of committing a crime comprises:

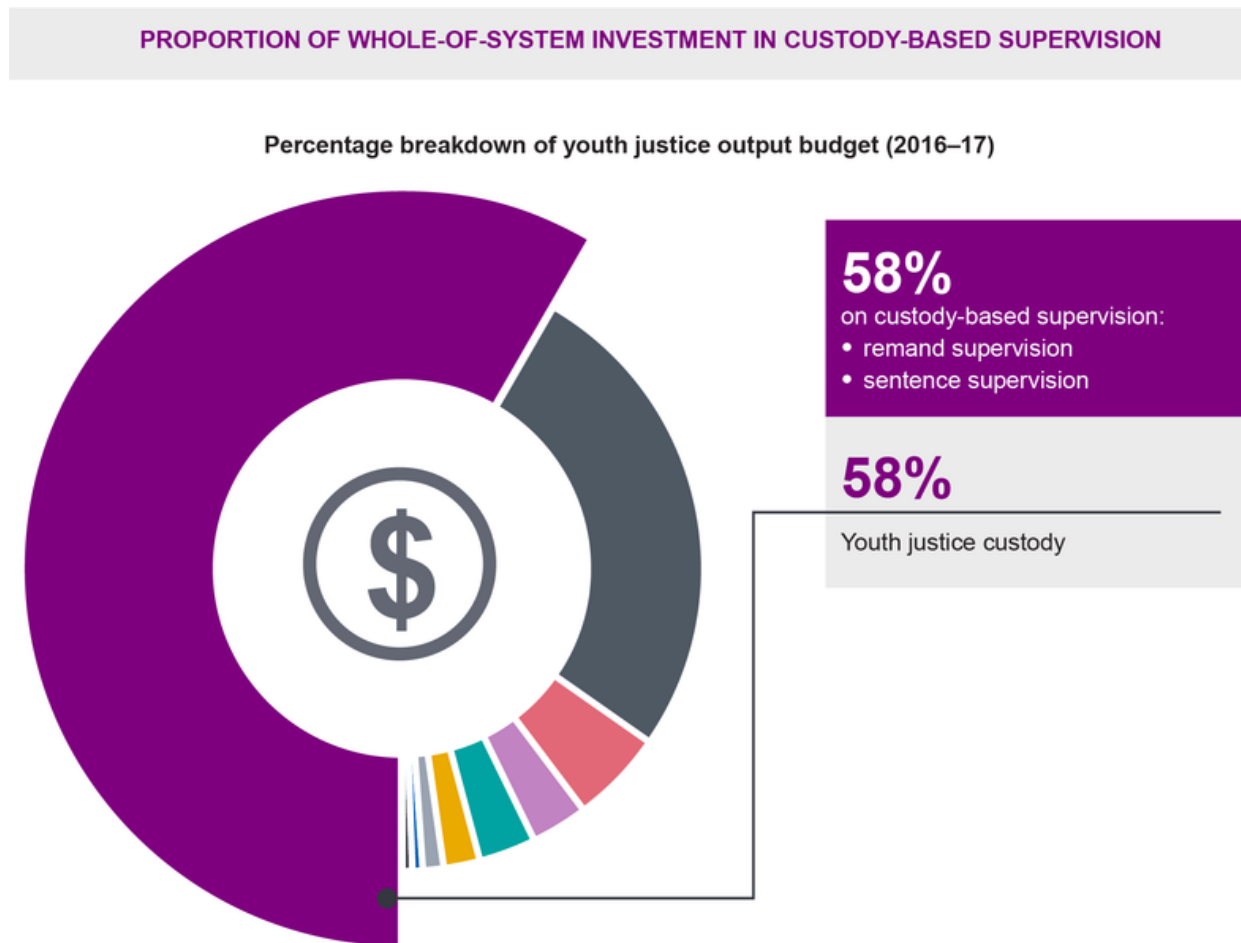
- the supervision of young people on remand who are charged with a crime. This supervision is delivered by approximately 470 staff across three youth justice facilities.

The management and rehabilitation of young people found guilty of a crime comprises:

- the management of young people who are found guilty of crime and whom the court subjects to youth justice supervision in custody. This service is delivered by DHHS, with health and rehabilitation services delivered by funded service providers (outlined below) and education services delivered by the Department of Education and Training. Rehabilitation services do not include offence-specific programs to address offending risk, and they focus on individual counselling.
- support from Koori cultural support workers. These three Aboriginal liaison officers work across all youth justice precincts.

Figure 3-5 shows the whole-of-system investment in custody-based supervision is 58 per cent, covering remand supervision and sentence supervision.

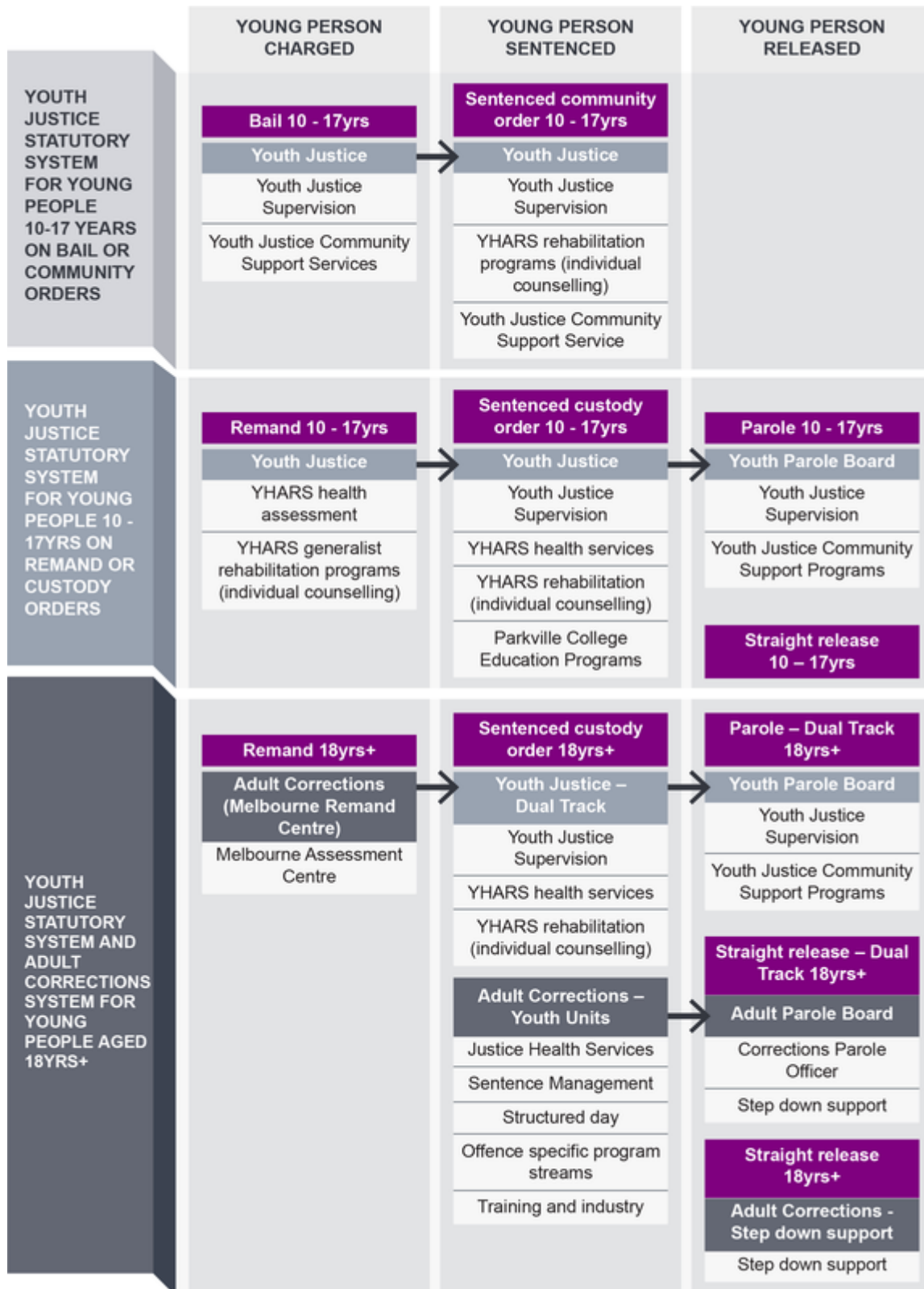
Figure 3-5: Proportion of whole-of-system investment in custody-based supervision



Victoria’s custodial functions include dual track. Figure 3-6 outlines the responses from remand to sentence for children and young people aged 10–17, and for young adults aged 18–20.

Observation	<p>Youth justice custodial supervision is the most costly part of the youth justice response, almost two times the investment in community supervision and 20 times the investment in both early intervention and support and court-based diversion and restorative justice.</p>
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Figure 3-6: Custody-based supervision, by age and stage



3.1.4 Health and rehabilitation

The **Youth Health and Rehabilitation Service (YHaRS)** is delivered by 51 staff employed through a funded consortium comprising Caraniche, YSAS and St Vincent's Hospital Melbourne. The service has been funded as a contracted service through DHHS since 2014. Prior to this, rehabilitation services were delivered by the Adolescent Forensic Mental Health Service through the Royal Children's Hospital.

As per the service agreement with YHaRS, when a young person enters custody they are required to be assessed within 24 hours for self-harm, injury, alcohol/drugs and illness. This assessment is required to be shared with DHHS staff and placed on the offender's file. Despite this, the approach to initial assessment remains ad hoc.

YHaRS has a range of performance measures and reporting criteria. These are focused on the delivery of services as per their contract agreement. A 2016 review by KPMG found that the current performance measures do not accurately capture the demand in the community, nor do they appropriately measure if responses are effective (DHHS, 2016).

Primary health services for those in the community are readily available through a family general practitioner or community health centre. For young people in custody, primary health services are provided by St Vincent's Hospital and YSAS staff whose services cover physical health assessment and treatment including dental, podiatry and sexual and reproductive health. These services are delivered to all young people in custody. Also, in 2014, YHaRS funding provided the following:

- mental health assessment and treatment (including psychological diagnosis and treatment) for all young people in custody and the community (young people in custody also receive psychiatric treatment and medication through YHARS)
- alcohol and drug assessment and treatment as well as individual counselling for substance misuse for both community and custodial young people.

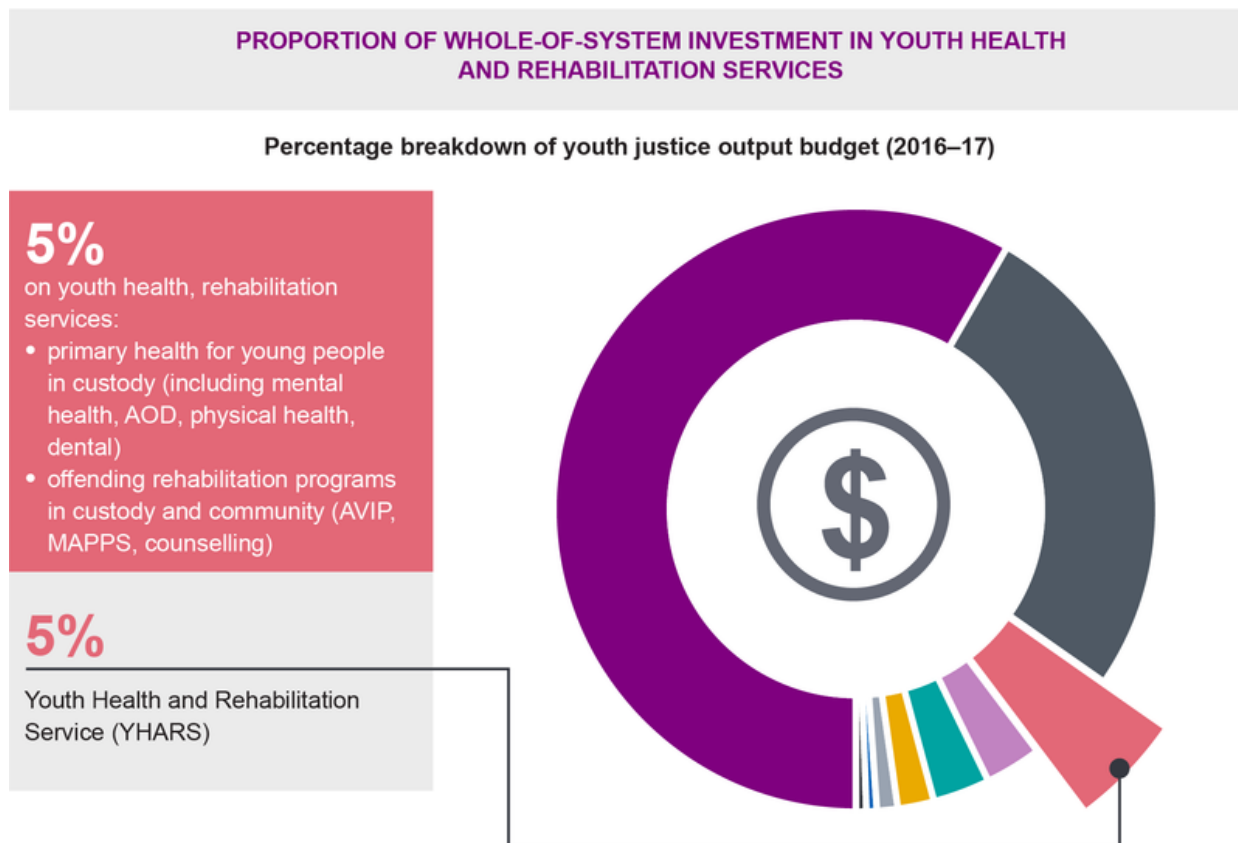
In 2015–16, 36 programs were funded and 32 group programs were delivered.

In 2016 offender rehabilitation services (provided by Caraniche) were funded to deliver:

- the Male Adolescent Program for Positive Sexuality (MAPPS), funded to deliver six group programs and three transition camps in community and custody (two groups were delivered, two transition camps were delivered)
- the Adolescent Violence Intervention Program (AVIP), funded to deliver group programs in 13 groups in the community and two in custody (none were delivered)
- individual counselling, funded to deliver 2,600 hours of offence-specific interventions in custody.

Figure 3-7 shows the whole-of-system investment in youth health and rehabilitation is five per cent. This amount covers primary health for young people in custody (including mental health, alcohol and drugs, physical health and dental) and offender rehabilitation programs in the community and in custody (AVIP, MAPPS and counselling).

Figure 3-7: Proportion of whole-of-system investment in youth health and rehabilitation services



Observation The delivery of youth health and rehabilitation programs through the same contracted provider and clinician is unusual; primary health and mental health services are typically administered by a separate provider(s) from those who administer offender rehabilitation programs and interventions.

3.1.5 Education – Parkville College

The 2010 Victorian Ombudsman’s report made a number of recommendations to improve conditions in youth justice facilities across Victoria. Among other issues, the report criticised the lack of education programs available to young people while in custody. As a result, Parkville College was established in 2012 as a Victorian Government school under the *Education and Training Reform Act 2006*, officially commencing operations at Parkville Youth Justice Precinct in 2013.

Prior to the establishment of Parkville College, education was delivered through Bendigo TAFE (Malmsbury) and Kangan Institute of TAFE (Parkville). Parkville College is governed by a school council in accordance with the Education and Training Reform Act. The school council includes a representative from DHHS.

Parkville College is unique as a school since it is required to operate six days per week, 52 weeks per year. Classes on Saturdays generally include sport and recreation activities. Parkville College has a mandate and is funded to support students through all levels of education, from early primary years through to secondary and post-secondary study. It offer units of training that contribute to the Victorian Certificate of Education, Vocational Education and Training in Schools and the Victorian Certificate of Applied Learning (VCAL).

Most students participate in the VCAL program, which is described as being a ‘hands on’ option for students that gives them practical work-related experience, as well as literacy and numeracy skills (Victorian Curriculum Authority). The VCAL curriculum typically includes numeracy, literacy, music, personal training, physical education and hospitality.

Parkville College is a high school; however, it was reported in consultations that it provides education to all young offenders across the youth justice centres. This includes students over the age of 18 years. The following criteria have been used by the Department of Education and Training to provide exemptions to schools (or particular students) from the typical age requirements:

- the person, due to circumstances of a temporary nature beyond that person’s control or lack of educational facilities, has been unable to complete Year 10 before turning 18 and will be under 20 years of age on 31 December in the year of completing Year 10 if the exemption is granted
- the exemption will enable the person to participate in a specific course or program approved by the Minister
- it would be unreasonable in the circumstances not to grant the exemption
- the person is enrolling in an English-language government school or program or an intensive English language program offered by a government school, and the Minister considers that it is in the person’s best interests to enrol in that program or school.

Using these criteria, Parkville College has been able to continue to provide education up to the age of 21 years, if students meet the criteria. The college has successfully argued that this applies to the majority of young people in custody.

The daily school program and curriculum is determined by Parkville College. Class composition is determined by unit allocation within the precincts. As such, class sizes vary depending on the number of young people in any one unit. Parkville College staff report that each unit is generally split into two class groups; however, there does not appear to be a standard approach to determining classes.

Given the way that young people are separated into small groupings based on age and remand/sentence status, teachers face the challenge of teaching a class that is not organised by needs and skill levels of the students, but by their custody status. This means that in literacy, for example, the teachers may have a young person who has not learned to read in the same class as one who is at the expected reading level for his or her grade. The Review learned that this contravenes contemporary pedagogical principles. While all teachers need to accommodate children with varying skills levels, it is not feasible to effectively teach those with such wide-ranging abilities.

The college has developed its own pedagogy, which underpins its approach to learning. This includes:

- individual learning plans – developing plans based on individual needs of the young person
- clear learning intentions – clear learning intentions and individual goals for young people
- explicit instruction – clear instruction regarding work tasks
- descriptive feedback – provided against a set of learning outcomes
- motivational interviewing – an approach to assist with changing behaviour
- engagement – monitoring of students disengaged and attempts to re-engage
- stamina – building stamina to work independently with the class
- trauma-informed – consistency in their approach to teaching.

The college has also been able to support young people at Malmbury undertaking university classes online. They also provide some vocational education to young people to build their technical skills.

Education generally occurs in dedicated program rooms at both Parkville and Malmsbury. At Parkville, program rooms are located within the secure perimeter of Parkville Youth Residential Centre and Melbourne Juvenile Justice Centre. Similarly, at Malmsbury, there are dedicated program rooms in both precincts – the Open Site and the Secure Site. At Grevillea, education is delivered in the unit common areas because there is no dedicated program area within the facility.

In addition, the system could benefit from formalising relationships between Parkville College and other service providers in the youth justice centres, including YHaRS.

‘ In 2012, young people in the remand population were getting no real education. Children on remand who have not been convicted of a crime ... what does that say about the way we value their development? Bandid, with a few teachers up there. It was only for three hours a day, because they were getting up to nothing. It expanded to work with other units, their contract finishes and we finished it. We now work across both secure services in Malmsbury and Parkville. There are vocational elements but also numeracy and literacy. ’

PARKVILLE COLLEGE STAFF MEMBER

‘ The continuity of Youth Justice staffing groups has never existed. A shared vision, and an understanding of the role of purpose of the organisation doesn’t exist. Portfolios, understanding reporting lines doesn’t exist. Work place and culture is authoritarian and ad hoc and doesn’t exist. Positive relationships between staff and Youth Justice clients generally don’t exist. It’s a constant state of crisis. What this place has done to therapeutic practice hurts me deeply. They have never done therapeutic practice right. The school has contributed to this greatly in the last 12 months because there is differences in the agencies and this has exposed a lot, and has led to its decline. ’

PARKVILLE COLLEGE STAFF MEMBER

‘ In a perfect world we would have a good relationship with the health services. But we don’t. ’

PARKVILLE COLLEGE STAFF MEMBER

Parkville College workforce and approach to obtaining funding

At the outset of its establishment, Parkville College had only six teachers, and they were at the Parkville site. This number grew once the education contracts with the TAFEs ceased. At the time of the Review, there are now approximately 150 staff members employed by Parkville College. These teachers are

highly skilled and trained in a therapeutic approach to teaching. This is in stark contrast to the youth justice custodial workers. It was pointed out that the school has a great advantage in working with young people since all of the staff have a qualification. By contrast, there is no minimal qualification to work as a youth justice custodial worker. It was reported that some tensions exist between college staff members and youth justice workers regarding how to work with and approach young people.

Parkville College has been very successful at receiving funding from the Department of Education and Training. It has benefited from the 'Equity-Social Disadvantage' component of the Victorian School Funding Model. This component provides schools with targeted funding for individual students from disadvantaged backgrounds. 'Disadvantage' is measured using information from three sources:

- parental occupation
- parental education
- the level of concentration of disadvantage within a school.

Each of these elements is weighted to establish the level of funding to be provided for disadvantaged students. With respect to parental occupation, for example, children whose parents are qualified professionals or who hold senior management positions in a large business organisation receive a weighting of zero. By contrast, if the parent is a pensioner or unemployed, the weighting is 1. Similarly, parents with low education levels (i.e. Year 9 or equivalent or below) carry a weighting of 1, while those with bachelor's degrees or above receive a zero weighting. Finally, the level of concentration of disadvantage within a school is measured by considering the percentage of total students with lower parental occupation and education background. The higher the percentage of disadvantaged students, the higher the rate of funding the school receives.

Parkville College has successfully used these criteria and formula to obtain additional funding and resources, including additional teachers, for the college. The school employs specialist teachers to provide a high teacher-to-student ratio.

Other service providers in the youth justice system could capitalise on the strategies that Parkville College has successfully used to enhance its resources. For example, as we have found in this Review, high rates of young offenders have mental illnesses, disability, and the like. As such, arguments for additional funding could be made identifying the high level of complexity and disadvantage of children in the youth justice system.

Observation	<p>Parkville College delivers secondary education on site at youth justice custodial facilities and aims to meet the educational rights of young people while in custody. The school is funded according to the Equity-Social Disadvantage measure and receives additional funding for each student to account for their individual complexity and high needs.</p>
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3.2 Geographic location of youth justice facilities

Victoria's youth justice system operates in both community and custodial sites across the state.

3.2.1 Community youth justice locations

Youth justice community supervision services are delivered across DHHS areas in Victoria and are generally based at departmental offices. Figure 3-8 shows the location of DHHS Youth Justice metropolitan and regional community-based offices.

Figure 3-8: Victoria’s Youth Justice community regional and metropolitan divisional locations



KEY – YOUTH JUSTICE COMMUNITY LOCATIONS

North	East	West	South
1 Bendigo	6 Shepparton	12 Geelong	19 Morwell
2 Swan Hill	7 Seymour	13 Ballarat	20 Traralgon
3 Mildura	8 Wangaratta	14 Horsham	21 Sale
4 Fitzroy	9 Wodonga	15 Warnambool	22 Bairnsdale
5 Preston	10 Box Hill	16 Colac	23 Frankston
	11 Ringwood	17 Sunshine	24 Cheltenham
		18 Footscray	25 Dandenong

Statutory youth justice supervision functions delivered from these locations include:

- **Youth Justice Court Advice Service** – This service operates across all courts in Victoria and provides the court with information and assessment related to community-based interventions, including diversion and youth justice conferencing.
- **Community youth justice supervision** – Supervision of young people on community-based orders including on bail or on sentence. This includes assisting young people in court and undertaking bail suitability assessments for the purposes of court.
- **The Koori Intensive Support Program** – This program aims to reduce the number of Koori young people who are remanded or detained. To do so, it provides intensive outreach support and helps

young people to comply with their bail. The program also helps young people reintegrate into their communities by supporting Koori young people before and after release. It operates in Goulburn, the North East Metropolitan Area, Southern Melbourne and Barwon.

East Division

East Division has six office locations across three areas: Goulburn (offices in Shepparton and Seymour), Inner East (offices in Ringwood and Box Hill) and Ovens Murray (offices in Wangaratta and Wodonga).

North Division

North Division has five office locations across three areas: Loddon (an office in Bendigo), Mallee (offices in Swan Hill and Mildura) and North East Metropolitan (offices in Fitzroy and Preston).

South Division

South Division has seven office locations across four areas: Bayside Peninsula (offices in Cheltenham and Frankston), Inner Gippsland (offices in Morwell and Traralgon), Outer Gippsland (offices in Sale and Bairnsdale) and Southern Melbourne (an office in Dandenong).

West Division

West Division has seven office locations across five areas: Barwon (offices in Geelong and Colac), Brimbank Melton (an office in Sunshine), Central Highlands (an office in Ballarat), Wimmera South West (offices in Horsham and Warrnambool) and Western Melbourne (offices in Footscray).

The map at Figure 3-8 represents DHHS-delivered services only. Community-based early intervention and support, diversion and restorative justice programs are delivered through Aboriginal community-controlled organisations and community service organisations. These services are outreach-oriented and are delivered in community settings rather than offices. The office location of each organisation is not shown on this map.

Observation

Community-based supervision is delivered from DHHS offices statewide. This is in contrast to the early intervention, support, diversion and restorative justice programs that are outreach-oriented and are largely delivered in community settings.

3.2.2 Custodial centre locations

Youth justice custodial services are delivered across two permanent sites: the Parkville Youth Justice Precinct in central Melbourne and the Malmsbury Youth Justice Precinct in regional Victoria (Figure 3-9).

The proposal (at the time of the Review) is to decommission the Parkville site once the new purpose-built youth justice centre is completed in Wyndham, west of Melbourne. This would result in Victoria having no inner metropolitan-based youth justice precinct.

An additional regional youth justice precinct (Grevillea) has been established temporarily in Barwon.

Figure 3-9: Victoria's youth justice custodial precincts



KEY – YOUTH JUSTICE CUSTODIAL LOCATIONS

Melbourne metropolitan centres	Regional centres
Parkville Youth Justice Precinct Youth Residential Centre (10–14 year olds) Youth Justice Centre (15–17 year olds) Youth Justice Remand Centre (10–17 year olds) Young Women’s Unit (10–24 year olds) <i>Highly accessible by public transport, close proximity to services</i>	Malmsbury Youth Justice Precinct Youth Justice Centre (15–17 year olds) Youth Justice Centre dual track (18–24 year olds) <i>Limited public transport access, poor proximity to services</i>
	Grevillea Youth Justice Precinct Youth Justice Centre (15–17 year olds) Youth Justice Remand Centre (15–17 year olds) <i>Limited public transport access, poor proximity to services</i>

All young people in Victoria’s youth justice custodial system aged 10–17 are detained in secure facilities. This is in contrast to the Victorian adult custodial system, which provides a range of options of varied security that reflect a low, medium and high-security regime.

Parkville, Malmsbury and Grevillea youth justice precincts are all used to accommodate varied cohorts of young people that require separation under legislation.

Parkville Youth Justice Centre

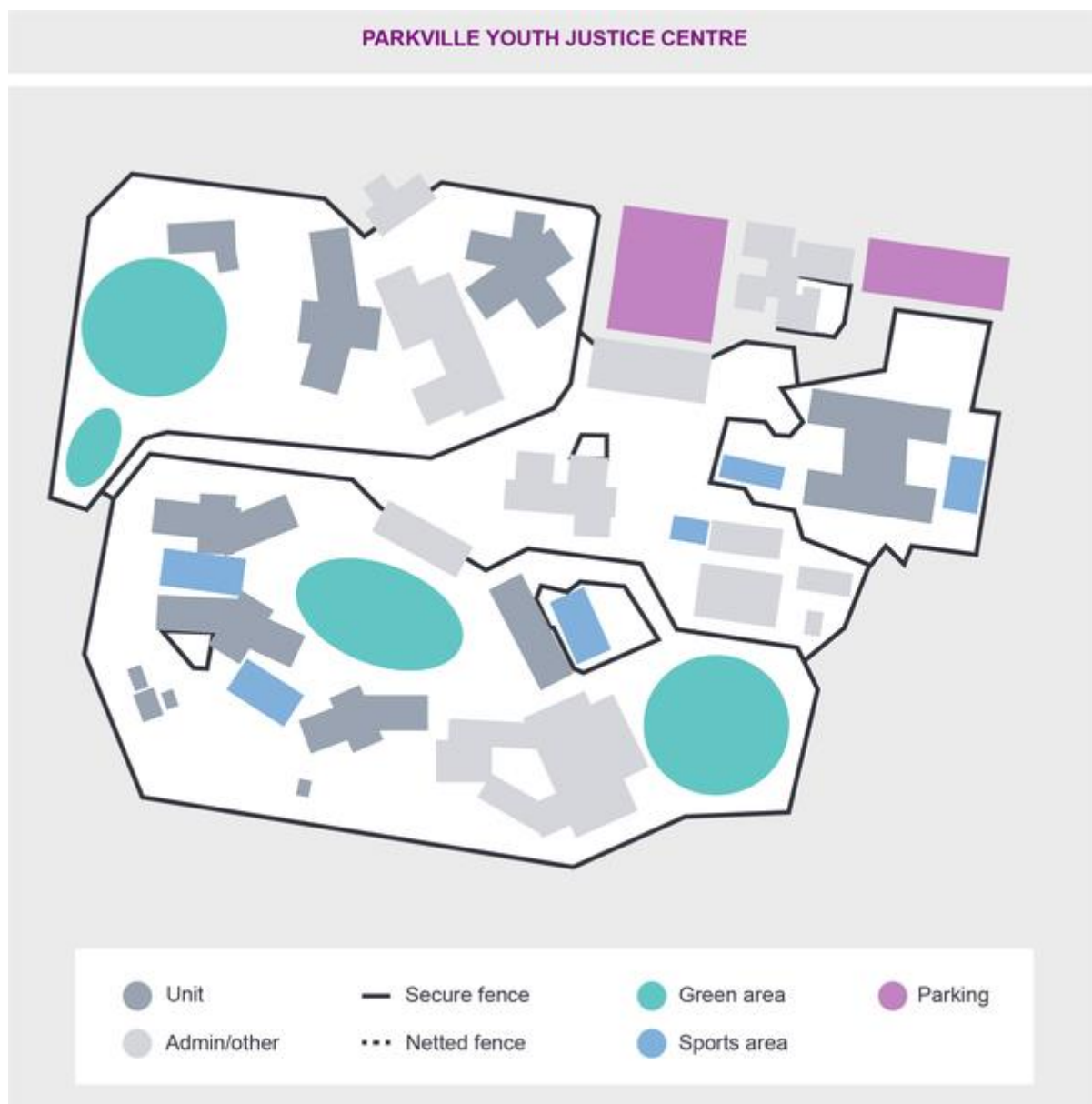
The Parkville Youth Justice Centre is located in the suburb of Parkville, in the inner north of Melbourne, approximately three kilometres from the CBD. The site is surrounded by a secure walled perimeter. It comprises two separate facilities: the Parkville Youth Residential Centre and the Melbourne Youth Justice Centre (Figure 3-10).

The Parkville Youth Justice Centre was established as a youth justice training centre under the *Children and Young Persons Act 1989* in June 1993. In August 1993 it was designated as a remand centre under the same legislation. In June 1994 the site was reconfigured but retained the same legal status as a youth justice centre, youth residential centre and remand centre, as it is today.

Within the Parkville Youth Justice Centre, the centre comprises three units (with a total bed capacity of 37 clients) and the Melbourne Youth Justice Centre comprises four units (with a total bed capacity of 60 clients). The Melbourne Youth Justice Centre also has remand units north and south, which have a combined bed capacity of 26.

Following the critical incidents in November 2016 within the Parkville Youth Justice Centre, the Eastern Hill, Southbank, Oakview and Westgate units are offline for repair. This situation has reduced the capacity of Parkville to 63.

Figure 3-10: Parkville Youth Justice Centre



Observation The youth justice system has benefited from having the Parkville precinct close to the Melbourne central business district, health and specialist services and the courts.

Malmsbury Youth Justice Centre

The Malmsbury Youth Justice Centre is located in Malmsbury, a town in central Victoria, approximately 100 km north-west of the CBD. Inside the perimeter, two distinct centres are operated: Malmsbury Secure (walled perimeter) and Malmsbury Open (open perimeter). The facility has shared admissions, common recreation and program areas, centre-wide staffing and a shared health service facility.

Malmsbury Open (dual track)

The centre was established as a youth justice training centre under the *Social Welfare Act 1960* in April 1965, then designated as a remand centre in December 2005. The Senior Malmsbury Site (traditionally dual track) comprises five units (with a total bed capacity of 69) and Malmsbury Secure comprises three units (with a total bed capacity of 45).

The Open site was originally designed as a minimum-security open facility to house young people aged 18 years and older based on a determination (by judicial vetting) of vulnerability as prescribed by the *Sentencing Act 1991*. The site's security arrangements reflected this design: clients are housed in rooms without locked doors and have more freedom of movement. However, since the incidences in late 2016 at Parkville, some areas of the Malmsbury Open site are being used to house admissions of young people on remand, and therefore the site is not being used for its intended purpose.

Malmsbury Secure

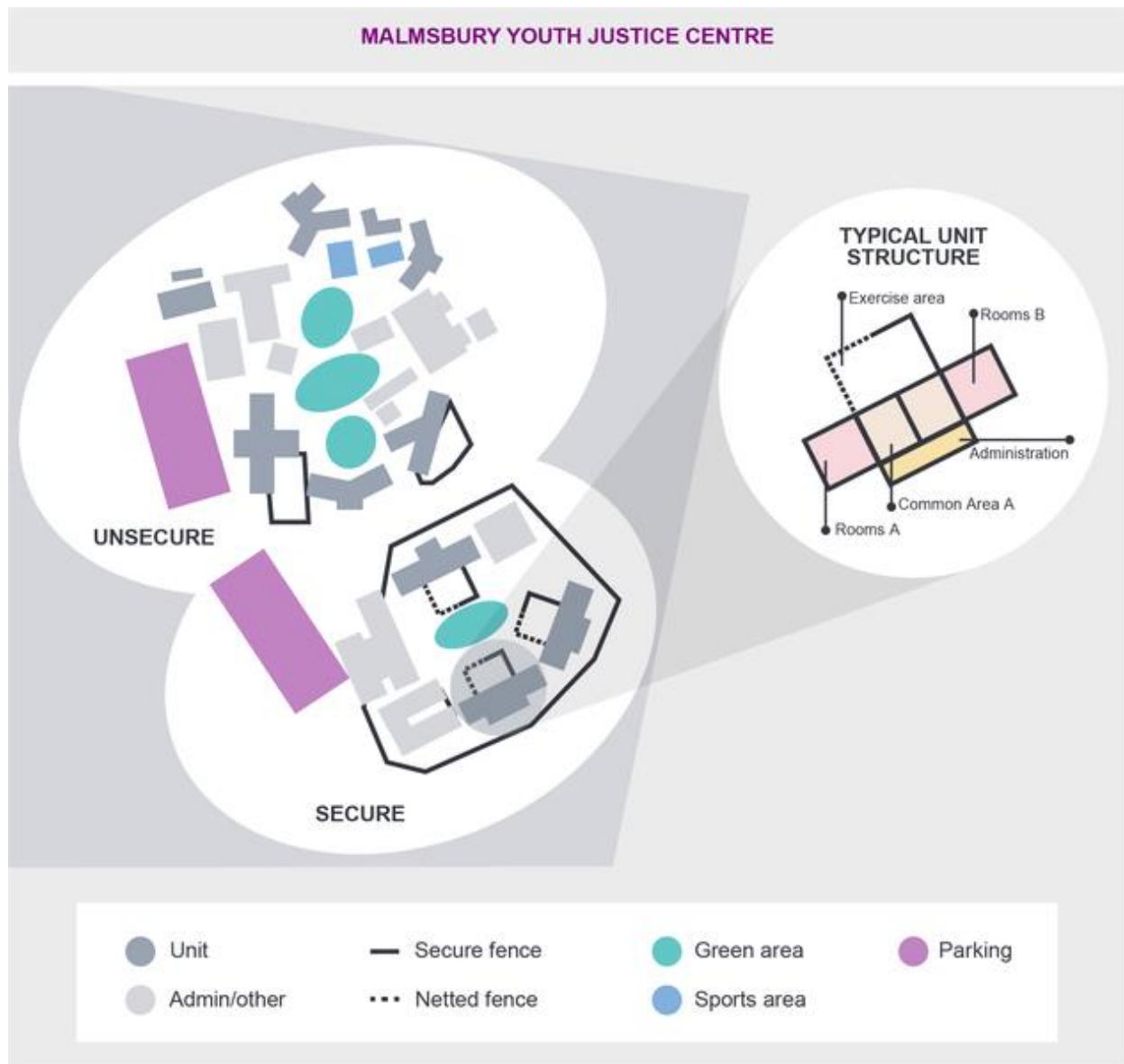
Malmsbury Secure is surrounded by a secured walled perimeter and, in addition, the individual units can be locked and secured. Further, each unit has secured exercise yards attached to the accommodation. The Secure site comprises three units, with a total bed capacity of 45.

Malmsbury Secure was officially opened in 2015 to help ease capacity constraints across the system. The site's accommodation provides robust prison-grade infrastructure, with secured and locked bedroom doors, reinforced ceilings and reinforced walls.

Observation

The Malmsbury Open site for dual track young adults provides an effective alternative to prison, with low security, programs and support. This site is the only example of low-security accommodation in Victoria's youth justice system; there is no equivalent option for young people aged 10–17.

Figure 3-11: Malmesbury Youth Justice Centre



Grevillea Youth Justice Centre

Grevillea Youth Justice Centre was established as a temporary youth justice and remand centre in November 2016 in response to critical incidents at Parkville that significantly reduced system capacity. It is a segregated precinct within the secure perimeter of Barwon Prison, located in Lara, near Geelong. The centre includes two wings, an exercise area with a total bed capacity of 36.

3.3 Governance

At the time of the Review, DHHS was responsible for the statutory supervision of young people in Victoria. Governance arrangements were as follows:

- Policy development and the Youth Parole Board Secretariat is the responsibility of the Community Services Programs and Design Deputy Secretary.
- The department's operational arm oversees the delivery of youth justice in custody and in the community. The Deputy Secretary Operations is responsible for practice and performance oversight.
- Ultimate statutory responsibility resides with the Secretary.

Governance of the youth justice system is dispersed, with various parts of the department responsible for different aspects of delivery. No executive staff member has a sole focus on youth justice – that is, all Assistant Directors who are accountable for youth justice are also responsible for other equivalent portfolio areas.

For example, the two Assistant Directors with youth justice program and policy functions have dual accountability for equally or more complex portfolios (such as the statewide disability forensic portfolio, family violence, sexual assault and homelessness). The most senior positions with a sole focus on youth justice are VPS 6 staff reporting to executive staff who hold shared functions.

The same applies for youth justice custody: the Director with responsibility for youth justice centres under the DHHS model also held responsibility for disability forensic assessment and treatment facilities, and secure welfare facilities. In early 2017 this changed to allow for the new Director, Youth Justice to concentrate on the portfolio, with a separate director appointed to oversee the other secure sites within DHHS's mandate.

Figure 3-12 shows that a large number of areas across DHHS have roles in the delivery of an integrated youth justice system. In 2012 the department moved to a distributed governance structure across all human services portfolios. This shift embedded a distributed governance structure, with the aim of establishing an integrated approach to policy and program design and service delivery. It recognised that a successful youth justice system should be integrated with broader social services and should provide holistic wraparound care for human services clients. The intention of this shift was sound; however, workers responsible for day-to-day operations failed to realise its full potential. This is discussed further in Chapter 6.

The Youth Justice program has not had clear or effective leadership or oversight. Similarly, it has had very poor or little engagement with Child Protection and out-of-home care, mental health services, alcohol and drug services, homelessness/housing programs and Koori health and wellbeing initiatives. This isolation has been to the detriment of the Youth Justice program, whose clients have significantly complex and high needs that require an integrated health and human service response.

Figure 3-12 shows DHHS's approach to Youth Justice governance. Figure 3-13 shows the proposed governance approach for DOJR, post the machinery of government change on 3 April 2017.

Figure 3-12: Youth Justice organisational structure within DHHS

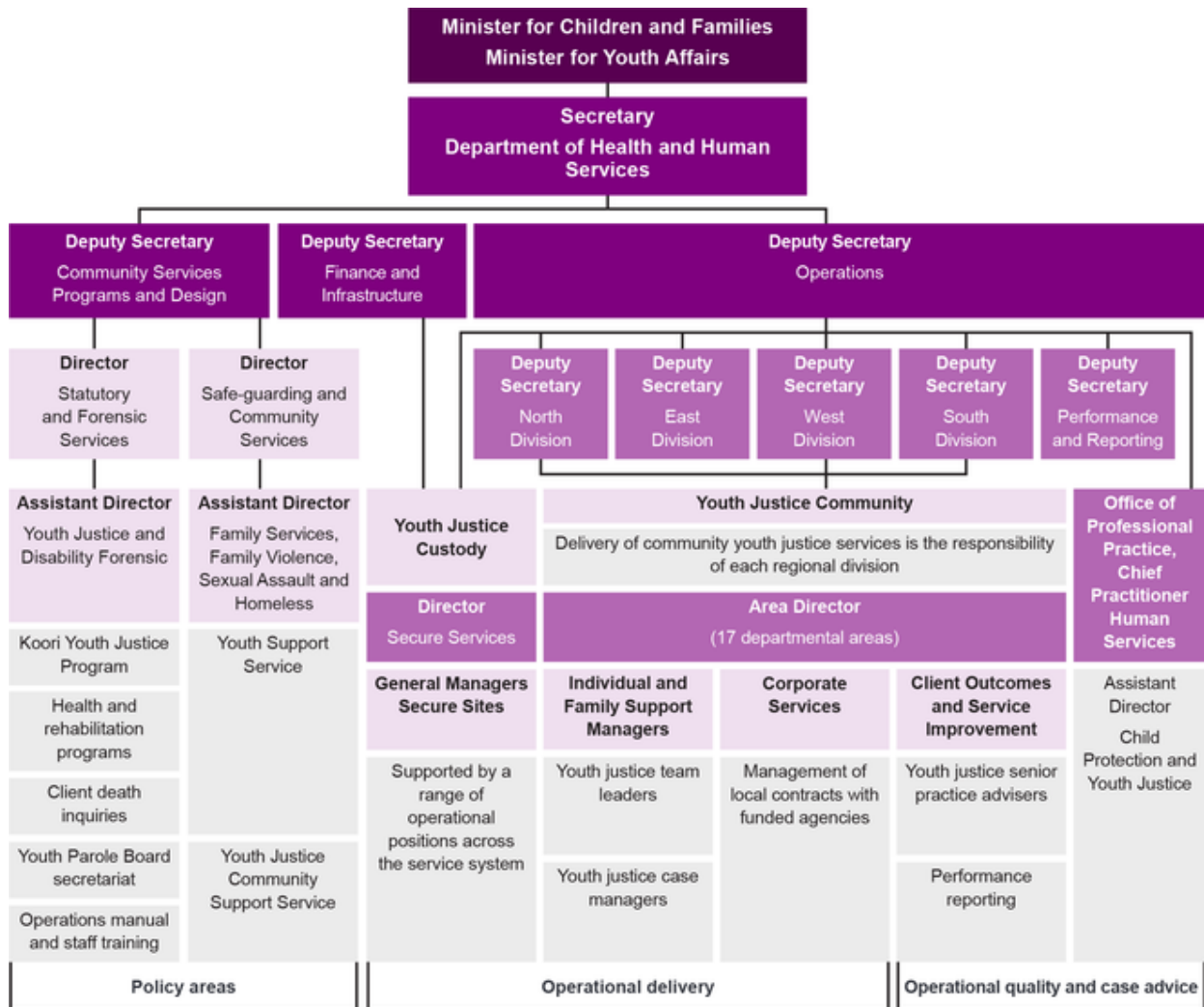
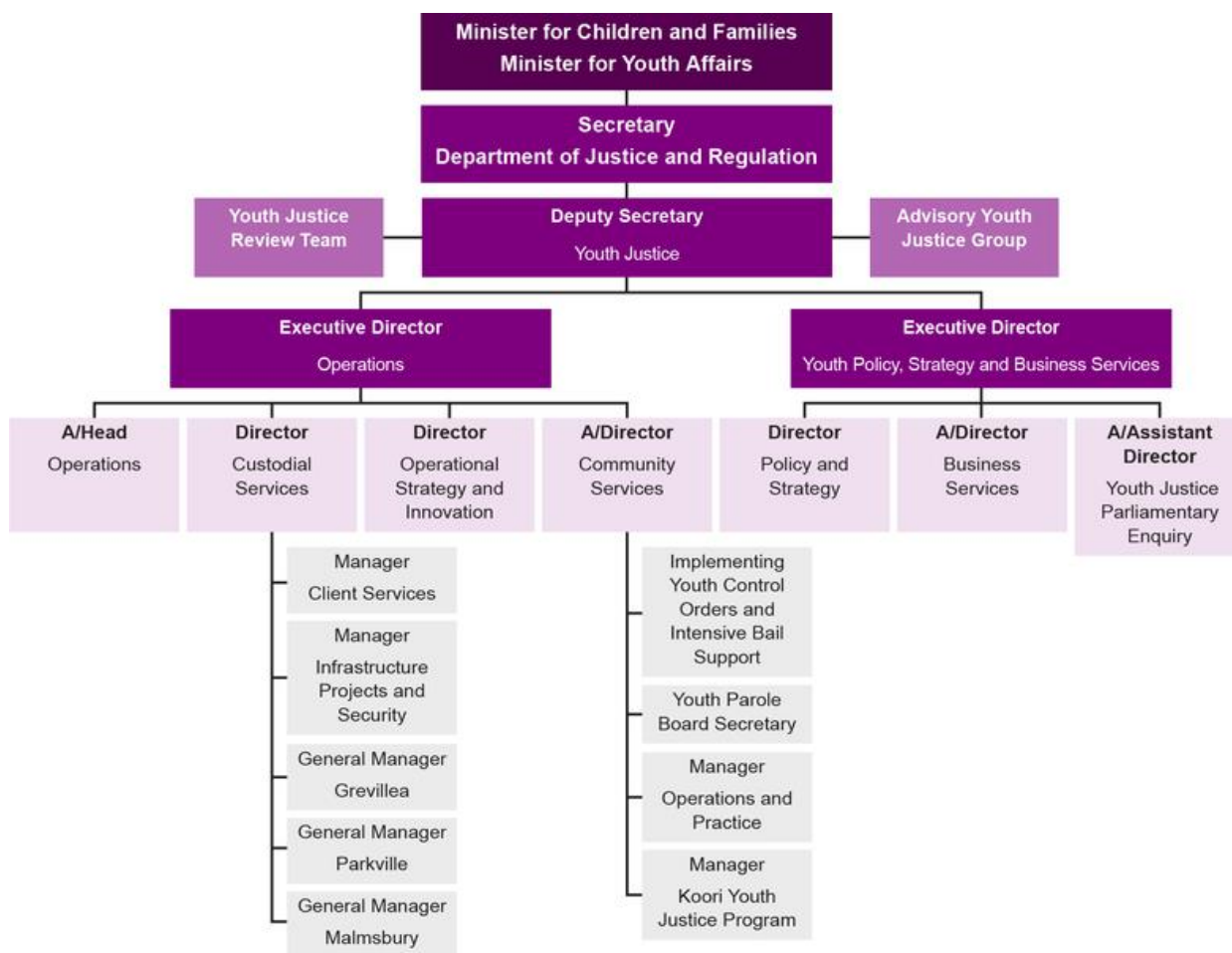


Figure 3-13: Proposed future organisational structure under DOJR



Source: DOJR

Observation The youth justice system has had diffused accountability, with multiple divisions providing direction and support for a small program. Some roles have responsibility for aspects of the Youth Justice portfolio while also supporting other programs. The new structure proposed by DOJR appears to provide greater clarity and focus.

3.4 Service delivery and funded service providers

Youth justice services are delivered to young people along a continuum from pre-plea diversion, court advice through to custody and into the community. While DHHS retains statutory responsibility for all young people in the care of the state, it contracts funded providers to deliver some services. Therefore, DHHS delivers the core statutory functions, and funded service providers deliver prevention, support, health and rehabilitation services. Note that from 3 April 2017, responsibility for the Youth Justice portfolio has moved to DOJR, who absorb DHHS's responsibilities as outlined in this section of the report.

The 2000 policy framework outlined services to be delivered to young people to support rehabilitation. The earlier reforms identified through the framework included increased diversion programs, aims to reduce the numbers in custody, increased focus on rehabilitation, and new responses around drugs and alcohol. It included a focus on pre- and post-release transitions such as transitional supported accommodation, purposeful activities, work experience and TAFE programs (DHHS 2000). Currently, the support available to young people to transition into the community and eventually out of the youth justice system is having a limited impact.

During the Review, comprehensive data was not readily available from DHHS regarding service delivery and funded services. DHHS did not provide complete data on:

- the qualifications of youth justice funded service providers and DHHS staff
- the number of individual young offenders receiving services from funded providers and the frequency of service contact (service demand)
- the workforce profile of DHHS staff and the extent of reliance on agency or contracted staff to supplement service delivery in custodial centres.

The lack of validated and robust data limited the ability of the Review team to draw definitive conclusions.

3.4.1 Statutory functions delivered by DHHS youth justice workers

DHHS delivers the following services and programs.

Youth Justice Court Advice Service

The service provides the court with information and assessments relating to community-based interventions, including diversion and youth justice conferencing. This service is delivered by community youth justice supervision staff, generally in addition to their supervision duties.

Children's Court Youth Diversion (14 staff)

This program commenced in January 2017 to assess and deliver pre-plea diversion services to young people identified by the court as suitable for diversion.⁴

Community youth justice supervision (166 staff)

This supervision covers young people on community-based orders, parole, bail and on sentence. It includes helping young people in court and undertaking bail suitability assessments for court.

⁴ The Children's Court Youth Division was initially piloted by Jesuit Social Services. It was insourced and expanded in January 2017.

Custodial Youth Justice (470 staff)

The program provides for the safety and security of young people while they are on remand or on a sentence.

Koori Intensive Support Program (five staff)

This program provides intensive outreach support and helps young people comply with their bail in five areas. It also helps young people reintegrate into their communities by supporting Koori young people before and after release from custody.

3.4.2 Intensive case management, services, interventions and support delivered by funded service providers

The youth justice system relies on funded service providers and Aboriginal Community Controlled Organisations to deliver youth support services, community-based prevention initiatives, case management and intensive support and engagement, and specialist mental health services.

Youth Justice Community Support Service – 10 services

The Youth Justice Community Support Service is provided by 10 services: Anglicare, Barwon Child Youth and Family, Brophy Family and Youth Services, Centrecare Ballarat, Concern Australia Welfare, Geelong Ethnic Communities Council, Jesuit Social Services, Mallee Accommodation and Support Program, Qantum Support Services and the Salvation Army (DHHS output funding data). The services provide integrated and intensive support to Youth Justice clients who are assessed as meeting the criteria through the completion of the Victorian Offending Needs Indicator for Youth (VONIY) assessment.

The Youth Justice Community Support Service aims to complement statutory case management undertaken by community-based youth justice workers by responding to the often complex needs of young people. The service can provide intensive case work to assist young people to connect with family, community, education, training and employment. It also supports referrals to a range of providers, including drug and alcohol, housing, accommodation and mental health. The Youth Justice Housing Pathways Initiative has been integrated into the service to provide a small number of transitional properties to eligible young people in youth justice as well as to provide outreach and support.

Community-based Koori Youth Justice Program (24 staff)

The community-based Koori Youth Justice Program is operated in the community by Aboriginal community-controlled organisations with the exception of one area, which is serviced by Anglicare. The program works with young people at risk of offending, with a focus on early intervention and preventing contact with youth justice before a young person is subject to a youth justice order. It aims to prevent offending and recidivism for young people by maintaining connection to community and family for young people.

The program not only focuses on the individual but values and supports the role of the family and community in the young person's life. It achieves this by conducting outreach, community programs and activities, and home-based visits.

Youth Mental Health Initiative (three staff)

The Youth Mental Health Initiative is a joint service initiative that acknowledges the often poor mental health outcomes for young people involved in youth justice. It aims to improve broader access to mental healthcare and support as well as enhancing the capacity of youth justice staff to meet the needs of young people.

Youth Justice Group Conferencing

Youth Justice Group Conferencing is a program run by multiple community services organisations including Anglicare, Barwon Child Youth and Family, Brophy Family and Youth Services, CatholicCare Sandhurst, Jesuit Social Services, and the Salvation Army (DHHS output funding data). It is founded on restorative justice principles utilising problem-solving approaches to offending and incorporates the needs of the young person, as well as the victim and community. This is achieved through encouraging active and constructive dialogue between the victim and the young person.

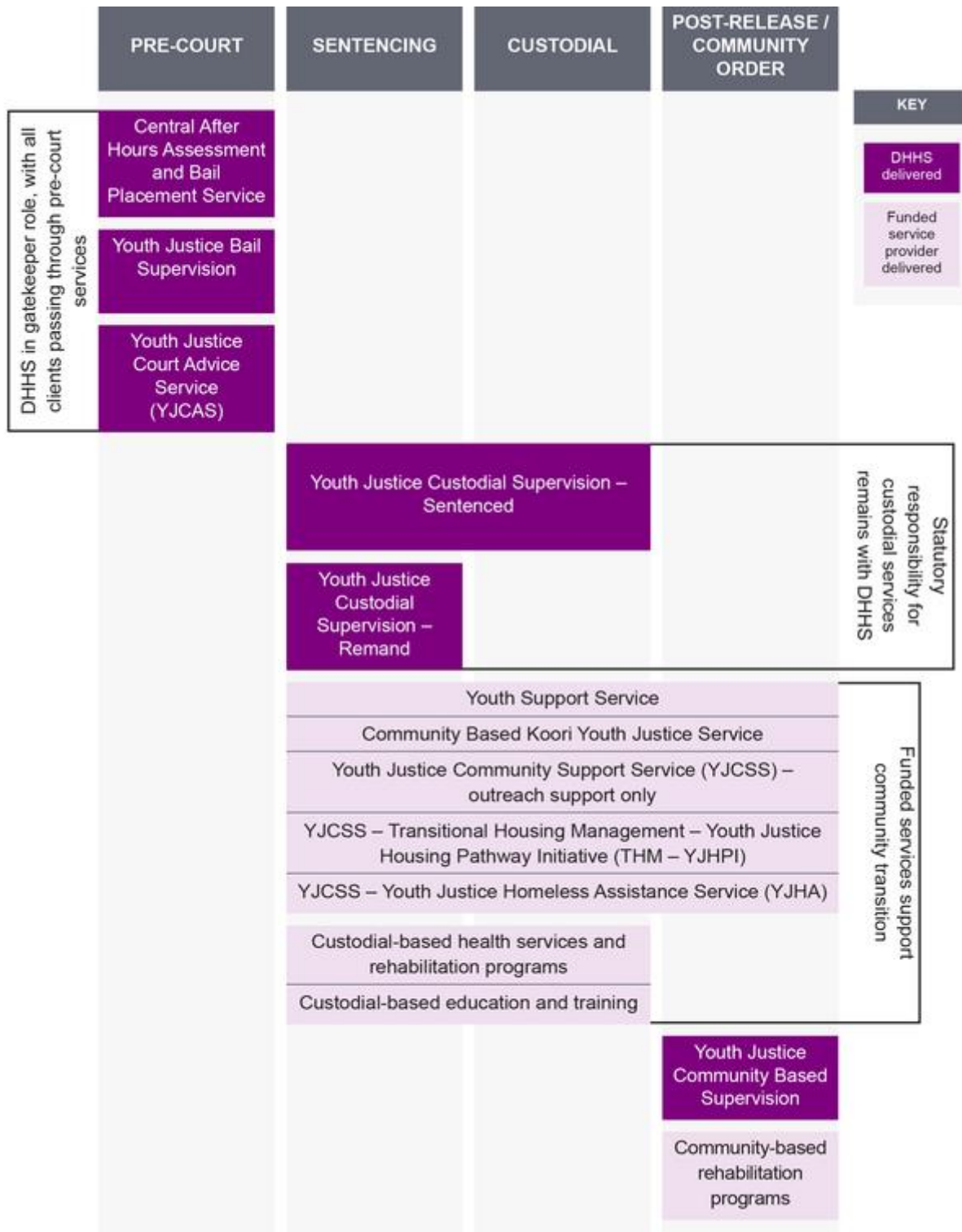
Youth Justice Group Conferencing is a community-based rehabilitation initiative available pre-sentence in the Children’s Court. It aims to effectively integrate young people, hold them accountable, develop victim awareness, divert young people away from serious orders and reduce the incidences of serious crimes.

These programs, as well as the agencies, demonstrate the strong and expert knowledge that exists within the youth justice sector. The work that the services perform to deliver programs to vulnerable young people is invaluable to the broader youth justice system.

Observation	<p>The funding arrangements separate statutory functions (Central After Hours Assessment and Bail Placement Service, Youth Justice Bail Supervision, the Youth Justice Court Advice Service, Community Supervision, Custodial Supervision and Parole Supervision) from early intervention and support functions (community-based Koori Youth Justice Program, Youth Support Service, Youth Justice Community Support Service) – this approach aligns with best practice.</p> <p>The approach to delivering pre-plea diversion in the Children’s Court by Youth Justice is the exception to this approach.</p>
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Figure 3-14 shows the extent of current youth justice services and supports.

Figure 3-14: Community-based youth justice services



3.4.3 Elements of the youth justice service are delivered by funded service partners

YHaRS currently delivers the dual function of meeting health needs and delivering offender rehabilitation programs. YHaRS is a contracted consortium funded to provide primary healthcare to young people involved with youth justice. It is a fundamental pillar of the youth justice system and a key partner for DHHS in service delivery.

Health services

In custody, YHaRS is responsible for meeting the health and wellbeing needs of young people in accordance with the rights of the child. This includes drug and alcohol, mental health and physical health needs such as nursing, podiatry and dental services.

Offending rehabilitation

In addition to meeting the health needs of young people, YHaRS is also responsible for delivering rehabilitation programs that address offending risk and behaviour. YHaRS is funded to deliver rehabilitation programs in custody and in the community. The delivery of rehabilitation programs forms a central part of the statutory responsibility to address offending during custodial and community orders.

Delivery arrangements

The contract with YHaRS has been in place since 1 January 2014. It operates under a consortium model that includes:

- **Youth Support and Advocacy Service (YSAS)** – the largest youth-specific health agency in Victoria, internationally recognised for its therapeutic alcohol and drug practice
- **St Vincent’s Hospital Melbourne** – an A1 tertiary hospital with a demonstrated history and long-term commitment to correctional health in Victoria
- **Caraniche** – a leading forensic psychology organisation in Victoria.

Health and rehabilitation service workforce

YHaRS employs the following staff to deliver primary health services:

- registered mental health or psychiatric nurses
- registered nurses
- registered medical officers
- registered psychologists
- registered podiatrists
- a registered optometrist
- youth workers or ‘health case managers’ with degree or diploma qualifications in youth work, alcohol and drugs, psychology, criminology or welfare.

Radiology, audiology and dental services are subcontracted by the health service.

YHaRS employs the following staff to deliver rehabilitation services:

- 19 registered psychologists, of these three had psychology endorsements, four had endorsements in forensic psychology and none had endorsements in counselling psychology or clinical neuropsychology
- three social workers.

Figure 3-15 provides an overview of the key components of the YHaRS service contract in custody and community settings.

Figure 3-15: YHaRS service delivery framework

YHARS SERVICE	CUSTODY	COMMUNITY
<p>Delivery and coordination of health services</p> <ul style="list-style-type: none"> • Active coordination of comprehensive primary health services across custodial locations • Referrals to internal and external health services • Implementation and management of a safe system of medication administration and disposal in custody • Routine procedure for health information sharing with other medical practitioners • Health services are responsive to the needs of young people in relation to gender, disability, culture, ethnicity, religion, parental status, age and development level, sexual orientation and nature of offending in custody 		
<p>Health information sharing</p> <ul style="list-style-type: none"> • Relevant health information is communicated to staff working with the young person, family or carers • Young people are aware and consent to how their health information is being shared 		
<p>Risk screening on admission to custody</p> <ul style="list-style-type: none"> • Identification of risks, needs and planning • Triage systems that respond to need and prioritise accordingly • Young people are screened within 24 hours (12 hours for Aboriginal and Torres Strait Islander clients) 		
<p>Assessing primary needs in custody</p> <ul style="list-style-type: none"> • Health planning for young people being discharged back to the community commences on entry • Discharge planning protocols in place to ensure young people are linked to appropriate community services • Health assessments recorded and used to inform future assessment planning • All young people have a written comprehensive healthcare plan that is reviewed every three months 		
<p>Providing clinical services (including mental health) to young people in custody assessed as requiring primary care interventions that would usually be provided in the community</p> <ul style="list-style-type: none"> • Young people can access audiology, medical dietetics, optometry services, pathology, physiotherapy, podiatry, dental services, immunisation, radiology, medical aids and equipment • Young people are encouraged to undergo testing for communicable diseases 		

YHARS SERVICE		CUSTODY	COMMUNITY
<p>Health promotion and illness prevention for young people in custody</p> <ul style="list-style-type: none"> • Provision of coordinated mental health services • Provision of coordinated alcohol and other drug care • Provision of general health promotion and illness prevention information, including sexual health and parenting 			
<p>General rehabilitation service requirements for young people in custody and community</p> <ul style="list-style-type: none"> • Provision of comprehensive and coordinated rehabilitation programs • Delivery of rehabilitation programs 			
<p>Forensic mental health assessment in custody</p> <ul style="list-style-type: none"> • Continuation of Mental Health Assessment Program • Referrals made to other treatment providers as necessary 			
<p>Male Adolescent Program for Positive Sexuality (MAPPS) in custody and community</p> <ul style="list-style-type: none"> • Continuation of MAPPS in its current form to eligible 10–21-year-old males in custody and in the community 			
<p>Adolescent Violence Intervention Program (AVIP) in custody and community</p> <ul style="list-style-type: none"> • Continuation of AVIP trial at Parkville in its three forms (remand, moderate and cognitive functioning version) 			
<p>Intensive Therapeutic Service (ITS) in custody (ceased on 30 June 2016)</p> <ul style="list-style-type: none"> • Continuation of delivery of ITS and its two core components – ITU and ITO 			
<p>Additional support services in custody</p> <ul style="list-style-type: none"> • Ancillary services to support the safe, secure and healthy operation of the health and rehabilitation service 			

Observation The YHaRS consortium of St Vincent’s Hospital, Caraniche and the Youth Support and Advocacy Service delivers both primary health and offender rehabilitation programs to young people in custody. Primary health services are required to meet the health needs of young people in custody, analogous to the care they would receive were they in the community. Offender rehabilitation programs are required to address offending risk as the core purpose of custodial supervision.

3.5 The youth justice workforce

3.5.1 Overview

An important component of an effective and successful statutory system is an experienced, competent and dedicated workforce. Workers must be equipped with adequate skills, training and professional support to successfully undertake their work and to ensure the system meets its primary objectives. When working with young people, consistency is an important component of effective intervention. Consequently, workforce stability is an important component of a well-functioning and effective system.

The workforce data provided in this section provides an indication only (as of February 2017) and is not validated. There are multiple challenges around gaining workforce data including the current operating structure of community and custodial services across multiple divisional areas.

Recent workforce developments

Following the critical incidents at Parkville in November 2016, the organisational structure for youth justice services was amended with the Director, Secure Services reporting directly to the Deputy Secretary, Operations.

During the course of the recovery phase, additional resources were brought on board from Corrections Victoria to assist the established Youth Justice Executive in responding to the operational challenges catalysed by the incidents.

On 6 February 2017, the government announced that responsibility for youth justice in Victoria would move to DOJR. As such, effective 3 April 2017, responsibility for both custodial and community-based youth justice services shifted, and Corrections Victoria assumed responsibility for maintaining the safety and security of youth justice facilities.

3.5.2 Workforce profile

Figure 3-16 provides a snapshot of the youth justice workforce profile, with further detail provided below.

Figure 3-16: Snapshot of the youth justice workforce



Workforce demographics

Approximately 166 full-time equivalent positions (FTE) are funded across the 17 areas and four divisions providing community-based youth justice services and practice. Additionally, approximately 470 FTE operate across youth justice custodial services including Malmsbury, Parkville and Grevillea youth justice centres.

In relation to the workforce, 88 per cent of the custodial staff are male, while 78 per cent of community staff are female. Males make up 48 per cent of the total workforce, with females making up 52 per cent. The average tenure for Youth Justice staff in DHHS is 7.1 years and 6.7 years for custodial staff. This reflects what was reported throughout the consults, with most staff reporting they had in excess of five or 10 years' working experience in youth justice.

The permanent youth justice workforce is experienced, with an average tenure of 7.1 years for community workers and 6.7 years for custodial workers.

Community and custodial workforce demographics are split according to gender, however, are very similar in terms of average tenure.

The majority of custodial youth justice workers are male (88 per cent), with the permanent workforce having an average tenure of 6.7 years.

The majority of community youth justice workers are female (78 per cent), with the permanent workforce having an average tenure of 7.1 years.

Identified positions

Identified positions are where an organisation decides that a position must be filled by a person with a particular characteristic such as gender, sexuality, cultural background or age.

Within the Youth Justice program area, there are five Koori identified positions. Two of those positions are in head office, with the other three being the Aboriginal liaison officers who operate out of the custodial settings. In operational divisions, in community and custody roles, the number of designated Koori positions is approximately 0.4 per cent of the total departmental youth justice workforce.

This is less than the current department average of one per cent of the workforce with Koori heritage. The very low level of Koori employees in youth justice does not meet the department's target of two per cent of all positions to be designated and filled by Koori people, as outlined in the Aboriginal Employment Strategy 2016–2021.

There are no identified positions for other cultural groups or other characteristics.

Of the youth justice workforce profile, 0.4 per cent is constituted by identified positions.

This is a missed opportunity to ensure the cultural needs of Koori young people are met and community and custodial supervision practices are culturally effective.

Employment status

There are a range of job classifications within both youth justice custodial and community.

Community staff are classified under the Children, Youth and Families (CYF) stream and custodial youth justice workers are classified under the Youth Justice Worker (YJW) stream. Regarding employment status, 84 per cent of the community-based workforce are employed full time and 82 per cent are employed on an ongoing basis, which includes full-time, part-time and casual staff.

In relation to the custodial workforce, 78 per cent of staff are employed on a permanent ongoing basis, which includes full-time, part-time and casual staff. The remaining 22 per cent of the custodial workforce is made up of non-permanent fixed-term, casual and agency staff. During consultation, workers reported that the staff composition is 50 per cent departmental and 50 per cent agency staff, though this has not been able to be verified by current departmental data.

A 2015 report into the youth justice custodial workforce identified that between 53 and 183 agency staff per month were used by the centres in the 12 months to October 2015. There is significant variation month to month, indicating that the use of agency staff is reactive to other factors (FBG Group 2015).

Further, the report identified a range of issues associated with the custodial workforce, namely around the reactive recruitment strategy, ineffective nature of the induction program and the need for a

workforce development strategy. This indicates historical challenges for the workforce, many of which have been persistent to the present day.

The use of casual staff across the precincts is high, and has been for some time, as shown by FBG Group (2015). Parkville’s use of casual staff over the 12-month period from October 2014 to October 2015 averaged approximately 25 shifts per day, with approximately eight shifts each day remaining unfilled.

While acknowledging this as an established issue with the workforce profile, more current data indicates that, overall, the number of agency staff employed across the youth justice centres has varied over the past six months. The number of agency staff at Parkville has declined, the number of agency staff at Malmsbury has increased, with a sharp increase in February, and the number of agency staff at Grevillea has increased. This is shown at Figure 3-17.

Figure 3-17: Agency staff per month across Victoria’s youth justice precincts

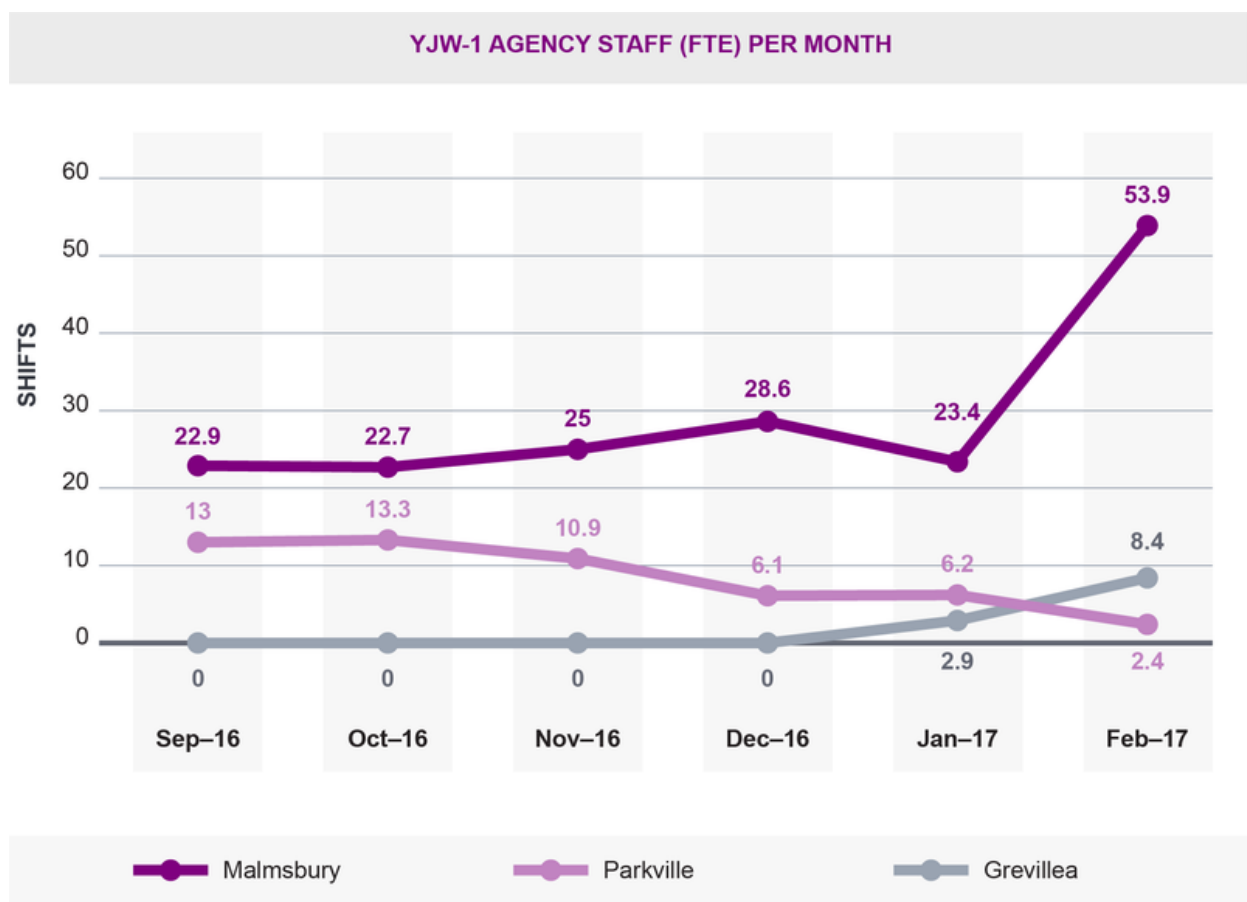


Table 3-1 shows the staffing breakdown as at 27 December 2016 at Parkville (includes Grevillea) and Malmsbury, in accordance with DHHS human resources management data.

Table 3-1: Staff breakdown as at 27 December 2016

TYPE	NUMBER OF EMPLOYEES	PERCENTAGE
Ongoing – full time	331	68%
Ongoing – part time	7	1.5%
Casuals	123	25%
Fixed-term	18	4%
WorkCover	11	2.2%
Total	490	100%

Source: DHHS 2016b

* Note the integrity and accuracy of the data provided has not been tested.

Observation	<p>The majority of the community youth justice workforce is stable, with 82 per cent employed as permanent ongoing staff.</p> <p>The majority of the custodial youth justice workforce is constituted by permanent ongoing staff (78 per cent), with a perceived increase in the use of agency staff in recent months.</p>
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3.5.3 Job classification

Community-based youth justice workers

Community youth justice workers are employed under the Victorian Public Service Enterprise Agreement of 2016. Community youth justice workers are classified under the CYF stream.

Community youth justice teams are structured differently in each area. Each area determines the structure and configuration of youth justice teams.

Figures 3-18, 3-19 and 3-20 provide samples of rural, regional and metropolitan structures. All youth justice teams report to an Individual and Family Support (IFS) manager. These positions are the relevant executive positions with area accountability for youth justice, among their broader duties.

Figure 3-18: Ovens Murray Region

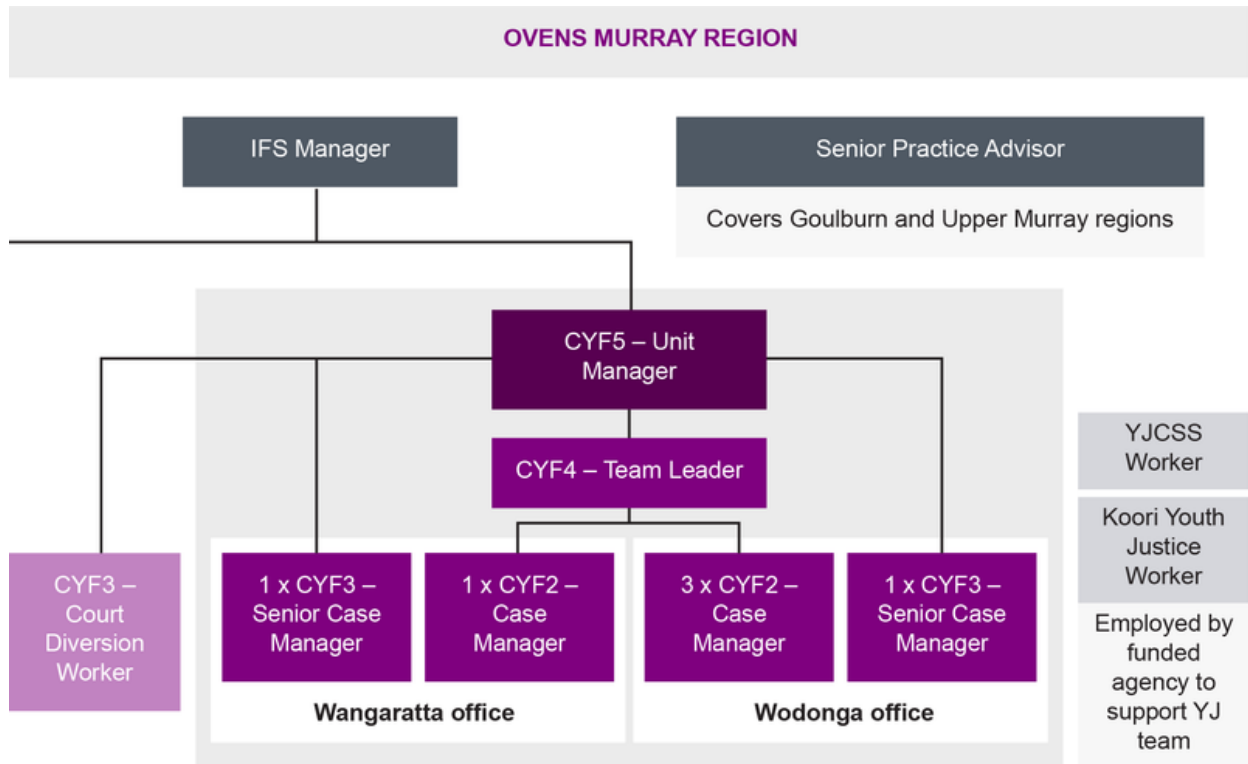


Figure 3-19: Outer Eastern Metro

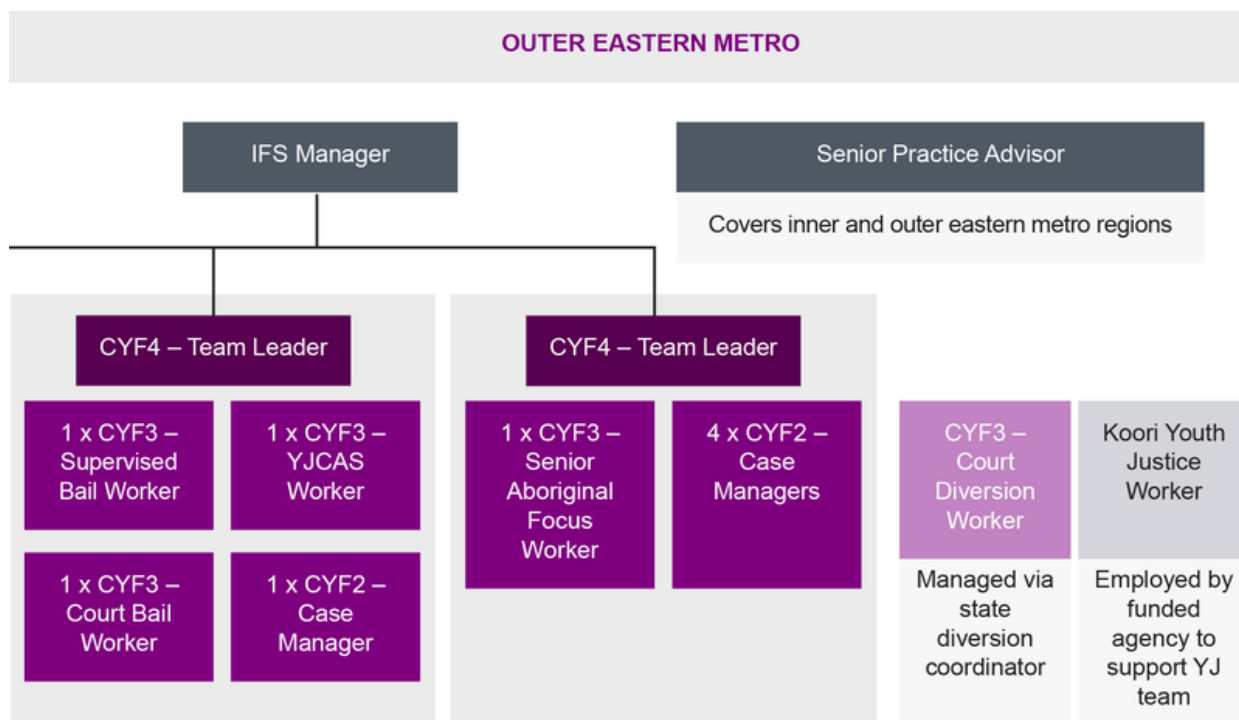
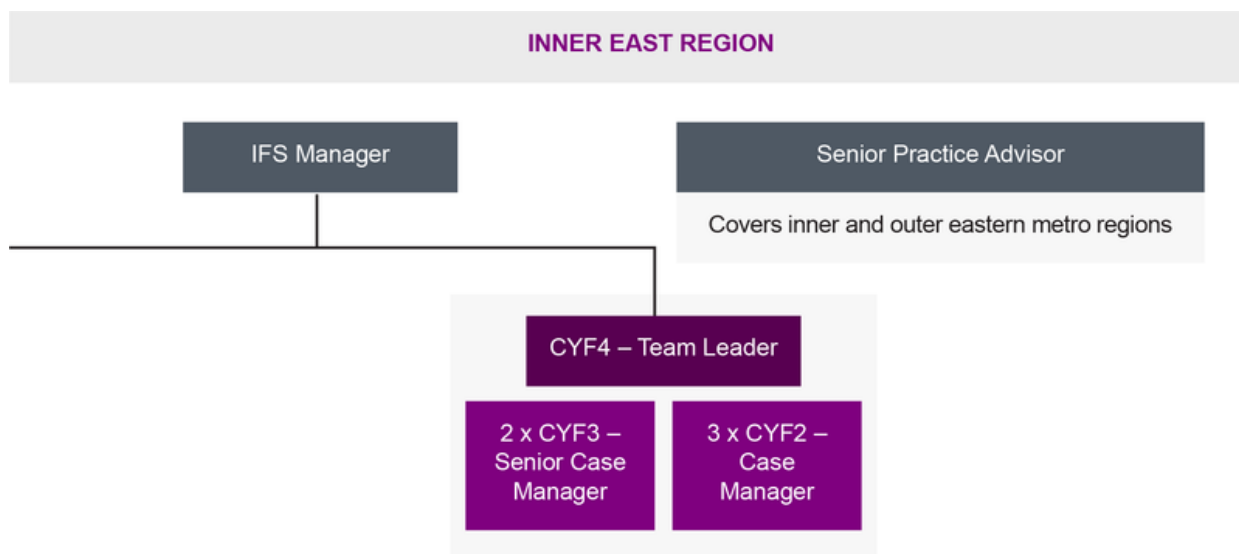


Figure 3-20: Inner East Region



Community youth justice workers perform multiple functions dependent on the specific position held. These include the following.

- **Bail support worker** – Provides case management and support to young people who are at risk of being remanded for offences. They work with young people to halt the occurrence of offending and stabilise their needs. It was announced in December 2016 that this program will be rolled out statewide.
- **Youth Justice Court Advice Service** – Provides information and assessment in both children’s and adult courts on a range of community-based interventions available to young people. These include diversion, bail and services offered in the community.
- **Central After Hours Assessment and Bail Placement Service** – Provides a statewide after-hours service that advocates for young people to remain in the community where assessed as appropriate.

When police are considering remanding a young person, staff will be contacted to conduct an assessment and provide suitability to the bail justice. In October 2016, the government made an additional investment of \$3.1 million over four years and \$0.83 million of ongoing funding to enhance this service including the provision of additional staff.

- **Children’s Court Youth Diversion** – This service was previously run by Jesuit Social Services as a pilot program. As of January 2017, it is run by DHHS following a decision in late 2016 to move this program into the department. Following this decision, there was a large recruitment drive for statewide positions. The role includes working with young people to take responsibility for their offending, receive support to engage with services and to address underlying causes of offending.

Community-based youth justice teams are advised by senior practice advisors who are non-supervisory senior staff employed through the Client Outcomes and Service Improvement (COSI) stream of the department. Senior practice advisors provide advice to community practitioners and management. Eight senior practitioner advisor roles are allocated statewide, with two per division; however, all eight positions have never been filled simultaneously.

Community youth justice teams are highly varied in structure and composition throughout the state. Individual regions will have differing staff numbers and designations based on local demand and conditions, with some comprised entirely of general case managers who undertake all duties in lieu of specialised positions.

Observation	Community youth justice teams are highly varied in structure across divisions.
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Custodial youth justice workers

Custodial youth justice workers are employed under the Victorian Public Service Enterprise Agreement of 2016. Custodial youth justice workers are classified under the YJW stream.

The 2015 FBG Group report identified concerns around inaccurate role portrayal for custodial staff members, noting ‘the description of the roles as advertised did not closely resemble the actual nature of the job’. This has reportedly resulted in staff, post-recruitment, being surprised when they were made aware of the actual requirements of their job. FBG Group considered that not clarifying the nature of roles ‘up front’ increased the risk of attrition from the newly recruited cohort.

Custodial-based youth justice staff perform a range of functions related to the management and supervision of remanded and sentenced young people. In relation to classification, 69 per cent of all custodial youth justice staff are Youth Justice Worker 1. These staff provide care, supervision and support to young people who are either sentenced or on remand in youth justice facilities.

A number of Youth Justice Worker 1 staff have received additional training and are classified as the Safety and Emergency Response Team (SERT). This approach was established in October 2013. These staff are highly visible (with different uniforms) and, while equivalent to Youth Justice Worker 1 staff, often have decision-making responsibility and on occasions when there are security concerns, they can wield disproportionate authority over operational decisions. This authority can supersede that of the unit manager Youth Justice Worker 3.

Pam White and Julie Caldecott completed a quality review of secure services (2015) that considered the SERT approach and the risks associated with this model.

Establishing teams such as SERT always brings the risk of creating a unique group who sees themselves as separate from and different to other custodial staff. Youth Justice Custodial

Services are firmly based within a welfare framework. Managing the ongoing role and operation of such a team requires constant vigilance to ensure they build on basic skills of engagement and conflict resolution.

DHHS 2015, p. 43

Only 10 per cent of custodial staff are classified as Youth Justice Worker 2. These staff are unit coordinators and oversee each of the units, including young people, staff and the day-to-day operations of the units. These staff are responsible for engaging with young people, ensuring safety and providing support.

Each unit on custodial sites is managed by a dedicated Youth Justice Worker 4 position, also known as the unit manager. They are responsible for managing the budget, occupational health and safety, human resources and rostering responsibilities for their unit. They are the lead authority for managing the young people on their unit, including oversight of behaviour management mechanisms, and provide expert advice to support complex cases. Further, they are considered 'people leaders' within their units, and have responsibility for the learning and development of staff rostered to their unit.

As such, staff in these positions are critical for the effective operation of their units, and of the precinct as a whole. There are no pre-service qualification requirements for unit managers, though the position description notes that a Diploma in Youth Justice is highly regarded. Given the wide scope of significant responsibilities for individuals who hold this role, this raises some concerns about the current recruitment framework and the need to ensure appropriately qualified and capable staff fill key positions. This will be discussed further in Chapter 8.

There are also three Aboriginal liaison officers who operate within the custodial environment.

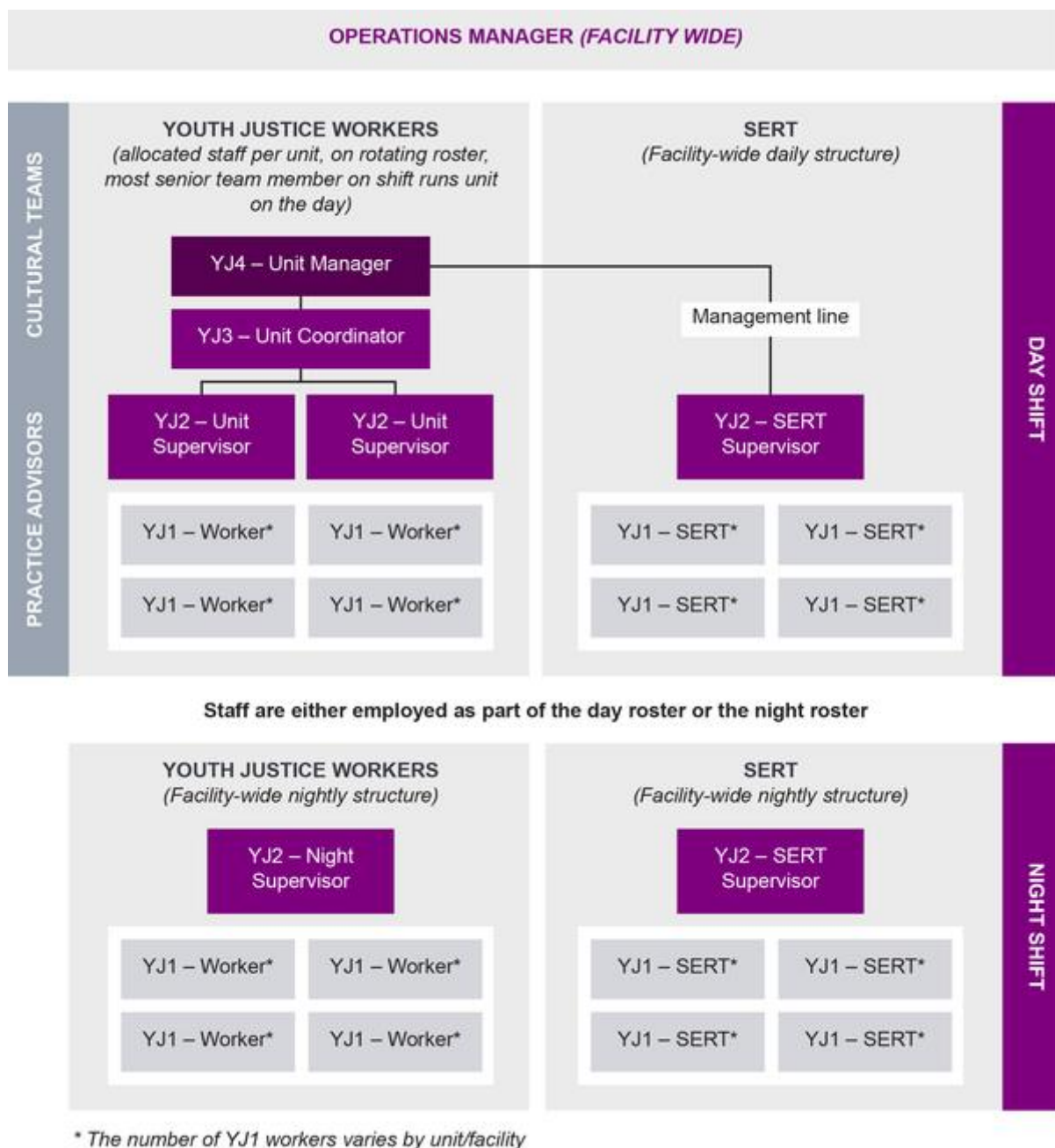
The youth justice custodial staffing model is depicted at Figure 3-21.

Observation

There are concerns that position descriptions do not equate with the expected role and function of custodial staff. A high proportion (69 per cent) of youth justice workers are classified at the YJ1 level.

Unit managers play a critical role in the safety, security and maintenance of good order across custodial facilities. They are ultimately accountable for the quality of service provision within their unit.

Figure 3-21: Youth justice custodial staffing model



Retention, turnover and staff health

Table 3.2 shows that:

- Sick leave days per FTE are higher for youth justice custodial staff than all staff in the child youth and families classification.
- Turnover for youth justice custodial staff increased in 2016–17 (noting that the 2016–17 figure has been annualised for the full year).
- Youth justice community-based staff have low turnover and reasonably low sick leave.

Table 3.2: Retention, turnover and staff health

2015–16

Role	No. staff	FTE	Turnover %	Sick leave days per FTE
Youth Justice – Custodial ^(a)	431	400.7	7.4	11.0
Youth Justice – Community-based	181	166.9	6.2	8.9
Child Youth and Families ^(b)	405	360.9	8.2	9.2

2016–17

Role	No. staff	FTE	Turnover %	Sick leave days per FTE
Youth Justice – Custodial ^(a)	507	468	15.1	11.6
Youth Justice – Community-based	178	165.9	11.5	7.1
Child Youth and Families ^(b)	428	384.4	11.6	7.8

(a) Includes all classifications working in youth justice custodial facilities

(b) Provided as comparison only, includes all staff with child youth and families classification – not limited to community-based youth justice staff

The community-based youth justice workforce is stable and relatively healthy, with very low turnover and strong attendance. This is in contrast to the instability and challenges experienced in custodial settings.

The Pam White and Julie Caldecott Quality Review of Secure Services (2015) identified that Secure Services have experienced periods of vacancies and a reliance on casual and agency staff. They discussed the additional challenges and stressors arising from these staff shortages, highlighting that in secure settings such as Parkville, these shortages have a particularly acute impact on the culture. The report identified that this contributed to the inability to maintain a stable custodial setting. They reported that:

Experienced staff reported feeling enormous pressure when they found themselves working on units where the majority of staff were casuals, agency or newly recruited.

White & Caldecott 2015, p. 48

This Review is of the view that the pressure of agency and casual staffing continues to contribute to the challenges facing the operation of youth justice centres.

The turnover rate across the youth justice workforce has increased significantly between 2015–16 and 2016–17 YTD among the permanent workforce.

The community youth justice workforce turnover rate increased from 6.2 per cent in 2015–16 to 11.5 per cent in 2016–17 YTD.

The custodial youth justice workforce turnover rate increased from 7.4 per cent in 2015–16 to 15.1 per cent in 2016–17 YTD.

3.5.4 Staff qualifications

Community

For community-based youth justice staff, it is stipulated that the minimum qualification is a Bachelor of Social Work or Diploma of Community Services Work. Other tertiary qualifications at the diploma level or above are considered if they include units of study in case management practice.

Custodial

There are no minimum qualifications for custodial youth justice staff. An ideal candidate will have had experience working with youth and assisting young people in skills development as well as personal qualities of empathy, cultural awareness, resilience and effective communication. Candidates with the following qualifications are encouraged to apply:

- Diploma of Youth Justice
- Certificate IV in Youth Work (Juvenile Justice/Youth Justice)
- Certificate IV in Youth Justice (or equivalent)
- qualifications in social work, welfare work, psychology or criminal justice.

The community youth justice workforce requires a minimum qualification of a diploma or a bachelor's degree (social work or community services).

The custodial youth justice workforce does not require a minimum qualification; however, those with certificate or diploma-level qualifications are encouraged to apply.

3.5.5 Training and professional development

Core training and professional development for all youth justice workers is delivered internally by the department. Training for community staff is generally delivered by the department's centralised training unit using staff with previous operational experience. Occasionally, external experts will assist in delivery. Training in custody is delivered by custodial staff on site during induction.

The training program for community and custody is described below.

Community

Community youth justice staff undergo a 15-day course in beginning practice. The course aims to give a comprehensive overview of the objectives of youth justice in addition to helping practitioners develop skills that are deemed important and necessary for the role.

The training includes 50 hours of youth justice-specific training and approximately 21 hours of DHHS training. Content includes youth justice objectives, early intervention, case management, client assessment and planning, how to use the changing habits and reaching targets tool, the role of youth

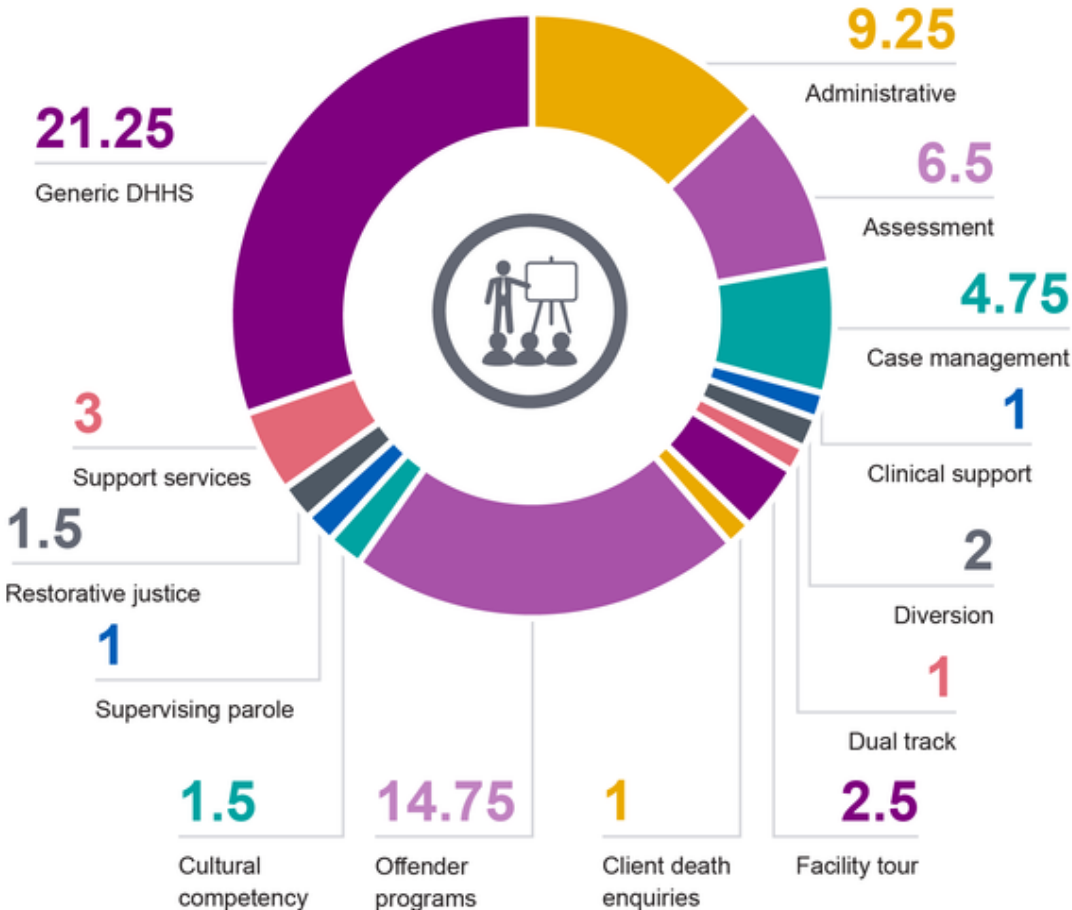
justice in providing court advice, developing court skills and how to use CRIS (Client Relationship Information System).

Professional development remains ongoing within community youth justice, with an opportunity to participate in advance practice training. This is another 15-day program that covers diversion, bail, writing, working with adolescents that sexually offend, alcohol and other drugs, applied suicide prevention, mental health first aid, and working with culturally diverse young people and communities. There is also ongoing opportunity to participate in training on motivational interviewing and family violence.

Community-based youth justice staff consistently reported that they felt the training and professional development was sufficient and equipped them with the skills to undertake the job. The majority of community-based youth justice staff are tertiary qualified.

Figure 3-22 shows the community youth justice worker beginning practice training program by hours and content.

Figure 3-22: Youth justice community staff training program by hours and content



Observation

The permanent community youth justice workforce induction training spends the most time on the following five training topics: 31 per cent on generic DHHS content, 21 per cent on offender programs, 13 per cent on administrative duties, 9 per cent on assessment and 7 per cent on case management.

Less than three per cent of training time is allocated to clinical support, diversion, dual track, facility tours, client death inquiries, supervising parole, restorative justice and support services, and significantly only 2 per cent of training is spent on cultural competency.

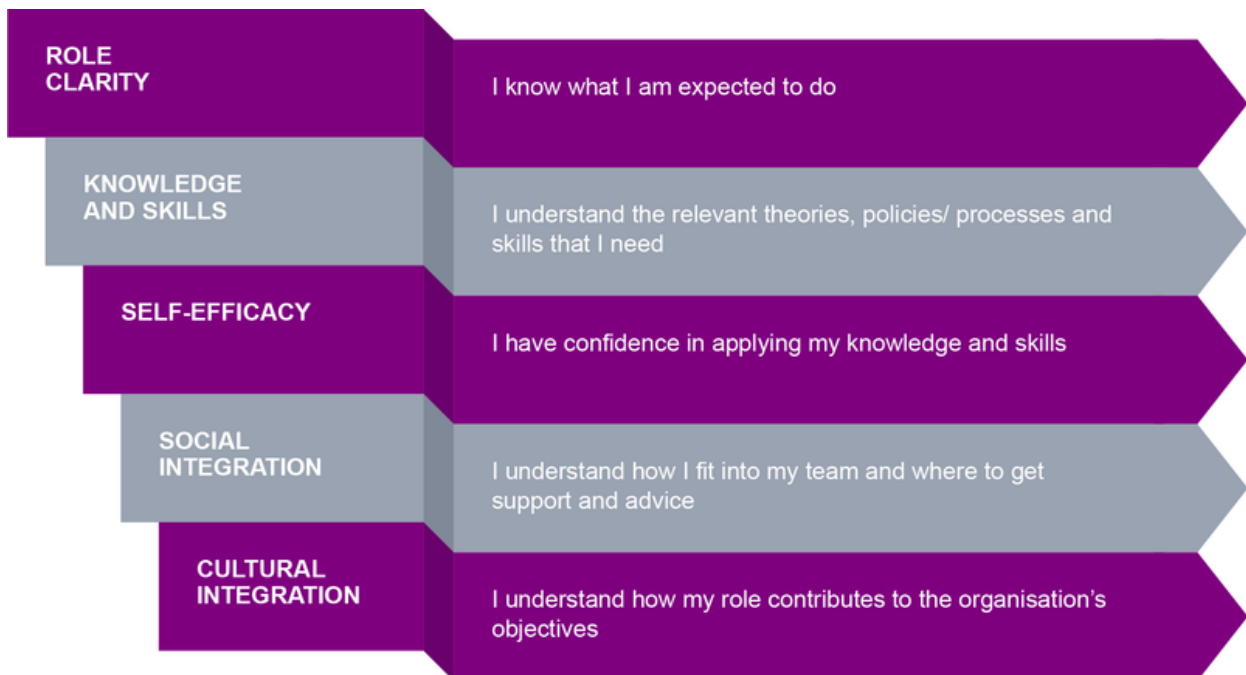
Custodial

Permanent staff

Secure services staff undergo a 16-day compulsory induction upon commencement in their role. The training package for custodial staff appears to have been refreshed following a recommendation from the FBG Group report that noted that the previous four-week training program was overwhelming and did not provide enough time for 'learning by doing' (FBG Group 2015). The training covers a range of topics including: preventing occupational violence; professional standards; psycho-social development; staff wellbeing; disability awareness; cultural awareness; the role of practice leaders; clinical supervision; security and emergency responses; administration of medication; fire safety; workplace health and safety and infection control; legislation; case plans; food safety; human rights; handcuff and safety knife training; working with trauma, suicide and self-harm; substance abuse; CRIS; sexual development; trauma and sexual exploitation; and understanding and responding to mental health issues.

In addition to the topics covered, workers are provided with three opportunities to complete a full day shift shadowing an experienced worker. Workers are also provided with scenario-based examples to learn from and quizzes throughout the training program to test their knowledge and understanding of the content. A high-level overview of expected outcomes of an effective induction program is provided at Figure 3-23.

Figure 3-23: Expected outcomes of an effective induction program



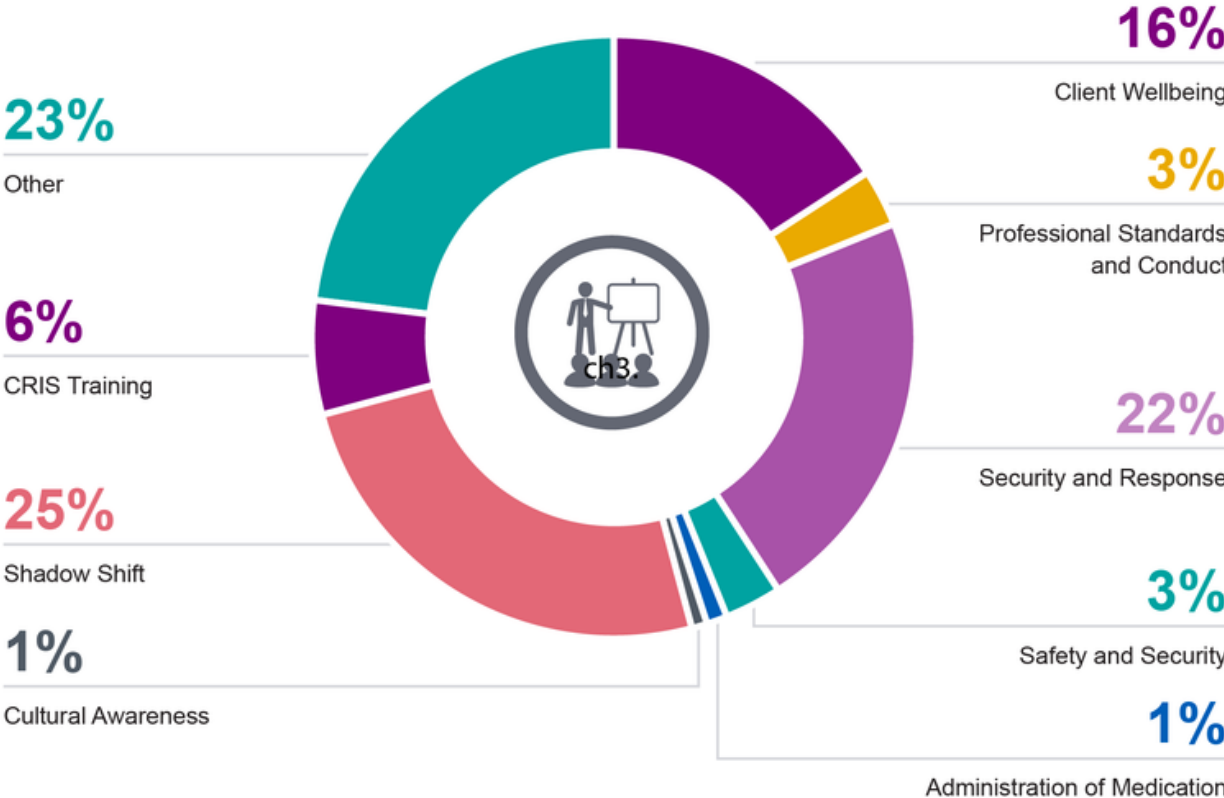
Source: FBG Group 2015

In addition to the compulsory 16-day induction training, secure services workers have the option of completing a Diploma in Secure Services. This is a 17-unit course that is delivered by DHHS. It covers team effectiveness; case management; culturally diverse clients and co-workers; working with Koori young people; maintaining security; controlling persons using empty hand techniques; working with young people impacted by drug and alcohol issues; legal and ethical work practice; service implementation and review; assessing and responding to individuals at risk of suicide; identifying and responding to those at risk; providing supervision; and participating in a safe working environment.

Assessments include work-based observation, oral and written questions, written assessments and simulated performance tasks. The diploma aims to equip graduates with the skills to effectively undertake their work with an enhanced set of skills. The diploma is expected to take between one and two years. The course is currently on hold pending transition of Youth Justice to DOJR. Since the course was accredited in 2015, two staff members have completed the course.

Figure 3-24 shows the youth justice custodial staff training program by hours and content.

Figure 3-24: Youth justice custodial staff training program by hours and content



Observation

The permanent custodial youth justice workforce induction training spends the most time on the following three training topics: 25 per cent on shadowing an existing staff member, 22 per cent on security and response, and 16 per cent on the wellbeing of young people.

Less than six per cent of training time is allocated to CRIS training, safety and security and administration of medicine. Significantly, only one per cent of training is spent on cultural competency.

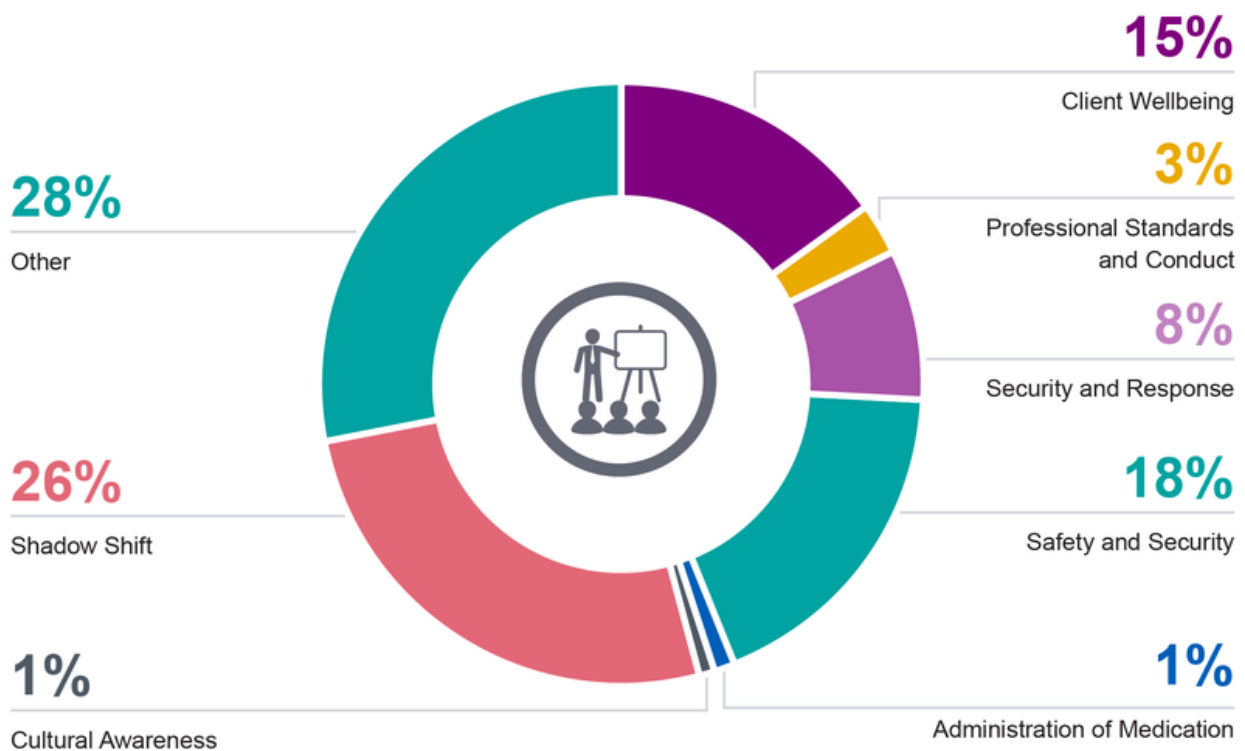
Agency staff

Agency staff are contracted through two providers: Essential Recruitment and Personnel Solutions, and Bridging Works. Both agencies are responsible for vetting applicants and supplying them to the department for training prior to their commencing work on shift. DHHS does not play a role in vetting these candidates prior to them commencing work.

Figure 3-25 shows the breakdown of training provided to agency staff as part of their onboarding process. As can be seen, there is a strong focus on security and response, as well as shadowing other workers on shift. Of concern is the fact that agency staff are given little to no training on professional standards and conduct, administration of medication and cultural awareness, despite the high-risk nature of the job and the likelihood that the agency staff member has never worked in the industry before.

Youth justice agency staff training by hours and content

Figure 3-25: Youth justice custodial agency staff training program by hours and content



The Pam White and Julie Caldecott Quality Review of Secure Services (2015) identified concerns with the administration of medication by custodial staff, including agency and casual staff, following very minimal training. The Review highlighted the complexity of administering medicine to populations where noncompliance was highly likely, and the pressure this places on non-clinical staff.

Through this Review, staff raised a range of significant concerns about the use of medication in youth justice settings and their role in administering medicines including:

- concern from some staff regarding the use of psychoactive and other medicines on admission to youth justice centres
- lack of communication about the medicine, how to advise or prepare young people for side effects and a lack of confidence that they are administering medicines correctly
- the inability to administer medicine with appropriate transparency, specifically when there are not enough staff to comply with the standard of administering medicine that stipulates that two staff must be present to record and observe
- concern about how young people are supported to maintain medication on release, and the adverse side effects of ceasing medication without medical advice and reduction of medication over time.

Observation

The agency-appointed custodial youth justice workforce induction training spends the most time on the following three training topics: 26 per cent on shadowing an existing staff member, 18 per cent on safety and security, and 15 per cent on the wellbeing of young people.

Less than eight per cent of training time is allocated to safety and security and administration of medicine. Significantly, only one per cent of training is spent on cultural competency.

3.5.6 Occupational health and safety

Occupational health and safety policies and governance

In Victoria, workplace health and safety is enforced by law. These laws include:

- *Victorian Occupational Health and Safety Act 2004*
- *Workplace Injury Rehabilitation and Compensation Act 2007*
- *Victorian Occupational Health and Safety Regulations 2007*
- *Dangerous Goods Act 1995.*

In addition to the laws set out above, DHHS has its own health, safety and wellbeing policy, as well as incident and injury-related reporting requirements. Departmental staff, including youth justice custodial and community workers, are required to complete a Disease Injury Near Miss Accident (DINMA) incident report form if there is a hazard that could cause physical or psychological harm, if there is an incident but no one is harmed, or if a staff member becomes ill or injured in the course of their work.

The department has its own executive governance structure in relation to OHS. The Executive Board has overall accountability for OHS in the provision of leadership and ensuring change occurs. The People and Culture Committee receive progress reports and assess these against annual targets.

The department-wide OHS governance committee meets quarterly in relation to the health and safety matters that are occurring across the department. Membership includes a range of management representatives from across the department including one representative from Secure Services. The Health, Safety and Wellbeing Support Unit provide guidance and advice about strategic outcomes.

OHS is seen as a whole-of-department responsibility, and all staff are accountable when it comes to identifying incidences, working in line with health and safety policies, modelling appropriate behaviour and ensuring staff are safe in the workplace.

WorkCover claims

There has been an increase in the WorkCover claims overall by CYF staff when comparing data from February 2016 with February 2017. Departmental data has not been able to confirm how many of these claims related to staff working in youth justice. Detailed data for the whole 2015–16 financial year was not made available to the Review.

WorkCover claims by staff in community

No specific data was made available to the Review on WorkCover claims for the community-based workforce.

WorkCover claims by staff in custody

There has been an increase in the WorkCover claims overall by custodial youth justice staff between February 2016 and February 2017.

In the 2015–16 financial year, there were 18 WorkCover claims made at the Malmsbury site. As of January 2017, seven months into the financial year, there have been 23 WorkCover claims made at Malmsbury. Claims increased drastically from October through to December. Following the November riots at Parkville, some young people were transferred to the Malmsbury secure site. Consequently, the Malmsbury secure site reportedly became more unsettled than it had been previously. Workers reported that, since moving some young people from Parkville to Malmsbury, the Malmsbury secure site had been unsettled, with staff not wanting to work in the site.

In the 2015–16 financial year, there were 29 WorkCover claims made at Parkville Youth Justice Centre. Since the beginning of the 2016 financial year, there were only 10 WorkCover claims made at Parkville. This may be resulting from the decreased capacity of Parkville following the November riots. Claims increased in both October and December at Parkville; however, no claims were recorded for November.

In 2016–17 there were 33 WorkCover claims made across both Parkville and Malmsbury secure sites. In 2015–16, there was a total of 47 WorkCover claims made. Of the claims made in 2015–16, eight (15 per cent) remain open, meaning they are still attracting compensation.

Provisional Improvement Notices (PINs)

PINs are formal notice under OHS legislation that identify potential breaches of the OHS Act. PINs can be issued where there has been a contravention of the Act in the workplace, which must be rectified. This includes identifying where a workplace is deemed unsafe and not safe for employees to continue working.

As of January 2017, there are five active PINs across the three secure sites, representing a very high number of notices comparative to equivalent facilities.

The current notices are related to removing hazards from the physical working space, reviewing policies and procedures, improving the physical work space, and training staff in appropriate deployment and use of OC spray and response tactics. The department is provided time to respond, action and rectify issues raised in a PIN. PINs have arisen from incidences and injuries involving both young people and staff.

3.5.7 Occupational violence

The Pam White and Julie Caldecott Quality Review of Secure Services (2015) considered the range of activity undertaken by DHHS to address occupational violence in youth justice centres. They reported a significant focus and communicated commitment to change the culture to focus on preventing occupational violence. This includes:

- seeking to clarify workers' roles and responsibilities
- introducing regular training on occupational violence

- establishing the SERT teams to address escalated violence.

While acknowledging the effort to address the concern about the unsafe working environment, the report identified that ‘staff did not have confidence in their team and peers collectively managing and de-escalating occupational violence’. The report concluded that there is still ‘reinforcement and ongoing work to do’ to ensure that occupational violence is appropriately prevented, minimised and addressed.

The Review notes that a range of work is currently being undertaken across DHHS to support the prevention of occupational violence in youth justice centres. This work is being led by the Chief Practitioner, Human Services.

3.5.8 Workforce distribution and demand management

The community youth justice workforce is based in DHHS area offices as described above. The distribution of staff to areas has evolved over time and is a static model, with very limited surge capacity to respond flexibly to changes in demand.

Young people subject to community supervision orders are supervised by the youth justice team located in the area office closest to their residential address. The heat maps in Figures 3-26 and 3-27 show the local government area (LGA) where young people reside at the commencement of their supervision order, noting that this does not represent distribution of crime.

The number of young people supervised by each area office varies significantly. As such, in all departmental divisions demand fluctuates significantly. As shown in the figures, in regional Victorian offices the level of demand in each LGA serviced by the offices can vary from less than five young people per year to more than 40 young people per year. In Melbourne and metropolitan area offices, the level of demand in each LGA serviced by the offices can vary from between five and 10 young people per year to more than 60 young people per year.

The current static model of workforce distribution is not able to respond flexibly to move staff between area offices to respond to fluctuating demand. Similarly, the model does not adequately resource the necessary level of time required to undertake intensive additional work in isolated regional areas, where there are very small numbers of young people each year across large geographic areas with dispersed or limited mainstream or specialist services.

The current model does not have formalised workforce distribution and management structures that allow allocation of more experienced workers to supervise the more challenging and high-risk young people. The current formal structure does not include an equity-based distribution model to ensure the right numbers of appropriately skilled staff are available where needed. This is in contrast with the Child Protection Operating Model (CPOM), which has been designed to ensure senior practitioners and other senior staff manage the more difficult cases.

The concentrated pockets of high demand are well reported among other service providers. For young people involved with youth justice, pockets of demand concentrate around areas of low-socioeconomic status. Distribution of the current youth justice workforce is not currently oriented in anticipation of demand in these areas.

For example, the Victoria Legal Aid High Contact Users Report (2017) noted that the highest demand for legal services are from young people in Greater Geelong, Greater Dandenong, Casey, Brimbank and Hume, with the most common location of high-contact users residing in the suburbs of Dandenong, Reservoir, St Albans, Frankston and Sale. All of these areas are classified as relatively disadvantaged, with a lower Socio-Economic Index of Advantage score than the average Victorian score.

Observation

The community youth justice workforce is geographically dispersed, with varied staff-to-young-people ratios statewide. There is not a clearly defined and readily available community youth justice workforce strategy to anticipate or respond to areas of high demand or concentration of complex and high-risk young offenders.

Similarly, there is not a clearly documented process to support allocating the most experienced and senior staff to the most complex or high-risk young offenders or during the most high-risk periods.

Illustrative example of staff-to-young-people distribution – regional and rural Victoria

Figure 3-26: Staff-to-young-people distribution – greater Victoria

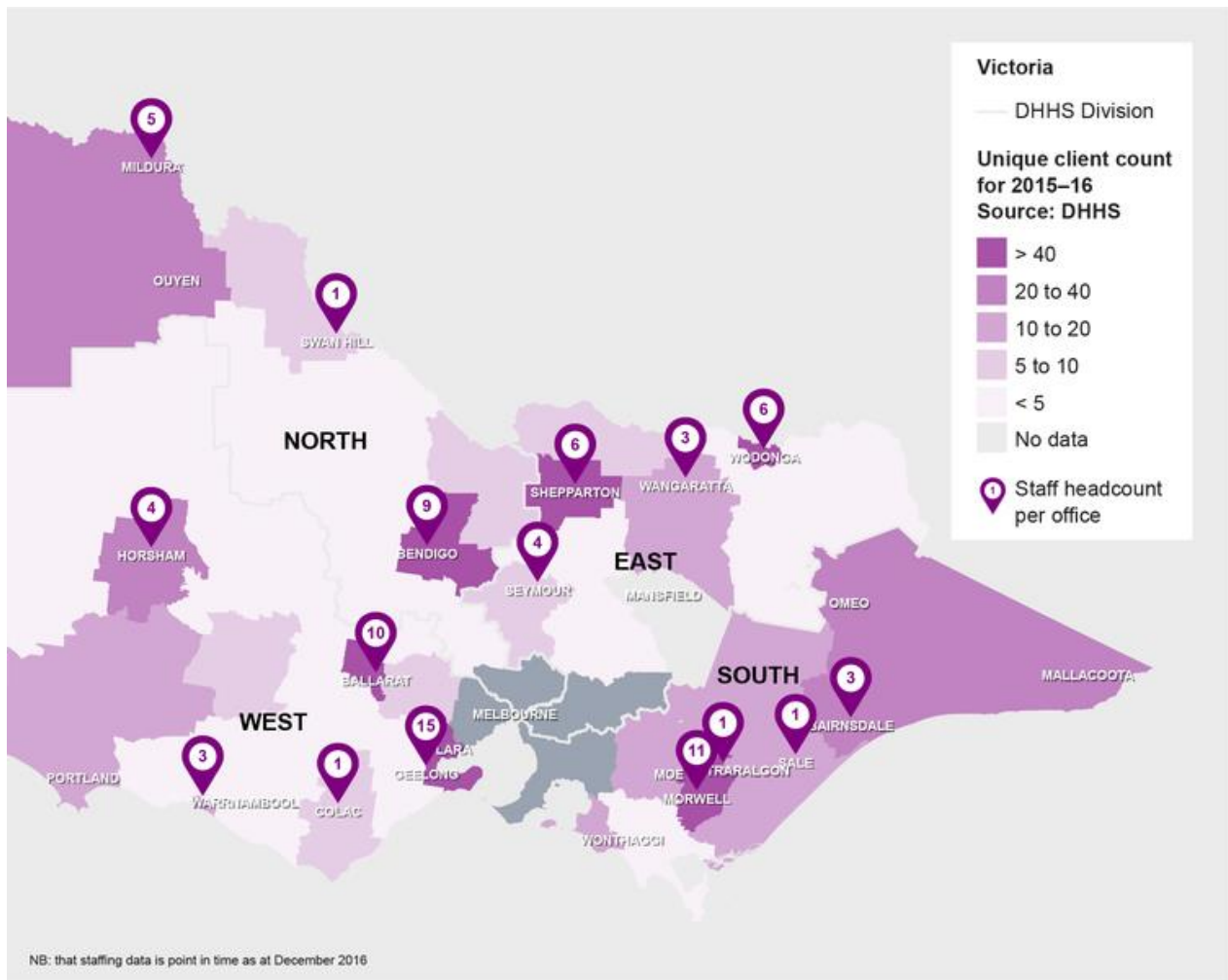
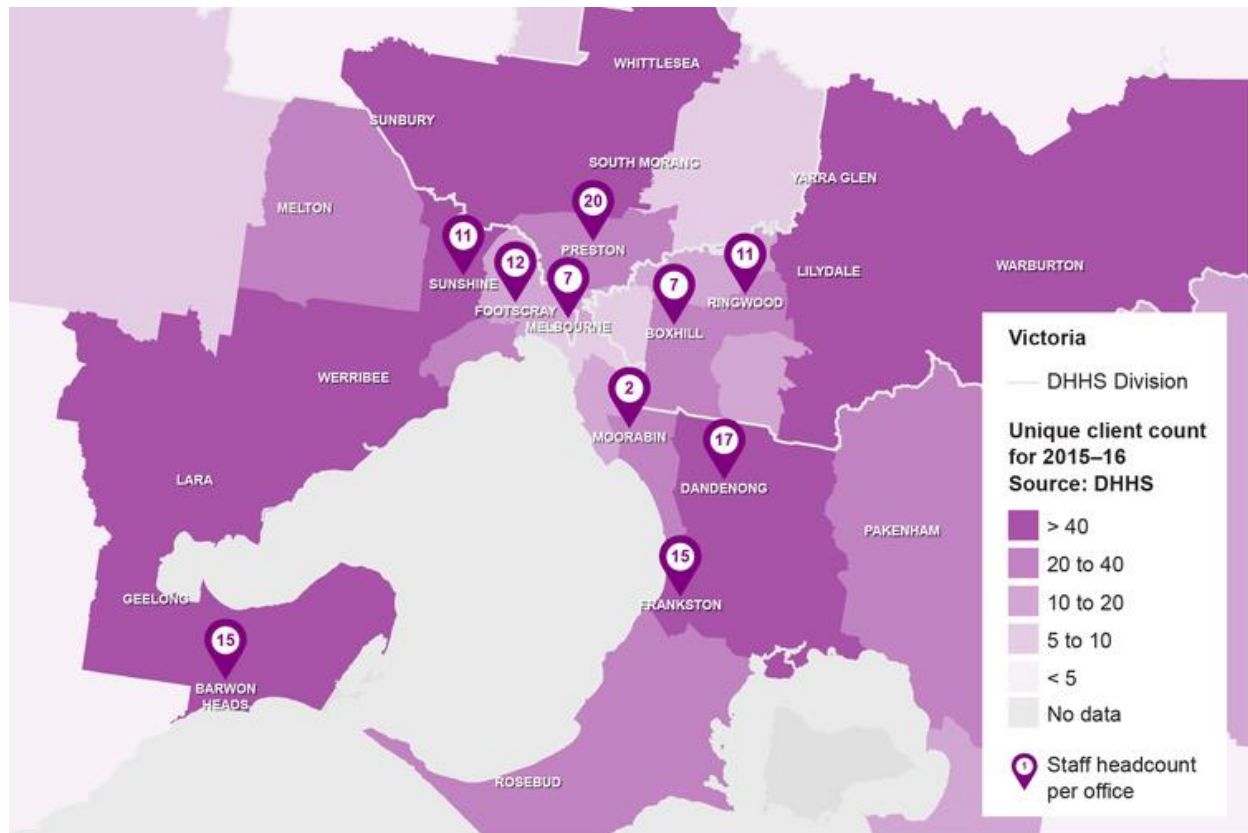


Figure 3-26 highlights that there may be inconsistencies in the allocation of staff to offices across greater Victoria, based on the distribution of young offenders in those areas. For example, in Geelong, there is an FTE workforce headcount of 15 staff for a region where there is a count of more than 40 young people. In Bairnsdale, despite there being a young person count of more than 40, there is a workforce headcount of only three FTE. This example clearly highlights that a disparity exists across different regions of the state. While other factors may affect where staff are placed, such as young person complexity or the nature and intensity of their court order, Figure 3-26 is purely a quantitative representation.

Illustrative example of staff-to-young-people distribution – metropolitan Melbourne and surrounding areas

Figure 3-27: Staff-to-young-people distribution – metropolitan Melbourne and surrounding areas



NB: that staffing data is point in time as at December 2016

Figure 3-27 illustrates that there is also no obvious justification as to why staff-to-young-people distribution is so varied across metropolitan Melbourne. For example, in Box Hill there is a workforce of seven FTE, with a young person count of between 10 and 20, yet in Sunshine, where there is a young person count of more than 40, there is a workforce of only 11 FTE. To further emphasise the inconsistency that exists, in offices where there is analogous demand to Sunshine such as Frankston and Dandenong, 15 and 17 staff are employed respectively. As with Figure 3-26 other factors may affect where staff are placed, such as young person complexity or the nature and intensity of their court order. Figure 3-27 is purely a quantitative representation.

3.6 Measuring service performance and outcomes

3.6.1 Outcomes measurement across the Victorian Government

An effective system of performance measurement and reporting is critical if government is to achieve its policy goals in a way that is transparent and accountable. Being transparent, accurately measuring and effectively communicating performance to parliament and the community is critical for holding departments to account for their performance (Victorian Auditor-General's Office 2014).

In Victoria, the performance measurement and reporting system aims to:

- fully inform government's resource allocation to best achieve its policy goals
- help departments to understand how well they are meeting the government's performance expectations, and provide the basis for them to continually improve their performance
- enable parliament and the community to understand the challenges facing government, and its achievements in addressing these, and areas for further focus.

3.6.2 Outcomes measurement for youth justice systems

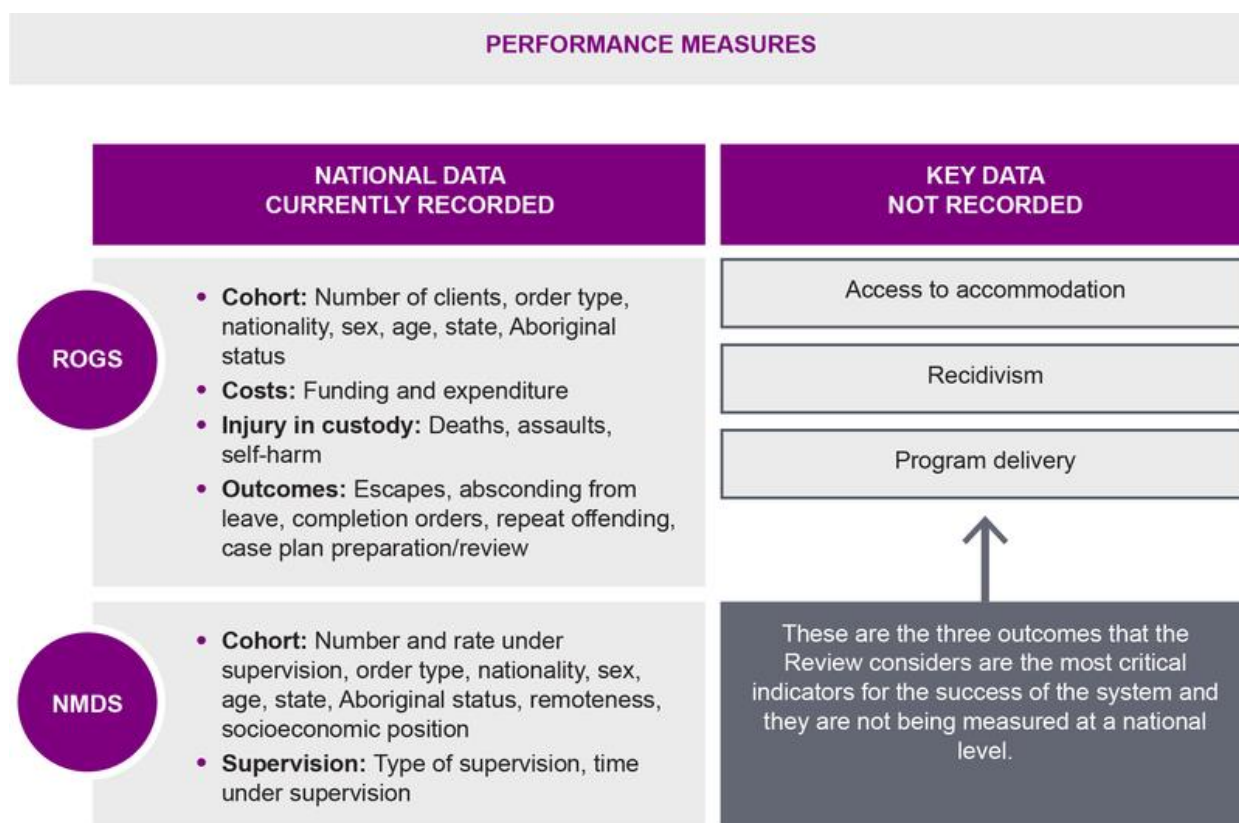
Performance measurement frameworks for youth justice systems should be designed to measure key outcomes that provide an indicator of the health of the system. Such performance frameworks should include:

- measurements that speak to the good order of facilities (e.g. prevalence of drugs, alcohol and other contraband)
- measurements that speak to the safety and security of facilities (e.g. number of escapes)
- measurements that speak to the safety of staff and offenders (e.g. number of assaults – offender to offender, offender to staff, staff to offender)
- measurements that speak to the health and mental health outcomes for offenders across custody and the community (including measures that consider rates of self-harm)
- number of individual and group programs delivered
- rates and frequency of recidivism
- rates of engagement of offenders in education, health and rehabilitation programs, in both custody and the community
- appropriateness and contemporary nature of staff training
- rates of OHS incidents, WorkSafe claims and PINs.

3.6.3 Report on Government Services

The national Report on Government Services (ROGS) (Productivity Commission 2017) presents a reporting framework for youth justice services around Australia that provides information on equity, effectiveness and efficiency, as well as the outcomes of youth justice services. The indicators presented in the ROGS use data from the Australian Institute of Health and Welfare (AIHW) Juvenile Justice National Minimum Data Set, as well as data from each jurisdiction. The current performance measures are outlined in Figure 3-28.

Figure 3-28: ROGS performance measures



3.6.4 Measuring the success of Victoria’s youth justice policy framework – ‘A Balanced Approach’

There has not been a whole-of-system review to measure the success of the current policy framework. The last systemic review was in the 1990s and formed the basis of the 17-year-old policy framework.

The effectiveness and success of the system as a whole has not been measured. The Victorian Auditor-General’s Office, in its 2008 audit of Services for Young Offenders, identified areas for improvement in the planning of services for young offenders. A critical part of this improvement was ensuring adequate levels of performance and outcomes measurement are in place in order to understand how to plan and improve the youth justice system over time.

The Auditor-General identified that youth justice strategy as a whole had not been evaluated and reported on and recommended:

- outcome measures and targets be linked to key youth justice objectives
- performance measures and targets be linked to key strategic and operational activities and initiatives.

Victoria’s youth justice performance reporting

Figure 3-29 shows Victoria’s performance against ROGS data.

Figure 3-29: Victoria’s performance against ROGS data



The available data measuring the performance of Victoria’s youth justice system as part of ROGS indicates that, on key indicators, the statutory youth justice system is not performing well.

3.6.5 Key indicators

Key indicators (see Figure 3-30) show that when compared with other jurisdictions around Australia:

- The overall number of young people involved with youth justice has plateaued since 2013–14.
- Once in contact with Victoria's system, the life outcomes of young people is very poor and there is no outcomes data to indicate a change in their offending patterns.
- The over-representation of Koori young people is worsening over time, with the actual number and the proportion of young people increasing.
- Victoria has the highest rates of assaults in custody, including staff to young person, young person to young person, and young person to staff member.
- Victoria is the most expensive system per young person in Australia, yet is failing to deliver change or positive outcomes for young people.

The ROGS does not report on some very important aspects of the youth justice system, either for Victoria or nationally. Significantly, there is no data on how effective youth justice systems are at reducing repeat offending (or recidivism). Similarly, there is no data on the proportion of young people completing offending-specific courses, or on the proportion of young people with stable accommodation when exiting custody. Both these factors affect recidivism rates.

While the ROGS data does not require measurement of these three indicators, program data and research of Victoria's system show:

- There are very poor levels of program completion or intervention to address offending.
- Recidivism rates are unacceptably high, and occur in close proximity to completion of orders.
- Rates of homelessness and housing instability are high.

Figure 3-30: Report on Government Services – latest output measures



Source: Productivity Commission 2017

Observation

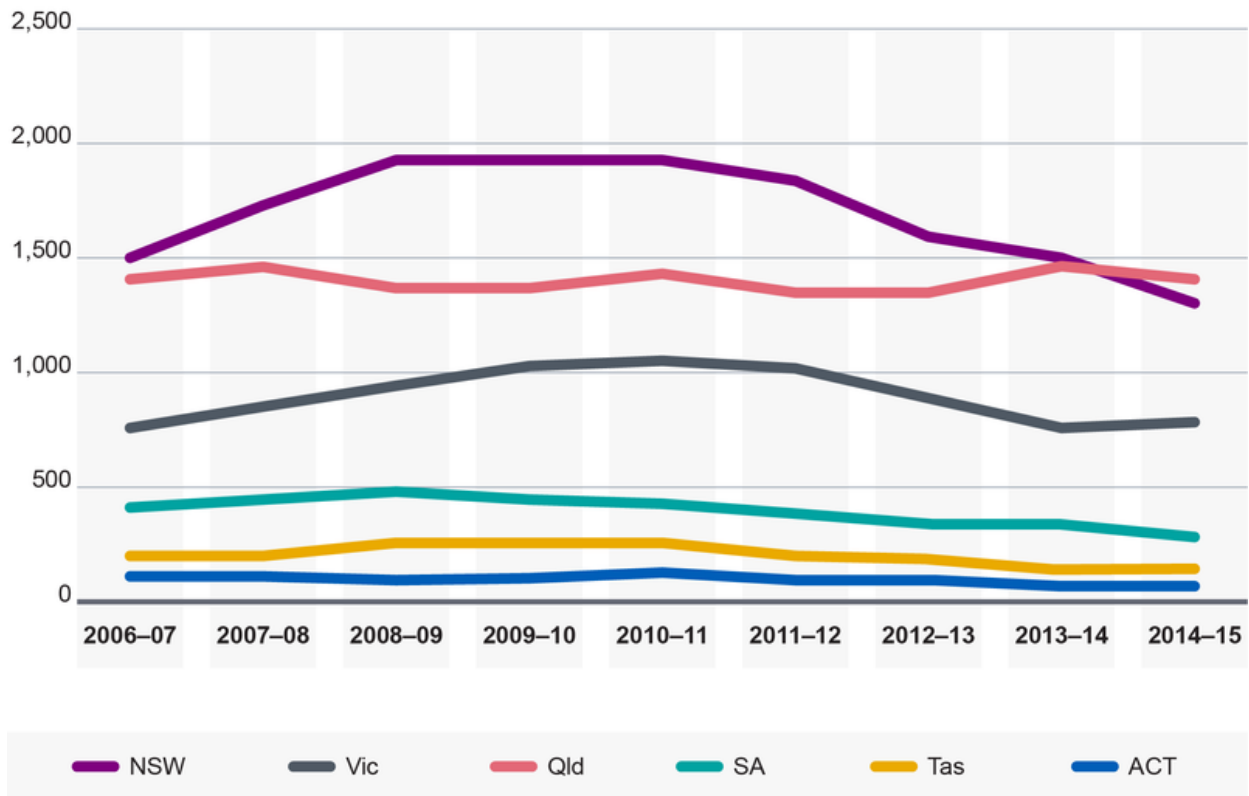
Based on the key indicators, Victoria performance in a number of areas lags behind the national average. Importantly, over-representation of Koori young people is worsening; there are higher levels of assault in custody and high levels of self-harm in custody.

3.6.6 Involvement with youth justice

The overall number of young people involved with youth justice in Victoria has plateaued since 2013.

Data on the number of young people under youth justice supervision shows the number of young people in Victoria has remained relatively stable since 2013–14, following a period of decline since 2011–12. Other jurisdictions show a similar trend (Figure 3-31).

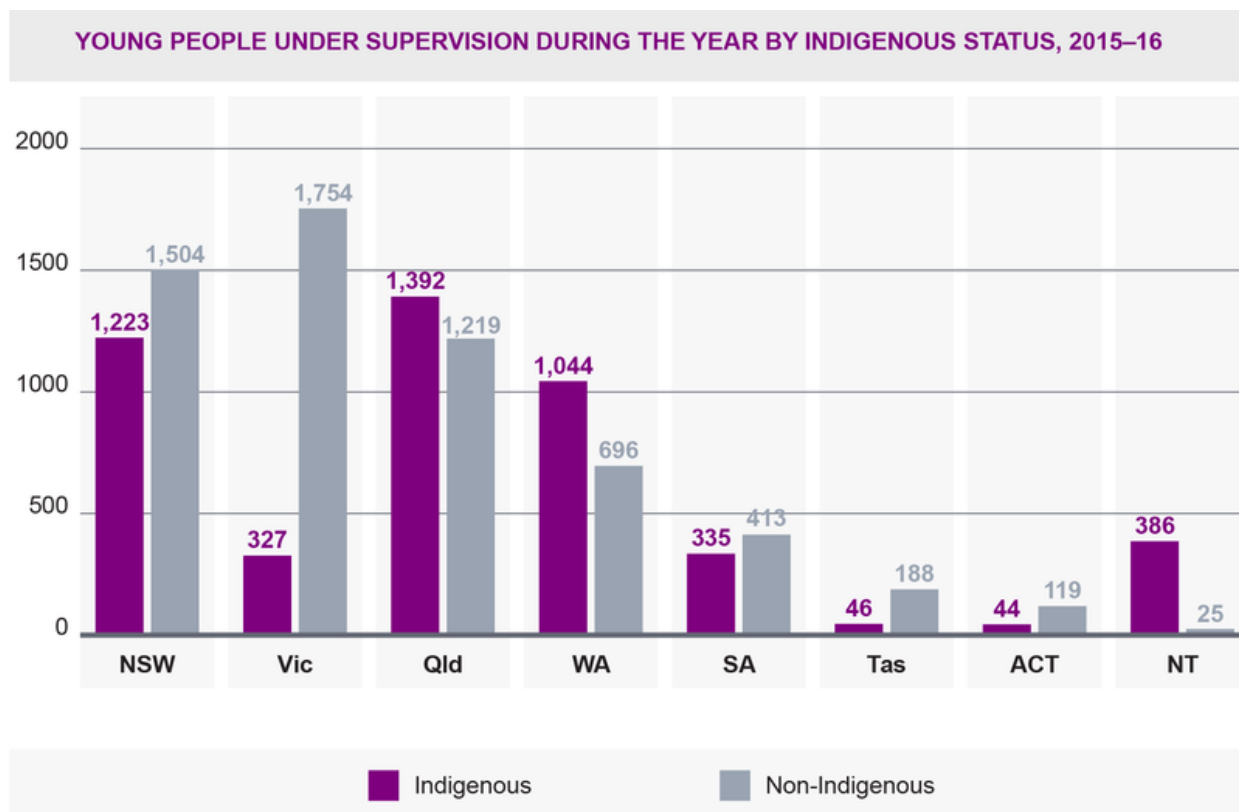
Figure 3-31: Number of young people aged 10–17 under supervision on an average day, by state and territory (excluding WA and NT), 2006–07 to 2015–16



Source: AIHW 2017

New South Wales, Queensland and Western Australia have larger Koori populations than Victoria. Similar to Victoria, all jurisdictions have unacceptably high rates of over-representation. However, Victoria has the highest number of non-Koori young people under supervision in Australia, with almost 1,754 under supervision in 2015–16. This is shown at Figure 3-32.

Figure 3-32: Number of young people aged 10–17 under supervision by state and territory in 2015–16, with Indigenous and non-Indigenous populations separated



Source: AIHW 2017

Observation

Victoria has the highest number of non-Koori young people under supervision in Australia, and also has an increasing rate of Koori over-representation.

3.6.7 Age of the Victorian youth justice cohort

The Crime Statistics Agency (CSA) has found that while the number of very young offenders (aged 10–14) has decreased over time in Victoria, the average number of offences recorded per offender has increased (CSA 2016). The CSA considered data from 2006 to 2015 and found that the average number of offending incidents increased by 22.9 per cent and offences recorded increased by 40.4 per cent per unique offender for those aged 10–14 from 2006–10 to 2011–15.

In its December 2016 report, the Sentencing Advisory Council noted similar reoffending patterns for Victoria’s youngest offenders (Sentencing Advisory Council 2016). Of the group studied by the council (5,385 children and young people sentenced in the Children’s Court in 2008–09), it found that offenders who were first sentenced at an earlier age tended to have a higher reoffending rate in the following six years than those who were first sentenced at a later age (Sentencing Advisory Council 2016).

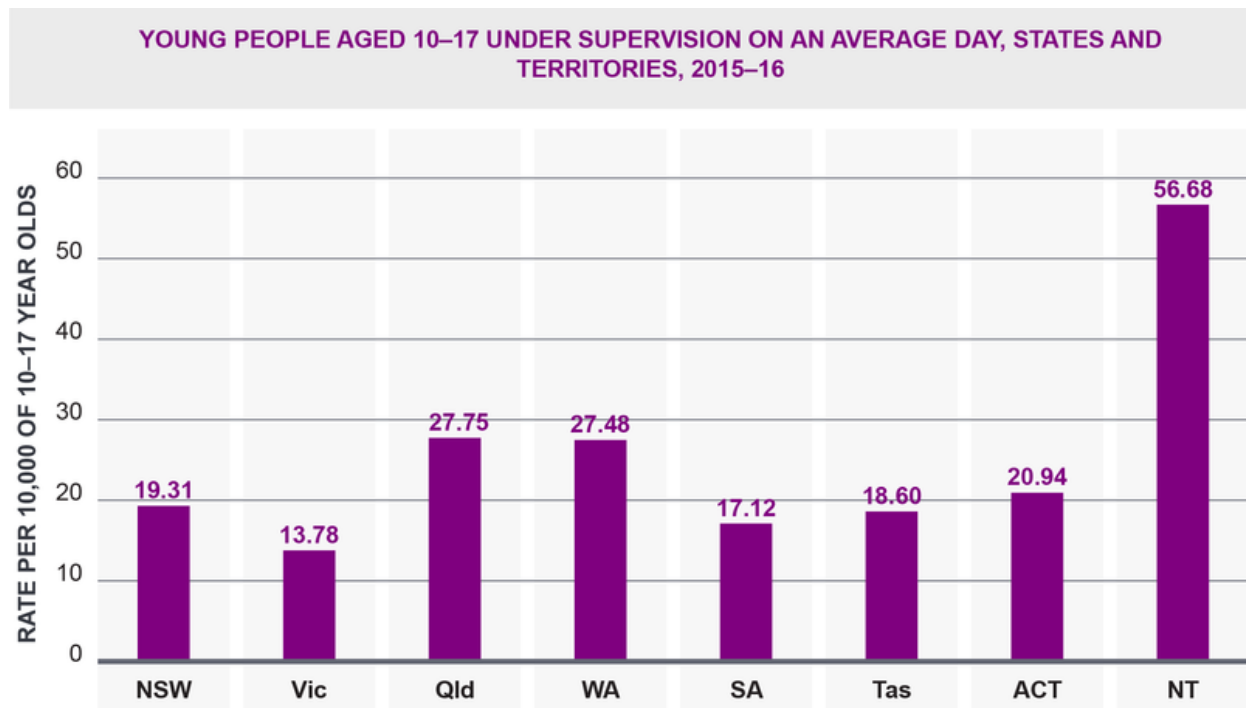
The Sentencing Advisory Council concluded that the younger children were at their first sentence, the more likely they were to reoffend generally, reoffend violently, continue offending as adults and be sentenced to an adult sentence of imprisonment before their 22nd birthday (Sentencing Advisory Council 2016).

The cohort of the very youngest offenders (i.e. aged 10–14 years) present a significant challenge for the existing system. Research shows that this age group, although less likely to offend than their older

counterparts, have consistently demonstrated that if they do offend, they will offend with great frequency and consistency and are significantly more likely to transition to the adult criminal system later in life. Of significance is the fact that studies consistently show that the youngest offenders are more likely to have been exposed to violence, abuse, neglect and chaotic and dysfunctional lifestyles (Sentencing Advisory Council 2016).

Although young people aged 10–14 may be less likely than older offenders to offend in the first place, those aged 10–14 years who do offend have a higher reoffending rate than older offenders (Sentencing Advisory Council 2016).

Figure 3-33: Young people aged 10–17 under supervision on an average day, by state or territory, 2015–16 (rate per 10,000 10–17 year olds)



Source: AIHW 2017

3.6.8 Change in offending patterns over time

Once in contact with Victoria’s system, there is little evidence to suggest a change in young people’s offending patterns. There are indications that the life outcomes of young people are poor as demonstrated by research such as the University of Melbourne study on high rates of early death among young offenders (Coffey et al. 2014).

While Victorian performance is showing high rates of order completion, young people are continuing to offend during or following youth justice orders. Young people receiving youth justice supervision are also progressing in unacceptably high numbers into the adult corrections system and into a life of crime.

Following youth justice interventions, young people are now more likely to go on to commit *more* incidents and/or offences than they have in the past. For example, 84 per cent of adult offenders who had a previous period in youth justice evidenced a concerning proximity between release from a youth justice order to contact with police. This included 25 per cent of young people coming into contact with police in less than one month of exit and more than 50 per cent within three months (CSA 2016).

Since 2006 there have been 36 independent client death inquiries for young people who died while subject to a youth justice order or within one month of an order expiring. These inquiries identify significant program, policy and practice gaps in relation to poor community youth justice case

management practice, and the inadequacy of youth justice assessment, coordination of health transitions from custody to community, responses to risks and limited step-down support following periods of supervision.

Since 2010 there have been three independent reviews of elements of community youth justice services. With the exception of client death inquiries, the majority of reviews and evaluations conducted do not consider the very poor offending and life outcomes for young people who come into contact with the youth justice system. Similarly, there are low levels of rigour in considering the ability of the youth justice system to address offending during adolescence and to shift and improve outcomes for young people, their families and the community.

The levels of persistent reoffending and consistently poor outcomes for young people who come into contact with the youth justice system indicate program and system inadequacy and significant gaps across the youth justice continuum. The system is ineffectual in dealing with offending behaviour, and it is unable to adequately respond to the changing nature of offending by the current and projected future youth justice cohort.

Observation	<p>Once in contact with Victoria’s youth justice system, there is no data to indicate a change in young people’s offending patterns, and their life outcomes are very poor.</p>
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Over-representation of Koori young people

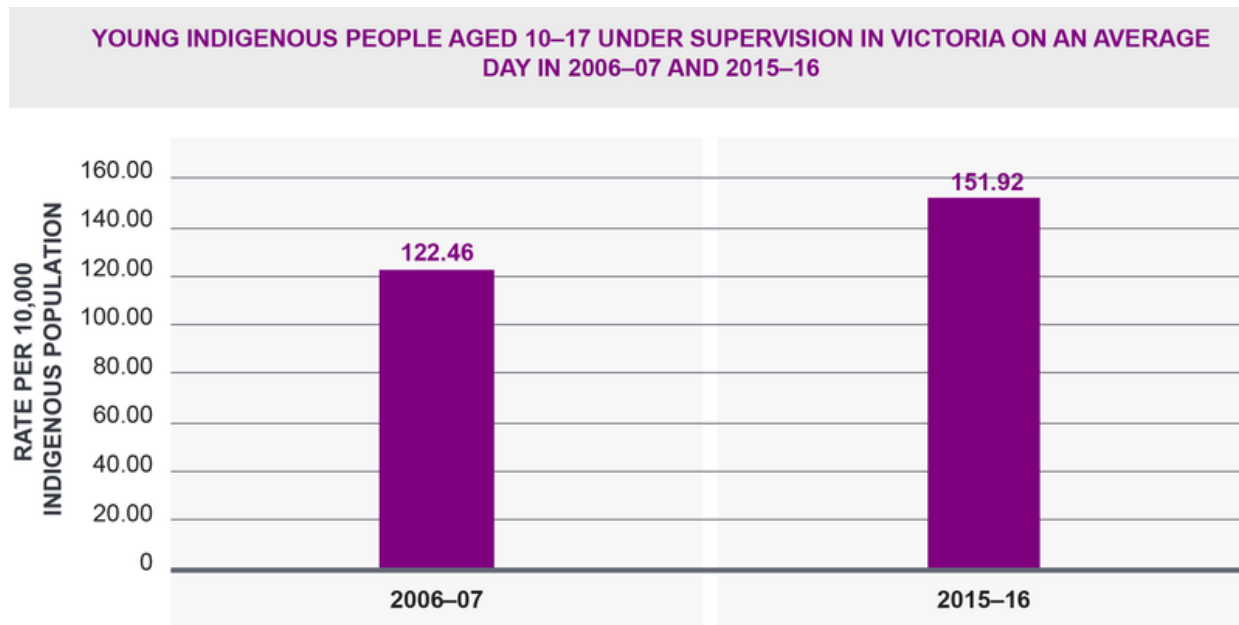
The over-representation of Koori young people is worsening over time, with the actual number and the proportion of young people increasing.

Indigenous young people are still over-represented in the youth justice system. Indeed, the over-representation has worsened over time.

Figure 3-34 indicates the rate rose in Victoria from around 122 per 10,000 Koori population in 2006–07 to around 152 per 10,000 Koori population in 2015–16, suggesting the overall numbers of Koori young people are continuing to rise.

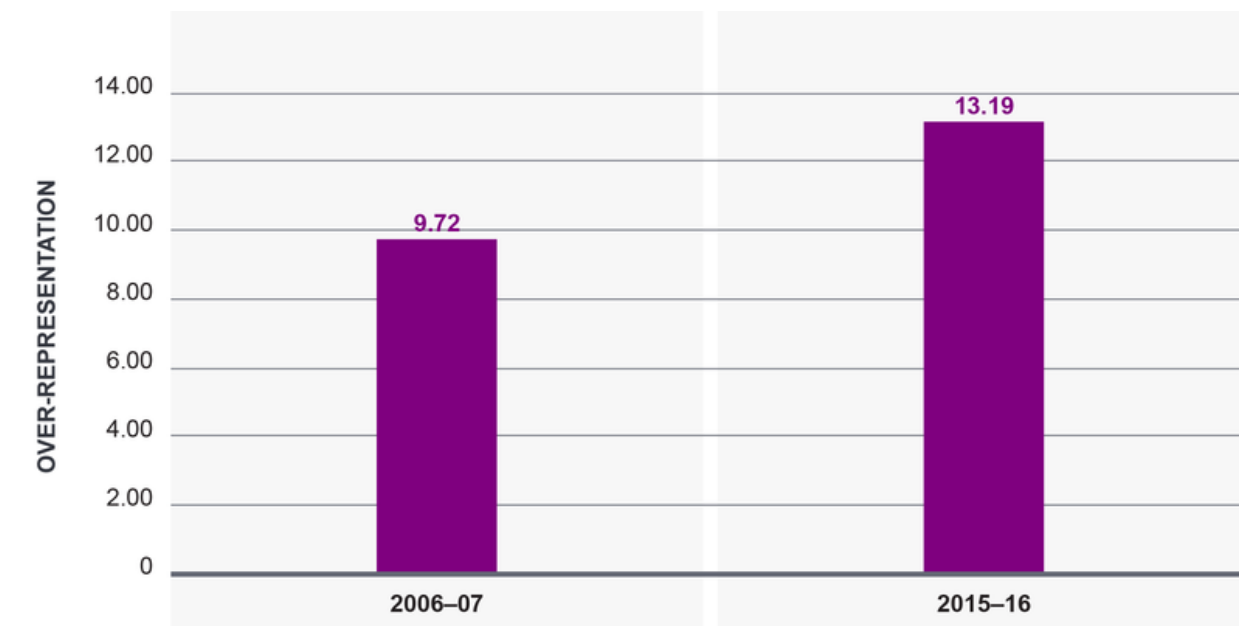
Between 2006–07 and 2015–16, Koori over-representation in Victoria rose from 9.7 times the non-Koori rate to 13.2 times the non-Koori rate (Figure 3-35), and Koori young people continue to be 13–14 times more likely to be involved with youth justice.

Figure 3-34: Indigenous young people aged 10–17 under supervision on an average day, 2006–07 and 2015–16 (rate)



Source: AIHW 2017

Figure 3-35: Over-representation of Indigenous young people aged 10–17 under supervision on an average day, 2006–07 and 2015–16



Source: AIHW 2017

Observation	In Victoria, the level of over-representation continued to rise and increased to 15 times the non-Koori rate in 2014–15.
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3.6.9 Assaults in custody

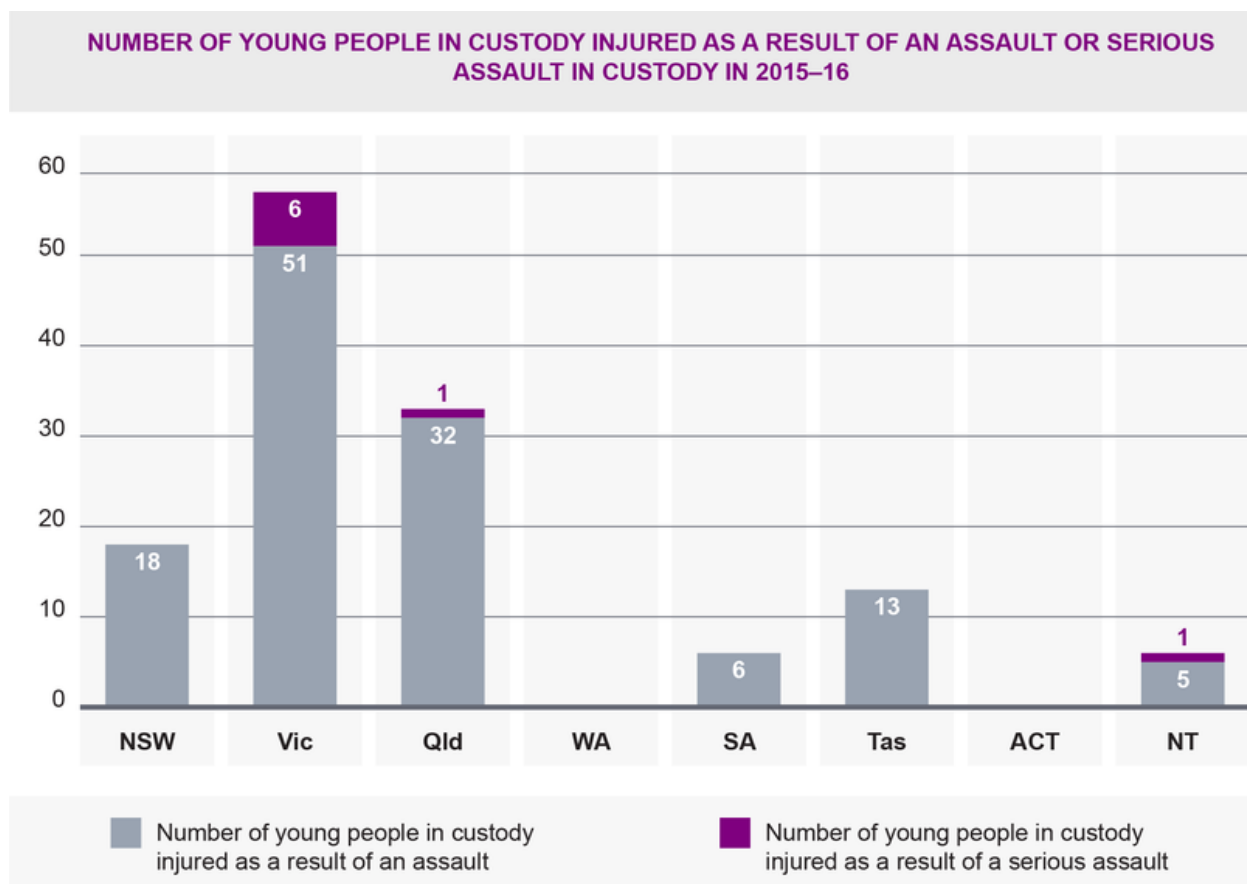
Victoria has the highest rates of assaults in custody, including staff to young person, young person to young person and young person to staff member, recording the highest rates of serious assaults and assaults across all jurisdictions. This is shown at Figure 3-36.

Youth justice is not performing well in delivering a safe and stable setting in custodial contexts. ROGS reports Victoria as the worst performing jurisdiction in Australia. While ROGS does not capture critical incidents in the community, there are a concerning number of critical incidents occurring in the community in Victoria and, during consultation, the workforce noted concerns for their safety.

Victoria recorded six serious assaults (i.e. an injury that requires overnight hospitalisation or any act of sexual assault), or 1.2 per 10,000 custody nights. Victoria also recorded 51 assaults (i.e. an injury that does not require hospitalisation), or 8.3 per 10,000 custody nights.

In Figure 3-36, consistent with the ROGS, a serious assault means an injury sustained that requires overnight hospitalisation, and any act of sexual assault. Assault means an injury was sustained; however, it did not require hospitalisation (Productivity Commission 2017).

Figure 3-36: Number of young people injured as a result of an assault in custody in 2015–16



Source: Productivity Commission 2017

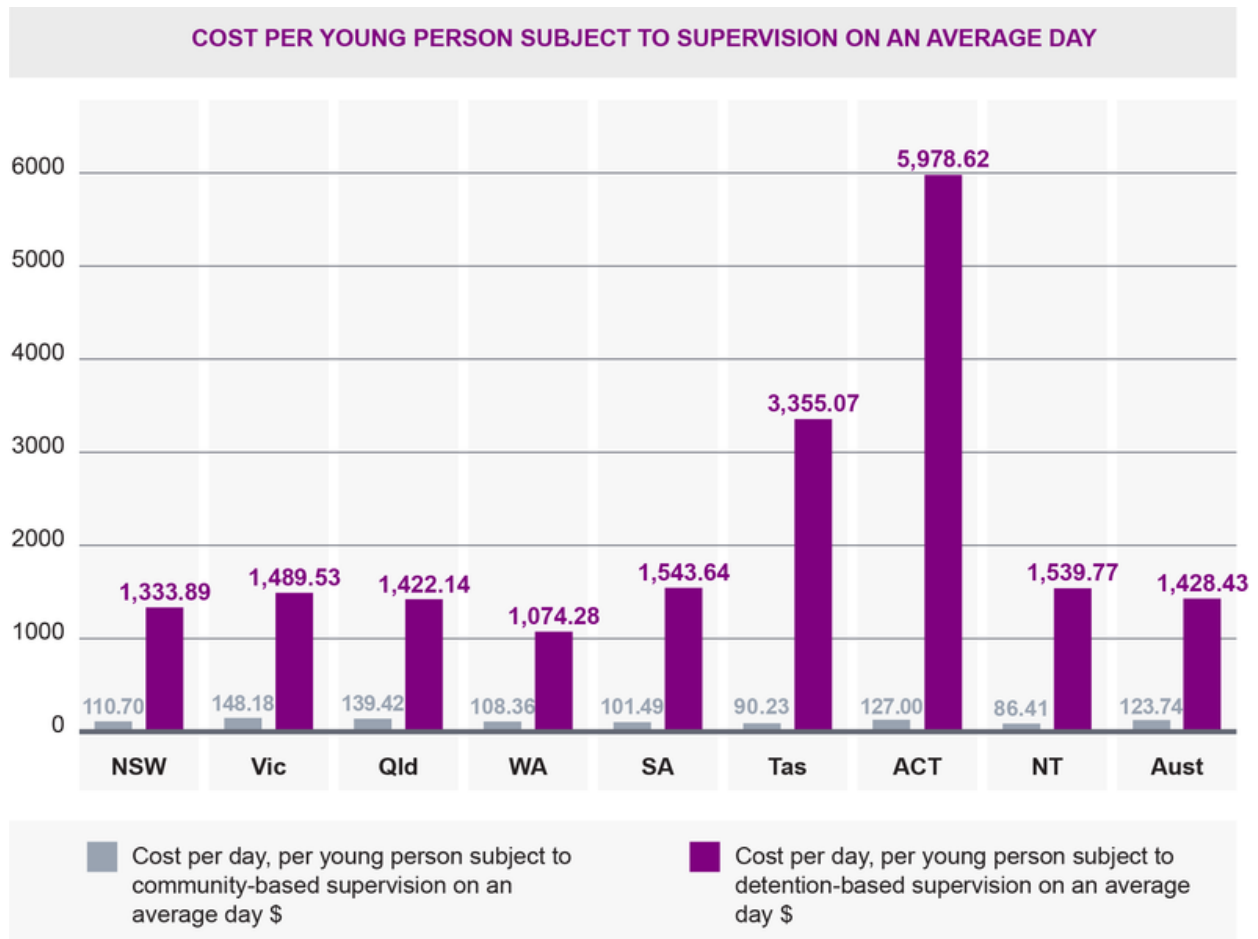
Observation	<p>The number of young people injured as a result of an assault or a serious assault in custody in 2015–16 is concerningly much higher than all other jurisdictions, with 51 assaults and six serious assaults.</p> <p>This indicates that Victoria’s youth justice custodial facilities are struggling to provide a safe environment for the care of young offenders.</p>
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3.6.10 System cost

Victoria is the most expensive system per young person in Victoria overall, yet is failing to deliver change or positive outcomes for young people.

The national average cost was recorded at \$123.74 per person in 2015–16, while Victoria’s cost was \$148.18 (Figure 3-37). By contrast, Victoria’s cost per young person subject to custodial supervision (\$1,489.53) was close to the national average (\$1,428.43).

Figure 3-37: Cost per young person subject to supervision on an average day, 2015–16



Source: Productivity Commission 2017

Observation

Victoria’s community-based youth justice system is more expensive than the national average. Victoria’s custodial-based youth justice system is close to the national average.

Chapter 4: Youth offending, needs and backgrounds

This chapter focuses on the profile of young offenders in the Victorian youth justice system. It highlights the offending type, rates and recidivism patterns of young offenders. It then looks to the demographics, needs, history and familial characteristics of young offenders to discern areas that can be targeted to reduce offending and recidivism rates. It pays particular attention to the over-representation of Koori and cultural and linguistically diverse (CALD) young people. The chapter follows the following structure:

4.1	INTRODUCTION	
4.2	OFFENCE PROFILE	<ul style="list-style-type: none"> 4.2.1 Current offence profile 4.2.2 Increasing levels of violence 4.2.3 Common trajectories and offending patterns 4.2.4 Age of first contact with the criminal justice system 4.2.5 Trends in recidivism
4.3	SYSTEM CONTACT	<ul style="list-style-type: none"> 4.3.1 Fewer young people are in contact with the criminal justice system 4.3.2 Youth justice responds to a relatively small number of young people
4.4	DEMOGRAPHICS AND NEEDS OF YOUNG OFFENDERS	<ul style="list-style-type: none"> 4.4.1 Mental health 4.4.2 Disability 4.4.3 Substance misuse 4.4.4 Education indicators 4.4.5 Housing and accommodation
4.5	FAMILY CHARACTERISTICS	<ul style="list-style-type: none"> 4.5.1 Poverty and socioeconomic disadvantage 4.5.2 Involvement in criminal justice 4.5.3 Child Protection involvement 4.5.4 Out-of-home care involvement 4.5.5 Exposure to family violence
4.6	KOORI YOUNG PEOPLE	<ul style="list-style-type: none"> 4.6.1 Age of first contact is younger for Koori young people 4.6.2 Crime types and cycles of offending 4.6.3 Intergenerational trauma, grief and disadvantage 4.6.4 Breaking the cycle of offending through family and community
4.7	CULTURALLY AND LINGUISTICALLY DIVERSE OFFENDERS	<ul style="list-style-type: none"> 4.7.1 Maori and Pacific Islander young people 4.7.2 South Sudanese young people

4.1 Introduction

A robust policy framework for youth justice must respond to the crimes committed by young people, and their needs and circumstances. This includes the range, type and frequency of crime committed by young people, and must reflect the needs and characteristics of the young people using these services.

That is, we must understand the type of crime, the age of first involvement with crime, the common trajectories, and the extent of reoffending and high criminogenic needs. We also must understand how chaotic and difficult their lives are and what this means for rehabilitation. We must understand offending, needs and backgrounds before we can design the framework, operating model and correlating services that will meet their needs.

Over the past decade, the level of crime committed by young people has become increasingly violent; there are very high rates of reoffending and disengagement. Young people become involved with youth justice because they have committed a crime. The youth justice system must address this behaviour by rehabilitating young people appropriately.

However, many young people in youth justice (both in the community and in custodial centres) have complex needs, and data suggests their needs are becoming more complex over time. Many young offenders exhibit one or more of the following complicating characteristics:

- socioeconomic disadvantage
- intergenerational trauma and grief
- childhood abuse
- exposure to criminal activity committed by parents or siblings
- disrupted education
- high levels of disability, cognitive impairment, language and communication delays
- high levels of mental health concern, drug and alcohol disorders and fetal alcohol syndrome disorder
- high levels of family conflict, unstable accommodation and homelessness.

Indeed, young people with these characteristics are over-represented in the youth justice system, and all of these characteristics were part of their lives long before they committed crime. These characteristics do not cause or excuse offending, but for young people in youth justice 'it is clear that the failure of education, health, social care and other agencies to tackle these problems have contributed to their presence in the youth justice system' (Taylor 2016, p. 2).

The youth justice system alone cannot address these characteristics, given that they affect a person throughout their life, both before and after their exposure to the youth justice system. Rather, responding to the complex needs of young people requires an integrated, whole-of-government approach that helps vulnerable children before they offend and continues after a young person exits the youth justice system.

4.2 Offence profile



4.2.1 Current offence profile

In 2015–16 more than 71 per cent of young people involved with youth justice were charged with crimes against the person (based on DHHS data). Of this cohort, 73 per cent committed acts intended to cause injury as their most serious offence – the highest offence type in 2015–16. Figure 4-1 presents the primary offence type of young people who received a youth justice order in 2015–16, by gender.

Other notable system results include:

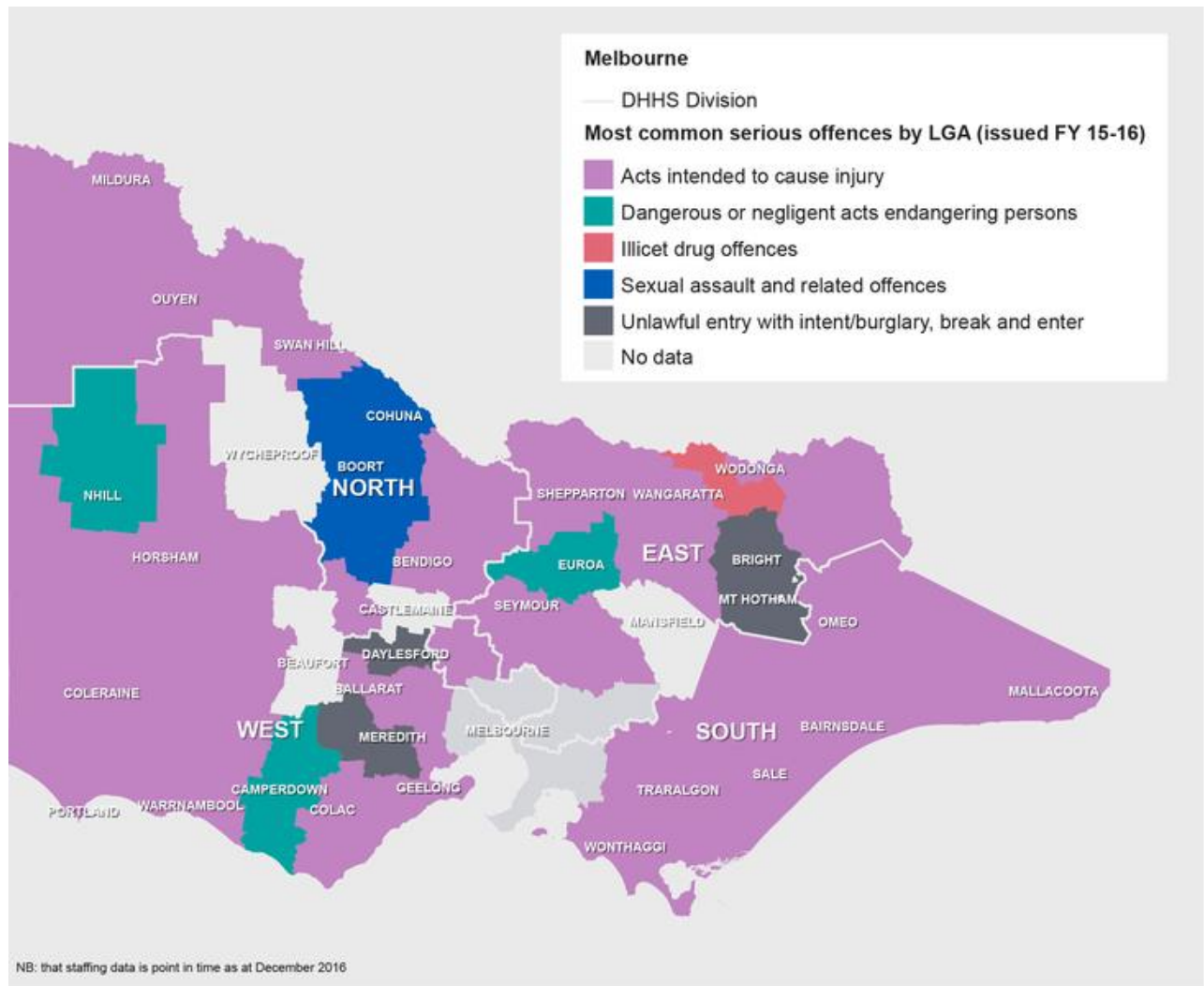
- An increasing range of drugs is driving crime (such as methamphetamine or ice), and is increasing the number and severity of young people received into custody who have a substance misuse issue.
- Increasing violent offending is not limited by gender or geographic area.
- Increasing numbers of young women are in contact with the system. Further, young women are increasingly more direct perpetrators of crime, rather than being on the periphery. Indeed, 71 per cent of young women currently in the system have an order for 'acts intending to cause injury' compared with 63 per cent of young men for the same order type.
- Crimes against the person is the prevalent most serious offence type across Victoria, in both regional and metropolitan areas. Figure 4-2 and 4-3 map the most common most serious offence by local government area.

Figure 4-1: Primary offence type of young people receiving orders, 2015–16

GENDER	AGE	ETHNICITY	PRIMARY OFFENCE TYPE	DHHS SERVICES	
 <p>256 (17%) are young women</p>	<p>69 are aged 10–14</p>	<p>141 Australian (non-Aboriginal)</p>	<p>176 had at least one crime against the person (80 had no crimes against the person)</p> <p>176 had at least one crime against property (80 had no crimes against property)</p> <p>66 had at least one public order and security offence (190 had no public order and security offences)</p> <p>99 had at least one justice procedure offence (157 had no justice procedure offences)</p> <p>66 had at least one traffic offence (190 had no traffic offences)</p>	<p>179 had previous involvement with Child Protection (77 had no prior Child Protection involvement)</p> <p>116 received DHHS or public alcohol and drug services over their lifetime (140 had no prior service involvement)</p> <p>106 received DHHS or public mental health services over their lifetime (150 had no prior service involvement)</p> <p>10 received disability services in 2015–16 (246 had no service involvement)</p>	
		<p>43 Aboriginal Australian</p>			<p>3 homicides and related offences</p> <p>132 acts intended to cause injury</p> <p>2 sexual assaults and related offences</p>
	<p>141 (55%) are aged 15–17</p>	<p>12 Maori</p>			<p>23 dangerous or negligent acts endangering persons</p> <p>2 abduction, harassment and other offences against the person</p>
	<p>46 are aged 18 or older</p>	<p>5 Samoan</p> <p>3 New Zealander (Non-Maori), 3 South Sudanese, 1 Cook Islander, 1 Lebanese, 1 Italian</p>			<p>14 robberies, extortion and related offences</p>
 <p>1,292 (83%) are young men</p>	<p>186 are aged 10–14</p>	<p>641 Australian (non-Aboriginal)</p>	<p>922 had at least one crime against the person (370 had no crimes against the person)</p> <p>850 had at least one crime against property (85 had no crimes against property)</p> <p>389 had at least one public order and security offences (923 had no public order and security offences)</p> <p>486 had at least one justice procedure offence (806 had no justice procedure offences)</p> <p>369 had at least one traffic offence (923 had no traffic offences)</p>	<p>622 had previous involvement with Child Protection (670 had no prior Child Protection involvement)</p> <p>595 received DHHS or public alcohol and drug services over their lifetime (697 had no prior service involvement)</p> <p>405 received DHHS or public mental health services over their lifetime (887 had no service involvement)</p> <p>85 received disability services in 2015–16 (1,207 had no service involvement)</p>	
		<p>155 Aboriginal Australian</p>			<p>13 homicides and related offences</p> <p>670 acts intended to cause injury</p> <p>32 sexual assaults and related offences</p>
	<p>792 (62%) are aged 15–17</p>	<p>59 South Sudanese</p>			<p>94 dangerous or negligent acts endangering persons</p> <p>37 abduction, harassment and other offences against the person</p>
	<p>314 are aged 18 or older</p>	<p>52 Maori</p> <p>38 Samoan, 35 Lebanese, 20 New Zealander (non-Maori), 13 Cook Islander, 14 Iraqi, 8 Italian</p>			<p>76 robberies, extortion and related offences</p>

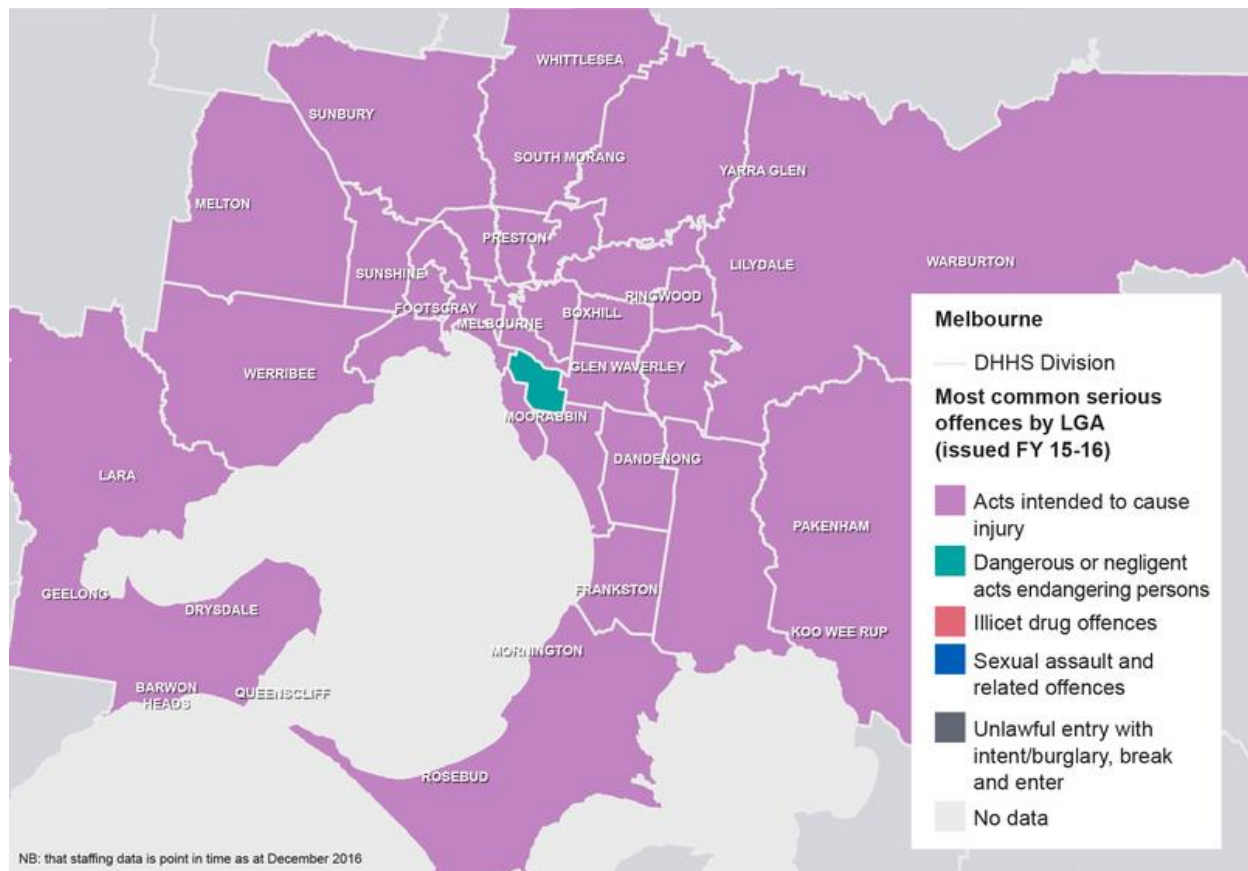
Most serious offence type by local government area, regional and rural Victoria

Figure 4-2: Serious offence by geographic location (greater Victoria), 2015–16



Most serious offence type by local government area, metropolitan Melbourne and surrounding areas

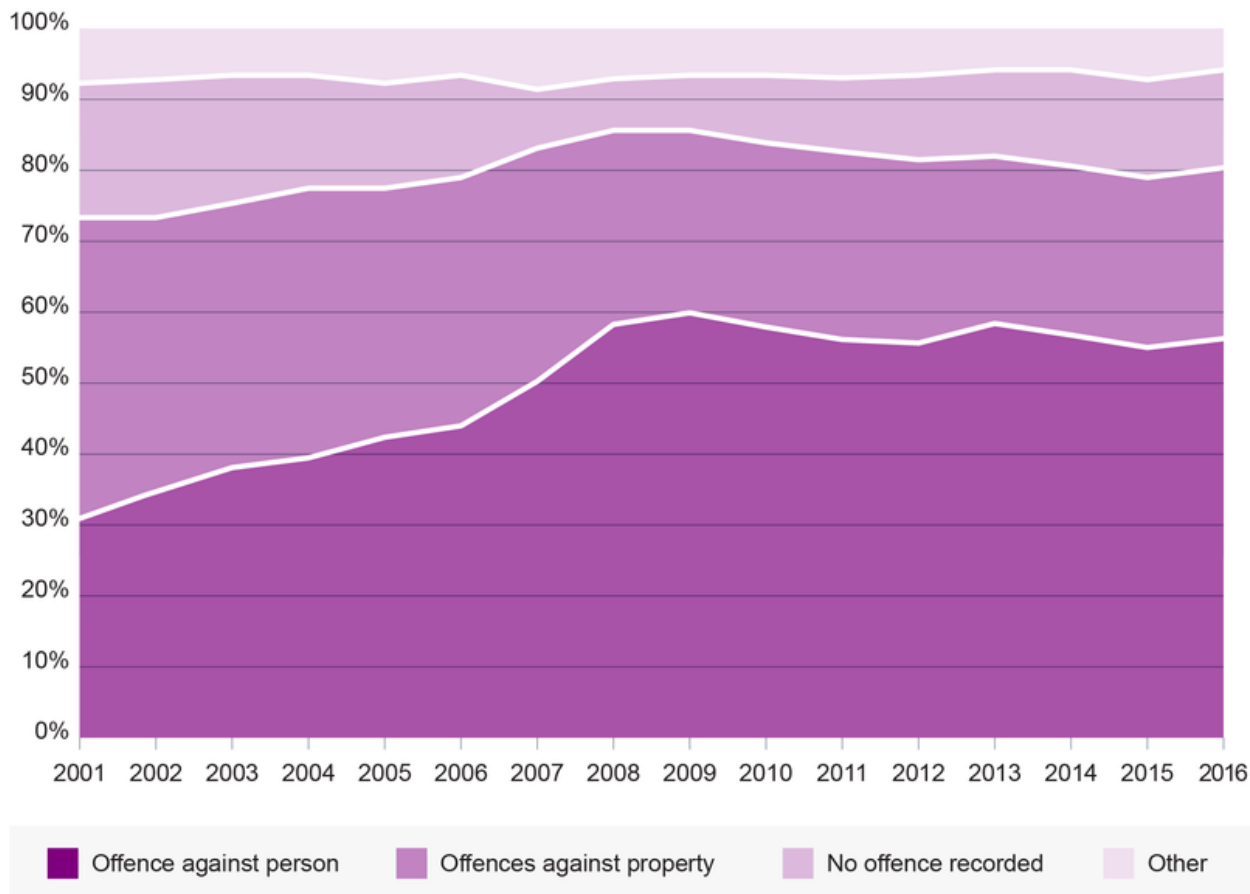
Figure 4-3: Serious offence by geographic location (metropolitan Melbourne), 2015–16



4.2.2 Increasing levels of violence

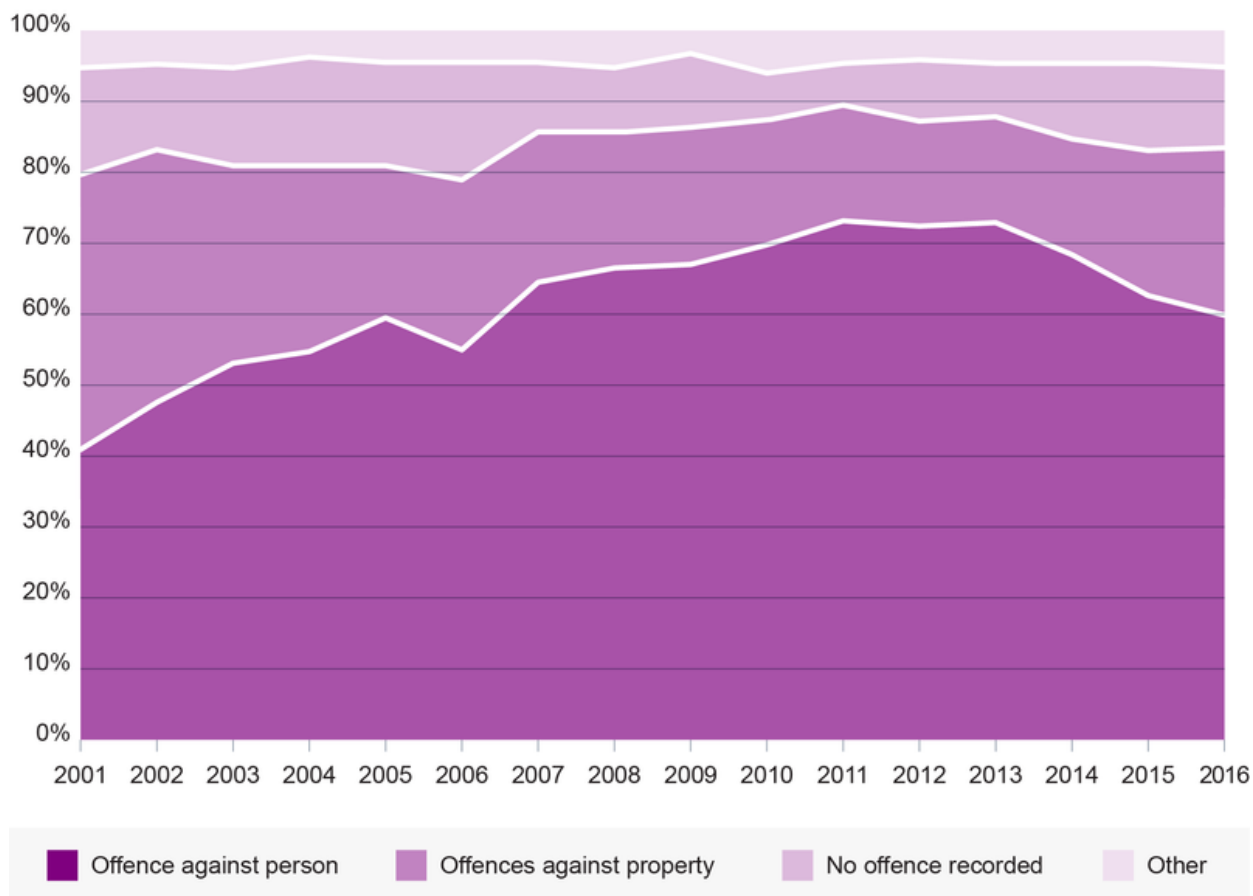
The offence profile of young people in the youth justice system shows a steady increase in violence. Since 2001 the proportion of young people who committed crime against the person (e.g. murder, assault, robbery, sexual offences and negligent and reckless offences that endanger people) rose from 30 per cent to 50 per cent (Figure 4-4). This trend is evident across all ages, genders and cultures.

Figure 4-4: Most serious offence type for all community and custodial sentences, 2001–2016



Interestingly, the number of young people in custody involved with crimes against the person declined steadily over the past four years, although levels remain well above 2001 levels (Figure 4-5). The proportion rose from 40 per cent in 2001 to more than 70 per cent between 2010 and 2013. It is likely that the successful diversion of young people committing lesser offences than previously, who would have previously been given a youth justice order, has led to this increase in violent offending as a proportion of all offences.

Figure 4-5: Most serious offence type for custodial young people only, 2001–2016



In the consultations, judicial, law enforcement and justice sector experts identified a surge in violent offending in the past 12 months, and they expect this to continue in the coming years. Victoria Police, for example, noted a move away from opportunistic (typical adolescent) offending and towards more sophisticated, socially networked, calculated and callous offending. Similarly, youth justice officers in both community and custodial settings considered the number of violent offenders was increasing. Further, many felt challenged by this offending and ill equipped to respond to or address violence.

Observation The level of crimes against the person have been increasing consistently for more than 10 years. The increase has persisted in community settings but declined slightly in custodial settings in recent years. It is likely that the successful diversion of young people committing lesser offences than previously, who would have previously been given a youth justice order, has led to this increase in violent offending as a proportion of all offences.

4.2.3 Common trajectories and offending patterns

Age crime curve

The majority of young people do not get involved in crime at all and ‘abstain’ both as young people and as adults (Saunders 2007). Of the young people who get involved in crime, most commit low-level crime and grow out of this antisocial and criminal behaviour. This pattern is commonly called the ‘age crime curve’. Offending peaks in mid-adolescence – between 16 and 17 years of age – before declining sharply in late adolescence and early adulthood (Saunders 2007).

A small group of young people who commit crime during adolescence, but with minimal intervention, do not continue this behaviour as adults. Their offending is ‘adolescent limited’. Without effective

intervention, a further smaller proportion of adolescents will continue to offend through all life stages, and crime becomes entrenched and 'life-course persistent' (Moffitt 1993). Figure 4-6 illustrates the offending patterns for these groups.

Figure 4-7 shows the offending trajectory by most serious offence type.

Figure 4-6: Patterns of offending behaviour by trajectory

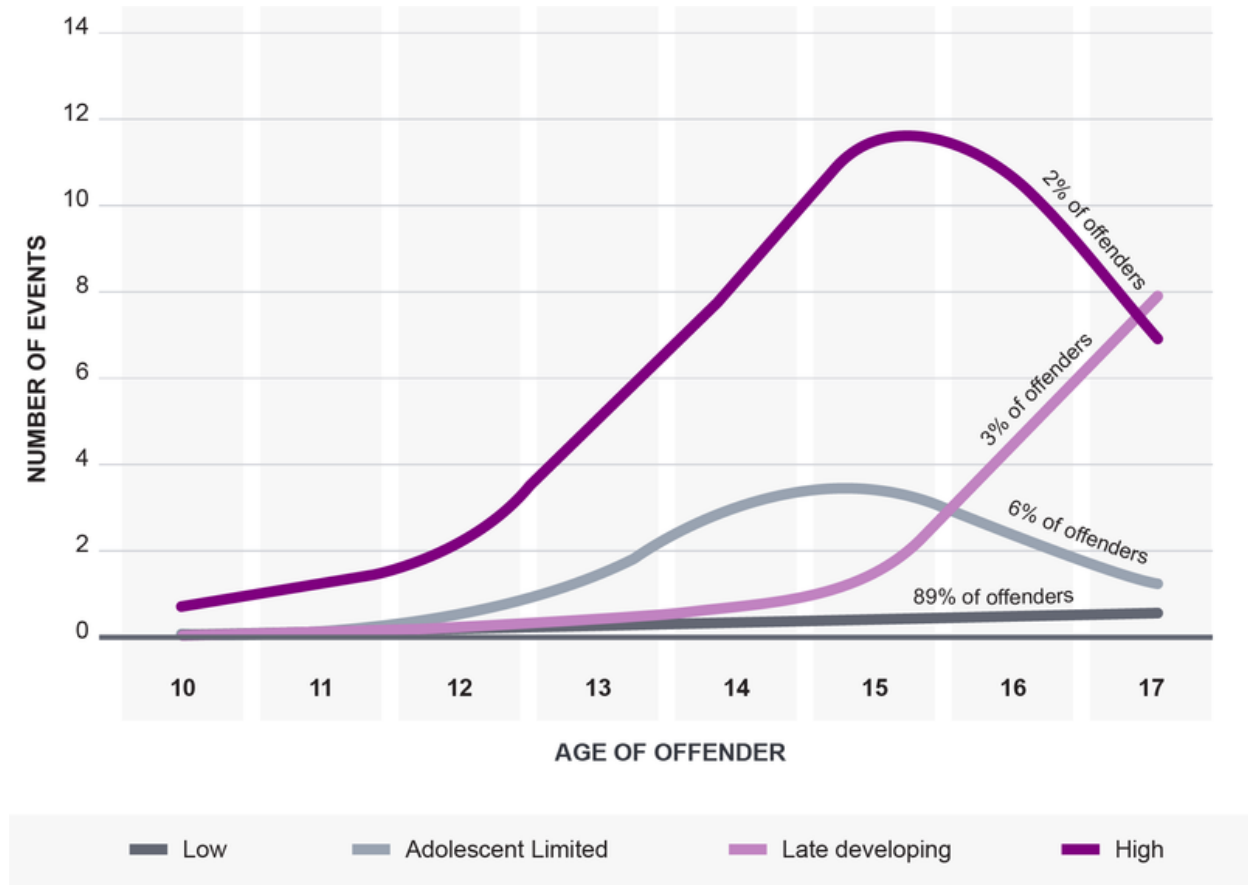
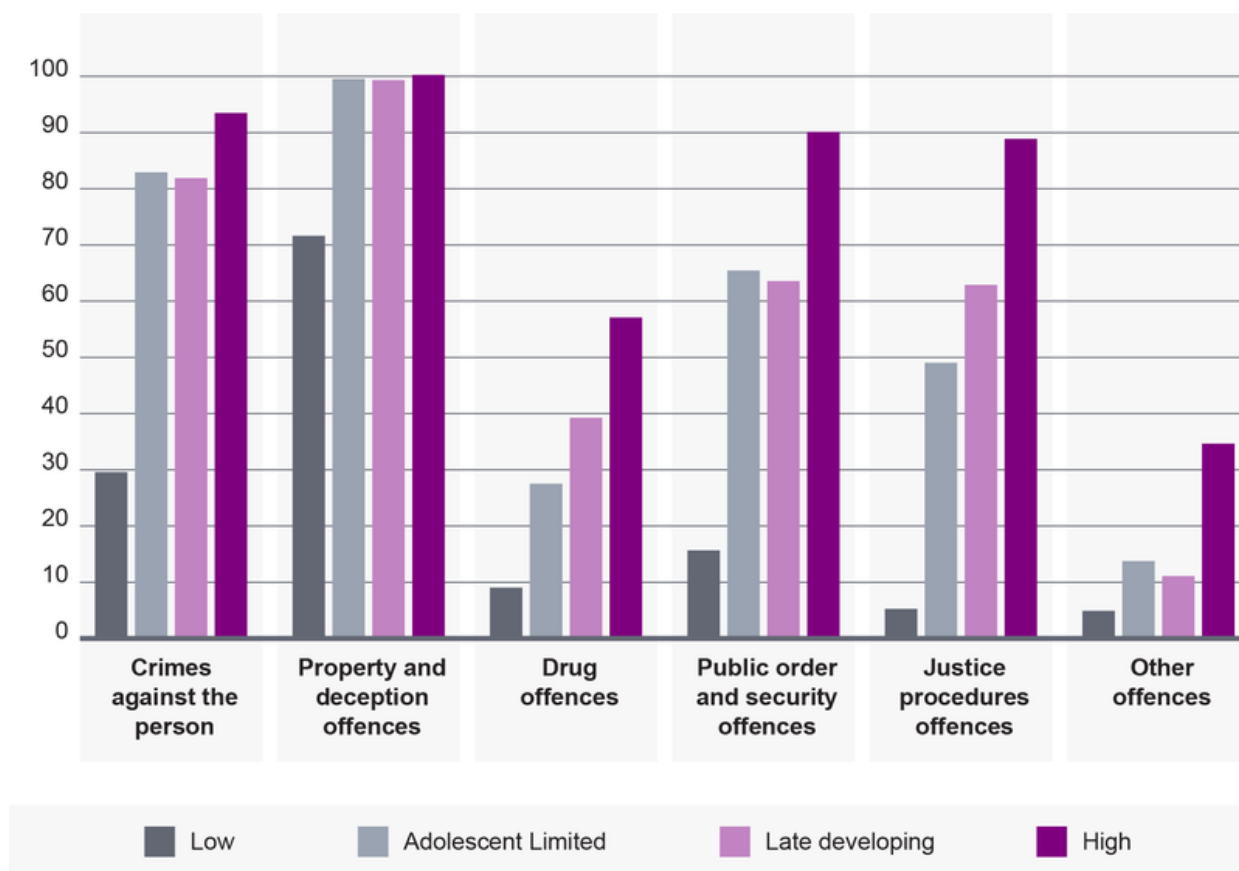


Figure 4-7: Most serious offence type by trajectory



Research shows that Koori young people and those from low-socioeconomic communities are more likely to be adolescent limited and life-course persistent in their offending. This indicates that youth justice systems across jurisdictions disproportionately focus on Koori and disadvantaged young people, with youth justice supervision and interventions failing to break the cycle of offending.

Observation

Data shows that Koori and disadvantaged young people are disproportionately represented among youth justice cohorts, with supervision and interventions failing to break the cycle of reoffending.

Trajectories, offending patterns and crime types

Reducing youth crime involves understanding trajectories, offending patterns and crime types, and then designing systems responses accordingly. Contemporary youth justice systems focus on developing interventions for young people most at risk of a life of crime as adults, and measuring the outcomes achieved for young people and the community over time. Figure 4-8 considers the trajectories and common characteristics for each offending pattern.

Figure 4-8: Analysis of trajectories, contact and crime types

Trajectories	Youth justice	Common characteristics/themes (DHHS 2016c)	Analysis of trajectories and offending (Millstead & Sutherland 2016)
<p>1. Continuously high and sustained service use</p>	<p>Entry into youth justice system, followed by entry into criminal justice system</p>	<ul style="list-style-type: none"> — Evidence suggests that by the time young people come to the attention of the youth justice system, it is difficult to modify their trajectories — Targeted early interventions are needed to address precursors to juvenile offending — A multidisciplinary approach that involves a wide range of service and interventions is needed to prevent initial youth offending and reduce recidivism 	<p>High contact with youth justice</p> <p>Age and frequency of offending</p> <ul style="list-style-type: none"> — contact from 10 years of age — progressively increasing in frequency of contact to 15–16 years — frequency of offending reducing to moderate to high levels by 17–18 years <p>Types of crime</p> <ul style="list-style-type: none"> — offending across all crime types — high levels of crimes against the person — high levels of property and deception offences — moderate levels of drug offences
<p>2. Increasing severity and complexity of service engagement</p>	<p>Late entry into youth justice followed by progression to adult criminal justice system</p>	<ul style="list-style-type: none"> — Pattern of increasing severity of issues and a corresponding increase in service use of hospital-based, general practice, mental health, alcohol and drug, justice, family support and income support services — Indigenous status, being male and the presence of a care and protection order are the most significant factors that increase the likelihood of sustaining a youth-offending pathway into adulthood — Evidence suggests that the historical policies relating to the Stolen Generation may have contributed to the lasting effects of intergenerational trauma among Indigenous children and young people 	<p>Late-developing contact with youth justice</p> <p>Age and frequency of offending</p> <ul style="list-style-type: none"> — contact from 15–16 years — rapid escalation of contact and frequency from 16–17 years — continuation of offending as an adult at moderate to high levels <p>Types of crime</p> <ul style="list-style-type: none"> — high levels of offending against the person — high levels of property and deception offences

Trajectories	Youth justice	Common characteristics/themes (DHHS 2016c)	Analysis of trajectories and offending (Millstead & Sutherland 2016)
3. Decreasing severity and complexity of service engagement	Contact with the youth justice, out-of-home care and child protection systems over time	<ul style="list-style-type: none"> — Exposure to complex trauma (consistent with youth justice clients on trajectory 1 and 2) have typically maintained their connection to the 'mainstream' and benefit from positive, supportive relationships with their families or peer group and effective services. They are able to draw on resources and positive external environments to improve their trajectories — Effective interventions include wraparound services that increase the feeling of security, and training and vocational education that leads to subsequent success in gaining sustained employment — 'Early peaking / moderate offenders' – young people who start with minor offending early, peak around the age of 14 years, plateau in adolescence, with a decreasing trend into adulthood 	<p>Adolescent limited</p> <p>Age and frequency of offending</p> <ul style="list-style-type: none"> — contact from 11 years — gradual increase in low-frequency offending, peaking at 14–15 years — reducing offending from 15–16 years — very low or no offending from 17 years onwards <p>Types of crime</p> <ul style="list-style-type: none"> — range of crimes at low to moderate levels
4. Short and sporadic service use	No clear pathway identified in the available literature to date, specific to short and sporadic service use/contact with youth justice supervision		<p>Low</p> <p>Age and frequency of offending</p> <ul style="list-style-type: none"> — minimal or very low level contact with police throughout adolescence <p>Types of crime</p> <ul style="list-style-type: none"> — moderate to high levels of crimes against property — low to no levels of all other crime types

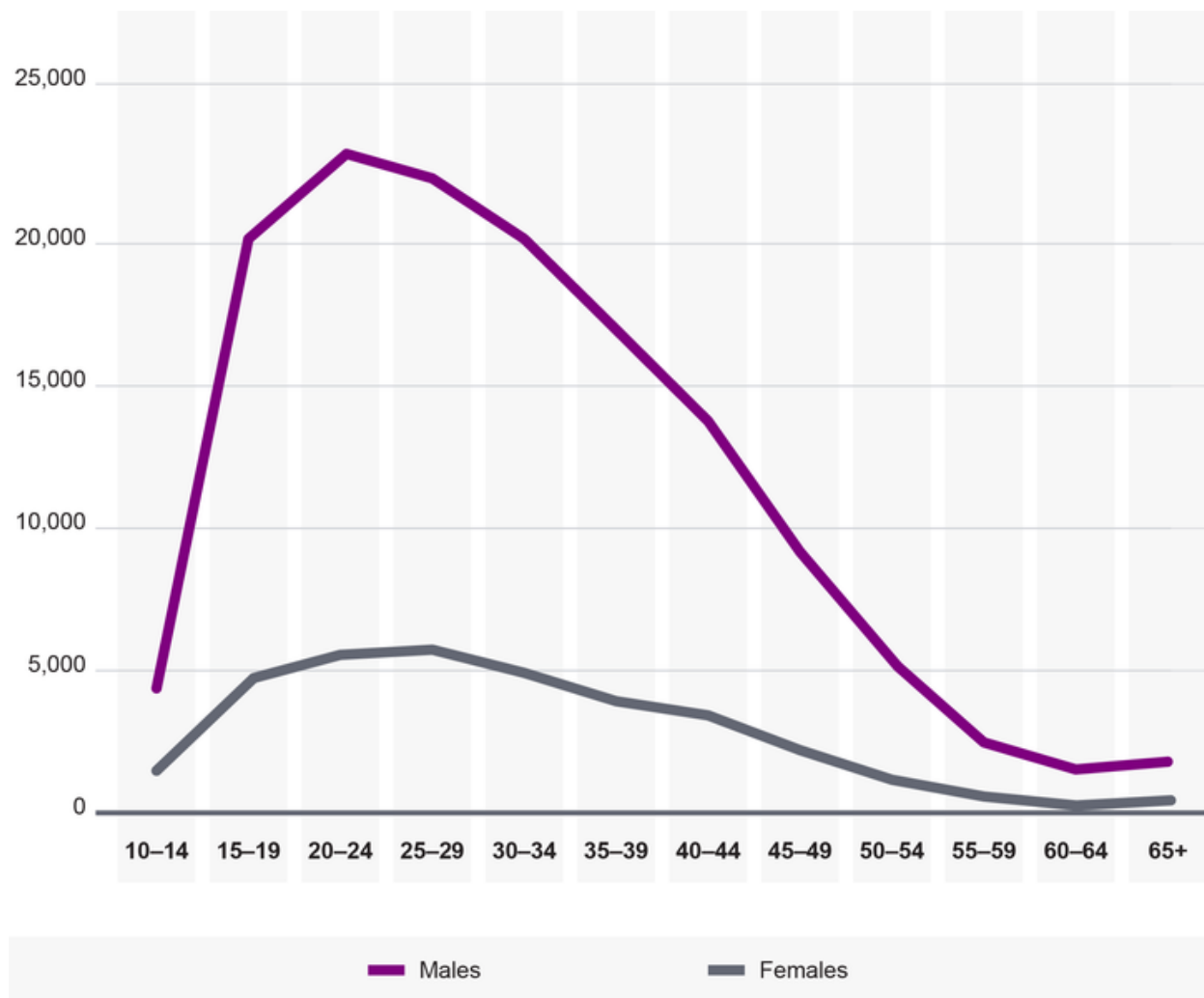
4.2.4 Age of first contact with the criminal justice system

The 2016 Crime Statistics Agency report highlighted age of onset as being a significant differentiator among the four offender trajectories. In line with international research, early onset of offending was identified as correlating with membership of a higher rate of offending across the lifetime. The median age of onset for high offenders was 12, with offending rapidly escalating to peaking with an average of 11.6 incidents around age 15. This compares with an average age of onset of 13 for adolescent limited offenders and 15 for low and late-developing (Figure 4-9). Other researchers have identified that early-onset offender groups experience higher levels of disadvantage than other offending cohorts.

Despite comprising 1.2 per cent of all offenders, the high cohort were responsible for 21.9 per cent of all police incidents and 23.6 per cent of all offences, with an average of 76.5 offences per offender compared with the next highest rate of 23.7 per offender among the late-developing cohort. Property offences were the most common offences among this group.

While contributing the highest number of total offences, the high cohort contributed the lowest proportion of all crimes against the person, although 93.4 per cent had at least one offence against the person (CSA 2016) (Figure 4-10).

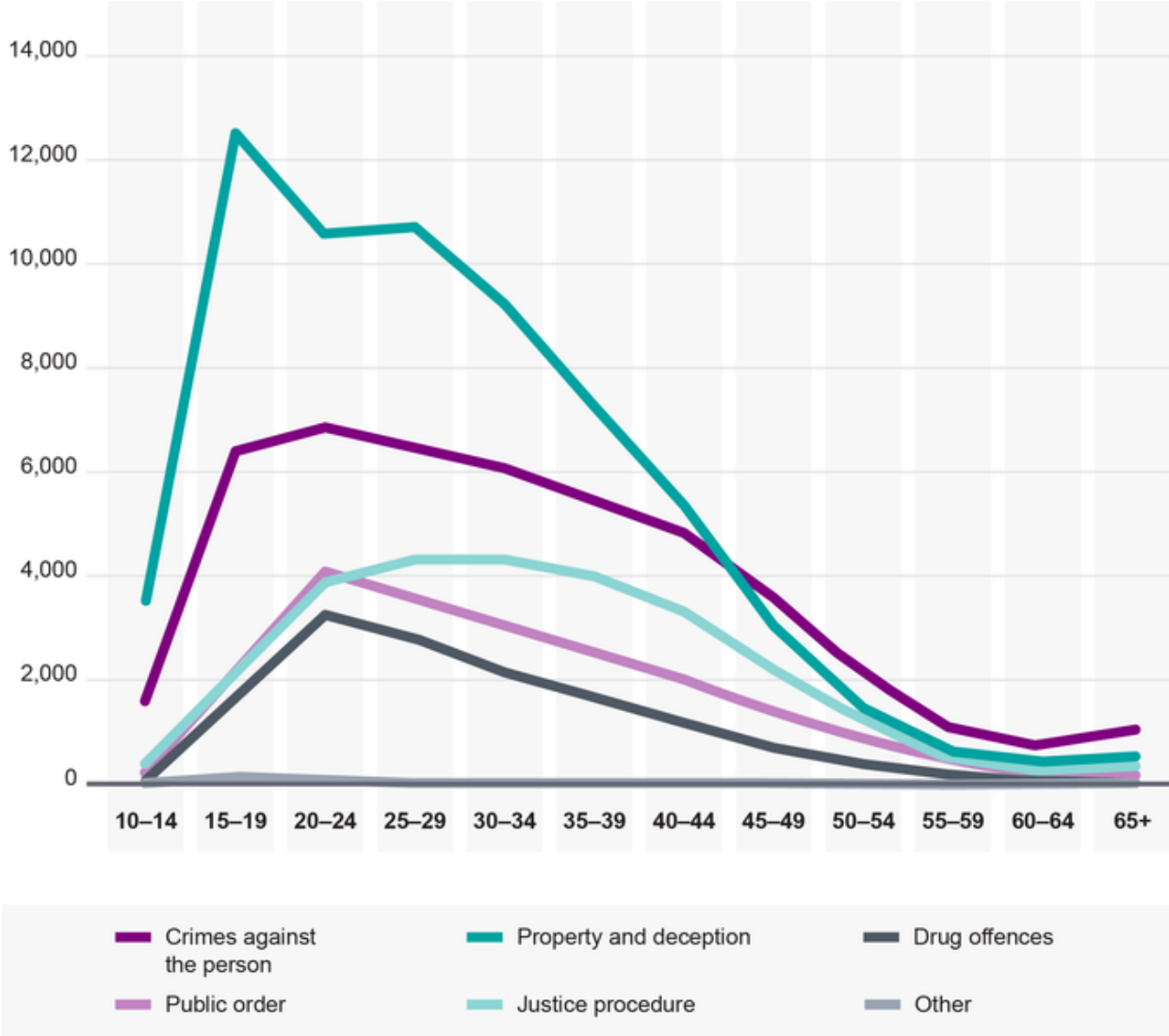
Figure 4-9: Alleged offender incidents in Victoria, by age and sex (Oct 2015–Sept 2016)



Adapted from Victorian Crime Statistics Agency 2016 for the year ending 30 September 2016

Some degree of offending is seen as normative among youth (Farrington 2003). This does not mean that most young people offend; rather, the proportion of people who offend is highest among adolescents and young adults (Figure 4-9 and Figure 4-10).

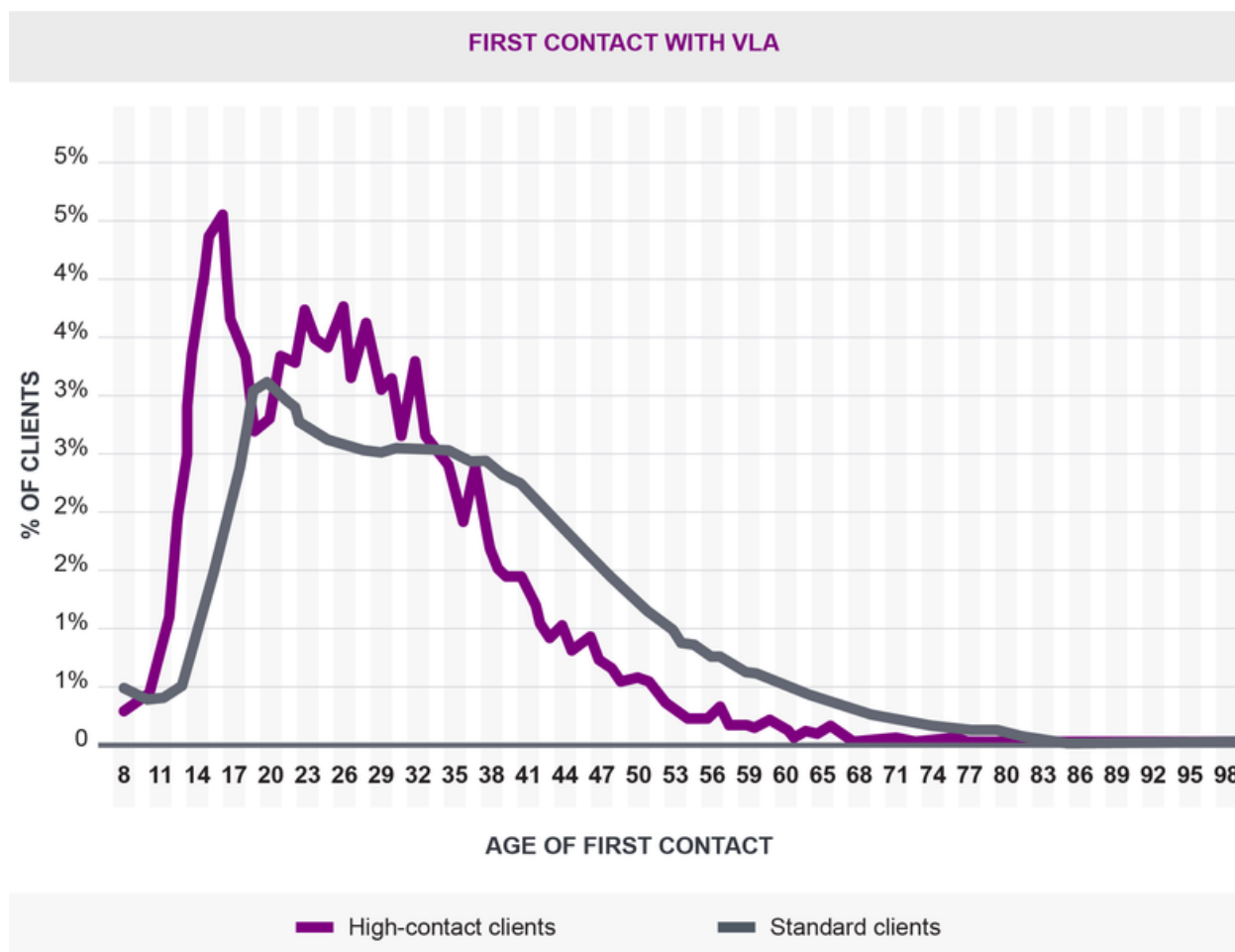
Figure 4-10: Alleged offence incidents in Victoria, by age and offence category (Oct 2015–Sept 2016)



Adapted from Victorian Crime Statistics Agency 2016 for the year ending 30 September 2016

Similarly, Victoria Legal Aid reported that its high-contact users tend to be very young, with 13 years of age being the most common age of first contact. The intensity of contact with legal services is also frequent and intense during early and later adolescence, with contact peaking at 16 years of age (Figure 4-11).

Figure 4-11: First contact with Victoria Legal Aid, by age



Source: Victoria Legal Aid 2017

4.2.5 Trends in recidivism

For some young people, youth justice supervision becomes a common feature of their life. This recidivism, or repeat offending, is a significant issue in youth justice, in Victoria as well as other jurisdictions.

Recidivism is a key indicator of the effectiveness, or otherwise, of youth justice interventions. In 2015–16, 32 per cent of young people who received a youth justice order had previous contact with the youth justice system. Approximately one-quarter of young Victorians currently in the youth justice system have more than 10 previous youth justice orders, indicating significant reoffending behaviour. A further 16 per cent of young offenders have more than five youth justice orders.

In addition, two longitudinal studies suggest rates of recidivism for young people exiting the Victorian youth justice system remained high over time (Table 4-1). Both studies indicated that for the majority of young people in contact with youth justice, the system has little to no effect on offending behaviour in adolescence, or later in adulthood.

Currently, the Report on Government Services does not report on recidivism indicators, which presents challenges in benchmarking Victoria’s rates of recidivism against appropriate comparators.

Table 4-1: Longitudinal research into recidivism in Victoria



Research shows consistently that addressing recidivism requires multimodel, skills-oriented and behaviour-oriented programs; deterrence approaches (e.g. shock incarceration, boot camps) are shown to be the least effective. The literature review (Appendix 3) provides more information on best practice approaches to recidivism.

Once in contact with Victoria’s youth justice system, young people are highly likely to reoffend, with research showing high levels of recidivism and reoffending from early adolescence through to adulthood for the majority of young offenders in contact with youth justice.

4.3 System contact

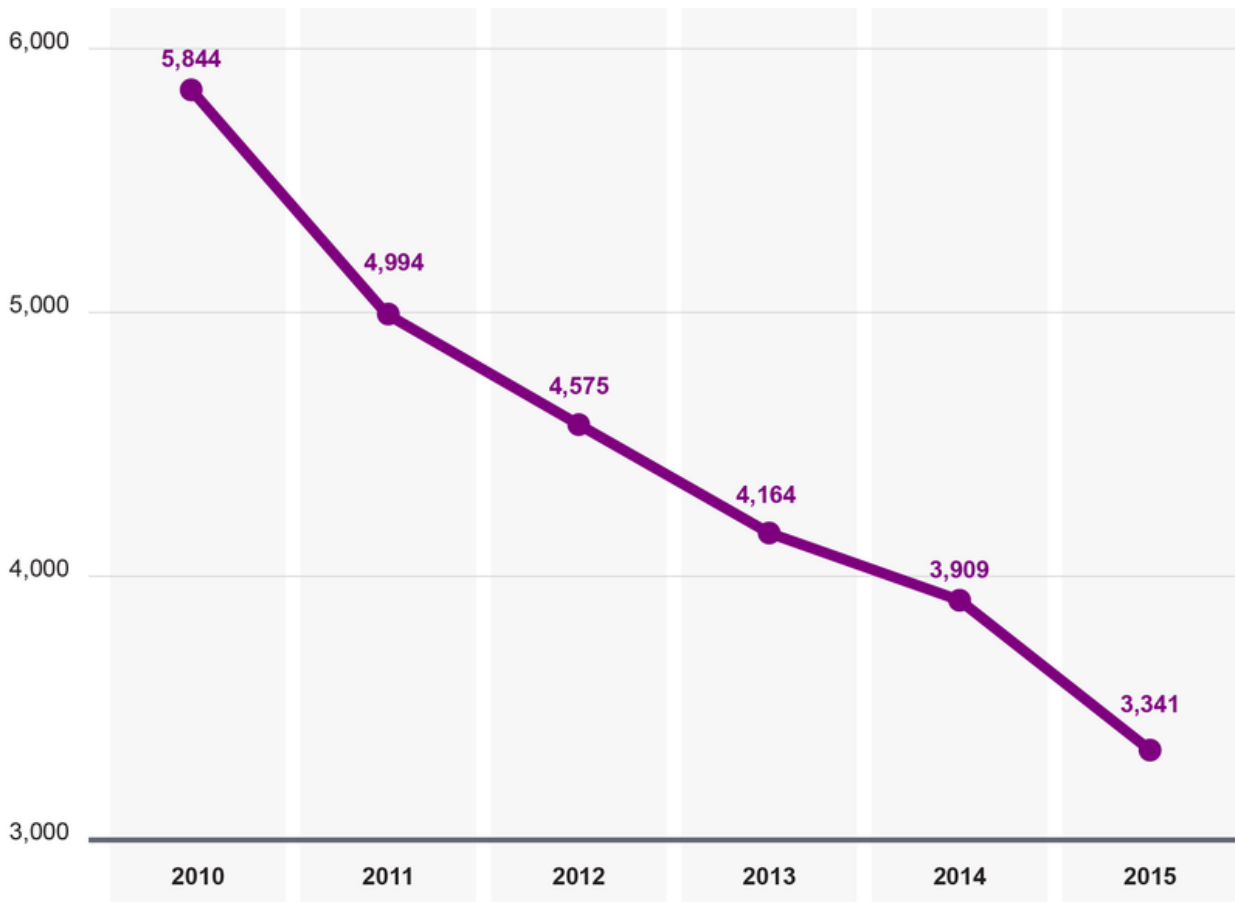
Understanding how young people interact with the youth justice system is key to designing appropriate programs and services to assist in their rehabilitation. This section examines trends on how young people interact with the system.

4.3.1 Fewer young people are in contact with the criminal justice system

Since 2010 the number of cases receiving a sentence in the Children’s Court has declined significantly, falling from 5,844 in 2010 to 3,341 in 2015 (Sentencing Advisory Council 2015) (Figure 4-12). This trend is not expected to change. It is also consistent with trends in similar jurisdictions.

The fall has been attributed to stable societal factors such as public education systems and broad public health improvements. In Victoria, it also reflects proactive diversion activity during this time by police, supported by a range of community organisations and advocates.

Figure 4-12: Number of cases sentenced in the Children’s Court



Source: Sentencing Advisory Council 2015

The number of young offenders sentenced in the Children’s Court is declining steadily.

4.3.2 Youth justice responds to a relatively small number of young people

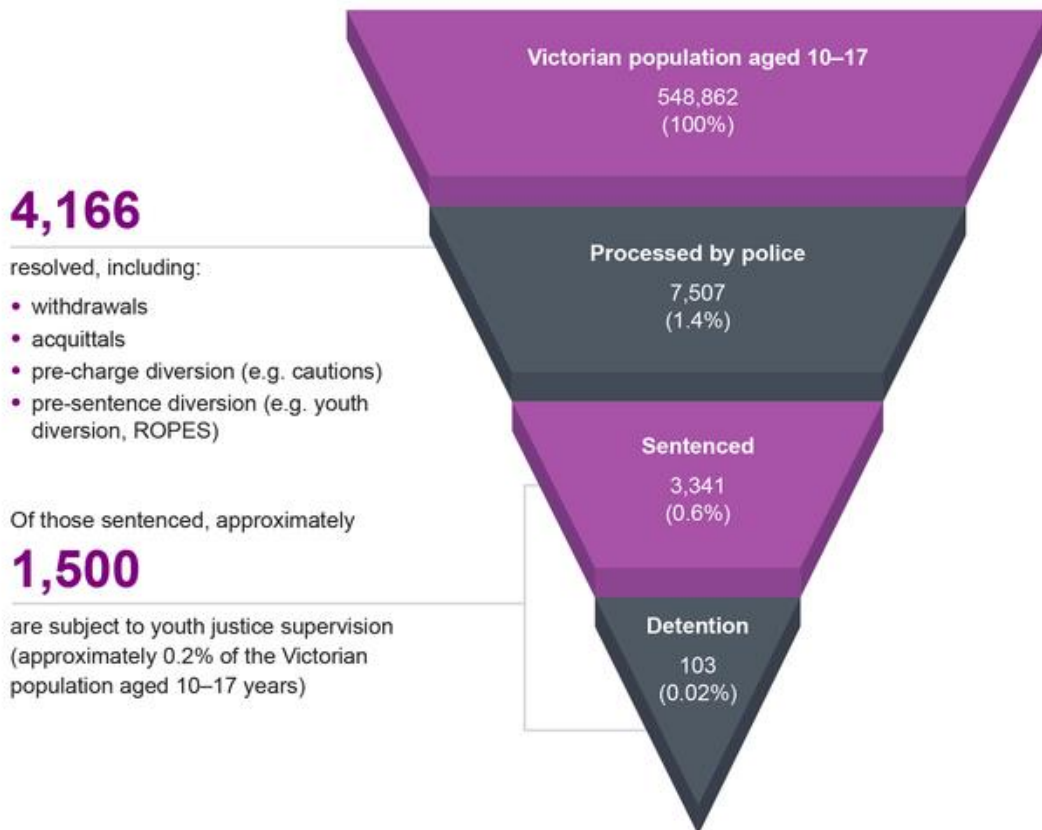
The strong diversionary approach in Victoria is clear when considering the small proportion of young people who have an incident with police who progress to formal involvement with the courts and the youth justice system.

Of young Victorians who come into contact with the criminal justice system, only a small proportion progress to formal involvement with the courts and the youth justice system. This result reflects Victoria’s strong diversionary approach, which includes police diversionary effort and diversion by the courts.

Half of all young people appearing in court require formal involvement with youth justice.

Figure 4-13 shows the pyramid of youth contact with Victoria’s criminal justice system.

Figure 4-13: Children’s involvement in the Victorian criminal justice system, 2015



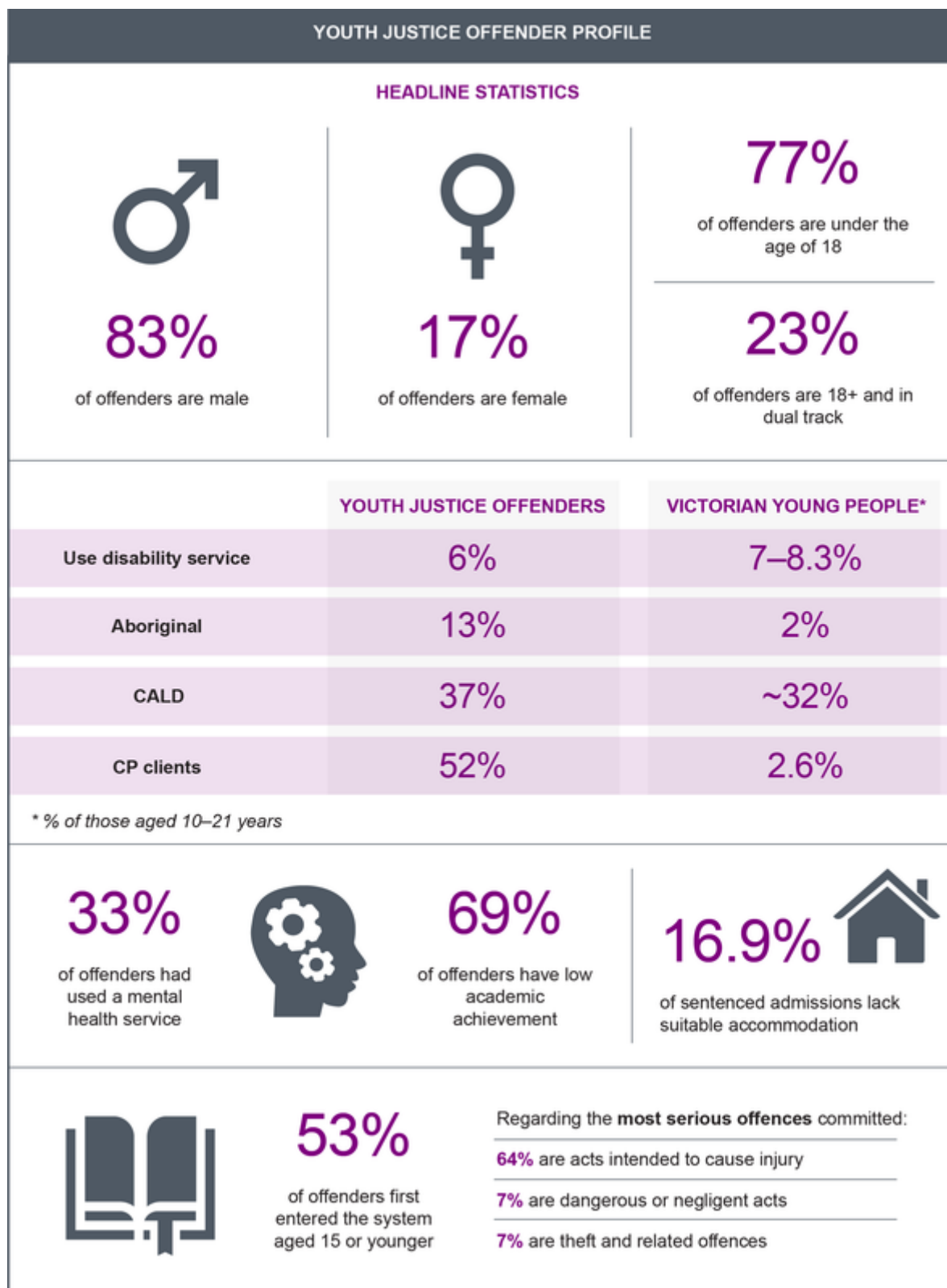
Source: Crime Statistics Agency 2016

Of the total number of young offenders in contact with police and the courts each year, a relatively small number are sentenced to youth justice supervision in the community and an even smaller portion are sentenced to custody. As shown earlier, Victoria has the highest number of non-Koori young people under supervision each year of all Australian states and territories.

4.4 Demographics and needs of young offenders

According to data from DHHS, a significant proportion of young people in youth justice received numerous services and interventions (e.g. child protection, family, mental health, disability and homelessness services) before entering youth justice (DHHS Youth Justice data). These young people also experienced challenges in education and health settings. Figure 4-14 summarises the current youth justice demographic profile.

Figure 4-14: Youth justice offender demographic snapshot



The presence of these characteristics affects who the justice system caters for, and how.

4.4.1 Mental health

Research across jurisdictions highlights that young people with mental health needs are significantly over-represented in justice systems. Definitions of mental illness fluctuate, but studies reliably indicated

that more than 50 per cent of young offenders have mental health concerns. In Victoria, 33 per cent of young offenders in 2015–16 had used a mental health service when their order was issued (based on DHHS data). By contrast, only 1.11 per cent of the wider Victorian youth population have accessed public clinical mental health services (DHHS 2016d).

Some conditions (e.g. moderate internalising disorders such as depression and anxiety) are not criminogenic (i.e. a factor that causes a person to offend) but are often comorbid with offending. In other words, these conditions do not cause a person to offend but are often present in young people who do offend. By contrast, externalising disorders (e.g. conduct disorders, antisocial personality disorder and attention deficit and hyperactivity disorder) have been identified as causing offending, particularly violent offending.

Several factors may explain this link between mental health and offending. First, the effects of living with some mental disorders – social isolation, relationship management concerns, work/education disengagement and exclusion – may reduce factors that protect young people from offending and contribute to factors that increase the likelihood of offending (e.g. substance use, antisocial attitudes and antisocial peer associations). Second, environmental factors (e.g. possible overpolicing of young people with mental health issues) may further elevate the risk of young people with a mental health condition coming into contact with the criminal justice system.

Given this link between mental health and offending, giving young offenders (in the community and in custody) access to mental health services may increase their chances of successful rehabilitation and diversion from future involvement in the criminal justice system. Further, it is likely that other young people within the youth justice system will benefit from accessing mental health services. Many young offenders start long before the onset of mental illness, suggesting a much larger proportion of the youth justice cohort may have mental health issues (Stevens et al. 2012).

Observation

The number of youth offenders reported as receiving public mental health services is concerningly high, with 33 per cent of young offenders accessing public mental health services and only 1.1 per cent of young people more broadly accessing these services.

The actual number of young offenders with a mental health issue is likely to be much higher; however, this is not accurately identified due to limited screening and assessment within the youth justice system.

4.4.2 Disability

A higher proportion of young people in youth justice have disabilities than the general public. Based on feedback from all levels of the workforce and international findings, it is likely that many more young people have an undiagnosed disability, due to poor assessment tools and systemic screening of all young people involved with youth justice. In 2015–16, six per cent of Victoria's young offenders were recorded as having used a disability service and two per cent accessed acquired brain injury and psychiatric services (DHHS client data). By contrast, seven per cent of young people aged 15–24 nationally are estimated to have a disability (AIHW 2011). In Victoria in 2011, 8.3 per cent of children aged between five and 14 had a disability, around two-thirds of whom had a profound or severe core activity limitation (Department of Education and Training 2016).

The low rate of formal diagnosis compared with concerns regarding high actual prevalence among offending youth is consistent with international research. In 2012 England's Children's Commissioner released a report into the prevalence of neurodisability among young offenders. The commissioner provided comparisons of official prevalence rates in a secure estate against the prevalence reported in international studies using a range of diagnostic tools. The commissioner's findings are outlined in Table 4-2.

Table 4-2: Prevalence rates of neurodevelopment disorders among young people in England, 2012

Neurodevelopmental disorder	Reported prevalence rates among young people in the general population	Reported prevalence rates among young people in custody
Learning disabilities	2–4 per cent	23–32 per cent
Dyslexia	10 per cent	43–57 per cent
Communication disorders	5–7 per cent	60–90 per cent
Attention deficit hyperactive disorder	1.7–9 per cent	12 per cent
Autistic spectrum disorder	0.6–1.2 per cent	15 per cent
Traumatic brain injury	24–31.6 per cent	65.1–72.1 per cent
Epilepsy	0.45–1 per cent	0.7–0.8 per cent
Fetal alcohol syndrome disorder	0.1–5 per cent	10.9–11.7 per cent

Source: Children’s Commissioner for England 2012

Victorian service providers working with young people in the youth justice system have reported comprehensively on the rates of disability in youth justice. Specifically, many young offenders have significant cognitive functioning differences compared with their non-offending peers. Many young people who meet the criteria for a disability diagnosis (because they have clinical levels of low functioning) are heavily over-represented in youth justice services, especially in custodial settings.

Given this, many young people do not receive adequate and properly targeted support. Further, many continue to offend. Victoria Legal Aid reported that up to 30 per cent of their highest contact users have a higher rate of disability (Figure 4-15). Mental illness is the most common type of disability (Figure 4-16).

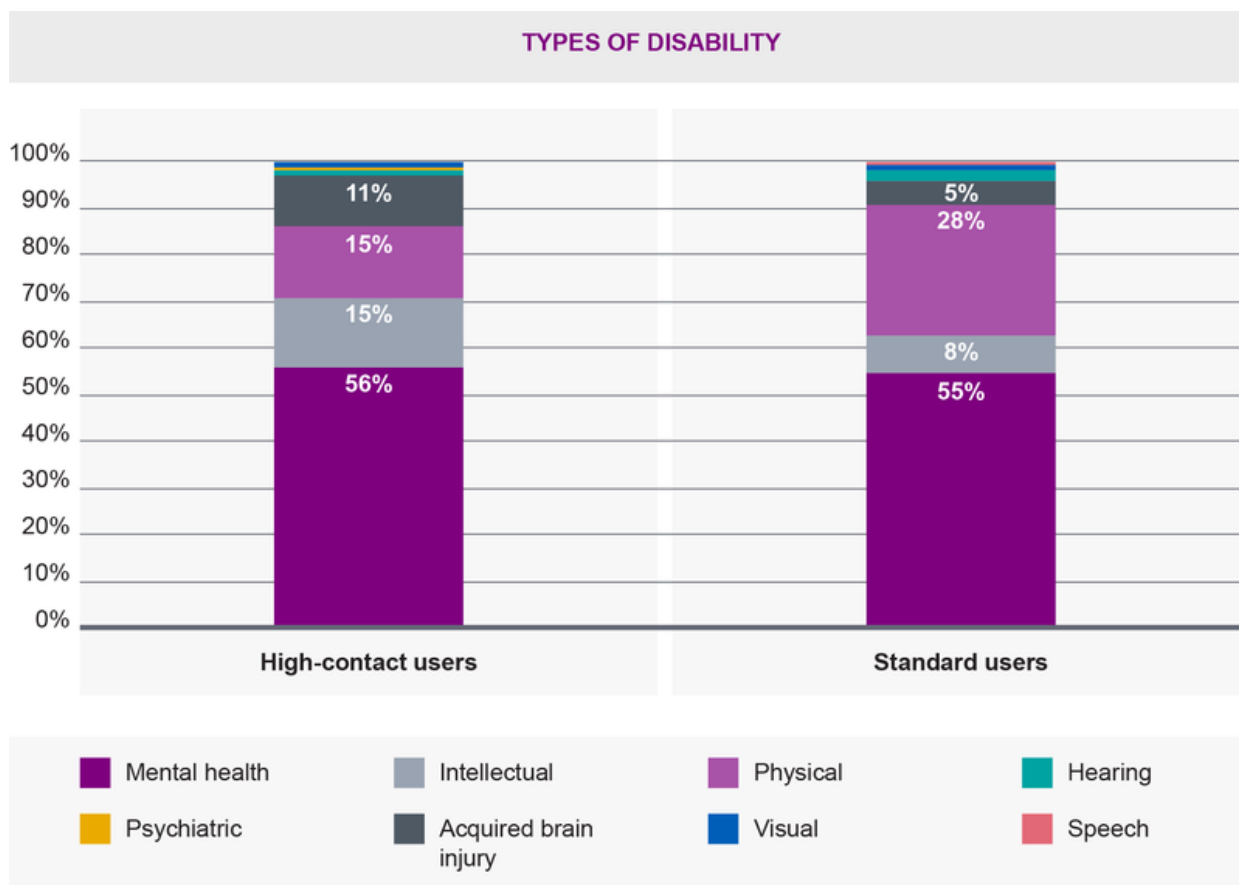
The implementation of comprehensive screening for all young people coming under justice supervision will provide greater clarity on actual prevalence, particularly of disabilities such as fetal alcohol syndrome disorder and acquired brain injuries. These particular disabilities are considered to correlate with other criminogenic environmental factors and have a significant impact on a young person’s ability to meaningfully comprehend and engage with justice interventions.

Figure 4-15: Disability rates for Victoria Legal Aid clients



Source: Victoria Legal Aid 2017

Figure 4-16: Victoria Legal Aid clients, by type of disability



Source: Victoria Legal Aid 2017

Observation Stakeholders and the youth justice workforce report very high levels of intellectual disability, cognitive impairment and language disorders. However, the reported figure on access to disability services is very low.

The actual number of young offenders with a disability is likely to be much higher; however, this is not accurately identified due to limited screening and assessment within the youth justice system.

4.4.3 Substance misuse

Substance misuse is a major issue for young people involved with youth justice. In 2015–16 at least 46 per cent of the 1,548 young people receiving youth justice orders (across community and custody) had received alcohol and drug services (based on DHHS data). Cannabis, alcohol and amphetamines were the most common drugs treated.

During consultations, community and custodial youth justice workers identified drug use as a significant contributing factor in offending behaviour, especially ‘ice’ (methamphetamine), which contributed to violent offending. They also reported a rising number of young people now enter the system with a substance dependency – a trend confirmed by past reviews. This trend is particularly concerning in custodial settings, where a number of young people are thought to be able to access illegal drugs and/or narcotics.

‘Ice is having a major impact on our communities.’

ABORIGINAL ELDER

The use of the drug ice has gained national attention over recent years following an increase in ice-related incidences and hospitalisations. According to the Victorian Ice Action Plan, the use of ice has more than doubled since 2007. The plan also indicated that concern is held for vulnerable and at-risk groups including young people around engaging in the use of ice (Department of Premier and Cabinet 2015). A Statewide Youth Needs Census of 1,000 service users (YSAS and Turning Point 2013) revealed the following:

- Ice had tripled in the previous 18 months as the primary drug of concern.
- 35 per cent of young people involved with their service had used ice in the previous four weeks.
- 42 per cent of young people whose primary drug of concern was ice were more likely to have a history of injecting drug use.

Research presented in the 2014 Victorian Parliamentary Inquiry into supply and use of methamphetamines indicates that the primary reasons a young person engages in the use of ice is to alter their consciousness. This may be coupled with other factors including peer pressure, the rush, boredom, accessibility and affordability, and self-esteem (Victorian Government 2014). The inquiry also highlighted that young people in out-of-home care are particularly vulnerable to influence from older peers as well as to escape from personal histories and trauma (Turning Point 2014).

‘We used to conduct outreach; however, since the increase in ice use, we don't feel safe to do so anymore.’

COMMUNITY YOUTH JUSTICE WORKER

Ice can give a young person feelings of confidence, exhilaration and alertness, and can impact on sleep, aggression and paranoia (YSAS 2017). This has implications for youth justice cohorts. Throughout the consultations it was reported that ice is having an impact on the way young people commit crime. Workers advised that a young person would take the drug and go on a two-week crime spree without any sleep. Workers reported that they had concerns regarding their safety when it came to ice, as well as difficulties engaging a young person affected by ice.

‘Young people take ice, and go on two-week crime sprees without any sleep.’

COMMUNITY YOUTH JUSTICE WORKER

Young people can turn to drugs and alcohol for many reasons, which are often complicated and interrelated. As well as increasing the risk of offending, drug use is also a major obstacle to effective rehabilitation. Therefore, services for young people must address their substance use first, before they begin other rehabilitation activities. It is possible this does not occur, given operational deficiencies in the rest of the model (see Chapter 6 for more information about operational deficiencies).

Substance abuse, particularly alcohol and methamphetamines, are reported as very high among young offenders, with almost 50 per cent accessing alcohol and drug services. Substance misuse is affecting how young people offend, the level of damage to families and communities, and how youth justice workers intervene.

4.4.4 Education indicators

Young people involved with the youth justice system often have fragmented and persistently problematic contact with education services. In many cases, this results in low levels of education across the offender profile, significantly increasing the risk of current and future exclusion from employment. This, in turn, affects how well a young person integrates back into the community.

A sample of young people in youth justice showed that education forms a key risk factor for many young people.⁵ Across the sample, 80.1 per cent of young people in custody were rated as having a risk for not participating in education, and 76.8 per cent were truant in the past year. The highest risks for young people in the community were truancy in the past year (81.1 per cent) and low academic achievement (75 per cent) (DHHS 2016e).

There were also high rates of disruptive behaviour at school and of young people who left school early across the sample:

- Among young people aged 13–17 years, 93.8 per cent of those serving a custodial sentence recorded truancy in the past year, and 76.9 per cent recorded low academic achievement.
- Among young people aged 13–17 years, 79.5 per cent of those on community orders recorded truancy in the past year, and 77.3 per cent recorded disruptive behaviour at school.
- Among young people aged 18+, 84.5 per cent of those in custody were rated as a risk for not participating in education, and 66.4 per cent left school early.
- Among young people aged 18+, 87.5 per cent of those in the community were rated as a risk for not participating in education, while the same proportion recorded truancy in the past year.

Similarly, expulsion rates were high, with 145 incidents of expulsion in 2016. There were various reasons for these expulsions (noting students may be expelled on more than one ground):

- 116 for behaviour that poses a danger, whether actual, perceived or threatened, to the health, safety or wellbeing of any person
- 79 for failing to comply with the clear and reasonable direction of a staff member so as to pose a danger, whether actual, perceived or threatened, to the health, safety or wellbeing of any person
- 53 for consistent behaviour in an unproductive manner that interferes with the wellbeing, safety or educational opportunities of any other student.

These results suggest teachers at Parkville College and in the community face significant challenges in appropriately supporting young people in the youth justice system.

Many young offenders have experienced significant disruption to their education, and many experience difficulties with literacy and numeracy, disabilities such as cognitive impairment, intellectual disability or language and communication disorders.

⁵ This data related to young people who were assessed using the Victorian Offending Needs Indicator for Youth (VONIY); 181 young people were in a custodial setting, while another 60 were in the community. Their ages ranged from 13 years to 18+ years.

4.4.5 Housing and accommodation

Stable accommodation is a critical issue in the youth justice cohort. Homelessness or a lack of appropriate housing can drive offending and can be a significant contribution to reoffending by exacerbating criminogenic risk factors through poor-quality care, substance use, antisocial peers and offending exposure.

Given its importance, accommodation is an important factor in many decisions about a young person's future. For example, courts consider the availability of suitable and stable housing when considering whether to grant bail; a person without appropriate housing is likely to be remanded. Similarly, the Youth Parole Board considers the availability of stable and suitable housing when considering whether to release a young person from custody. Accommodation also influences outcomes for young people with community-based orders, particularly their capacity to complete their orders successfully.

Many custodial systems employ comprehensive housing assistance programs to support offenders on their reintegration back into the community. The Corrections Victoria Housing Program can provide housing and support to offenders who are at increased risk of reoffending on their transition out of the custodial system. To support that program, the Corrections Victoria Brokerage Program provides financial assistance to assist individuals in securing long-term housing.

This recognises the crucial role played by stable housing in ensuring that offenders, youth or otherwise, are less likely to engage in 'crimes of survival' on their release if they are provided with other, counterbalancing options.

Observation

A considerable amount of time and attention is spent by youth justice workers in endeavouring to secure stable and appropriate housing for young offenders. There is no evidence of young offenders being prioritised to access stable and affordable housing. The lack of options places them at higher risk of further penetration into the criminal justice system.

4.5 Family characteristics

Family characteristics can affect young people profoundly. Family dysfunction, for example, increases a young person's risk of offending, while strong prosocial connections with family and parents are core protective factors for young people. One-third of young people surveyed for this Review identified the family as the main driver for young people engaging in serious or violent offending. Interestingly, older respondents were more likely to identify family as a key driver than younger respondents, which indicates a sense of perspective around offending as young people age.

The following sections discuss the family characteristics of Victoria's current cohort of young people in youth justice.

4.5.1 Poverty and socioeconomic disadvantage

Young people in youth justice may experience persistent poverty and socioeconomic disadvantage. Some (but not all) young offenders may come from unstable families and have limited connection with services. They may also come from families with low educational attainment and/or a family history of incarceration.

‘ If young people are resorting to committing these crimes, either for fun or for attention, there must be something wrong. They might not have support at home or just genuinely don't see a future for themselves. ’

SURVEY RESPONDENT (FEMALE 15–17 YEARS OLD)

In a survey for this Review, young people considered a 'negative environment (poverty, homelessness, welfare entrenched)' contributed to serious or violent offending, after 'family' and 'boredom/unoccupied'. Older respondents (those aged 18–24 years) considered a negative environment was more important than boredom.

‘ Provide them opportunities to thrive that don't require crime. Provide a better funded TAFE system, set up socialisation opportunities and, where family is absent, work to create environments with positive role models, and support them at school, not just see them as problem students when they struggle. ’

SURVEY RESPONDENT (MALE 15–17 YEARS OLD)

Observation

Poverty and socioeconomic disadvantage are more confronting for young people in an era where they can compare directly with their friends, associates and strangers what they have or do not have. The sense of missing out and social exclusion over multiple generations was described by young offenders as a reason to commit crime.

4.5.2 Involvement in criminal justice

In many instances, young people in custody have a parent or family member who has also been part of the criminal justice system. Data on the rates of family involvement in the criminal justice system is not

universally collected. As a result, a significant proportion of information is anecdotal. However, data is available for young people in custody. As at 2015–16, 25.1 per cent of young people have a family member with past involvement in the criminal justice system (DHHS 2016d).

However, it is relatively clear that the involvement of a family member in another part of the criminal justice system means that young people who leave the youth justice system are still exposed to the criminal justice system following their release from custody or exit from the community program. If not managed appropriately as part of their intervention during their time in custody, this has the potential to pose an ongoing threat to the rehabilitative prospects of the young person.

Anecdotally, the Review team heard the stories of many young people who have a family member – be that a parent, brother, sister, aunt, uncle, cousin or some other relative – who was in custody. Consultations indicate that young people take on a malaise with respect to their involvement with youth justice where there is a strong family presence in the criminal justice system, as set out below.

“ I was talking to a 15-year-old boy – repeat offending since age 12, [he started getting] community-based orders and good behaviour. I said, “Do you know you can turn it around?” He laughed and said “I’m gonna end up locked up at some time, look at Mum and Dad.” In his mind, there was no hope; it was just something that was going to happen. ”

ABORIGINAL YOUNG PERSON

Attitudes such as these are of considerable concern to the Review.

Observation

Intergenerational offending and exposure to crime, law enforcement and criminal justice systems during childhood and adolescence is a significant risk factor. Of young offenders in custody, 25 per cent had a parent or sibling with current or past involvement in the criminal justice system. Young people discussed wanting to be transferred to adult prison to be with their cousins or brothers.

4.5.3 Child Protection involvement

A significant proportion of young offenders are also involved in the child protection system, making them ‘dual clients’. Just over half (52 per cent) of all young offenders receiving youth justice orders in 2015–16 experienced at least one form of substantiated abuse warranting Child Protection intervention (based on DHHS data):

- 40 per cent experienced emotional abuse
- 23 per cent experienced physical abuse
- 13 per cent experienced neglect
- four per cent experienced sexual abuse.

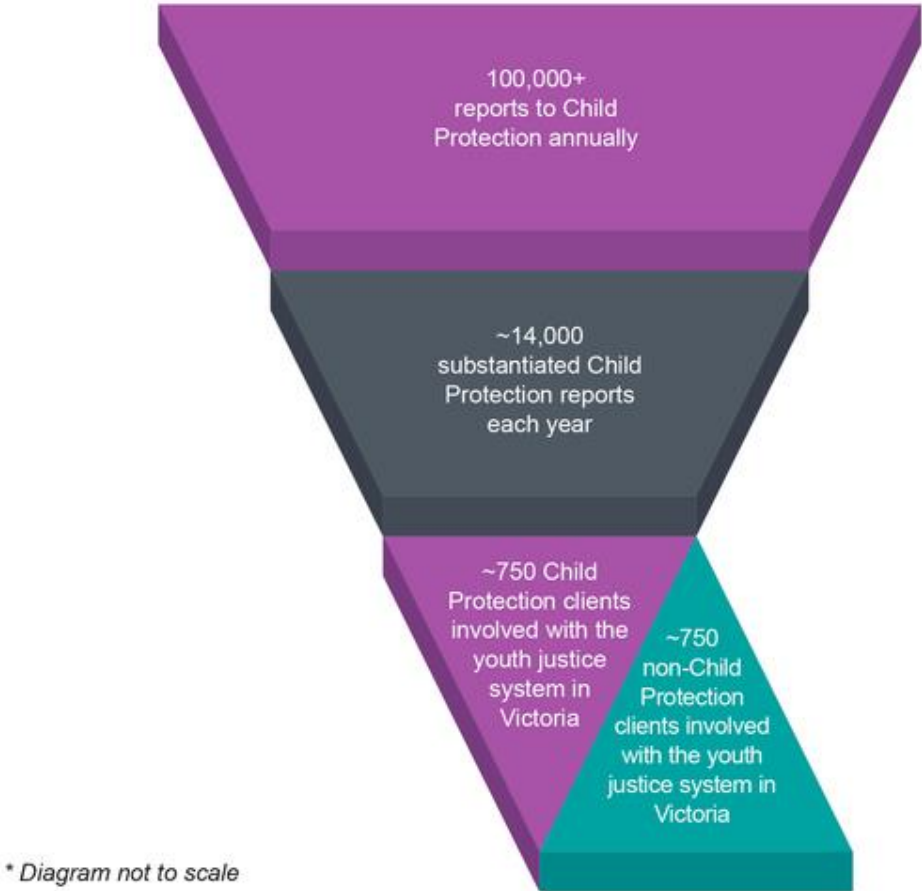
Further, the number of young people in youth justice involved in child protection is substantially higher than in the general population.

Other studies have also confirmed this over-representation of young people involved with Child Protection in youth justice. Mallet (2014), for example, found that 50–80 per cent of young offenders were exposed to chronic trauma (e.g. living with ongoing exposure to family violence or parental neglect). Similarly, the Youth Parole Board (2012, 2015) found an average of 61.2 per cent of Victoria’s

youth justice custodial offenders were identified as experiencing trauma, abuse and neglect; 55.4 per cent had either a current or previous child protection order.

However, Child Protection involvement does not cause offending. Trauma affects many young people, but the vast majority do not commit offences. Indeed, only a small proportion of young people who are exposed to abuse are at risk of offending. Child protection officers receive more than 100,000 reports each year, of which only 14,000 are substantiated. Yet only 750 young people in a youth justice setting (custodial and community) experience abuse warranting Child Protection intervention (Figure 4-17). This figure would be much higher if Child Protection involvement drove offending.

Figure 4-17: Rates of involvement with youth justice



Dual clients can be placed on child protection and youth justice orders concurrently, which means child protection and youth justice officers share statutory responsibility for these young people. In theory, these teams must share information and identify which agency has lead case management responsibility, to ensure both orders are implemented successfully. In practice, however, responsibility is often confused. This situation interrupts the continuity of care young people receive when under statutory orders.

Involvement in both the child protection and youth justice systems is common, with approximately 50 per cent of young offenders in 2015–16 also having a substantiated Child Protection case.

4.5.4 Out-of-home care involvement

Out-of-home care

Young people in out-of-home care have been removed from the care of their family and placed in the care of the Secretary of DHHS. They are removed from their families due to substantiated child abuse and are placed in out-of-home care due to their very challenging behaviours.

In 2015–16 there were 525 (34 per cent) of young offenders had an out-of-home care placement. This included 413 (27 per cent) who had a residential care placement. This represents a significant proportion of the youth justice population.

Young people in residential care are accommodated with other young people with a similar range of complexity, high needs and individual challenges. This can contribute to, drive and increase antisocial and criminal behaviour.

With the mix of clients, one of the biggest issues is around car theft and joyriding. This may become an issue in resi [where] it's pretty easy to engage with young people who are interested in such behaviour. Peer connection is a significant driver. Historically, residential staff have been quite punitive and used police to "teach a lesson".

CHILD PROTECTION OUT-OF-HOME CARE EXECUTIVE

In addition to their personal vulnerability and heightened risk, young people in residential care have disproportionate levels of contact with police.

Residential care is for the most challenging young people. They have impacted development, and limited ability to self-control and live within societal behavioural norms. The demands in this setting are very high, and staff are heavily fatigued...

We are improving outreach and engagement... trying to move away from using police as a behavioural management strategy. Previously we had agencies ringing police due to kids refusing to do chores, not going to bed on time etc... This created a really negative environment for kids and staff – and it really frustrated the police. Another example is filing missing persons reports. Staff were making missing persons reports despite believing kids were safe and knowing where they were. This is also being addressed and diminished now.

CHILD PROTECTION OUT-OF-HOME CARE EXECUTIVE

These challenges are not unique to Victoria, and are well described by Taylor in relation to youth justice in the UK and the criminalisation of children in residential care:

Children who are looked after by the state are disproportionately represented in the youth justice system. Looked after children are five times more likely to be cautioned or convicted than children in the general population. While many factors which result in children being taken into care are also linked to offending, it is likely that the way care homes and the police respond to minor offending by this group contributes to their over-representation.

... it has been accepted for many years that children in care homes are more likely to come to the attention of the police for incidents that would otherwise be dealt with by parents in the family home. Too often care home staff call the police to resolve incidents which do not merit a formal criminal justice response.

Where the police are called out to such incidents, I am concerned that the requirement to record a crime (where one has been committed) sets in train processes which too often result in formal action being taken.

Taylor 2016

Young people in residential care can also have negative interactions with neighbours and the surrounding community, which can also lead to further contact with police.

“ Young people coming into resi often have anti-authority beliefs already. We really want to instil respect for community and authority while a kid is in resi... A number of communities are heavily fatigued by resi services being in the street. Neighbours calling police constantly on the kids. This puts kids under the spotlight, and they are often interviewed by police when they haven't done anything wrong. Neighbours at times provoke the kids, threaten them in the street. We try to manage neighbourhood relations, but it only takes a short time to break the trust of neighbours – this can happen with one bad night, and take 12 to 18 months to rebuild. The focus is really on trying to get the kids being part of and accepted by the community. But it only takes one agitator in the community, one neighbour to stir up discontent. Some communities are really supportive, but others [aren't]. ”

CHILD PROTECTION OUT-OF-HOME CARE EXECUTIVE

One young offender explained how prolonged involvement with Child Protection and out-of-home care affected her, and led to involvement with drugs and negative peer influences.

‘ I think it’s neglect, mental health and drugs ... like when I was growing up in DHS, I went from foster care to foster care, then to youth refuges. All these people from different cultures and different backgrounds. You don’t have anything to do, but you’re also told what to do at each time. There’s other young people [around who are] dealing drugs. **I was a bright kid and like it’s really hard when you’re a bright kid. My sister went to prison, she was a bright kid too and she got out at 17 and had a baby. It starts with parental abuse and neglect then you just go to other people, do drugs [and it snowballs].** ’

YOUNG PERSON

Secure welfare

There are some young people in residential care who also have periods of time in secure welfare. Research conducted by White and Caldercott identified that between 2013 and June 2015, approximately 61 young people (or 11 per cent) were admitted to secure welfare due to criminal or offending behaviour. Overall, 50 per cent of young people admitted to secure welfare have multiple admissions due to the complexity of behaviour, high risk and vulnerability. This research identified that these young people are incredibly challenging to manage, particularly:

... the number of highly complex and traumatized clients repeatedly requiring admission to its secure units to ensure their immediate personal safety and wellbeing.

White & Caldercott 2015

Observation	<p>Approximately 27 per cent of young offenders have been removed from the care of their families and are under guardianship or custody of the Secretary DHHS, in residential care.</p> <p>Young people in residential care have very high levels of vulnerability and need. Secure welfare data would also suggest that many exhibit challenging behaviours while in residential care.</p> <p>Police are called on to respond to incidents in residential care for matters that would generally be resolved without police involvement in the broader community. This leads to disproportionate criminalisation of some young people in out-of-home care.</p>
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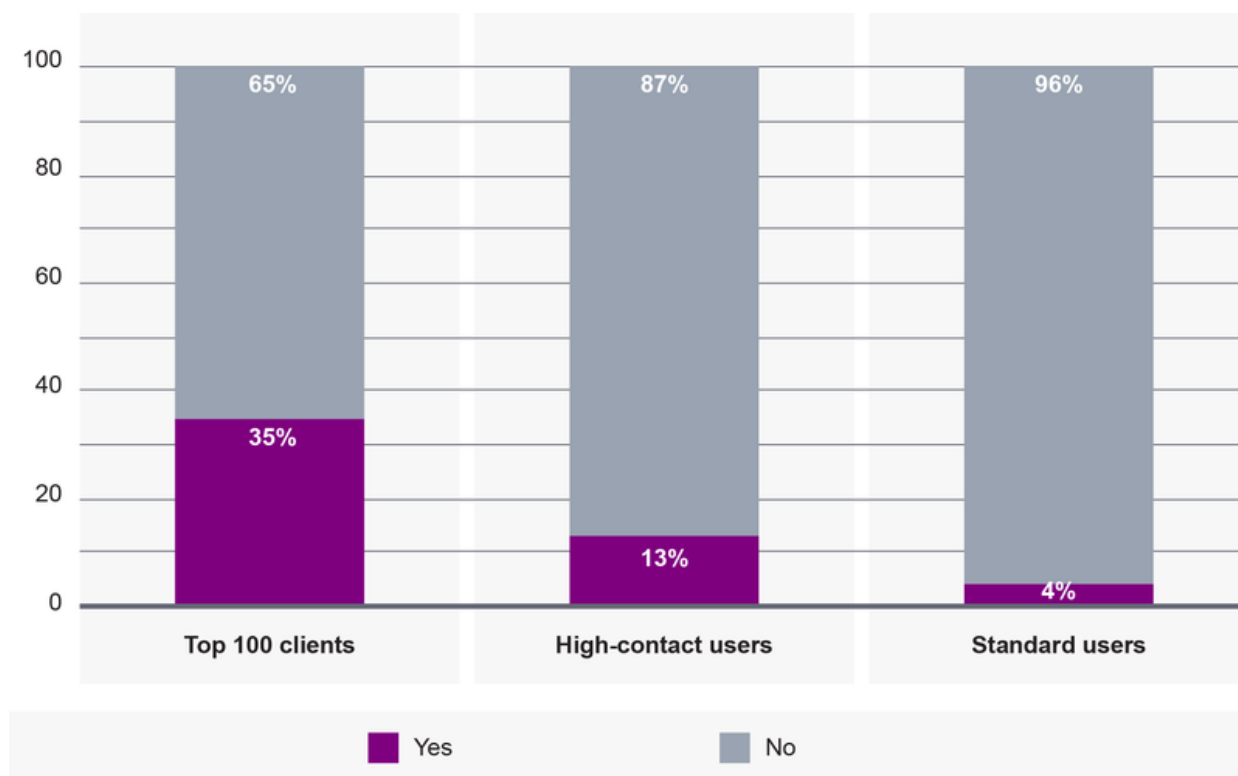
4.5.5 Exposure to family violence

A significant proportion of young people involved with youth justice were previously exposed to family violence, as both victims and perpetrators.

Young offenders exposed to, or victims of, family violence

According to Victoria Legal Aid, for example, 35 per cent of its top 100 contact clients were involved in child protection/family violence (Figure 4-18). Further, those under the age of 18 were three times more likely to be involved in a family violence and child protection matter before they were aged 18.

Figure 4-18: Victoria Legal Aid clients involved in child protection/family violence



Source: Victoria Legal Aid 2017

These results affect how we can develop appropriate programs to address these issues, particularly in circumstances where the young person has not been charged with a family violence offence. Given the high prevalence of exposure to family violence, only increasing with the contact a young person has with the system, it is imperative that programs and other supports be developed with this in mind.

Specific data on the number of young people who are perpetrators of family violence is not available, and it is of concern to this Review that this is not screened for when a young person undergoes intake into the system.

It is critical that the youth justice system play a key role in breaking the cycle of family violence for perpetrators and victims by addressing the high prevalence among the offender cohort with targeted, validated programs that address specific needs.

Young offenders who are perpetrators of family violence

Youth Justice does not record the number of offenders subject to supervision in the community or custody who are perpetrators of family violence. There has been broader Australian and Victorian research that provides insight into the prevalence of adolescent family violence.

Understanding family violence and reoffending

The CSA reported that between October 2011 and September 2016 there were 2,899 young people under the age of 18 and 1,801 between the ages of 18 and 19 years (Coghlan & Millstead 2016) who had recorded police incidents due to family violence. The study analysed the differences between those who solely committed family violence offences and those who committed a broad range of crime. Of those aged under 20 years, 41.1 per cent had been charged with only family violence incidents and 55.9 per cent had been charged with a broad range of incidents in addition to family violence offences, including property and deception offences, public order and security offences, crimes against the person, justice procedure offences and drug offences.

Young offenders have multiple characteristics that increase the likelihood of continued family violence. This was confirmed in a separate study by the CSA that identified that:

... perpetrator unemployment, residential instability, low socio-economic status, living in a social-economically disadvantaged neighbourhood, and low levels of educational attainment have all been shown to be risk factors for family violence recidivism.

Coghlan & Millstead 2016

All of these factors are prevalent among young offenders. This is compounded by the impact of age at their first family violence incident and the increased likelihood of continued family violence offending. The study identified that younger perpetrators of family violence, particularly those under the age of 34 years at the time of their first recorded family violence incident, were more likely to continue to perpetrate family violence.

Family violence intervention orders imposed on adolescents

Children's Court data from 2015 showed that 870 young people aged under 18 years were placed on family violence intervention orders, with 216 charged with breaching orders and 183 found guilty of a breach (Children's Court 2014). This represents a 50 per cent increase in the number of family violence orders against children and the number of breaches in Victoria since 2010.

Victorian research has identified that adolescent perpetrators of family violence:

... were engaged in one or more high risk behaviours, their safety, vulnerability and wellbeing needed to be prioritised while at the same time addressing their abuse and violence to others.

Howard & Abbott 2013

This issue is not unique to Victoria. Research has shown that, throughout Australia, there are concerning rates of adolescents who are perpetrating family violence. An Australian Institute of Family Studies (Purcell et al. 2014) analysis of intervention order data over three years issued to young people aged 18 or under showed that 49 per cent of victims identified that adolescent family violence emerged in the context of prolonged behavioural problems. The key findings of the study are summarised below.

Adolescent perpetrators of family violence

- 69 per cent were males
- 31 per cent were female

Victims of adolescent family violence

- 78 per cent were parents
- 66 per cent of families were single-parent households
- 63 per cent were mothers
- 11 per cent were due to family violence against siblings
- nine per cent were due to family violence against other relatives

Protection sought

- 61 per cent sought to prohibit property damage
- 59 per cent sought to prohibit physical assault
- 53 per cent sought to prohibit threats

Analysis of Children's Court data conducted in Victoria confirms these themes and challenges.

Adolescents used a range of abusive and violent behaviours against parents and other family members. These included physical and psychological violence, verbal and financial abuse and

property damage. The abuse has significant impacts on the victims' emotional wellbeing, on the parent-adolescent relationship and on parenting... [and on] younger children in the home who were exposed to the adolescent's violence....

The most significant barrier identified by parents in seeking police assistance was concern over the possible long-term consequences if their child received a criminal conviction. Some were fearful that police involvement would deprive them of parental autonomy and decision making. This concern, together with lack of awareness and understanding about the legal options available, meant parents accessed the criminal justice system as a last resort.

Howard & Abbott 2013

Young offenders who are both victims and perpetrators of family violence

The Royal Commission into Family Violence identified significant numbers of young people who had been exposed to or experienced family violence who also perpetrated family violence. Youth Justice was not able to provide the royal commission or this Review with data to show precisely how many young offenders supervised by Youth Justice fall into this category.

Observation

Many young people have been exposed to and are victims of family violence; many are also perpetrators of family violence.

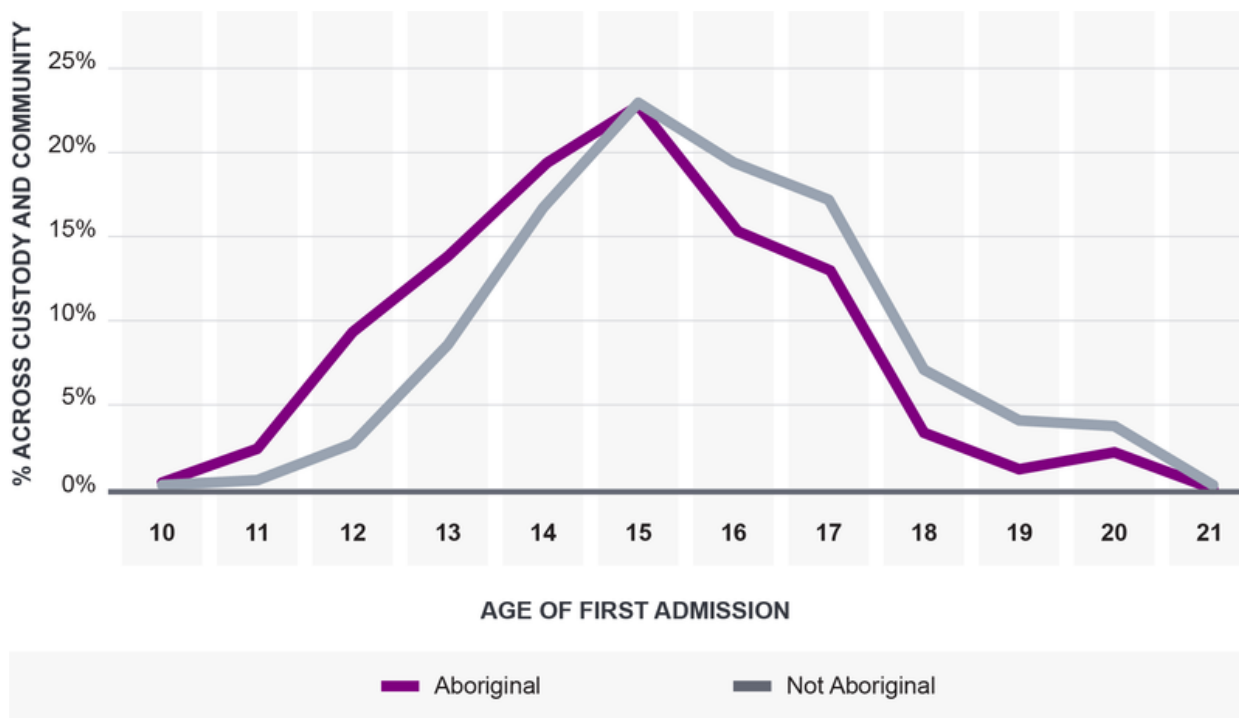
4.6 Koori young people

Globally, Indigenous people are over-represented in the justice systems of post-colonial countries. In Victoria, Koori young people are over-represented in both custodial and community order sentences. In 2015–16, 198 young people or 16 per cent of young people in youth justice identified as Koori. Yet, Koori young people comprise only 0.7 per cent of the Victorian population and 1.6 per cent of the population aged 10–19 years (Australian Bureau of Statistics 2011).

4.6.1 Age of first contact is younger for Koori young people

Interestingly, the average age of first admission for all young people is 15 years (accounting for 22 per cent of all young offenders). An Indigenous young person aged 10–17 years was 15 times as likely as a non-Indigenous young person to be under supervision on an average day in 2014–15 (AIHW 2016b). Further, Indigenous young people are more likely to be involved in the youth justice system at a younger age: nine per cent of Indigenous young offenders entered the youth justice system when they were aged 12 years, while another 13 per cent entered when they were aged 13 years (Figure 4-19). The corresponding proportions for non-Indigenous young offenders were three per cent and eight per cent respectively.

Figure 4-19: Age of first admission, by Aboriginal status



4.6.2 Crime types and cycles of offending

In the youth consultation workshops conducted for the Review, Koori young people raised broader themes of ‘seeing another path’ and youth offending resulting from early normalisation of offending and antisocial behaviour. The workshops also examined positive connection and a lack of visible alternatives.

“Often, we are asked and it comes down to connection to country and community ... Young people more connected to country and community are much less likely to have [negative] mental health outcomes. When a young person is lost and not connected to culture and identity ... [that connection] it’s the foundation of a young person ... Your identity is what you fall back on, like “we’re [Koori]” – you can fall back on that.”



ABORIGINAL YOUNG PERSON

Participants identified the nature of Koori offending as being distinct. When asked about the prevalence of vehicle offending, a participant from a regional community responded saying:

“Depends on the community. If there’s no public transport and you’re bored, you might steal a car and drive unlicensed, but it really depends on the community.”



ABORIGINAL YOUNG PERSON

Another advised that, unlike other cohorts engaged in luxury vehicle theft, ‘I don’t think necessarily luxury cars for many. If you’re going to steal, you steal what’s there.’

Participants viewed violent offending as less common in communities:

‘ I don’t think it’s heavily prevalent in the community ... I think there’s crimes that are above average, people harming themselves more than harming others, victimless crimes. ’

ABORIGINAL YOUNG PERSON

When violence does occur, participants considered it had unique roots:

‘ I think violence is one of the major issues and could be a whole other conversation around grief and loss ... I think that’s another unique thing about our culture and how past actions have influenced our young people’s actions and their resilience. ’

ABORIGINAL YOUNG PERSON

4.6.3 Intergenerational trauma, grief and disadvantage

Koori over-representation has been studied extensively, along with the significant impact of youth justice involvement has on the Koori community. The literature identified several causes for this over-representation: intergenerational trauma, broken connection to country and community, over-policing undermining diversionary limits and exclusion from mainstream culture.

Further, research consistently shows Koori communities have lower education and earning, have poor health outcomes, and are over-represented as welfare recipients and Child Protection clients. For example, Koori young people involved with the youth justice system are more likely to be dual clients than non-Indigenous clients; 64 per cent of Koori clients are dual clients compared with 49 per cent of non-Indigenous clients (DHHS 2016).

4.6.4 Breaking the cycle of offending through family and community

Koori young people, elders and community identified that working with family and community is critical to breaking the cycle of offending.

Consultation with Koori young people confirmed that intergenerational offending and the broken connection to country and community were important factors in contributing to offending.

‘ I was with a really young person the other day and said, “Why don’t you stop [getting in trouble]?” She laughed and said, “Mum and Dad were both locked up at 15. I’m 16 so I’m doing alright ...” So they really don’t care. ’

ABORIGINAL YOUNG PERSON

When asked what works to address the offending behaviours of Koori young people, participants advised that community reintegration for young people exiting custody 'will be complicated and elders will play a large part at the start and end of the sentence'.

Participants considered community-led initiatives that emphasised the role of the family were most promising.

‘ Often, if things come from government, things often don’t get up, but if it comes from the community and has a Koori worker, it can. ’



ABORIGINAL YOUNG PERSON

Observation	<p>Over-representation of Koori young people in youth justice is increasing, with many young offenders affected by intergenerational trauma, broken connection to country and community, loss and grief.</p> <p>Youth justice services have to be culturally safe to be effective. Proactive engagement with elders and community is required to promote access to diversion and early intervention programs, as well as to guide custodial and community supervisory models.</p>
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4.7 Culturally and linguistically diverse offenders

In Victoria, some culturally and linguistically diverse (CALD) groups are also over-represented in youth justice, particularly Maori, Pacific Islander and South Sudanese young people. Generally, CALD groups are less aware of their legal rights and are less likely to receive diversionary interventions, resulting in greater penetration into the justice system than non-CALD peers.

The over-representation of specific groups is not causally related to ethnicity; rather ‘sociodemographic factors and social disadvantage can better explain criminality than membership in identified groups’ (Bartels 2011, p. 2). These sociodemographic factors include:

- economic and social exclusion
- intergenerational trauma
- lack of prosocial supports as the family establishes in Australia
- feeling excluded from both family and mainstream communities, as young people straddle two distinct cultures with divergent obligations and expectations.

This over-representation suggests we need culturally relevant and culturally sensitive responses to address youth offending. Consultations revealed youth workers do not always have a firm understanding of the various family constructs, given the range of cultures they work with.

4.7.1 Maori and Pacific Islander young people

In 2015–16, 133 young people (or nine per cent of young people involved with youth justice) identified as Maori or Pacific Islander: four per cent were Maori, three per cent were Samoan, one per cent were Tongan and one per cent were Cook Islander. Maori and Pacific Islander communities made up only 0.8 per cent of the Victorian population (Western Sydney University 2015).

The offence profile for these young people did not vary from other cultural or ethnic backgrounds.

The reasons for this over-representation are not clear. According to Hamer (2007), some Maori are hired as enforcers by other criminal networks because legitimate formal work is unavailable, leading to convictions for assault and related offences.

Consultations revealed that young Maori and Pacific Islander people felt they were ‘labelled’ and misunderstood or not supported by authority figures, and this contributed to their offending:

There are lots of [Maori and Pacific Islander] kids who drop off because they hear that “Islanders are too dumb to go on”, and this is why so many drop out and go on to offend or just work in a warehouse ... I had a teacher ask if I wanted to do VCAL. I had never met her but she came up and said that she would sign me up. I was like, “I don’t want to do a trade and I hate Phys Ed”. I knew I wanted to do VCE and go on to uni, but it was just assumed ...

MAORI OR PACIFIC ISLANDER YOUNG PERSON

The quote above outlines the circumstances of a young person who has had consistent interaction with the youth justice system and indicates the trajectory of young people from his cultural background.

Similarly, another young person commented ‘if you want to treat me like a thug, I’ll be a thug’. Labelling reinforces perceptions, which then become self-realising.

Responses for this group of offenders must recognise that while geographically aligned, Maori and Pacific Islanders are culturally distinct and may experience different challenges. For example, Maori migrants tend not to financially support family members in their country of origin, unlike many Pacific Islanders.

Further, Maori migrants report less cultural shock because often they have adopted English as a second language and expect to return home once they have realised financial goals. However, this intention to return home creates its own challenges – Maori children and adolescents in Australia are brought up with a sense of uncertainty and transience. They are disproportionately likely to have experienced housing transience, overcrowding and poverty accompanied by a lack of cultural engagement.

As a complicating factor, Maori and Pacific Islander young people cannot access Centrelink benefits in Australia, again lessening their connection to the local community and government institutions. This situation increases the risks for these young people if they fall through other social safety nets.

Observation

Maori and Pacific Islander young people have been over-represented for many years, and culturally appropriate interventions are required to address their offending.

4.7.2 South Sudanese young people

South Sudanese represent four per cent of Victoria’s youth justice cohort, despite people born in South Sudan representing less than one per cent of the Victorian population at the 2011 census. Further, while the number of South Sudanese young people is very low, this over-representation has been rising.

Many of these people are disadvantaged compared with other Victorians. For example, in 2011 (Australian Bureau of Statistics 2011):

- The median weekly income for a person aged over 15 from Sudan was \$295 compared with \$577 for all Australians.
- Labour force participation of people from Sudan was 49 per cent compared with 64 per cent for all Australians. Further, they were concentrated in low skilled and non-managerial positions.
- 94 per cent of Sudanese migrants in Australia spoke a language other than English at home.

Youth justice workers we consulted during the Review stressed that youth justice interventions must understand the cultural differences and drivers that influence the behaviour of these young people. They commented that ‘something is occurring within the process of resettlements that is causing [young people] to commit crimes’. They mentioned factors such as:

- Young people are disconnected from their home, family and community – they are torn between their cultural heritage (based on community parenting, and where the age of maturity is 14) and contemporary Australian culture.
- Young people feel they are being targeted and discriminated against.
- Parents are unaware of their rights and are looking for answers from Youth Justice.
- Parents cannot discipline their children in the way they know, and feel disempowered.

Observation

While the majority of migrants and refugees do not become involved in crime, some first- and second-generation migrants, currently South Sudanese, can become involved in a cycle of offending.

Currently, South Sudanese Australians are over-represented. An engagement strategy for their communities will be crucial to addressing this over-representation.

Chapter 5: Broader youth trends and youth justice

This chapter looks to the broader societal context that impacts on how the Victorian youth justice system needs to respond to young offenders, particularly in the era of social media, increasing diversity, rising employment standards and the rapid improvements in acceptance and treatment of mental health issues. It then looks more closely to experiences drawn from the survey and consultations to help inform our understanding and shape the future of the Victorian youth justice system.

5.1	MEGATRENDS AND CHANGE TO SOCIETY	5.1.1 Rising education and employment standards
		5.1.2 Increased diversity
		5.1.3 Overexposure online and broadened social networks
		5.1.4 Better mental health
5.2	UNDERSTANDING BROADER ATTITUDES AND EXPERIENCE OF CRIME	5.2.1 Community attitudes and experience of crime
		5.2.2 Victims of crime
5.3	WHAT YOUNG PEOPLE SAY ABOUT YOUTH CRIME IN VICTORIA	5.3.1 Youth survey results
		5.3.2 Youth consultation workshop themes
5.4	WHAT IT ALL MEANS FOR YOUTH JUSTICE	

5.1 Megatrends and change to society

According to the Lancet Commission on Adolescent Health and Wellbeing (2016), young people today face ‘unprecedented social, economic, and cultural change’, such as growing educational participation, global patterns of economic development and employment, technological changes and advances, changing patterns of migration and conflict, increasing urbanisation, political and religious extremism and environmental destruction. Further, the commission noted that young people need ‘health, education, family support and legal systems to keep pace with these changes’ (Lancet Commission on Adolescent Health and Wellbeing 2016).

VicHealth and the CSIRO (2015) analysed how the following megatrends would affect Victorian young people over the next 20 years:

- rising bar to attain employment and the impact of global competition
- increased diversity
- overexposure online and broadened social networks
- less stigma about mental health.

The following sections explain these megatrends and their implications for Victoria's youth justice system. Looking forward, Victoria's youth justice system must account for these megatrends in order to meet young offenders' needs successfully and fulfil its objectives.

5.1.1 Rising education and employment standards

In the future, young people in Victoria will need higher educational levels and skills to enter the labour market. This megatrend presents particular challenges for young people in youth justice because many have low levels of education and experience interrupted education. This trend may further reduce their opportunities to find employment, which is a significant protective factor for young people during mid to late adolescence. Research shows prosocial connections through education and employment reduce the likelihood of offending and reoffending.

5.1.2 Increased diversity

Increased diversity exposes young Victorians to diverse cultures, peoples and lifestyles. And they will not be restricted by the same boundaries that defined previous generations. Traditional boundaries that defined individuals, families, communities and countries are no longer relevant for many young people.

For young people involved with youth justice, this shift may contribute to their sense of social exclusion and isolation, and distrust towards the community. Strong cultural identity and connection to cultural heritage, support and acknowledgement of gender identity and sexual diversity, and opportunities to explore and express faith, are all protective factors for young people.

Young people must develop social, emotional, language and communication skills as they transition to adulthood. The youth justice system must consider its role in equipping young people with aptitude and skills to be agile, connected and able to balance the challenges of flexibility and shifting expectations. Youth justice systems must model prosocial behaviours, support language, communication and independent living skills, and instill confidence in navigating social and professional expectations.

5.1.3 Overexposure online and broadened social networks

Young people will have unprecedented access to online content in the future, regardless of their socioeconomic status. This presents both opportunities and challenges for young people.

It can extend their social network beyond geographic or cultural constraints and expose them to new ideas and like-minded individuals (Lancet Commission on Adolescent Health and Wellbeing 2016). This may benefit some young people because they feel better connected and may be exposed to prosocial behaviours. However, it may have the opposite effect for others, if connections are not prosocial. Rather, these connections may exacerbate risk, accentuate social exclusion and economic disadvantage, and normalise offending.

Social connection and peer influence is most pronounced during late adolescence. Like adults, adolescents can make good decisions when they are calm. However, they are less likely to make good decisions in emotionally charged situations. In these situations, their decisions are more influenced by short and immediate outcomes, rather than long-term outcomes. Readily accessible technology and social media provides ever-present peers and an audience (some of whom may be antisocial) and can increase 'emotionally charged decisions'.

Importantly, however, social media and online approaches can be an effective tool to prevent and address offending. Young people are technologically agile and connected, and many expect the services and interventions they need to reflect this.

5.1.4 Better mental health

Young Victorians will not experience the level of stigma and isolation associated with mental health issues experienced by previous generations. They will benefit from rapid improvements in treating and managing mental health and have opportunities to improve their wellbeing. Mental health and wellbeing is a protective factor for adolescents. Mental health issues and concerns can be exacerbated during a young person’s involvement with youth justice, if not identified, treated and managed appropriately.

Observation	<p>The megatrends facing the current and next generation of adolescents will require Youth Justice to work more effectively to ensure that young offenders can succeed in the future.</p> <p>This will involve: a strong and effective approach to building employment skills and links to industry; supporting diversity through prosocial activities and supervision approaches; increasing group activities and positive interactions with peers; using technology, social media and programming as part of engaging with young people and addressing their offending risks and needs; and ensuring that the very high levels of mental health are responded to.</p>
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5.2 Understanding broader attitudes and experiences of crime

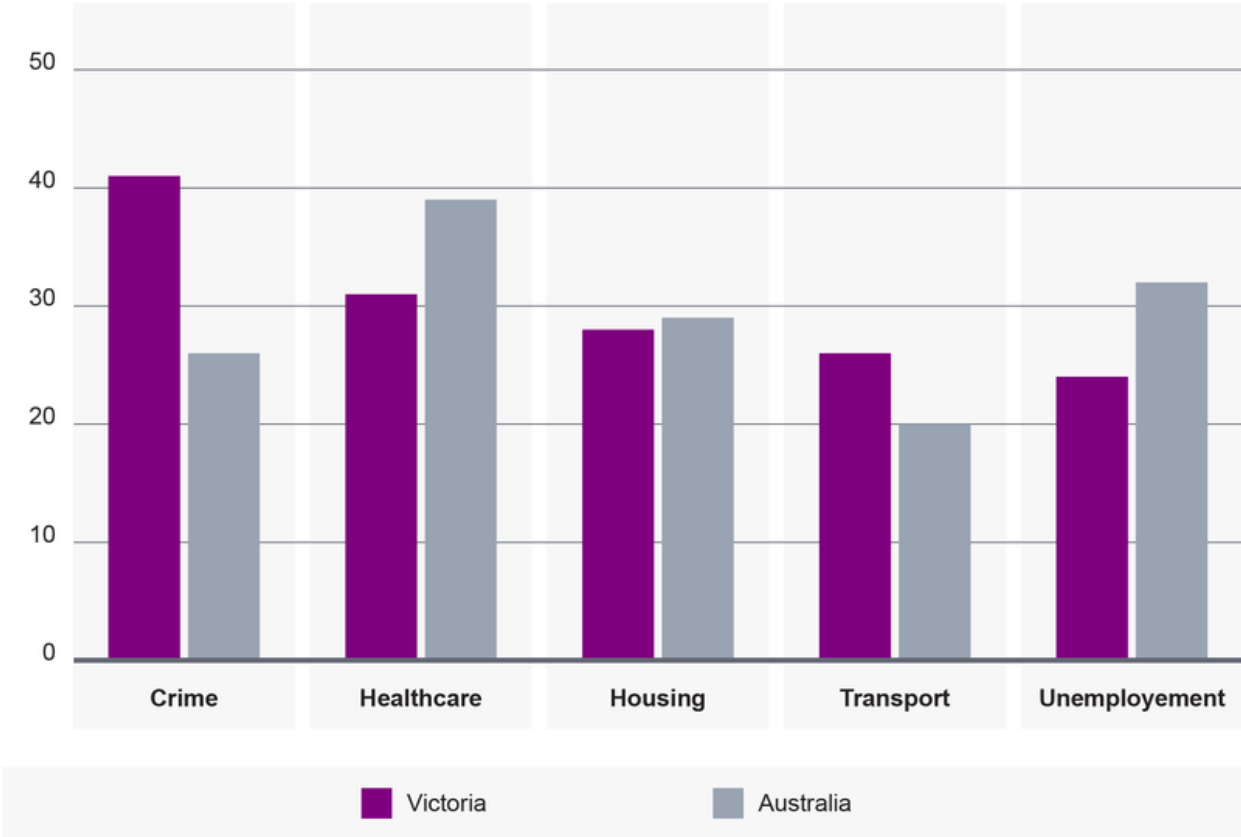
5.2.1 Community attitudes and experiences of crime

There is some evidence that the community is concerned about crime. The 2017 Deloitte Millennial Survey (of people born after 1982) reported that 36 per cent of millennials in mature markets such as Australia were concerned about crime and corruption. It was the third most common concern for this group, after 'war, terrorism, political tension' (56 per cent) and 'hunger, healthcare, income inequality' (43 per cent).

Locally, crime has become Victorian's number one concern for the first time in 17 years. A recent IPSOS survey found that 41 per cent of respondents identified crime as the most important issue for the community (IPSOS 2016). This result contrasts with the attitudes and concerns of the rest of Australia, with only 26 per cent of those surveyed identifying crime as a priority issue for the community; healthcare and unemployment are the priority issues nationally (Figure 5-1).

Victoria's result may reflect the constant and high volume of media attention on violent crime committed by young people in the Victorian community. This attention includes reporting on young people involved with serious criminal violence, young people targeting family homes and private spaces to steal cars, and the frequent and severe riots at youth justice facilities.

Figure 5-1: Priority issues facing Victorians compared with Australians in 2016



Source: IPSOS 2016

Crime has become Victoria's number one concern for the first time in 17 years. Crime has become very visible to the community, particularly youth crime such as home burglaries and carjackings/theft.

The effectiveness of the youth justice system has been the subject of much public debate.

5.2.2 Victims of crime

Those who are victims of crime, or personally know victims of crime, are particularly sensitive to issues such as this. Crime is a major part of every society, with almost all citizens affected by crime in some way, though the nature of those effects varies widely. Some impacts are short term, while others can last a lifetime, depending on the circumstance and severity of a given crime.

In some instances, the impact on victims of crime can be tangible – increased costs for security, security alarms for homes and cars, or changing routines to account for the impact of the crime. Some of the impacts of crime, however, are less tangible, and can include pain, suffering and a lower quality of life.

Crime affects individuals as well as society more broadly. Economic productivity can decrease as victims of crime are unable to work, and there can be a correlating impact on communities through the loss of tourism and retail sales if the city or neighbourhood is deemed to be unsafe.

In the year ending December 2016, the Crime Statistics Agency recorded 338,922 reports from victims that were reported to Victoria Police. This represents an increase of 13.6 per cent from the previous year.

Men (55.8 per cent) are still more likely than women (44.2 per cent) to be victims of crime, though the average age of female victims is slightly lower. Patterns of age are similar between men and women who made a victim report with Victoria Police; however, proportionately, female victims are concentrated in the younger age groups. Those subject to a 'property and deception offence' were more likely to be male (57.9 per cent), while those subject to 'crime against person' were more likely to be female (53 per cent) (CSA 2016).

Many victims of violent youth crime are reported to be experiencing significant trauma and ongoing life difficulties.

A victim-centred approach to youth justice is urgently needed.

5.3 What young people say about youth crime in Victoria

The Review included a youth survey of more than 1,000 Victorian young people and a series of workshops with young people involved with youth support services.

Both the survey and the workshops were designed to capture the insights and perspectives of Victorian young people on the challenge of youth crime, what it means for them and their peers, and what they think will reduce crime committed by young people.

5.3.1 Youth survey results

DHHS conducted the survey of young people aged 13–25 years on their attitudes to crime and youth offending and received more than 1,000 valid responses.

The survey consisted of four parts:

- demographic information – age, gender, country of birth, Koori status, main language spoken at home, level of education and employment status
- general perceptions – access to finances and resources, sense of community and belongingness, availability of support and advice, and where young people learn about the law
- perceptions of youth crime – general thoughts and concerns about youth offending, crime committed by young people, the frequency of youth offending, the reason that young people commit crime, the purpose of youth justice, and the effectiveness of responses to youth offending
- responsibility and youth crime – whether participants thought an individual’s age affected their level of responsibility for offending, young people’s understanding of legal and illegal behaviour, crime committed by young people 18–20 years old, participants’ reactions to youth offending and the reasons they believe most young people do not engage in offending.

Generally, the views of young people surveyed echoed the views of other young people consulted as part of this Review (including focus groups, discussions with young people in custody and discussions with other young people). Pleasingly, the survey results also showed very few differences in the views between young people who had experienced the youth justice system and those who had not.

The main findings from the survey are summarised below. The full youth survey analysis is provided at Appendix 5.

Observation

Young people provide invaluable insights that will be helpful to the design and operation of the youth justice system.

Crime committed by young people

Respondents offered their views on the types of crimes youth offenders commit and why. Respondents thought public crimes like vandalism and graffiti were the most common type of crime, followed by drug-related offences like using or dealing drugs. Violent offences where strangers are injured were the least common.

The three most important reasons identified for youth offending were drugs and alcohol, family members who break the law, and peer pressure from friends they hang out with. Immaturity and disability were seen as the least important reasons for offending.

However, respondents considered the reasons for offending differed if young people offended in groups or on their own. They believed that peer pressure and social reward drove group offending, while the desire to acquire goods, drugs or as a result of substance abuse drove most individual offences, followed by personal needs such as mental health or experiencing trauma.

Observation

Young people have a sound understanding of the main reasons for youth offending, highlighting drug and alcohol, family members who break the law and peer pressure.

Solutions to youth crime

Respondents offered their views on how to address youth offending, including specifying solutions. Most respondents agreed that young people who commit violent and serious crime need support to help them

stop. Not surprisingly, most respondents also disagreed that young people who start committing serious and violent crime will just naturally stop as they get older.

Respondents also agreed that young people who commit violent and serious crimes need to be punished to make them stop offending. Males were more likely to express this view than females.

Some respondents offered specific solutions to reducing serious and violent offending, which fell into three categories in the order below:

- justice responses, which stressed punitive responses and often suggested increasing current punishments to create a disincentive and punish offenders
- hybrid responses, which combined assistance and punitive and rehabilitative intervention
- welfare responses, which did not mention punitive interventions.

Respondents identified supporting the young person and solving the problems that cause them to offend as the most important role for youth justice. Fewer respondents agreed that the purpose is to punish a young person for their crimes.

According to respondents, the most effective responses to youth offending were:

- providing young offenders with interventions around the reasons they offend and providing other support if they need it
- educating young offenders about the law
- ordering them to attend school if they are not attending or employed.

By contrast, the least effective responses were:

- enforcing curfews so young people are not out at night
- using community service as a punishment
- sending young people to youth custody as punishment.

Observation	<p>Young people do not agree that most young offenders would grow out of offending and strongly identified that support was needed to help them stop offending.</p> <p>Young people identified interventions and support, education about the law and participation in school or employment as the most effective responses to reduce youth crime.</p> <p>By contrast, young people identified the least effective responses as curfews, community service and custody as forms of punishment.</p>
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Responsibility and youth crime

Respondents offered their views about whether a young person's age affected their level of responsibility for offending.

Respondents believed that the youngest offenders (aged 10–12 years) were less likely to know the difference between legal activity and illegal activity than those in older age groups. The extent to which respondents believed young people knew the difference between legal activity and illegal activity increased as the ages of offenders increased.

Respondents agreed that people aged 18–20 years who offend should be given the same support as those aged under 18 if it will help them stop offending.

According to respondents, the most important reasons they believe most young people do not offend are because:

- they know it is wrong
- it would affect later life, like being kicked out of school, losing their job or not being able to find work
- they would feel guilty about the impact on victims of crime.

By contrast, the least important reasons were:

- their friends would not approve
- there are police, security and other adults around watching at the time
- there is nothing to gain from it.

Observation

Young people's understanding of the difference between legal and illegal activity increases with age.

Young people identified that stopping offending would be helped by knowledge that crime is wrong, the impact of a criminal record on life (school, work) and guilt about the harm to victims.

5.3.2 Youth consultation workshop themes

As part of the Review, a number of youth consultation workshops were conducted through community service and youth support organisations working with young people who had high levels of involvement with youth services. Young people discussed the following themes:

- diverse drivers of offending
- notoriety and criminal sophistication
- labelling
- crime as the only life they know, and the lack of other options
- drugs and alcohol
- anger and violence
- social media and grooming
- distinct issues for young people from culturally and linguistically diverse backgrounds
 - labelling and isolation in the family
 - Pacific Islander and persistent stereotyping across generations
 - settlement issues
- experiences of Koori young people
- developmental focus
- the social contract
- thoughts on prison and the current system
- what might work
- restorative justice.

These themes are explored more below.

Diverse drivers of offending

Young people who participated in our consultations identified a range of drivers of offending, for example:

‘I reckon it’s about having nice things [but also] some people do it for the sake of doing it. Everyone has their own reason.’

‘They grew up as the poor people in the flats, they were always getting bullied, so that probably doesn’t help ... [they] wanted to make a name for themselves.’

YOUNG PERSON

Whatever the reason, another participant highlighted the rational decision-making process:

‘People won’t do it for no reason; there has to be a better reason involved. [It] has to be worth the risk.’

YOUNG PERSON

Participants identified the ‘wrong crowd’ as being a key motivator for offending. Participants identified a combination of the family environment normalising antisocial conduct and a sense of exclusion and labelling by mainstream society as the primary drivers for young people joining the ‘wrong crowd’.

All groups talked about criminality as an issue of connection and identity. Young people saw criminal offending for the majority of young offenders as a mechanism to achieve the social connection they otherwise lack. Although most young people do not inherently wish to offend, delinquency emerges as a last resort for identity formation when a young person is either excluded from all other positive options or they grow up not knowing anything else. One older adolescent who advocates for at-risk young people suggested:

‘[Today’s young people] want to identify with something and that can get them into crowds and doing things they may not want to ... they want to identify and fit ... It doesn’t help when they don’t have a sense of family and can’t build a sense of trust ... I imagine it’s really hard for young people if they haven’t had that sense of community growing up.’

YOUNG PERSON

One young person candidly added the interrelationship between out-of-home care, normalised antisocial activity in the environment, connection and offending. When asked what drives youth offending this young person stated:

‘ I think it’s neglect, mental health and drugs ... like when I was growing up in DHS, I went from foster care to foster care, then to youth refuges. All these people from different cultures and different backgrounds. You don’t have anything to do, but you’re also told what to do at each time. There’s other young people [around who are] dealing drugs. I was a bright kid and like it’s really hard when you’re a bright kid. My sister went to prison, she was a bright kid too and she got out at 17 and had a baby. It starts with parental abuse and neglect then you just go to other people, do drugs [and it snowballs]. ’

██████████
YOUNG PERSON

All consultations reflected this theme. Common statements included:

‘ It also comes to connection to family. If it’s not good, they will find connection through crime and friends through crime. It gives them that connection they don’t have.

‘It seems cool to these kids, like it’s a family mentality with each other. You talk to them, it’s the group that matters and that’s their family.

‘What I’ve seen is kids [younger ones] do stuff for other people’s attention. I used to see it in Frankston – kids going and stealing and getting caught [on purpose]. Just for attention they get caught and then go and brag to their friends about it an hour later. ’

██████████
YOUNG PERSON

Many young people identified the desire for material goods, often to bolster a sense of self-worth:

‘ They also want to [be the one to] steal the most expensive stuff, go to Rebel Sport and steal the most expensive stuff. It’s never the less expensive stuff. ’

██████████
YOUNG PERSON

In the absence of strong parenting, one participant felt:

‘ ... the reason why they get involved in violence and crime is from age of 12, lots of the kids are left alone by the parents, [so the] kids just want to make money and buy the cars they want.’

YOUNG PERSON

Participants from each focus group identified boredom as a high-risk component, along with the absence of positive engagement and a material desire and antisocial interest:

‘ Boredom would play a big part if people aren’t in school and [have] no income, so do stuff to get money or what you want just because you’re bored.’

YOUNG PERSON

All groups agreed positive activity offers a protective layer from antisocial engagement.

One participant in particular highlighted that social isolation compounds boredom:

‘ I guess the problem with [marginalised young people self-identifying as offenders] is it is “us and them” ... They don’t interact with people who aren’t people like them ... They don’t care about others who aren’t in in their group. I guess some people are fine doing activities with people like us. I guess if people start showing signs of isolating themselves, then it’s trying to put them into community things that let people engage ... Once they get to know others and become friends and it’s cool to be with them [it’s positive] but it’s hard to get them to realise [the benefits of non-delinquent peers] ... Like get them into sports. That’s the other thing, they have a lot of time ... So trying to put them into hobbies that make them interact with others ... I know people in the scene, when they’re with you on their own they’re fine, but with others they are someone else, so getting them into [mainstream activities is the issue] ... If they have all that time, why go to bed early? With all that time they just get into fights ... Lots of them might be passionate about things, but they don’t know how to do it. They want to be a mechanic or they’re into bikes, if they are passionate about things but don’t have the money or family ... They just get into shit...’

YOUNG PERSON

A young person who experienced a childhood in out-of-home care and foster placements discussed the lack of meaningful activity driving a desire for substance use and delinquency to assist in ‘passing the time’.

Young people identified that drivers of crime included the desire to belong to a group, a sense of identity, access to material wealth, exposure to drugs, alcohol and violence from an early age, and family conflict.

Notoriety and criminal sophistication

According to participants, the majority of offenders do so as a result of peer pressure. Further, the competitive attitudes and virtue-signalling that are normative characteristics of adolescence means their offending often escalates rapidly once they have peers who also engage in criminal acts:

‘They want to be able to help out their peers and outdo their peers. They do it to have their name out there.’

YOUNG PERSON

Importantly, however, notoriety does not drive all offending. Young people with extensive experience in the criminal justice system represented a more goal-oriented, criminally sophisticated subset of offenders. These young people do not brag about their offending:

‘They keep the circle small, they don't want someone who will talk as it will jeopardise what they want to do.’

I wouldn't want my face out there. You never know who will see you. You would think anonymous is the goal.’

YOUNG PERSON

Some young offenders are believed to seek the limelight and bragging rights from their crimes and showing support for their peers; others are committed to anonymity and work in very closed circles of offenders.

Labelling

All young people considered labelling contributed to youth offending. For example, young people in general were liable to be labelled and treated as a ‘delinquent’ or offender.

‘ You’re walking through a shop ... compared to an old lady it’s like being young means you get checked by security.

‘ Yeah like when wearing hoodie and cap and they just stop you.’

YOUNG PERSON

Participants considered all young people would find such interactions disheartening, but for vulnerable young people – who lack prosocial supports to counter the negative messaging – the isolation and degrading treatment can be a catalyst in turning a ‘vulnerable person’ into ‘an offender’. These vulnerable young people self-identify as offenders and seek other marginalised young people as a peer group.

‘ If you are already being labelled as bad, [you] may as well do it.’

YOUNG PERSON

Observation

Labelling and singling out of young offenders was seen to create a sense that once labelled as a criminal they might as well live up to the expectation.

Crime as the only life they know, and the lack of other options

Young people highlighted that drivers often commenced early and in the family home. Young people growing up with an unsettled home life that normalised antisocial behaviour may become socially isolated and labelled as a ‘bad kid’ when they demonstrate the modelled behaviour in school. As a result, young people may conclude that offending and incarceration were inevitable.

Youth participants from all cohorts identified that many young people involved in offending are not aware of other options. They highlighted delinquency as a leisure activity that could become normative for some young people:

‘ For people coming from a disadvantaged background, they don’t know what fun is. Might find graffiti fun and be using it as a way of expressing themselves, but they think it’s fun [and don’t recognise it as not enjoyable].’

YOUNG PERSON

Koori participants highlighted the pervasive sense of inevitability of incarceration that permeates the lives of many young people with intergenerational incarceration:

‘ I was with a really young person the other day and said, “Why don’t you stop [getting in trouble]?” She laughed and said, “Mum and Dad were both locked up at 15. I’m 16 so I’m doing alright ...” So they really don’t care.’

ABORIGINAL YOUNG PERSON

Throughout all consultations, participants identified that educating young offenders about the possibility of better lives and supporting them to achieve it were fundamental to fostering prevention and desistence.

‘ I think kids that come from nothing need to be taught they can become something. I come from nothing ... and don’t want to be [like my parents]. ... But it’s hard to know you can be something.’

YOUNG PERSON

Several participants identified positive examples of possible future paths. For example, one young person noted:

‘ [M]y cousin ... works out and works as a lawyer and fire engineer. He went to uni and also had some challenges and knowing what he got from putting in the work set a seed and ... it grows like a passion.’

YOUNG PERSON

Young people with experience in custody reflected positively on mentoring, both acting as a mentor and receiving mentoring:

‘ I could talk to them and tell them how it is.

‘ It was upsetting; it was inspirational and you take it in and you listen to it.’

YOUNG PERSON

Some young people appear to know no other life than a life of crime. Their view of their future is strongly affected by other family members' involvement in crime.

There were many benefits seen in having older people to admire and respect, who can show them different options and support them to move away from crime.

Drugs and alcohol

Young people identified drugs as a significant negative influence that contributes to general delinquency. Older adolescents were concerned about the early exposure they are seeing to drugs:

When I was younger, there weren't as many drugs but now, it has taken me by surprise how many drugs there are on the street and how young people are using it.

YOUNG PERSON

Participants felt the type of substances, especially 'ice' (methamphetamine), contributed substantially to increasing violence and social dysfunction compared with other drugs.

Ice is a bad problem. Since it has been introduced it has been one point [of violence] to another.

Ice has torn apart my family. It's tearing families apart. You go through the body motions when you come down.

The ice created anger [in my sibling], lots of anger and [they] started hitting me ... [As a child] mum was heroin-addicted. It's just like all the problems are drug problems.

YOUNG PERSON

One young person recognised how damaging substances such as ice are for adolescents, noting that adolescents are 'already really hormonal and still developing', which affects emotional regulation. The combination of anger, adrenalin and methamphetamine creates a highly volatile mix and inability to control violent urges.

Some young people also felt substance use, particularly ice, tied in with the 'gangster' lifestyle many high-profile offenders sought:

‘It’s advertised everywhere ... Like it’s alcohol on billboards and TV. And on the TV shows, it’s all [about the] drugs too.

‘I think its [ice] got the notoriety now.’

YOUNG PERSON

Young people identified a complex interrelationship between substance use, negative life experiences, boredom, general antisocial conduct and offending. The boredom resulting from social exclusion often drove substance use, as did substance use to self-manage negative childhood experiences and to follow the example set by role models.

‘It’s what you see as normal as a kid. I see it every day – people doing drugs [because] they ... had parents doing it and were surrounded by it.

‘Well, I’ve been exposed to drugs my whole life and seen adults get the kids onto drugs because they can get more money out of them. [For the kids], it’s more of a play thing.’

YOUNG PERSON

Some young people saw offending as a way of getting money to purchase substances. As one young person explained, ‘If you’re broke, you’ve got to sell drugs to make money to get them for yourself’. Importantly, they also noted that ice contributed to increased violence and high-risk behaviour:

‘When I did crime, it was for money for drugs ... Three armed robs, under the influence, because I knew the next day I still needed money.

‘A lot of groups ... would be out for days [under the influence of ice], would do some petty crimes and haven’t slept for days ... they don’t know what’s going on.’

YOUNG PERSON

Recognising the complex relationship between substances and offending, several participants felt solution-focused sentencing was required:

Well I don't think the users should be slapped with criminal record; it's a misstep and it shouldn't affect your whole life ... I reckon mandatory rehab is the way to go and see how it goes from there ... I think dealing should still be a criminal offence.

YOUNG PERSON

Observation

The cycle of boredom and drug use are seen to escalate into criminal behaviour over time. Some adults were known to use young people to deal drugs by getting them exposed to and addicted to drugs.

Anger and violence

Participants highlighted increasingly violent crime as an outcome of many of the factors that drove offending, including drugs, normalisation of antisocial behaviour in the home and peer influences. When directly asked whether any specific or distinct factors drove violence, young people reflected that violent offenders are often the most frustrated young people:

[Young] people are probably sick of being powerless.

'Now there's not the respect [between young people and adults]; they're not shown it and don't get it and that leads to the violence and anger.

'I have seen it [increasing levels of violence], have heard it and have experienced it. Maybe it's a way of releasing out what's happening, some personal stuff at home and at school. It's all distraction ... they are looking at ways to throw [the anger] out.

'If you have been exposed to violence, you're more likely to do it. It's perfectly normal if you grew up like it. If you get bashed, you think you can bash someone too.'

YOUNG PERSON

Other young people identified peer influence and a 'gangster' image contributed significantly to the display of violence:

‘ I was assaulted by a guy wanting to steal my phone [within the last week] at Centrelink ... I know him on his own [and] there’s no issue, but when he had three people behind him ... This [person] doesn’t do things on his own, but when people get together and then with the groups pretending to be bloods and crips or whatever [they feel empowered and encouraged to commit offences/violence]. ’

YOUNG PERSON

Observation

Many young people believed that a sense of powerlessness, frustration and anger about their life experiences caused them to use violence.

For some, there was a desire to be identified as a gangster or a serious criminal in order to have a sense of identity.

Social media, grooming and exploitation

Participants discussed the role of social media extensively. For young offenders driven by reputational factors, social media offered a broad platform for attention, which often encouraged further displays of contempt for the system.

‘ Social media I think is massive. Police put up photos of people on warrants, those people comment, “Ha ha, can’t catch me”. Young people get more popular for being on warrants and having that [publicity]. ’

YOUNG PERSON

Participants considered social media influence helped drive the growing disregard for legal ramifications:

‘ When a young person is locked up, mates post about, “Free xxx” [in a flippant joking manner], so they don’t take it seriously ... They post photos about being rude to cops. ’

YOUNG PERSON

Young people discussed the rise of ‘social media role models’ and penetration of smart devices to younger age groups. For example, children in primary school now have access to negative role models who they would not otherwise have access to through mainstream media.

... when I was 11–12, you didn't have smartphones, you had a flip phone. We had Yu-gi-oh or Pokemon cards; now all the kids have smartphones ... I go to heaps of suburbs, the guys who do the crime, they all wear the Nike Air maxes and look up to social media role models like Kerser ... I'm not saying hip hop music is the problem, but more that they're looking up to "lad culture".

YOUNG PERSON

This level of access to social media was heavily linked to concepts of notoriety-driven offending. A young person who no longer offends argued that social media both increases peer pressure and speeds up the labelling process:

When I was offending, there wasn't as much Facebook and social media and stuff and there's also the stigma, which Facebook makes it worse.

YOUNG PERSON

Observation

Social media is pervasive and was seen to influence decisions and promote an anti-establishment view and disregard for police, the law and consequences.

Networks were seen to be a vehicle to gain popularity and attention and to identify with gangster role models and those involved in crimes and activities similar to their own.

One participant witnessed young people in his area become peripherally involved in offending through older offenders. When asked if online grooming was a factor, he identified the combination of ignorance and an inaccessible job market made young people vulnerable to offending, even though they do not intend to offend.

... getting a job is not easy and they use these young people because they [the young people] are desperate to get money. As a young person, you don't think about the consequences because all you think about is being able to get paid. I think if you have that connection [to someone in crime] you can get dragged in. There's always someone who knows someone and they can use their connections to expand ...

YOUNG PERSON

A Koori young person felt social media-based grooming was a significant issue for socially isolated young people:

‘ In community absolutely, if you don’t have much [other positive] connection and there’s an older person in the community pushing you to do it, then you’re going to go along with it if that’s your only connection. ’

ABORIGINAL YOUNG PERSON

Some participants highlighted that once a connection to crime is made, personal safety becomes a significant issue and coercion through force remains a concern, even with sizable rewards on offer.

‘ The older people get younger ones to do it because when you get caught you don’t get in as much trouble. They say you do it because it’s not as bad ... seeing that with the bikies... they have weapons [and] the police can’t protect you. Those people are dangerous and they say [there is] nothing police can do.

‘Police offer lots of money for the snitching but you never snitch. ’

YOUNG PERSON

Observation

Once involved in crime, some young people felt threatened and personally unsafe and did not feel confident in the ability of others to keep them safe (police or family).

Distinct CALD issues

Young people from CALD backgrounds highlighted a range of issues that affect young people from culturally diverse backgrounds specifically, or with profoundly greater influence. For example, CALD young people identified labelling and isolation as universal experiences of all CALD young people, unlike their non-CALD peers who identified offending may occur *if* negative labelling and social isolation occurs.

CALD participants considered persistent labelling and negative stereotyping occurred at all levels, with law enforcement, schools and in-home experiences. Participants of African heritage, for example, reported being regularly engaged by police, particularly when congregating in groups or driving a vehicle, which they felt was a direct consequence of media reports about the ‘Apex gang’. Participants recognised congregating in groups is normative behaviour:

‘ ... as a 15–16-year-old they are always going to be in groups, often they are [just] cousins ’

YOUNG PERSON

Another participant noted:

‘ ... it’s not the police so much, but myki inspectors. I have had inspectors sprint across the station just to check my ticket ... it’s hilarious as they’re [puffing and out of breath] while asking for my ticket but it’s also like “come on mate ...”.

YOUNG PERSON

Pacific Islander participants identified the school system as a key area where they experience negative stereotypes that undermine young people’s hopes for the future:

‘ There are lots of [Maori and Pacific Islander] kids who drop off because they hear that “Islanders are too dumb to go on”, and this is why so many drop out and go on to offend or just work in a warehouse ... I had a teacher ask if I wanted to do VCAL. I had never met her but she came up and said that she would sign me up. I was like, “I don’t want to do a trade and I hate Phys Ed”. I knew I wanted to do VCE and go on to uni, but it was just assumed ... I am now completing my master’s degree.

YOUNG PERSON

When discussing the effects of such negative labels, CALD participants flagged many of the issues non-CALD participants identified, with some young people adopting the label with pride:

‘ That initial contact, it always leads to something.

YOUNG PERSON

Another participant argued that labelling is:

‘ ... a double-edged sword. The problem is that some kids enjoy being labelled; they like to say they’re part of Apex even when they’re not.

YOUNG PERSON

Pacific Islander participants reported similar experiences:

‘ I think the process of labelling, for example, how others react to labelling, perhaps they want to take it on as an act of rebellion: “You want to treat me like a thug, then I’ll be a thug.” ’

YOUNG PERSON

Observation

Many CALD young people feel stigmatised and labelled (e.g. as a gang when they are with cousins or family groups) and felt targeted by police based on appearance. This was experienced by many, irrespective of their social circumstances.

Labelling and isolation in the family

CALD participants, primarily those from African backgrounds, flagged family and broader cultural communities as being a double-edged sword. While the family and community remained highly protective factors, high family expectations and norms of shunning could break down supports rapidly:

‘ For a lot of connected cultures, the family is the main thing, so if that breaks down, the young person loses the community connection. ’

‘ I won’t speak for all [cultural groups], but for some, if the young person smokes a cigarette or drinks, then [they are] considered an alcoholic and then get kicked out. So then the young person turns around says, “Well, if you think I’m bad, then I may as well go really bad.” ’

‘ It’s a level of respect the young person holds in their family. If they are labelled as bad, [they] just spiral to be as bad as they think you are. ’

YOUNG PERSON

According to young people, high family expectations and the permissive norms of the community can create in-home friction for many young people:

‘ There is a lot of intergenerational conflict playing out; they find a new culture and don’t want to obey the rules the parents want them to follow. ’

YOUNG PERSON

A fear of disappointing family and/or being isolated from family is keenly felt in young people from CALD communities.

Pacific Islander and persistent stereotyping across generations

One participant who is a Pacific Islander explained that Pacific Islanders in a long-term migrant community are exposed to persistent negative stereotyping across multiple generations:

‘ I think it comes from underlying frustration. For us, the things I am dealing with are the same as what my parents and grandparents are dealing with. Things like when there’s opportunities I want to take but I just can’t because I just wouldn’t be considered. There’s always reasons, but deep down, I know they just don’t want to deal with an Islander. ’

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YOUNG PERSON

Settlement issues

According to CALD young people, the settlement process their parents experienced generated unique issues that contributed to CALD young people being increasingly driven to negative associations and sustaining antisocial conduct.

First-generation migrants, who are still learning Australia’s legal and social systems, require additional supports during the transition period. One participant reported knowing of young people in the African community who can hide their criminal involvement from their parents, despite police involvement.

‘ From my experience and young people I know, most of the time [a young person is in contact with law], the family doesn’t know because of the young people keeping it a secret ... Lots of kids are having police contact now and getting locked up over the weekends, but the parents don’t know. Lots of the parents I know are very supportive, but they just don’t know what the kids are getting up to. ’

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YOUNG PERSON

These families cannot guide their young people or protect them; they cannot prevent offending or access legal options such as diversion away from deeper justice system penetration. These families also need education:

‘ The education should be for the child, but also an emphasis on educating the families. For many Pacific Islanders, they don’t understand the system in Australia. ’

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YOUNG PERSON

According to participants, families from cultures that emphasise physical discipline and hierarchical parental control can find it difficult to control the behaviour of young people when these cultural factors are removed.

CALD young people reported relying on appropriate advice from formal channels more than their non-CALD peers. Without wider parental and social networks and an understanding of the economy, disappointment and disenfranchisement were significantly more likely. When asked what initiatives may work, one participant suggested:

‘ ... fire every career counsellor out there ... There’s a lot of young people who don’t know [of other] pathways ... [Finding rewarding employment is] a result of constant pushing back [and saying], “Whatever doesn’t kill you makes you stronger”... [Thanks to that approach, I’m] now about to start a master’s of youth work [having done a bachelor’s], but no one gave the right guidance. ’

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YOUNG PERSON

Participants in the CALD-specific focus group largely rejected the notion that CALD young people were being considered ‘adults’ at an earlier stage than non-CALD peers:

‘ ... you’re a child while you live at home. It’s weird. When you hit 18, you think you’re free but that doesn’t apply with us. ’

—
YOUNG PERSON

However, participants admitted a small proportion of CALD young people may have elevated responsibilities if only one parent is in Australia.

‘ For young people coming from refugee background, what if their father was never there and now they are left on their own without support? They have to take on higher responsibility themselves. ’

YOUNG PERSON

This situation creates additional strain, endangering mental health outcomes and contributing to jealousy of non-refugee peers who can enjoy their childhood without additional pressures.

CALD participants highlighted that it is important to work with young people in a cultural model while still flexibly responding to heterogeneous needs between CALD communities and between individual young people within each community.

‘ I think it’s important to look at the cultural side of things. For me, that was the main part of my identity – that I was Samoan. It’s what people see first and it’s not like I chose it, but it’s a big part of me ... What might work for an African might not work for a Samoan and even in the Pacific Islander community, what works for a Samoan doesn’t work for a Tongan. ’

YOUNG PERSON

These factors mean ways to address offending must consider cultural elements, but CALD participants also identified similar factors for success as their non-CALD peers. For example, CALD young people identified crime prevention as a factor of positive and meaningful inclusion:

‘ I think when I was younger, I got involved with my local youth services. A lot of the young people I know today don’t do much except on social media. There’s some really awesome young people and activities for them, but it’s about reaching out to them. I think activities and programs engage young people in a really positive way and get them to participate. ’

‘ I think for a young person, you want to be able to relate to someone, being able to understand them. You need to meet them where they are, and someone who is willing to listen and really truly listen. ’

YOUNG PERSON

Demonstrating an alternative future was also important:

‘ I spent all last year volunteering at Malmsbury. A big thing I noticed is that once they are there, mentoring would be an excellent [thing at that] time. Because we are from the outside [the system], they come to you and want to talk to you ... You’re not a guard or a worker ... This is when we could emphasise mentoring. One thing I noticed is that they aren’t aware of other options for them and that they have options to go down another road; the current path [they’re on], it’s the only path they see. ’

YOUNG PERSON

Koori consultation

The Koori discussion included the broader themes of ‘seeing another path’ and youth offending resulting from early normalisation of offending and antisocial behaviour. It also examined positive connection and a lack of visible alternatives.

‘ Often, we are asked and it comes down to connection to country and community. ... Young people more connected to country and community are much less likely to have [negative] mental health outcomes. When a young person is lost and not connected to culture and identity ... [that connection] it’s the foundation of a young person ... Your identity is what you fall back on, like “we’re [Koori]” – you can fall back on that. ’

YOUNG PERSON

Participants identified the nature of Koori offending as being distinct. When asked about the prevalence of vehicle offending, a participant from a regional community responded saying:

‘ Depends on the community. If there’s no public transport and you’re bored, you might steal a car and drive unlicensed, but it really depends on the community. ’

YOUNG PERSON

Another advised that, unlike other cohorts engaged in luxury vehicle theft, ‘I don’t think necessarily luxury cars for many. If you’re going to steal, you steal what’s there.’

Participants viewed violent offending as less common in communities:

‘ I don’t think it’s heavily prevalent in the community ... I think there’s crimes that are above average, people harming themselves more than harming others, victimless crimes. ’

YOUNG PERSON

When violence does occur, participants considered it had unique roots:

‘ ...I think violence is one of the major issues and could be a whole other conversation around grief and loss ...

I think that’s another unique thing about our culture and how past actions have influenced our young people’s actions and their resilience. ’

YOUNG PERSON

Observation

Grief and loss is consistently identified as a major contributor to Koori offending.

When asked what works to address the offending behaviours of Koori young people, participants advised that community reintegration for young people exiting custody ‘will be complicated and elders will play a large part at the start and end of the sentence’. Participants identified best practice in the Ballarat region:

‘ Have you seen Blues & Brothers Murray River Marathon? It’s really, really awesome. About 40–50 Aboriginal young people and 10–12 police officers and other community members who act as mentors. You see day to day in Ballarat the impact of when you have a positive relationship with the police officers. You’ve been camping together, we put them in the boat together for a few hours. I was on it and it was great to see the police as so casual, so human. If anything happens in Ballarat the young people will call the police officers they know from the marathon, to get advice or for help ... If that was run as a continuous thing, even if like a diversion thing, the kids who do it wouldn’t think of committing a crime in their wildest dream because Tony who runs it would rip you a new one. You know you’re not just bringing yourself down, but also as an Aboriginal person, all the other people you let down. ’

YOUNG PERSON

Participants considered community-led initiatives were most promising.

Connection to culture and community is recognised as being especially important for Koori young people. Positive community events and engagement with the police were seen to encourage a different future and provide someone to seek advice from when in trouble. The Murray River Marathon was well known and valued.

Not wanting to let down family, elders and community leaders who they admire is particularly influential.

Developmental focus

Each group and notably young people formerly engaged with youth justice highlighted that, for many young offenders, desistance will come with maturity.

‘I think it was just maturing that made me stop because I had no sense of the world [when aged 12–17].’

YOUNG PERSON

Participants stressed that developmental stages, primarily transitioning to living independently or wanting to enter the workforce, was a time of substantial reflection on the type of life they wanted:

‘As a kid, I wasn’t with Mum long, she would be stealing for drugs, taking drugs and [an] abusive parent was just normal and for living with DHS [the same environment of drugs and offending] was normal ... When I got my own place, I realised none of it was normal. When I saw other kids [like that], I didn’t want to be like them.’

YOUNG PERSON

One participant described the traditional adolescent-limited trajectory of a family friend:

‘I had a family friend who was a bit older when I was 12 and growing up. The whole family were good and he just kept getting in trouble and wouldn’t listen and broke away ... I think it was mainly his friends; like he was hanging out with the wrong group and then he just didn’t want to listen to his family ... When he was about 18 or 20 he just stopped and it’s like he grew up and just stopped. He just kept hanging out with those friends and that was the problem.’

YOUNG PERSON

Young people in their late teens and early 20s highlighted that they became aware and appreciated the long-term consequences of criminal activity only once they decided to pursue a prosocial life. For example, a young person now wanting to assist young offenders as a peer mentor found it difficult, explaining, 'It's hard if you've been through [the system] because of the Working with Children Check – you can't get one'.

Other young people with youth-offending histories reported receiving poor advice about their future records and were now finding it difficult to access employment:

‘ They say your youth criminal record goes away, but it doesn't.

‘Probably should be educated about [youth records not being expunged], because if people think they have a get-out-of-jail card they're going to do it. ’



YOUNG PERSON

Given this, young people supported early and accurate education:

‘ I think at school we should be taught more about the law and what the consequences are. A lot of people don't realise that ... you can pee in public, get done for that and get done as a sex offender... ’



YOUNG PERSON

The age of criminal responsibility in Victoria is 10 years of age, so many participants felt legal education should start in primary school.

Recognising that offending can reflect immaturity, young people argued the ramifications should be limited to the period of offending so young offenders have a clear path to redeem themselves:

‘ Once someone has got in trouble, it should be you should stop giving them more criminal records, or once they stop for like five years, [clear] the criminal record so you can get a job. ’



YOUNG PERSON

Young people who had offended in the past identified that they only recognised the harm they were causing and committed to stop offending as they grew older.

They had lived experience of how crimes committed in their youth limited their employment opportunities and that their police record stops them from working in childcare, aged care and similar occupations.

While keen to share their reflections to give back to the community and help other young offenders, they are excluded from volunteering due to their criminal record.

The social contract

Participants all identified elements of service systems that can contribute to some young people disengaging from prosocial lifestyles but help others move away from negative lifestyles.

One young person who used multiple services did not think the current system is holistic. She argued:

‘ ... you get bounced around for everything with each organisation or service and it’s hard to fill all your needs ... it should just be the one place and person and service instead of going from one to another. ’

YOUNG PERSON

One participant found living in a small town made desisting from offending complex. Complying with order requirements included being close to negative peer influences, for example, yet attempting to move away from the location meant not complying with the requirements:

‘ After my first charge I never offended in a year, then [offended again] another year, then every three months ... I grew up in a country town where cops know you and so you try to get away from your mates where you’re just getting high and getting in trouble. But if you run away, you’re breaking your bail and the cops know you straight away. ’

YOUNG PERSON

One young person with youth justice experience felt the system did not support their needs:

‘ I feel if someone’s going to do it [victimise another person] they are going to do it. The system of support is not responsive enough if like you need to get an IVO [etc.] it takes weeks so you give up. People need it now and it’s not responsive enough. ’

YOUNG PERSON

By contrast, another participant felt unsupported before he started offending, but more supported after offending:

‘ I got involved [with a support worker] when I was still in custody [for] housing money, work. The person I had for my worker was a prison worker. The school at Parkville are good. It’s not just the justice system, it’s everyone, it’s doctors, education ... justice only becomes involved when I do something wrong. Where were those services when I was experiencing violence?’

YOUNG PERSON

A common theme was young people being recognised for antisocial behaviour, but not for prosocial behaviour. A participant of African heritage noted ‘there’s a lot of positive things out there, but the public doesn’t hear about it’. Young people argued that if they are expected to make an effort and meet standards, it should be recognised when they do.

‘ Maybe police should also praise young people for doing good.’

YOUNG PERSON

Several young people, both former offenders and those with no contact with youth justice, saw not meeting young people’s needs early or giving them positive learning opportunities as a moral issue.

‘ If people end up in correction, it’s like “click” do it [change]. If we had more programs...’

YOUNG PERSON

Many participants supported mentorship and longer running support, which they saw as gradually building skills to maintain desistance.

Thoughts on prison and the current system

A participant who had been exposed to older peers with custodial experience and who supported dual track sentencing reported:

‘ I [know] people going in and out of the [adult] system and I say it doesn’t work ... They go in for a minor offence, [then] speak to someone who did something bigger and get out and do that...’

YOUNG PERSON

The same participant further stated the adult custody system did not address offending:

‘ They got out of the system but it wasn’t through being in it, it just perpetuated it for a while ... I think putting young people in with older people they will only be going to learn more [criminal skills] from older ones ... ’

YOUNG PERSON

This participant offered their views on what could help high-risk young offenders reduce their offending:

‘ I think it doesn’t help to treat people like animals. [Youth custody] is like practice prison; it sets them up for being in [adult] prison ... Youth prison is a practice prison because it gets them adapted to being incarcerated ... Maybe make them do more psychiatric care if they’re violent, or drug work, but don’t lock them in a box and expect them to fix themselves ... [You can’t] put them all in the naughty corner together and expect it to get better. ’

YOUNG PERSON

Participants identified that, sometimes, young people have a perverse incentive to stay engaged with the justice system because it is less volatile than their lives outside:

‘ I work with a young person who works in juvenile justice in [location]. The majority of young people are Koori; the majority of them were like, “This is ... [not so bad]” ... They have a set routine, all centres are different but [for some] they had a sense of belonging and consistency with an Aboriginal worker there. It’s pretty sad when our young people are finding a sense of belonging there and, as an Aboriginal, it’s sad that they get the sense of belonging there and not on their own country. ’

YOUTH JUSTICE WORKER

Participants highlighted the need for stable accommodation:

‘ When they get out they have a stable place to go ... My [relative] is in and out and he sees it as a holiday; he sees it like go in and get a comfortable place to go, he has mates in there. For some of them it’s in their blood because they find it easier ... it’s sad. ’

‘ JSS help me out a lot ... Helping at Dylan House, accommodation is important. I finally got a house. ’

YOUNG PERSON

One participant who had worked as a volunteer peer mentor to young people in custody reflected on the need for post-custodial support:

‘ I worked with one kid who said he would be released in a week but would be back in a few ... It’s really sad the complacency about what they think of the way the system works ... For others, they hate it and are really angry [in prison], but once they’re out, the supports aren’t there and [they feel it’s more supported in prison]. ’

—
VOLUNTEER PEER MENTOR

Young people with experience in youth justice supervision, both community and custody, reported the interventions were often of marginal use but consistently praised mentoring as both an early intervention and for fostering desistance:

‘ My first crime I went to youth justice straight away but it didn’t stop me. I did conflict resolution classes and stuff, but it was about anger issues ... Yeah it was for violent stuff [in a group] ... counselling was on my own. ’

—
YOUNG PERSON

When asked about the perceived value of group-based intervention, this participant added group-based peer mentoring would be effective:

‘ I think the groups are good but should be [with] people who are not offending anymore instead of doing it with other people who are offending, because then they will just make friends... ’

—
YOUNG PERSON

Another participant with an offending history recommended a peer mentor who has desisted:

‘ Well you guys have boundaries you have to stick to, whereas someone who have been through the system might not have them and so can help more and do more stuff. ’

—
YOUNG PERSON

One young person who spent time in a custodial facility reported the violent crime and anger management courses run in custody were ‘a little helpful’, while another praised alcohol or drug programs:

‘ I did NEs and AA groups. Found it pretty interesting. It will help me. I am still doing it. ’

YOUNG PERSON

One young person considered, ‘If the person wants to change, Malmsbury will help if the person goes in there with the head they want to get clean’. This young person experienced multiple custody facilities and remains in contact with support agencies as he attempts to desist. By contrast, another participant who experienced Malmsbury in previous years reported a changed model in response to the behaviour of some young people:

‘ Malmsbury used to take us fishing, bike riding, etc. Other clients have stuffed it up. ’

YOUNG PERSON

Another participant identified some positive elements of incarceration:

‘ I got out of Parkville [recently]. I did school here, they took me to a mentoring program through school. They were uni students. I liked it, but they go through screening and it’s uncomfortable. ’

YOUNG PERSON

Young people who are experienced in youth justice gave their views on whether youth justice remained distinctly rehabilitative compared with adult custody.

‘ The youth justice system has replicated it. The sentencing is different, everything else is the same. ’

YOUNG PERSON

Another young person who recently left youth custody reported ‘workers have said, this is the worst they have seen it in 25 years’.

A participant who had experienced both systems reflected on the differing cultures between youth and adult custody, reflecting systemic differences:

‘ It’s different from adults. When I went to adult jail, I did two years – 23 hours in lock down, and one hour in day light. It’s different. Boys [in adult systems] are doing 25 to life, you need to have the respect [to get through] ... Everyone does things on the down-low at the adult prison. In adult jail, you are doing your time; in youth justice, you are out to make a name for yourself. ’

—
YOUNG PERSON

Participants who were endeavouring to maintain desistance following deeper justice system penetration generally advised that deciding to change involved making a decision and doggedly pursuing it:

‘ I look at older people and think I don’t want to be like that when I am older ... My [parent] was in jail and I didn’t want to be like that. I am not just a chip off the old block; I am going down my own path. I don’t need to follow in everyone’s footsteps. ’

—
YOUNG PERSON

While conceptualising the goal as a personal battle, young people were quick to acknowledge the impact of the supports they received once they had made the decision to live differently, particularly accommodation:

‘ What I get out of [support services] is the hope that I will move on, better possibilities for your pathways and alternatives. I got involved as soon as I got out; [it] was either boarding house or [supported accommodation]. ’

—
YOUNG PERSON

Another stated:

‘ I didn’t want to breach my bail or orders, so I worked with [intensive support services]. I am on an intensive bail supervision. It’s kept me out of trouble, made me look better in court. ’

—
YOUNG PERSON

Youth justice centres were seen by many as being a ‘practice prison’.

Young adults attributed some of the volatility of youth justice centres to a young person’s desire to ‘make a name for themselves’ in criminal circles. This contrasted with their view that in adult prison ‘you are just trying to lie low and do your time’.

What might work?

‘Learning’, the role of education and receiving adequate support were prominent themes in discussions about solutions.

Participants highlighted more could be done in early education:

‘I like the idea of doing something at an earlier age, at 11–12, educating them about issues [that come in] later life, and getting them involved in hobbies to help them be productive.’

‘I feel like there should be some form of program or forum for schools – someone from the youth justice team going and speaking at year 10–12 assembly.’

‘I really like the idea of rehabilitation and showing them the negatives of a criminal life and the outcomes of positive life in school. Make sure they are already getting the psychiatric and psychological help, and peer mentoring are really important.’

YOUNG PERSON

A young person who abstained from offending despite a high-risk upbringing reinforced this view:

‘Education is really important and learning about AOD. For me having a mentor was really important, and being connected to the community is really important.’

YOUNG PERSON

Helping very young adolescents at school to understand the damage caused through crime was seen to be a priority.

Another prominent theme included addressing drivers of isolation by helping young people gain and show respect:

‘Probably helping them, like they said, supporting them. It comes down mainly to respect and them respecting other [young people] around them.’

YOUNG PERSON

A Koori young person reflected on intergenerational custodial issues:

‘ Maybe when a parent gets locked up, does that get looked at? About a program for the Aboriginal children?’

ABORIGINAL YOUNG PERSON

When it comes to addressing the drivers of offending, participants emphasised the importance of giving a young person who has offended a prominent role in their intervention planning:

‘ It’s all well to get into court with a report of the young person and, though it’s a cliché, young people are the experts of what’s going on for the young person. So, instead [of saying] “professionally, these are your problems”, the young person needs to be involved in their experience.’

PARTICIPANT

Otherwise, participants noted young people feel ‘the support is forced support... it’s like court ordered for what others think you need and even if it isn’t right for you but if you don’t, then you [get breached]’.

Observation

Young people in contact with the criminal justice system did not feel listened to and felt they should have more input into the criminal justice processes and identifying what would help them to stop offending.

Restorative justice

The young people discussed restorative justice extensively and expressed their qualified support for establishing victim empathy. Most participants recognised the merit of offenders meeting with victims of their crime or their representatives and moving through a restorative process, provided there were certain caveats. Most importantly, participants stressed that the process must support both the young person who offended and the victim.

Without a therapeutic focus, a restorative justice and victim-focused approach may reinforce a young person’s perception of themselves as ‘a bad kid’ and traumatise them when they are already vulnerable. One young person explained that, ‘going through the process, going through their problems and having to face their victim... it’s heavy’.

However, importantly, participants were also concerned about the effects on victims:

‘ You have to think what the victim’s feeling too. Maybe they don’t want to meet [because] they can feel vulnerable and emotional.’

PARTICIPANT

Participants identified developmental differences between adults and adolescents as the most significant factor to consider when introducing victim-centred practices in the youth justice system. Participants with a lived experience of youth offending were particularly insightful:

‘ ... we say they may not understand the victim, but they also don’t understand the impact of it [their offence] on their own life, so it’s hard to understand the impact on others ... it needs to be a full process and more than a talk with the victim, but a process before and after about it all. ’

PARTICIPANT

Another participant who identified as a former youth offender explained how jealousy towards the mainstream population affected her ability to establish victim empathy:

‘ I was like, why do you get to go to uni and stuff and I have a shit life, so why should I care? ’

FORMER YOUTH OFFENDER

Given their concerns about developmental maturity, participants considered restorative justice may be most useful for older adolescents who can better understand and engage in the process. As a group, they were concerned that younger and less mature adolescents may be further traumatised through shame. A Koori participant noted:

‘ I don’t think it would necessarily be in the same format as the adult system, especially for the quite young. It could be more detrimental than positive. If hearing it from a victim instead of from an elder about how much you’ve ruined someone’s life ... it can just make you feel worse and [resulting from the negative emotional reaction] you keep doing it. With an elder they say that you have disappointed us ... ’

ABORIGINAL PARTICIPANT

With adequate support and a therapeutic focus, and by carefully selecting when to use it, participants considered restorative justice may help foster desistance via motivational and restorative mechanisms. That is, restorative and victim-focused justice could be valuable educational experiences for offenders that motivate them to address their behaviour. This approach may be particularly useful if a young person perceives their actions as having no impact. A participant with an extensive history of youth offending and who was working to maintain desistance explained that driving some offending was that ‘some people show no remorse or have no empathy’. This young person added:

‘ [I] believe in group conferencing and restorative justice, as the young person needs to hear about the damage they have done, as it can make them change. When you’re sentenced you’re sent to court because of breaching “the law”, but in conference it’s about the “wrong to the victim”. ’

—
YOUNG PERSON

Observation

Restorative justice processes and meeting with victims, if delivered in a supportive context, was valued by young people.

5.4 What it all means for youth justice

The characteristics of young people involved with youth justice are confronting, with high levels of mental health, disability, Child Protection involvement and exposure to family violence, experiences of intergenerational trauma and disadvantage, disengagement from education and exclusion from employment, and high levels of drug and alcohol abuse and poor physical health.

The crimes that young people are committing are also confronting and are changing the attitudes of the community towards young offenders. As detailed above, community concern and fear about youth offending is higher now than in previous decades.

The megatrends identified by VicHealth & CSIRO (2015) will disproportionately affect young people involved in youth justice. Young people in youth justice are less resilient and experience these challenges more acutely than their peers due to the complexity they face. Compounded with negative community attitudes towards young people, the youth justice system will need to provide a more proactive and integrated response to ensure young people are able to reconnect and rebuild a positive and prosocial future as part of the community.

In addition, a system is needed that integrates youth justice, mental health and forensic mental health services, to provide high-quality mental healthcare for young people involved with youth justice. The recommended reform to youth justice aims to prioritise the health outcomes of young people as part of an integrated system of care during and after youth justice involvement.

The recommended reform to youth justice will consider integration across industry and the training and employment sectors to overcome the rising bar, and embed skills development, educational attainment and employment opportunities for young people in youth justice. Young people involved with youth justice need additional structures and pathways to ensure they are not further disadvantaged or excluded from employment during or after youth justice involvement.

What should the youth justice system do?

- Address a young person's reasons for offending
- Link with disability, health, education, vocational and other supports that young people need
- Address the community's concerns about youth offending

What is the most effective way of doing this?

- Interventions that focus on rehabilitation
 - interventions that address the reasons for offending and the criminogenic risks and needs – supported in the literature and by young people during consultations (both survey respondents and workshop participants)
 - connection with supports that address a young person's other needs – supported in the literature and by young people during consultations (both survey respondents and workshop participants)

Interventions that address the reasons for offending

- Interventions that address the reasons for offending
 - interventions that address particular crimes
 - supervision that promotes prosocial behaviour, strong connection to family, culture and community and re-establishes protective factors
 - restorative justice approaches – workshop participants recognised the merit of restorative justice and offenders meeting with victims of their crime and moving through a restorative process
 - support and interventions that address family dysfunction, such as multi-systemic methods

Interventions delivered appropriately

- Interventions that reflect a young person’s cognitive ability, language and communication skills
- Interventions that are culturally safe and effective, and involved Koori elders and community, and also CALD community leaders in responding to youth crime
- Interventions that are gender-appropriate, particularly considering the level of disadvantage across the system for young women and the specific needs of young women
- Interventions that are delivered in the spaces and via platforms young people know and are used to, youth-friendly spaces, locations close to family, school and community, and using online and social media platforms

Interventions that reflect a young person’s needs

- Family and community – ensuring that a young person’s family and community are involved in supporting their rehabilitation and participate in multi-systemic interventions to address the family issues and challenges with offending, violence and antisocial behaviour
- Education attainment – ensuring that young people are supported to attain education that will support them to access the job market as adults (this is becoming more important as education standards rise)
- Mental health – ensuring that high-quality mental health services are provided to support their full engagement and participation in education, employment and personal relationships

A system that listens and responds to the voice of young people

- Young people understand the drivers of offending and why they cannot stop offending without intervention and support
- The youth justice system should listen to the voice of young people to test and develop its programs, policies and services to ensure they meet the needs of young people

Young people showed a strong interest and commitment to participating in the workshops and the survey to have a say about youth justice.

Observation	Young people have important insights into youth offending and what will make a difference. They need to be regularly engaged and consulted.
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Recommendation 5.1	Establish a Youth Advisory Group to provide insights and advice to the head of the youth justice system including: <ul style="list-style-type: none">• reviewing systems data, trends and outcomes• identifying areas of reform and systems improvement• testing policy and legislative reform directions• advising on funding and budget prioritisation across the continuum of the youth justice system.
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