

# TRANSCRIPT

## STANDING COMMITTEE ON LEGAL AND SOCIAL ISSUES

### **Inquiry into youth justice centres in Victoria**

Melbourne — 19 April 2017

#### Members

Ms Margaret Fitzherbert — Chair

Ms Nina Springle — Deputy Chair

Mr Daniel Mulino

Mr Edward O'Donohue

Ms Fiona Patten

Mrs Inga Peulich

Mr Adem Somyurek

Ms Jaclyn Symes

#### Participating Members

Mr Greg Barber

Ms Georgie Crozier

Mr Nazih Elasmar

Ms Colleen Hartland

Mr Gordon Rich-Phillips

#### Witnesses

Deputy Commissioner Andrew Crisp, and  
Assistant Commissioner Stephen Leane, Victoria Police.

**The CHAIR** — I think we should get started. The committee is hearing evidence today in relation to the inquiry into youth justice centres in Victoria and the evidence is being recorded. I believe it is also being filmed. For witnesses, welcome to this public hearing. All evidence taken at this hearing is protected by parliamentary privilege. Therefore you are protected against any action for what you may say here but if you go outside and repeat the same things, those comments may not be protected by this privilege. At this stage I would invite you to address the committee with any comments that you wish to make. Otherwise we can go straight to questions.

**Deputy Comm. CRISP** — Thank you. If I can just introduce myself and explain my role. I am Andrew Crisp, deputy commissioner, regional operation. I basically have responsibility for the delivery of frontline services across the state. I also have some other specialist commands: transit and public safety, family violence, and state emergencies and security command.

I am accompanied here by Assistant Commissioner Stephen Leane. Stephen looks after the north-west metro region, which is basically the city of Melbourne, the northern and western suburbs. He is probably here wearing two hats, one being the fact that he looks after that significant operational region for us, which actually contains Parkville, but also early last year Stephen was asked by the chief commissioner to take on a role within Victoria Police about taking the lead on issues to do with youth, which he will no doubt speak to when we get into questions and answers. Thank you.

**The CHAIR** — Thank you. Did you wish to make any comment at this stage?

**Asst Comm. LEANE** — If you like, I am happy to spend a couple of minutes describing what we have learned over the last number of years in regard to the issues, particularly youth crime. We went through a number of processes in order to get a better understanding about the issues, not just from our own intelligence and what our police were saying. At one stage last year we gathered a group of young people together. We used the support of the Salvation Army in Bourke Street just down here. We got a facilitator and we got them together to tell us the issues that are facing young people and some of the reasons that are driving not only youth offending but also affecting them in a negative way in the society in which they live, which at my age now is different to the society that they are growing up in and the way that they see that.

We used that information and we took it to our youth summit — the chief commissioner's youth summit, which the Premier and the Attorney-General attended, as well as lots of other departmental people from right across government, not-for-profits and other people with interests, academics. We used that to try to understand the broader issues around the youth crime phenomenon that some people were saying that we had. Certainly we used the *Herald Sun* at that stage as a partner for that event to try and get the press involved and to try and get a better understanding of what the media view was, which was reflecting many of the views of our communities.

What we found from talking to young people is that some of the issues that are facing them today are really complex. The issues around technology and how they share information and how quickly they share information is different in this generation to how it has ever been before. This generation now: when you are 16 or 17 you have grown up with it your whole life. You know nothing different. I reflected just even on the weekend, even moving around a shopping centre, if you go to the supermarket now, you will often see an under three-year-old with an iPad in a shopping trolley being entertained as parents shop. Technology is not a stranger to young people, so they are aware of what is going on, but what they also do is share a lot of information amongst themselves. They share very broadly. They very quickly come up to speed with what is happening in the community. Their source of information is not mainstream, free-to-air television news, as it was for many of us in the room and still is for many of us in the room. It is not even Facebook; they are moving onto different platforms in the internet world for where they get information.

On the other pressures that are surrounding them around really simple things, they were very insightful. So around their understanding of the issues of mental health amongst their cohort of young people, they were very attuned to that. There are issues around their capacity to access good training and education, particularly if they have lost their way in life along their journey and are trying to re-access that information, and basic life skills, particularly if they were out of home. We know the issues around homelessness — it is a challenge for us right across the community — but couch surfing amongst young people is particularly prevalent. For a number of young people, as they move their way through life, it is their capacity to actually cope with the issue around finding a house, getting a roof over their head. When they get themselves right, it is access to training, so their life skills around how do you go to Centrelink and how do you have the patience to sit there. They do not have the capacity to be on hold for 2 hours to wait for someone to answer the call. It is about what sort of

appointments they have to make and how many different people they have to speak to in order to get support — those sorts of issues.

So we got to understand a whole lot of pressures that young people are under. When we took that and we talked to our other partners across the not-for-profit sector around what they were seeing with the group of young people that were coming through, particularly across where I have been responsible for — Melbourne CBD — what we were seeing was groups of young men from 14 to 24 coming into the city who had a level of anger that we had not seen for some years. That anger surrounded a whole range of factors, whether it was access to employment or education or just being part of society. We got to a point where somebody well coined a phrase, which we now use quite often — that being the principle of feeling locked out. So we have a bunch of young people across our community that have not done well in school and therefore are not engaging. They, for want of racial background, religious background, do not feel part of mainstream society. They do read online news, which is negative towards either their race or religion, so they feel they are not part of that world and they develop an anger and feel locked out.

The response to that was what we have seen from a number of our young people, particularly in the modern environment — and we talk about broader society, but it is evident around the African-Australian community and the Pasifika community, so the Maori and Pacific Islander community — is you have got a group of young men who are both angry and have a capacity to actually play out their anger in the way that they are doing it. So we are seeing a different cohort of new offenders arrive on the scene in the Victorian community, and that new cohort is different and distinct from the cohort that we have had for all of the time that Andrew and I have been in policing, which is longer than 35 years. We have always had a cohort of young people who come into our criminal justice system, whether it is through care applications from families that are dysfunctional or early-onset child offending, and they have a trajectory of offending. I am sure you would have heard from others and will hear from other witnesses who will say we are probably failing that group, and we have for all of my career. Many of those just progress into the adult criminal justice system, so they progress through youth justice into the adult criminal justice system.

We have got a new cohort that has appeared in the last number of years of young men particularly, but it includes women, who essentially have jumped in at the deep end of criminal offending. They have jumped in at armed robberies, they have jumped in at home invasions and they have jumped in at carjackings particularly. Commercial burglary is a thing that is not necessarily seen, but they are doing those as well. So they go from never being an offender before in their life to the first time they come to police notice is that high-harm offending which is frightening many of our community, and quite rightly. You read the material in the daily press of how people feel after their home has been invaded and a young person who stands at 6 foot 6, with four or five others, is demanding the keys to your luxury car you have worked hard to get. We all understand that response. So we now have got two cohorts of offenders — one the chronic and one the new and emerging — that we have really had to deal with. I think that probably sets the scene for many of the questions that you probably have about where we are going in this space.

**The CHAIR** — Thank you. I know there are a lot of questions, and I will ask all committee members to be succinct when they ask them. Mrs Peulich, would you like to start?

**Mrs PEULICH** — Thank you very much, and thank you for the overview. Previous witnesses, and certainly in my dealings with multicultural communities through my role as shadow Minister for Multicultural Affairs, have welcomed the opportunity for young people to be involved in the youth summit but were disappointed on two further grounds: number one, that there has not been — unless that has changed in recent times — a meeting of community elders. We heard from the Aboriginal legal service the importance of elders in the justice system as a point of interface between one culture and another. Until we actually understand the cultural constraints and values that are embedded in them, we are very hamstrung in being able to respond effectively in helping those young people. I know there has been an advisory committee that has been set up; it has met only once — very short on involving the traditional elders in African communities in particular, many of which still have a tribal status. Those multicultural communities from Africa are gobsmacked that that insight and engagement has not been sought. Number two: multiculturalism is an area where we have what I call bipartisan support, but it is multiparty support, and that has been the strength of that policy. I was surprised and disappointed that in actual fact when it came to the youth summit members of other political parties were not invited, especially those who have a direct policy relevance to that. Could you just comment on some of those issues, Andrew? I have raised this issue with you before.

**Deputy Comm. CRISP** — Yes, you have, at the many community events that we have attended together. We have not brought together the elders in a summit in the same way that we brought together the young people, but that is not to say there is not a lot of work actually happening with elders across various communities. Again I go to more recent examples in terms of people of Sudanese background and how with White Night and Moomba, with Kot from the South Sudanese community, with Richard Deng, we are actively engaging with elders from African communities — and not just the men; women also from a number of different communities. But in terms of bringing them together in a more structured way, yes, we have not done that.

In terms of the invitations for the youth summit itself, I am not aware of any conscious decisions not to invite certain people to the summit.

**Mrs PEULICH** — Just in relation to that, you commented on the partnership. It would have been nice to have actually sought a partnership with all of those who have a direct policy interest and knowledge.

**Deputy Comm. CRISP** — Happy to take that on board if we run future summits.

**Mr O'DONOHUE** — Thank you both for your evidence and being here today. I just want to get a sense of the impact on Victoria Police's operations — the resourcing implications — of the riots at the youth justice centres we have seen in Victoria in the last couple of years. There have been over 30 riots or serious disturbances in recent times. Take two, for example: the Parkville riot in November that went for 24 hours and the Malmsbury escape that went for 24 hours, with escapees in Gippsland and right across Victoria. Mr Crisp, can you talk through what you do to respond to those incidents and what the resource implications are for Victoria Police?

**Deputy Comm. CRISP** — The resource implications are quite significant for us. If we look at Parkville, late last year, that was an incident that was contained obviously within the Parkville premises, unlike Malmsbury, where we finished up with 15 young people basically on the loose across the state for a 24-hour period. In terms of Parkville, our role around that was once we were called there was discussion with the authorities there. It was about they did not believe they had the capability or the capacity to assume control of that particular facility. They handed control to Victoria Police. We then utilised a number of general duties resources in terms of a perimeter but then specialist resources in terms of what action we might take within Parkville itself.

**Mr O'DONOHUE** — If I may interrupt, how many would have been at Parkville at perhaps the peak of the incident?

**Deputy Comm. CRISP** — I think there was maybe a hundred at any one particular time, but given the period of time it ran over — I think at least three shifts — so there was, what — —

**Mr O'DONOHUE** — Several hundred police.

**Deputy Comm. CRISP** — There was more than 200. And Malmsbury — just to follow up in relation to that one — again given where Malmsbury occurred and once we became aware as an organisation that we had those escapes, I quickly set up the state police operations centre because I knew that there was a potential for these offenders to run across our four geographic regions. We had in the Victoria Police centre, in our operations centre, at least 25, 30 members, and some of those were quite senior members, coordinating the search for those offenders. We utilised significant resources in the southern metro region, where a number of those offenders actually engaged in further criminal activity — allegations around armed robberies and carjackings and the like. A number were apprehended in Ashburton, a number fairly close to Malmsbury and the final group were apprehended out at Colac. I would suggest hundreds of resources committed across the state over a 24-hour period.

**Mr O'DONOHUE** — The chief commissioner has expressed in the media his frustration at the arrest-and-release revolving door we have seen in relation to bail. Can you flesh out the concerns the chief commissioner has said publicly about the way the bail system is working in Victoria and the impact it has on the morale of your members when alleged offenders are arrested and then released on multiple occasions?

**Deputy Comm. CRISP** — We often comment when asked a question like this. In terms of the courts and their process and the decisions they make, that is very much a matter for the courts. What has been said is that

our members are at times frustrated when they do work hard to arrest offenders and put them before the court, and they and believe there should be a different outcome.

**Ms CROZIER** — Thank you both for being before the committee this afternoon. I would like to go to the escape from Malmsbury that occurred on 25 January and ask: could you provide to the committee what was the process for releasing the identities of those escapees?

**Deputy Comm. CRISP** — There was some discussion early during that particular operation about getting details of those escapees out through the media, and the reason is that we knew those offenders had the potential to go on and commit further serious crimes. Therefore we thought it was important to actually get that information out through the media.

**Ms CROZIER** — So the escape occurred, from my recollection, at around 2.45 p.m. or thereabouts on that day. When did that information get released to the media?

**Deputy Comm. CRISP** — It did not get released, and I cannot remember the exact time, but it was some time the following day.

**Ms CROZIER** — So there was a significant delay —

**Deputy Comm. CRISP** — There was.

**Ms CROZIER** — and there were a number of escapees that were putting the public safety at risk. Why was there that long delay?

**Deputy Comm. CRISP** — There was a delay in getting that information out because there was a breakdown in communication as to what was the right way to go about doing that.

**Ms CROZIER** — What was the breakdown in communication between?

**Deputy Comm. CRISP** — From my memory it had to do with legal advice that we were getting in terms of who could give the approval for us to actually release that information.

**Ms CROZIER** — So was that the legal advice from the police department or was it from DHHS? Which department was that legal advice from?

**Deputy Comm. CRISP** — It was both our legal advisers from Victoria Police and from the Department of Health and Human Services.

**Ms CROZIER** — And could I ask: was there some communication between yourself — I think you were in charge of the operation you highlighted — or the commissioner and the minister?

**Deputy Comm. CRISP** — No. I had no direct conversation with the minister at all in relation — —

**Ms CROZIER** — Do you know if the chief commissioner did?

**Deputy Comm. CRISP** — I am not aware of that at all.

**Ms CROZIER** — So in terms of that delay about getting the information out there, the legal process between the police department and DHHS, the minister did not know any of this was going on. Is that — —

**Deputy Comm. CRISP** — Not to my knowledge, no. Not to my knowledge. Because most of this was happening from late at night through to the early hours of the next morning. I am not aware that there was any conversation with the minister.

**Ms CROZIER** — But it was an extreme situation where we had some very violent offenders on the run, which we know caused significant concerns to public safety. I am just curious to understand why the minister was not informed or when she was first informed.

**Deputy Comm. CRISP** — I am not aware of any conversation that happened between the chief commissioner, the chief commissioner's office and the minister. I know in terms of my role in the operation I certainly had no direct conversation with the minister.

**Ms CROZIER** — Would we be able to get that information?

**Deputy Comm. CRISP** — I will take that on notice.

**Ms CROZIER** — Thank you very much indeed.

**Ms FITZHERBERT** — You have referred to a breakdown in communication regarding the issue about releasing the identities of the people who had escaped. What I understand from what you said is that you had your own legal advice, the department had its own legal advice — were they different?

**Deputy Comm. CRISP** — No. There was some confusion around where the approval actually sat. Again, the way that we set up for that particular operation, we actually had someone from the Department of Health and Human Services in our police operation centre. I know from recollection there was some commentary at the time that we were not connected with DHHS, and that was not the case. We very much had them working with us throughout that operation.

I would suggest it was more on our part where we probably let it slip in terms of following up the process to get that information out. We were naturally very, very focused on catching these escapees and, again, we probably missed an opportunity at the earliest available opportunity to actually get that information out. It was quite confusing in terms of the approval process, and as a result of that there was a subsequent conversation, I believe, between the chief commissioner and our minister to look at how in fact we could actually streamline that process if in fact the approval process could not sit with the chief commissioner in those urgent circumstances.

**Ms FITZHERBERT** — So just to clarify, because I am still a bit unclear about what happened, was it the preferred position of the police to release the names?

**Deputy Comm. CRISP** — Definitely.

**Ms FITZHERBERT** — But you could not get approval to do that.

**Deputy Comm. CRISP** — Again, I would have to go back to my notes — and I have not got those notes with me; I am sorry — but it was more about, whilst we became so involved in trying to locate these offenders, in a changeover of shift we let it slip in terms of making sure that we were pushing to get that information out.

**Ms FITZHERBERT** — Could you clarify: was there any involvement by the minister, Jenny Mikakos, in that process? Was that the reason for the delay?

**Deputy Comm. CRISP** — No, not at all. Not at all. I had no conversations with any minister.

**Ms SPRINGLE** — My question pertains to, I guess, more of a way forward, where we are headed to now with the youth justice system, and around how much involvement or advice, I suppose, VicPol would provide the government in terms of things like moving youth justice from DHHS into Corrections, what the best response is to the current climate within this area — for example, the new Werribee facility. How much input does VicPol have in those sorts of policy decisions?

**Deputy Comm. CRISP** — In the lead-up to the decision being made for youth justice to move across to the Department of Justice and Regulation, we were working sort of hand in glove with DHHS. We knew through the incidents at both Parkville — or a number of incidents at Parkville — and at Malmsbury that we had a role to look at how best we could support DHHS. Again, that sort of conversation has continued. As part of that process we did create a working group to look at those issues, but then when the decision was made about moving youth justice across, we have now established an internal working group that picks up on a number of different areas of the organisation that could help inform the broader Department of Justice and Regulation around the direction they might be going in the future. I am sure there will be ongoing consultation and discussion with Victoria Police.

**Ms SPRINGLE** — So — sorry, just so that I can get it clear in my head — are you saying that you have formed working groups in response to policy decisions or that you have fed into policy decisions, or both?

**Deputy Comm. CRISP** — Both. After what happened at Parkville and in the lead-up to Malmsbury we had set up a working group. We led it. We invited representatives from the Department of Health and Human Services, the department of justice and Emergency Management Victoria so we could sit around the table and look at the situation that was confronting all of us at that time in terms of having to respond to incidents at Parkville and Malmsbury. So we did that, and then once the decision was made in terms of the move we formed our own internal working group, which no doubt will be informing and feeding into discussions with the Department of Justice and Regulation.

**Ms SPRINGLE** — We have heard from other witnesses who talked about reports and recommendations that are given by ex-police personnel that have a security focus as opposed to perhaps an evidence base around rehabilitation and getting kids out of the system. So I would like to hear your reflections on how much of an evidence base your advice to the government in terms of policy is reflected around that rehabilitation, early intervention, prevention, diversion, trauma-informed therapies — all of that — as opposed to a safety/security —

**Asst Comm. LEANE** — If I could pick that up, I think from a policing point of view we are all things to all people all days of the year. We have been heavily involved in the policy discussion. Part of my role in the youth portfolio has been heavily involved with leaders of agencies around all of the issues around youth. Our first position, as with every police officer, is to prevent the crime in the first place. Our first position with a young person who commits crime is to prevent them from committing further crime in the future. That is always our first position.

As I said in my introduction, we have a number of young people who are frightening members of our community, and we have to deal with them. Our job in Victoria Police is to do a number of things. The first thing is to do our job and do it well, catch those people and bring them before the courts for them to be dealt with. But after we have arrested those young people, we still need to work through how we can prevent them from going on to be a cohort that just moves into the adult corrections system. The young people we are dealing with now who are committing these offences, I would not like to see them just moved directly into the adult corrections system on a conveyor belt, because when they are 26 and 27 they will be 6 foot 6, 6 foot 7 or 6 foot 8 and they will still be angry and they will be still be locked out. They will have missed every other opportunity they would have had for education and training, and they will have no vocation. For me personally, as a 35-year police officer — and Andrew will agree — that is not something that I am looking for.

We do everything we can at every level, whether it is with government or NGOs, setting up partnerships right across the state of Victoria to prevent young people from committing crime in the first place, to get them engaged with the community and to grab those young people wherever we can and try to find a circuit-breaker so they can stop offending.

**Ms SPRINGLE** — I suppose that leads me to my next question, which is around the new facility at Werribee. Most of the not-for-profit sector who work in the youth justice space will say that is probably the wrong policy response because we do not need a large prison-like facility to lock kids up because it has proven in other jurisdictions not to work. I would be interested in hearing your response to that.

**Deputy Comm. CRISP** — Stephen has touched on it already. There are some young people that are committing very serious offences —

**Ms SPRINGLE** — I do not think there is anyone on this panel that would disagree with that.

**Deputy Comm. CRISP** — and very violent offences. That being the case, you need some sort of facility that can securely hold those people. We have seen with Parkville and Malmsbury that has not been the case, whether that is the physical infrastructure, the staffing model, the operating model or the training provided to those people. I go back to when Stephen and I had a conversation with Ian Lanyon last year. We talked about this, and we talked about the change in the offender cohort. As you have probably already heard, there is this shift from 80 per cent sentence young people to now 80 per cent on remand. It is just a very different cohort that is in there at the moment. But I think there will always be a need to have some sort of facility where you can ensure that young people will be safe and will be looked after. You cannot afford for them to escape.

**Ms SPRINGLE** — Just on a slightly different note, we have heard a lot from other people — you have mentioned it today — about this small but highly violent new cohort. What we probably have not heard as much about is what that cohort's motivation is.

**Mrs PEULICH** — What drives them.

**Ms SPRINGLE** — Why has it arisen, and what are the causal factors for this new behaviour?

**Asst Comm. LEANE** — Feeling locked out is part of it. We have used a line about there being a *Grand Theft Auto* generation. They are networked across the whole metropolitan area. They learn techniques really quickly. They learn our techniques really quickly. They are much cleverer than what their school results are showing. We have got a group of highly intelligent young men — —

**Ms CROZIER** — What numbers are we talking about?

**Asst Comm. LEANE** — They are probably in the hundreds. That is all we are talking about across the whole of the Victorian community. The issue is — and I feel pretty settled with this as a view — if you feel locked out, you steal a BMW or a Mercedes. That is exactly what they are doing. They are stealing high-level, high-end cars and taking photographs of themselves. I have learned from criminologists that there is a type of offending called performative offending, which, until the last couple of years, I was unaware of. They offend, take photos and videos of themselves and upload the photos and videos to show their friends that they are driving at 200 kilometres an hour —

**Ms SPRINGLE** — So it is for kicks.

**Asst Comm. LEANE** — yes, for kicks — in somebody else's Mercedes, BMW or high-end Honda. They then show it to their friends and say, 'This is what I got'. Why would you commit those sorts of offences? It is because there is some disconnect between you as a young person and your value that you see within the existing community.

If you talk to anybody who is an expert on adolescent crime, they will say all young people in adolescence have struggles around where they fit in life and how they fit in. When I was a kid, a couple of kids at my school got in trouble for stealing cars. Sadly I am that old that they were EH Holdens and you could steal them with a coathanger and a bit of wire, and you could drive away. You cannot steal a car today without the keys. To get the keys, unfortunately, because we are more security conscious, they have got to the point where they are confronting people to get hold of their keys. They want the keys and they are confronting people, so they have developed. What we are trying to do is break this cycle.

**Mrs PEULICH** — They are better organised and better connected through social media and so forth — and obviously much more brazen — but is there also a level of organised criminals using them as vehicles for sourcing motor cars which can then be dismantled and flogged off? Is there an element of bikie involvement? I represent the south-east. I get all the anecdotal reports about there being an increased presence of bikie gangs manufacturing drugs, who also have other business interests. They may be organised with each other, but are you able to comment on whether there is actually an organised crime element?

**Asst Comm. LEANE** — We have seen — and there have been reports in the media — a matter that has been before the County Court. We had two jewellery store armed robberies a little while ago — one in the CBD and one in Brunswick — where an offender has now been sentenced in the County Court for what we term 'Faginism', and that is that issue about commissioning young people who are prepared and do not get a sense of the harm that they are causing. They do not get that frightening people causes harm or what level of harm it causes. They are prepared to commission these young people to commit crimes. We are seeing that creep in. From a policing point of view we are really active at the moment to make sure that we break those ties and that we do not create an environment where those young people can be drawn into OMCGs — we have not necessarily seen that yet — or to other people who are prepared to take the proceeds of what they are stealing.

Certainly with cigarettes there has been a lot of information in the media around cigarettes. I was unaware, not being a smoker, of the value of them. They are \$35 a packet. The trade in cigarettes is very large. In north-west metro we have found a number of receivers who are quite prepared for young people to walk in with cartons and cartons of cigarettes and just buy them, take them off their hands, for 10 per cent of the value. So they are



finding markets for what they are stealing. So they have moved fairly progressively from performative offending to ‘There’s some value in this’, and there are now criminals who are prepared to take advantage of these young people, to commit crime for them. So that is the cycle that we have to break.

**Ms SYMES** — Thanks for your appearance today. Following on from circuit-breakers and the tools that are available to you, I was wondering if you would like to make any comment on the new youth control order and intensive monitoring and controlled bail supervision schemes and what you think of them?

**Asst Comm. LEANE** — Yes, I am happy to. This is where we have worked actively with government around settings. You asked a question around policy settings. This was one of the issues that developed out of the youth summit. There was agreement in the room of 200 or 300. There were some elders in the room who engaged; there were some grey-haired people in the room.

What we have found in a bail sense is that these young kids would get bailed and they would be on curfew and all sorts of other conditions — go to school, engage themselves in the cricket club or the basketball club, and stay at home after 9 o’clock. The only people we found in Victoria Police that were around actually after 7 o’clock or 5 o’clock at night and were actively engaged in ensuring these young people were complying with bail conditions were the police. That set up a contest between the police and the young person, and then we got to the position where we were criticised a number of years ago that we were actually just breaching people’s bail conditions of curfew. That was an exasperation from our police, saying, ‘There’s nothing left that I can do with this young person because I know if they’re out they’re going to get into trouble and they’re going to commit crime’.

So we went to government pre-charge. The purpose of the bail reform is to actually get the village to raise the young person inside the Magistrates Court as early as possible, to call a hearing — a mention hearing or some sort of hearing, whatever the bail hearing is — and get the principal of the school, get DHHS in the room, get the education department in the room, get a senior person from the community in the room and get the cricket coach in the room and talk to the young person and discover or find a way that is going to engage that young person in what they need to do before they actually get to court, rather than just: bail, curfew and the next time you get spoken to about this is when the police are at your door hassling mum and dad about why you are out at the shopping centre when you should be at home. So in essence that was on the front end.

On the back end what we have found with young people when we talk to our young people who are offenders — and they still talk to our police; even though we charge them, they still have lots and lots of conversations with us — is that they would stay on remand in the youth criminal justice system because they knew that, if they had stayed in remand and they then pleaded guilty at the last minute, they would get a three-month sentence or whatever. They are very good at working out on the abacus what sort of sentence they are likely to get. They would stay on remand, work out their days, go into court at the last minute, plead guilty, get a three-month sentence and get it backdated for their time on remand. Once they had finished that, there was no parole, there were no conditions. What they wanted was to be clear. They did not want the hassle of being accountable for their behaviours going forward.

So a youth control order is something we have worked on with government and lots of other stakeholders, including the Children’s Court, around: you might do your time on remand and then get your sentence, but the issue is the village then surrounds you for the next year or for the next period of time, and during that time we get people in the room who are going to be accountable for ensuring that they are looking after your welfare, but it is a two-way street. You then have to behave and behave in a way that society expects of you. That is for the period of time of the youth control order.

They are used in the UK in a slightly different sense, but in a similar sort of fashion. So it is really top and tail. It is pre-disposition of the court and post-disposition of the court, engaging people other than just police in the solution when it becomes the worst-case scenario and then building the young person into over time being part of something important in their life that they feel is valuable and they want to be involved with. So hopefully it should be tailored around what they want to do. If they want to work on cars, we will find a way through Victoria Police and all our partners and community partners for them to be involved in a training program at a panelbeater’s shop. But they have to commit to something in a youth control order.

**Mr MULINO** — Following up on Ms Springle’s questioning around the range of approaches that we have received evidence on, in particular I was just curious as to VicPol’s experiences with the Children’s Court pre-plea diversion programs, how successful you have found them and how well you have worked with them.

**Asst Comm. LEANE** — From the north-west perspective — and we have got the Melbourne Children’s Court and the Collingwood Neighbourhood Justice Centre in our patch — I have not got the stats. We can take it on notice about the stats, and I am sure the stats agency can give you those. We are finding that we are getting a reasonably good success rate with diversion early, particularly through conferencing. For example, a number of years ago I started in north-west metro after a previous role as assistant commissioner, at the end of 2014 or start of 2015. In 2014 we had a series of young people from the Fitzroy area who were coming into the city and robbing others. What they were doing was stealing phones and anything other of value, as they walked along Birrarung Marr and other places.

Case conferencing through the Neighbourhood Justice Centre at Collingwood was one of the most successful ventures I have seen in that space. They are still writing up some of the outcomes of it, but they engaged parents, teachers and all sorts of other people. These were young offenders, first-time offenders, who were committing robberies. There was community concern around why you would divert somebody who would commit such a serious crime. That is always a challenge for the criminal justice system. Engaging with those people was very successful.

I have not got the exact stats on Moomba, but the Moomba riots stuff we worked through with the Children’s Court — worked with them through our prosecutors — and we put an investigative team together to resolve it. That is our job, to put a task force together, find those people who were involved in the Moomba riots and bring them to account. We brought them to account, and when we brought them to account we put them in the Magistrates Court. We had them before the same magistrate particularly, who then dealt with them. A significant number of them were first-time offenders, and they were dealt with by diversion. My advice — I have not got the exact stats, but we can get them. Have you?

**Deputy Comm. CRISP** — There were eight that went through group conferencing. That is the only one — —

**Asst Comm. LEANE** — There were eight at the Neighbourhood Justice Centre, and we know that seven have not come to our notice since. One of them has, but has not been charged as a result of coming to police, saying, ‘I was involved in something that happened that I shouldn’t have been’, and then actually finding that they were standing back; they were just part of a group. So out of that group, but certainly other groups.

If we lead on from there, with our community engagement, we had Moomba this year and White Night. With Moomba this year, we went back to the families of all those young people who were involved in Moomba previously who have been diverted, and we revisited them and revisited the family and just reminded them, ‘Moomba is coming up, there will be peer pressure to be involved, there is a lot of stuff running around on Facebook that it will be on again’. We did everything we could from an operational point of view to make sure that never happened, and we were very successful in that. But we went back to those young people again, and many of them were just not going to come to Moomba. They were not going to be involved. So you can break the cycle for many young people, even if they commit quite serious offences, but it takes a lot of work from a lot of people.

**Mr MULINO** — Just a quick, related question. That is obviously good to hear that there is considerable potential there. I guess a step earlier even, I am interested in what kinds of tools you deploy in what you might call early interventions like warnings and so forth — flexible approaches — very early on in somebody’s coming into touch with the law. What do you find effective?

**Deputy Comm. CRISP** — First off, the police officer can use their discretion in relation to what action they take, but then we also have a cautioning program within the organisation. When young people meet certain criteria they can be provided with a caution, but in some police areas they take that step further and even undertake some informal group conferencing as part of that, so it is not just a matter of getting the parent in the room and filling out some paperwork. Again we are actually looking internally at our cautioning and our division work at the moment. There is a piece of work around that. I think there are opportunities for us to strengthen that and get some better, consistent practice across the organisation.

**The CHAIR** — You mentioned earlier the amount of resources that you had to put into a riot at a youth detention centre. You had the escape from Malmsbury. You mentioned that there was a 25-member team that was managing that, leaving aside the police officers who were out on the ground dealing with that. I am wondering if you can explain to us the cost of the youth justice issues that the police have to come and clean up. There are the repeated visits, and there are the various working groups and so on. Could you just explain to us what the resourcing implications are and, if possible, what the cost is?

**Deputy Comm. CRISP** — I would have to take that on notice in terms of a dollar cost. I am not sure that we have actually done that. We probably did that around maybe Malmsbury and the main Parkville riot, because we tend to when we have those one-off incidents set up a specific code so we can actually track costs. So I am happy to see whether in fact we did that or not. But in terms of more broadly — and again I have got some numbers here, and again with this particular data — there are a whole range of reasons as to why we get called to Parkville or to Malmsbury. It could be that we have got to serve papers or we have got to look at transport or a whole range of different things, right up to what could be termed a riot.

For 2015–16 the number of events at Parkville was 100 and at Malmsbury it was 147. For 2016–17, which as we know is ongoing, at Parkville there were 52 and at Malmsbury 169 events at those facilities. The number of police units called out to those centres for 2015–16 for Parkville was 186 and at Malmsbury 164. Then the number of units called out to the centre for this current financial year — 2016–17 — is 182 and at Malmsbury it is 211.

**The CHAIR** — Thank you very much. If there is further information about costing, I would appreciate it if you are able to provide that afterwards and can let us know.

**Deputy Comm. CRISP** — I will certainly follow up on that and see if that is available.

**The CHAIR** — Thank you.

**Mr O'DONOHUE** — I just wanted to clarify, if I could, Mr Crisp: when you say the unit call-outs, is that in effect a divisional van or a police vehicle?

**Deputy Comm. CRISP** — Yes, a police car or van.

**Mr O'DONOHUE** — Right. So that has gone up. As you say, this financial year is not finished, so there has been an escalation.

**Deputy Comm. CRISP** — Which would be as a result, I would suggest, of a number of units attending at Parkville on a couple of occasions when we saw significant activity there.

**Mr O'DONOHUE** — There has been media coverage about the impact on the Malmsbury CFA by some of these disturbances at Malmsbury. There is a non-24-hour police station at Malmsbury. What has been the impact on operations at the Malmsbury police station as a result of, as you say, 211 call-outs thus far?

**Deputy Comm. CRISP** — Look, it has had a significant impact, with Bendigo being the divisional headquarters, and there have been resources from Bendigo playing a role in what has been happening at Malmsbury as well. So it is not what has just happened at the time of these particular incidents; it is all the work that we were doing behind the scenes to support DHHS more broadly in terms of how they were managing that particular facility.

**Mr O'DONOHUE** — When you responded to the Chair's question about the costs associated with these events, would that include the preparation of the briefs of evidence for court, the attendance in court of your members or the follow-on of charging offenders and bringing them to account?

**Deputy Comm. CRISP** — Look, I am fairly sure we have not costed to that extent. For the crime department, there could be some time attribution in terms of how much time to actually complete the investigative process.

**Mr O'DONOHUE** — I have just got two final points, if I may, Chair?

**The CHAIR** — Just quickly.

**Mr O'DONOHUE** — First of all, I would be interested in your comments, gentlemen, in relation to the delays in the Children's Court. There has been much discussion about the 80-20 remand versus sentenced. I have not really got a clear idea about how much of that is attributable to the delays in the Children's Court in processing charges. Could you give some commentary on that?

**Asst Comm. LEANE** — I think there is a coming together of a number of factors. I think that the escalating nature of offending in such a rapid time period — and the numbers are growing — has meant that we have not been able to work that through the system yet, and I think the court itself has had to come to terms with that, as have Legal Aid and all of the parties involved. It is quite complex offending and often quite complex pasts.

I mentioned already that there has been a strategy of some of our young people to sit in remand as long as they could, to try and do their time when they decided that was it.

The other thing which was remiss of me not to say before is at one stage when they were in remand they could refuse to engage in any sort of education or any other activities within Parkville, so it gave them a bit of a free ride to swan around and play table tennis or whatever else they did rather than engage. It was a bit of a strategy of those young people to deal with that.

The other part was that, sensibly in a policing response, with the rise of offending we have increased the number of offenders that we have arrested, because that is our job. If you are out there and you are committing those offences — even the jewellery store robberies and other things that are happening — we are out there arresting people for those things as quickly as we can, putting them before the courts and opposing bail.

**Mr O'DONOHUE** — Ms Henderson appeared this morning on behalf of the department. I asked her about the processes in relation to when threats of violence or other potentially criminal conduct are made against staff or others at Malmsbury, Parkville or Greenvale. She said that those matters are referred to Victoria Police. I would be interested to receive any data you may have on the number of charges that have been brought against people at those facilities as a result of alleged criminal conduct from within those facilities.

**Deputy Comm. CRISP** — Yes. Definitely take that one on notice. Again, we have had some discussion just recently about non-family violence assaults. We have looked at assaults within prisons more generally and youth justice. I will take that one on notice.

**Ms CROZIER** — Thank you both. You have highlighted the concerns within the youth justice system for those call-outs and the units et cetera and the resources being required to attend on a continual basis. I want to go to your points about the cohorts — the couple of hundred people from the recent crime stats, if my understanding is right, the 200 or so offenders that are committing something on average like 47 crimes per person per year. Then you have got an additional cohort of around 1685 offenders who are doing around 11 offences each per year. So you have got not just 100 people undertaking these brazen violent crimes; you have actually got more than just a small cohort.

In terms of what I have described there — and as you have also described, I think you said, you have never seen this level of crime before, it is something new in relation to those people coming through the youth justice system, coming in and out, being continuously put through the system or not — how is that impacting the community and in particular the police resourcing to manage all of that?

**Deputy Comm. CRISP** — Again, it goes to the points that Stephen has already made in terms of it being a different type of offending. It is still a relatively small number of young people that are committing very serious offences. Basically people with no criminal history are jumping straight to committing armed robberies. If you are going to commit an armed robbery, then there is every chance that you are going to find yourself arrested and locked up.

**Ms CROZIER** — With all due respect, we are seeing continual crimes, for instance with the jewellery burglaries, who are sometimes young offenders and sometimes it is reported that they are the same offenders. How is that occurring if it is just a small number? Why can they not be contained?

**Asst Comm. LEANE** — They are growing.

**Deputy Comm. CRISP** — There is a growing number, yes. What we are seeing is people are being released and we are seeing them reoffending. What we are seeing again is this offender behaviour that we have not seen in our — —

**Ms CROZIER** — So it is growing. It is not contained is the point. It is not just a small number of people doing this; it is growing.

**Asst Comm. LEANE** — No, it is a small number, but it has not stopped growing.

**Deputy Comm. CRISP** — No.

**Asst Comm. LEANE** — We are seeing one person who has done an armed robbery take two or three others that have not, and all of a sudden you have got four who have done an armed robbery. What they are doing is peer pressure — grabbing, pulling in others to be involved. That is why I say we will still today, this week, arrest people who have done home invasions this week in north-west metro who have never been in trouble with the police before with others who have been in trouble with the police before.

The school holidays are particularly problematic for young people and offending. It has always been since we started school holidays. They get out and get up to mischief. The numbers are small — they do not appear very clearly on statistics because they are so small a group — but from an intelligence base where we sit, we still see a number of young people growing into that. The speed at which that group is growing we believe has slowed, but there is no doubting that from day to day it is continuing to drag new young people into that cohort.

**Ms SPRINGLE** — To what extent is VicPol sharing information and data with border force for the purposes of deporting young people with criminal offences?

**Deputy Comm. CRISP** — There is a policy position for Victoria Police in terms of sharing information for, if I can use the term broadly, border force. Where people meet certain criteria, we will look at sharing information with border force. We do that through our crime command. They are the ones at the liaison point into border force. It will then ultimately be a decision for the federal government in terms of what they do with that information.

**Ms SPRINGLE** — When you say ‘certain criteria’, are you meaning that the person needs to fit that criteria or you have a criteria of information that you share?

**Deputy Comm. CRISP** — It is about whether the person is an Australian citizen, whether they are on a visa, whether they have committed serious offences, then we will look at providing that information to border force.

**Ms SPRINGLE** — Is that a given or is it discretionary on your behalf?

**Deputy Comm. CRISP** — It is discretionary.

**Ms SPRINGLE** — You talked about providing data or stats before. Is it possible to get data relating to cautions, warnings and diversions? Is it broken down by non-Indigenous and Indigenous?

**Deputy Comm. CRISP** — I will take that on notice.

**Asst Comm. LEANE** — The crime stats agency do our statistics now as the authority.

**Deputy Comm. CRISP** — That is a good point.

**Mrs PEULICH** — It is as clean as a whistle.

**Deputy Comm. CRISP** — Yes.

**Mrs PEULICH** — A last question, if I may, on media reporting. I know — I assume — that the policy of the police is not to racially profile offenders out of concern that they are going to be stereotyped; however, the reverse is happening. Every time there is a report of a home invasion or a carjacking, people immediately assume that it is someone black, that it is someone from an African community, and when you actually look into the story more deeply, a lot of the time they are not. Have police given any consideration as to how those

types of crimes are reported, but also reports can be incredibly reaffirming — lionise the offender — and I think also contribute to the growth of that problem?

**The CHAIR** — Mrs Peulich, your question?

**Mrs PEULICH** — Reporting of crime by the media or in terms of how you guys report it, has that been given any thought?

**Deputy Comm. CRISP** — We certainly think about what we are going to say to the media when it comes to this type of offending. Again Steve and I have both used the term ‘the united nations of offending’ because that is actually what we are seeing. We will talk about youths or young people of African appearance or Pacific youth, so we are very careful in terms of the language because we know the potential it has to further inflame the situation we see at the moment, where people — again from a number of mainly African communities — are feeling marginalised, isolated.

**Mrs PEULICH** — But the reverse occurs.

**Deputy Comm. CRISP** — Yes, I get the point.

**Mrs PEULICH** — When you actually do not report on the racial characteristics, people immediately assume that it is someone African.

**Deputy Comm. CRISP** — They do, and again we have seen in more recent times I think it was Abeselom Nega who came out and said — my recollection is — ‘Yes, we do have a problem with African youth and their offending’. So again it is good when we actually hear from people within the community.

**Mr O’DONOHUE** — Gentlemen, one final point I want to put to you is we have heard a lot of evidence today about diversion and how to reform offenders. We have heard very little from anyone about victims of crime and the impact on victims of crime. You have mentioned it, Mr Leane, in passing, but we have heard very little from anyone about the impact on the community of this serious offending. We are seeing the impact on communities like Malmsbury of breakouts and the deep scars and trauma that can leave with people. I just invite you to make a comment about the impact on the community and particularly on victims of crime of this cycle of offending we are seeing.

**Asst Comm. LEANE** — I think from a holistic point of view just the way that people do business now is being affected. So with jewellery stores, we talk to associations of jewellery store owners quite regularly. Their response is both to do with their insurance companies but also to change the way that they even operate their business. So in the future you may find that you will not be able to go into a jewellery store without going through one locked door before you go to the next locked door, which would change the way we live our lives. So I think that is probably important.

I think when we talk to victims of crime, particularly home invasions, it changes a lot about how they live their daily life. Many of them from our communities are moving into making sure they have got alarms, and in the security door and the security screen industry it is hard to find somebody today who can come out and fit those because of the pressure on the market. So I think that is the physical presentation of what this means for our community, but the impact on victims, particularly of jewellery store armed robberies or other store armed robberies, is it can have a life-changing effect on how they live their life now and into the future.

That is why I say that we have got young people who seem to be disconnected both from the community but also from the impact that they are having and from the harm on people when they commit these offences, and quite properly our community, when they are frightened of these young people who commit these crimes, want them to be locked up, want them to be not on the street. And I think the policing role is to make sure we put them before the courts. I think the long-term strategy for us, from a policing point of view, is to arrest them, get them before the courts and have them held accountable for what they have done, but at the end of the day we still have to have that overarching view that we need to somehow divert them from committing offences in the future. If they are bad and they will not stop committing offences, then from a community point of view there is only one place that they should be.

**The CHAIR** — I think we need to conclude at that point. I am sorry, did I interrupt you?

**Deputy Comm. CRISP** — I guess it hit home to me. We have talked about Parkville, and I went to Parkville when that riot was occurring. I got there just as the first five or six young men gave themselves up and they were being walked towards me by our police officers, and I looked at them and I still remember thinking to myself at the time, ‘You’ve committed some really, really serious offences to be here, but you’re just kids’. We all, as Steve just said, have got a responsibility to make sure we keep the community safe. Those dangerous, those bad young people need to be locked up, but again we take very seriously also our role in doing whatever we can to make sure that we do not have to lock young people up.

**The CHAIR** — We do need to conclude. You will be provided with a copy of the transcript from today’s proceedings for checking within the next few weeks, and on behalf of the whole committee I would like to thank you very much for your time in coming here today to give evidence. It is much appreciated.

**Asst Comm. LEANE** — Thank you, Chair, and thank you, committee.

**Committee adjourned.**