

**Submission
No 95**

INQUIRY INTO VICTORIA'S CRIMINAL JUSTICE SYSTEM

Organisation: Centre for Multicultural Youth

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Inquiry into Victoria's Criminal Justice System

*CMY submission to the Victorian Parliament
Legal and Social Issues Committee*

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The Centre for Multicultural Youth (CMY) is a not-for-profit organisation based in Victoria, providing specialist knowledge and support to young people from migrant and refugee backgrounds. Our vision is that young people from migrant and refugee backgrounds are connected, empowered and influential Australians.

CMY is committed to promoting young people's rights and reducing their involvement in the justice system. We work towards these goals through delivering innovative, strengths-based, youth-informed services and programs including youth justice programs targeted at young multicultural Victorians that place young people, family and community at the centre. Our youth justice programs and services aim to divert young people from contact with the justice system; ensure young people understand their rights and responsibilities in the justice system; increase the capacity of the justice system to support diverse communities and young people; and ensure that young multicultural Victorians are at no increased risk of justice engagement.¹

CMY is also committed to contributing to building knowledge and evidence for reform. Over many years, we have engaged in and supported research and advocacy to identify and respond to the particular issues facing young people from migrant and refugee backgrounds relating to youth justice. This has included numerous submissions to government, providing evidence at public hearings, promoting youth and community voice in public narratives, and putting forward recommendations for reforms to Victoria's youth justice system, many of which relate more broadly to Victoria's justice system. For this reason, we outline below a brief summary of current key issues related to the Terms of Reference of this inquiry and request the committee refer to CMY's forthcoming [Youth Justice Briefing Paper and Position Statement \(2021\)](#), and related reference material, as part of our submission.

The Centre for Multicultural Youth (CMY) welcomes the opportunity to respond to the Legislative Council's Inquiry into the Justice System. Given CMY's wealth of knowledge and expertise in multicultural youth issues, this submission will specifically respond to the terms of reference with a focus on this cohort and their particular experiences. This includes South Sudanese and Pasifika youth, who are currently over-represented in Victoria's youth justice populations.

This submission is informed by research and consultations undertaken by CMY over many years, as well as the experiences and knowledge of our staff working with young multicultural Victorians, and their families and communities, who have lived experience of Victoria's justice system.

This submission will address the first two terms of reference:

1. an analysis of factors influencing Victoria's growing remand and prison populations;
2. strategies to reduce rates of criminal recidivism;

It is CMY's position that addressing these complex issues requires a coordinated, long-term focus on eliminating systemic issues, including racism, and the social factors which underpin multicultural youth offending and over-representation. This submission strongly advocates for an increased focus on investment in diversion, and culturally appropriate and community-grounded programs that engage families and communities in providing support to young people and address cycles of disadvantage.

In summary, we recommend that the Victorian Government:

- **Prioritise diversion and detention of children and young people as a measure of 'last resort'**
The disproportionate criminalisation and imprisonment of multicultural youth must be addressed through the prioritisation of the principle of "detention of minors as a last resort" in legislation, policy and practice, alongside the building of stronger, more targeted frameworks and mechanisms to support the timely and effective diversion of multicultural youth from our justice system.
- **Invest in community-based supports and strengthen service integration for justice engaged young people**
Addressing recidivism requires long-term investment in improved service coordination and responses that concentrate on evidence-based, culturally responsive, community programs, models and approaches that engage young people and their families and communities in solutions.
- **Develop and implement a Multicultural Youth Justice Strategy**
A Multicultural Youth Justice Strategy is needed to drive a comprehensive, long-term plan to address the over-representation of young multicultural Victorians in our justice system, including addressing contributing systemic issues and underlying drivers of offending behaviour.

Young multicultural Victorians and the youth justice system

The 2016 census revealed that just under half (48%) of young Australian's are first- or second-generation migrants and that one in four Australians aged 18 to 24 years were born overseas.ⁱⁱ Although they make up almost half of Victoria's youth population, young people from migrant and refugee backgrounds, in the main, are underrepresented in Victorian criminal offending statistics and youth justice.ⁱⁱⁱ Despite this, there is evidence of a persistent and concerning trend, over many decades, of over-representation of some groups of young Victorians from refugee and migrant backgrounds in our justice system.

Common indicators of disadvantage across the general youth justice population are well-documented^{iv}, however there has been limited research to understand factors contributing to the over-representation of particular cohorts of refugee and migrant background young people, and their shared risk and protective factors.^v

For this particular demographic of our population, life consists of complex and often intersecting challenges, many of which have been identified as key influences for offending behaviour and over-representation.^{vi} These include systemic issues, as well as more individual risk and protective factors. A 2014 report from CMY draws on the available evidence to document some of the factors known to contribute to refugee and migrant youth offending. These include:

- Impact of migration on family dynamics, including family fragmentation
- Exposure to and experience of immediate or intergenerational trauma
- Navigating personal and cultural identity
- Impact of migration on family dynamics and configuration
- Immediate or intergenerational impact of war and instability
- Navigating personal and cultural identity
- Disrupted education
- Poor and unaddressed mental health
- Exposure to and experience of family violence
- Exposure to and experience of trauma and adverse experiences
- Experiences of discrimination and racism
- Limited social, economic and political opportunities
- Uncertain residency status and punitive migration policy
- Impact of racialised media reporting and negative public narratives^{vii}

Building a similar picture, much of the available research also draws attention to shared experiences of significant disadvantage and vulnerability among diverse cohorts of young multicultural offenders related to, among other factors, socio-economic marginalisation and racism.^{viii} What this establishes is that this cohort are neither inherently more vulnerable or predisposed to offending, but are more likely to experience systemic barriers and face a range of complex needs that are unmet, placing them at greater risk of justice engagement. On this, Ravulo et al. (2020) have described the need to understand how “the overlapping nexus between low socio-economic status and race”^{ix} can intensify exclusion or ‘structural disadvantage’, increasing risk of involvement in offending behaviour and exposure to the youth justice system. It highlights the importance of engaging with the ‘complexity’ of life experiences when exploring multicultural youth offending behavior and justice engagement.

TOR 1: An analysis of factors influencing Victoria's growing remand and prison populations

Despite sustained investment in our justice system, and youth justice particularly, over a number of years, as well as evidence of an overall decline in youth crime rates, Victoria is one of a number of states and territories in Australia experiencing growing remand and prison populations.^x

As noted above, young multicultural Victorians are in the main underrepresented in our justice system, however CMY are concerned about the high rates of over-representation of small groups of young multicultural offenders from certain cultural groups in remand and detention across our state. This includes South Sudanese and Pasifika youth, who in 2017-18 each comprised 12% of young people in remand in Victoria, despite representing less than 2% of the youth population respectively.^{xi}

Detention is incredibly damaging for children and young people with the criminogenic effects well-documented.^{xii} Concerns about overuse of remand among children and young people have also been consistently raised, including particular concerns for refugee and migrant youth.^{xiii} In particular, reports have focused on the use of remand, with many noting that "remand periods are often relatively short but can be disruptive and of little rehabilitative value".^{xiv}

Remand disconnects already vulnerable young people from important protective factors, including school, family, community and culture, and increases exposure to risks.^{xv} By contrast, it is well recognised that diversion and rehabilitation are the most effective ways to prevent offending and ensure safer communities.^{xvi} A 2017 report from Victoria's Crime Statistics Agency found "young people who were cautioned by police in Victoria were less likely to offend, while the Royal Commission into the Protection and Detention of Children in the Northern Territory reported that the vast majority, almost 85%, of diverted young people did not reoffend."^{xvii}

In addition to the overwhelming evidence that diversion works is concerning evidence that diversionary pathways are not equally available to all Victorian young offenders. The final report of the 2017 LSIC inquiry into youth justice centres in Victoria found the Victorian youth justice system provides avenues for diversion but poor coordination of programs, while a lack of cultural safety and intercultural capability undermines their effective implementation.^{xviii} Research has also demonstrated that unequal access to diversion opportunities based on location and police discretion towards certain youth demographics persists.^{xix}

We support this analysis of the inequitable use of discretionary powers and diversion options for multicultural youth. In our experience the decision to remand a young person from a refugee or migrant background often results from one or a number of the following intersecting factors:

- Limited diversion pathways, most notably a lack of appropriate, targeted supports for multicultural young people in the community.
- Lack of suitable accommodation for children and young people from diverse communities, including accommodation for young people over the age of 15 years and kinship placements.
- Lack of culturally appropriate, timely assessment to access immediate support and referrals, including under-resourcing of Central After Hours and Bail Placement Service (CAHABPS).
- Failure to consistently enforce the principle of detention as a measure of last resort for all young people, all the time – while it is recognised that diversion is inconsistently used and under-used, particularly in the policing context^{xx}, prevalence of unconscious bias and racism are also directly impacting upon the unequal use of discretionary power in decisions to divert or remand multicultural young people.^{xxi}

- Breach of bail conditions due to conditions being unrealistic and failing to account for the particular needs and circumstances of multicultural youth and their families.^{xxii}

“(Bail conditions) set up our (Māori and Pasifika) guys to fail. They’re unrealistic. There’s no consultation with the community. It doesn’t work. They mandate education programs starting at 8.30am that are ten suburbs away. There’s no support there. Family and community aren’t involved.” – Pasifika youth worker

Some of the particular factors contributing to growing remand and detention rates among cohorts of multicultural youth that were identified through conversations with CMY workers and young people we spoke to for this inquiry are outlined below:

Experiences of racism and exclusion

Some of the recognised challenges young people face as a result of the migration and the refugee experience are also factors known to increase the risk of young people becoming involved in anti-social behaviour and offending.^{xxiii} This includes, cultural dislocation and disconnection from culture and community, family fragmentation (including disruption and breakdown) and intergenerational conflict, as well as limited social, economic, and cultural capital, and socioeconomic disadvantage. Added to these can be a lack of access to relevant settlement support over time, poor host community receptiveness to new arrivals and experiences of racism and exclusion.^{xxiv}

“[There are] obviously systemic reasons (for over-representation), South Sudanese and Pasifika communities are relatively emerging and diaspora communities within Melbourne... over policing is certainly a factor, what drives that is lower employment rates, lower school retention rates and young people using public space, gathering in public space in groups... all of that drives their being over policed and having more higher frequency of contact with police members compared to their peers who do not identify as South Sudanese and Pasifika.” – Youth Justice Program Worker

In addition to greater potential exposure to underlying risk factors, evidence shows young multicultural Victorians, especially those from highly visible migrant communities, are much more likely to experience police surveillance, interaction and engagement than their peers, drawing them disproportionately into the court and criminal justice systems.^{xxv} They are also much more likely to experience punitive outcomes than diversionary outcomes from these interactions, and to experience negative justice outcomes.^{xxvi}

It demonstrates the urgent need for a shift in policing and justice practice and culture. This can be achieved through greater training in evidence-informed culturally responsive practices, as well as a preference for Community Policing models to improve trust and positive relationships as opposed to risk-based approaches which entail greater surveillance that may lead to racialised policing.^{xxvii} It is encouraging that this concern is shared by the Victorian Government and has prompted initiatives such as the recruitment of a joint Victoria Police and community Anti-Racism Taskforce in the 2020/21 Budget.

“... they are getting put into custody for minor offences or being at the scene makes you guilty... you hear this, there are a lot of kids just hanging out with their friends and they get taken into the station and admit to a crime they didn’t do because they are scared – but then they are in the system.” – South Sudanese Youth Worker

Educational disengagement

"I work with a number of young people disengaged (from education, employment, community) this disengagement leads into behaviour that leads them to clash with justice system, how did this come about? A lack of confidence, low self-esteem, not being able to cope with school and education requirements leads to taking another path and this behaviour" – Youth Justice Program Worker

Research reveals a strong correlation between educational disengagement and youth justice involvement.^{xxviii} Multicultural young people often experience a range of intersecting challenges that negatively impact upon educational engagement.^{xxix}

Workers have identified racism and exclusion in education as significant factors contributing to multicultural youth over-representation and engagement in Victoria's justice system. Evidence shows that schools and education settings can be unsafe for students from refugee and migrant backgrounds, as perceived cultural differences mean they often fall victim to offensive and racist slang, stereotyping, stigmatisation and verbal or even physical abuse.^{xxx} These experiences are not limited to student interactions, but are perpetuated by educator and staff discrimination both directly, through racist remarks, or implicitly, by failing to address instances of bullying.^{xxxi}

Exploring the link between educational disengagement and race, Christina Ho (2019), has described the importance of understanding intersectionality in such experiences. Specifically, Ho notes that in education, "ethnicity is mediated by social class, and indeed, divisions and inequalities that may initially seem to be explained by ethnic difference are often in fact about unequal access to economic and other resources."^{xxxii} On this, workers we spoke to also identified that young people they are working with often only receive the resources and support they need to address underlying factors impacting their educational engagement once they are excluded, or even justice engaged.^{xxxiii}

"... (young offenders) see themselves as worthless and not performing well. They feel like they are not supported and encouraged to succeed and they have poor relationships with teachers and they're getting poor advice." – Youth Justice Program Worker

Poor mental health and wellbeing

"(Young people) don't have the tools or opportunities to process what's occurring" – South Sudanese Youth Worker

"Trauma might impact the way they make decisions or deal with police, because in home countries...police could be viewed as people who always causing pain to the people...they see the police as threatening." – Multicultural Youth Worker (regional Victoria)

Elevated rates of mental-ill health and trauma are recognised among young offenders.^{xxxiv} Mental health services are under utilised by young people from refugee and migrant backgrounds despite evidence that this cohort are particularly vulnerable to mental ill-health and poor wellbeing.^{xxxv} Though research remains sparse, untreated mental illness is likely to increase the susceptibility of refugee and migrant youth to disengagement

and antisocial behaviours.^{xxxvi} Additionally, the potential re-traumatising effects and damaging mental health impacts of time spent in custody for this cohort of young people are a recognised issue of concern.

Sensationalised media and negative public narratives

‘Tough on crime’ policy approaches often emerge out of racialised media campaigns and sensationalised public narratives and have a deleterious impact on youth crime. Attempts to discourage violence by breaking up groups of South Sudanese and Pasifika young people, tracking past offenders and monitoring spaces and places these youth frequent (especially without evidence of offending) are culturally-deaf approaches that reinforce exclusion and incite disillusionment with Victoria Police.^{xxxvii}

“Imagine opening up your newspaper only to find a headline which suggests that all young people like me, who have my skin colour, are criminals... We’re not all criminals – in fact very few of us are. And we’re not all disengaged, although every time we see another instance of racial discrimination or racial stereotyping, it makes us feel just a little bit more disconnected from the very society that we call home.” — Young person of African background^{xxxviii}

Research shows racialised media and public narratives have significant and lasting negative impacts upon young people, their families and communities. Young people are likely to develop negative views and attitudes towards police, which may fuel patterns of disengagement.^{xxxix}

Impacts of bail justice reform

A particular issue of concern to CMY, that we see directly contributing to the high rates of remand and detention of young multicultural Victorians, is the role of bail justices and impact of recent bail reforms.

Bail Justices perform an important function in Victoria’s criminal justice system, especially when it comes to decisions regarding young people. This is because 80% of arrests of children and young people occur after hours, resulting in bail justices conducting the majority of bail and remand hearings for this cohort.^{xl} However, reforms carried out in 2018 have left a burgeoning gap in the system which has especially harmful repercussions for young people. These include:

- The introduction of the requirement for all bail justices to re-register has severely reduced the amount of bail justices, exacerbating existing systemic strain caused by court backlog. This could be mitigated if young people are diverted through cautioning and sustainable early intervention programs.
- Though bail justices undergo some training, they are ultimately lay people. A lack of cultural awareness and capability to be responsive to the specific issues faced by multicultural communities is thereby likely to result in greater detention outcomes for particular cohorts of young people, including South Sudanese and Māori and Pasifika communities who are commonly racialised and inferred with criminal behaviours in the Victorian media and public narratives. The motivations underpinning particular decisions to grant or deny bail cannot be quantitatively measured; however, research shows unconscious bias impacts on legal and social outcomes for marginalised communities.^{xli} In the absence

of effective and transparent oversight and accountability of decision-making for bail justices, the potential for racism and unconscious bias to drive outcomes persists.

- New reforms have placed the burden of proof on alleged offenders to prove they are fit for bail, with bail granted in exceptional circumstances. This policy is strongly misjudged. Young people's exceptional circumstance should be acknowledged due to their young age, with every attempt to prevent custodial sentencing paramount to our commitment to detention as a measure of last resort for children and young people.

In addition, a further factor likely contributing to high rates of detention and remand among small groups of young multicultural Victorians has been the emergence of a very concerning trend of small, but significant groups of young first-time offenders engaging in particularly violent offending.^{xlii} CMY acknowledges that this has been a very concerning development, both for those working with these young people, and for the broader community, and requires urgent attention. We also acknowledge, however, that there is little evidence to draw on that explains the factors contributing to this development. More broadly, what we know is that increased rates of youth offending and remand and detention amongst particular ethnic communities are typically a symptom and reflection of entrenched systemic issues and persistent, unmet need within some of our most vulnerable communities.

What is needed?

CMY shares the Victorian Government's aspiration to build a stronger and more responsive youth justice system. We support calls from the 2017 report of the inquiry into Victoria's youth justice system for "culturally relevant and sensitive responses to address their (CALD youth) offending that considers challenges experienced by these young people and their communities",^{xliii} and believe such targeted responses are critical to achieving the goals of youth justice reform in our state.

The disproportionate criminalisation and imprisonment of multicultural youth must be addressed through the prioritising the principle of detention of children and young people as a measure of last resort in legislation, policy and practice, alongside the building of stronger, more targeted frameworks and mechanisms to support the timely and effective diversion of multicultural youth.

- a. Victoria's youth justice system must be underpinned by a commitment to detaining children and young people as a measure of last resort and for the shortest possible time. It will align our system with international human rights standards and obligations. However, Victoria has very few legislative protections to ensure that children and young people are diverted away from the criminal justice system and not unnecessarily remanded.^{xliv} This is despite well-documented evidence of the success of diversion for young offenders, that diversion leads to safer communities, that is more cost effective than custodial sentences, and that it can be specifically designed to reduce over-representation.^{xlv} Our justice system should prioritise alternatives to formal proceedings, including cautions and diversion and make it more onerous to proceed by way of charge (at the moment it is the other way around), and ensure young people have equitable access to caution and diversion.
- b. Recent efforts within policing and justice to invest in cultural awareness training and workforce diversity are important steps; however, institutional bias and practices that contribute to over-policing and inequitable outcomes in justice are deep-seated and ingrained, and are equally influenced by broader social and economic inequalities and systems of exclusion. It will take time for intercultural learning and un-learning to bear fruit. In the interim, regulated measures and guidance, that removes discretionary powers, mandates rights-based approaches and holds systems and individuals to

account are necessary. Addressing racism and unconscious bias in the use of discretionary powers and strengthening the cultural responsiveness of existing diversionary programs through such approaches will prove more effective as they will be filtered and enacted through culturally-relevant lenses and focus on strengthening protective factors including young people's ties to culture, language and community.

Recommendation 1: Prioritise diversion with 'detention as a last resort'

- 1.1. Develop and implement a targeted plan to actively apply the principle of "detention as a last resort" for children and young people and prioritise effective pathways to diversion in Victoria,^{xlvi} including:
- Stronger legislative protections to ensure that children and young people are diverted away from the criminal justice system, including raising the age of criminal responsibility to at least 14 years.
 - Mandated regulations to strengthen cultural responsiveness in assessment, decision-making and review processes for determining whether to detain or remand a child or young person.
 - Improved measures to promote and support effective diversion, such as:
 - investment to ensure timely, adequate assessment and service coordination, to ensure young people are adequately assessed and diverted to appropriate services and supports,
 - remove barriers to access, and proactively support young people to attend programs and appointments designed to address offending behaviour, and engage family and community in supports,^{xlvii} and
 - education and systems reform to address inconsistent diversion knowledge and practice across the state and improve culturally responsive practice across the entire justice system.

The following provides an overview of additional recommendations required to address factors influencing over-representation of multicultural youth in Victoria's growing remand and prison populations.

- 1.2. Urgent reform to bail laws so that children and young people are only exposed to remand in rare and exceptional circumstances. CMY support SJ4YP calls for specific reforms, including repealing reverse-onus provisions and creating a presumption in favour of bail for all offences.
- 1.3. Implement recommendations contained in the 2017 Parliament of Victoria Legislative Council Legal and Social Issues Committee Inquiry into youth justice centres concerning the expansion of community-informed diversionary programs, as well as recommendation number fourteen calling on 'the Department of Justice and Regulation review the training provided to bail justices.'^{xlviii}
- 1.4. Strengthen measures to guarantee all children and young people can benefit from diversionary strategies by ensuring all judges, magistrates, police, bail justices and other decision makers have (upon appointment and in continual professional development) core competencies and skills to practice and make decisions that:
- are culturally and gender aware/safe.
 - are trauma informed.
 - understand child and young person brain development and neurodiversity.
 - understand best practice engagement with young people.

- understand young people's circumstances in the context of family violence.
- understand causes of recidivism.
- are in partnership with communities and specialist services.

TOR 2: Strategies to reduce rates of criminal recidivism

“Interventions with the strongest evidence base for reducing recidivism are delivered in community settings and rely on a defined therapeutic approach and high levels of intensity across a number of layers – the child, the family, school, training and employment pathways, as well as specialist services.” *xlix*

Addressing recidivism requires long-term investment in improved service coordination and responses that concentrate on evidence-based, culturally responsive, community programs, models and approaches that engage young people and their families and communities.

“(A lack of) connected up services and case management ... this is currently re-traumatising. And a lack of coordinated support to ensure the young person is connected (or) they fall through the gaps and they begin to embody the 'negative' story.” – Pasifika youth worker

This requires a commitment to whole-of-government reform because, to date, we have been overly focused on trying to fix individual young people or groups of young people through disconnected and fragmented services and responses that fail to address the complex systems and interconnected challenges young people face, and shift the conditions that hold these problems in place.ⁱ

Research shows young people are uniquely receptive to criminal justice interventionsⁱⁱ and in Victoria there is a recognised need for intensive, multi-layered, community-based and culturally responsive services and youth support that engage multicultural young people and their families in custody and post-release.ⁱⁱⁱ

“Institutional racism plays out in this (multicultural) group of young people being targeted and receiving harsher sentences, and contributing to recidivism” – Participant 19

The extent of success in reforming the justice system and all attempts to reduce recidivism among multicultural youth rests on a multisystem commitment to eradicating racism and discrimination in Victorian. Given the changing demographics of young people in custody, this includes implementing intercultural and anti-racism training across the youth justice system, including training for youth justice workers, social and youth workers and court personnel, so they are better equipped to respond to the communities they serve.

Recommendation 2: Invest in community-based supports and strengthen service integration

- 2.1. Culturally responsive youth- and community-led approaches, including new and innovative models of support, must be investigated and trialed. This should include options for embedding community-led approaches within established services and programs to focus on bringing young people together with the support of their communities and families to overcome barriers and access the supports and services they need. Evidence-based models and approaches that should be explored include those that:

- engage communities and families directly in provision of support for justice engaged young people, with a focus on programs developed and delivered with communities and that draw on community knowledge and expertise, including bicultural workers;
- address gaps and barriers to community, youth and family support and knowledge;
- cultural strengthening programs; models of service integration that draw on collective goals and decision-making;
- group support and peer mentoring models and approaches, including models that engage peers with lived experience of the justice system; and
- family-centred supports and programs.

The following provides an overview of additional recommendations required to reduce rates of multicultural youth criminal recidivism.

- 2.2. CMY support calls from SJ4YP for a “justice reinvestment” strategy to reduce the number of children at risk of offending.^{liii}
- 2.3. Increase research into the complex mental health issues and needs of multicultural youth, particularly at-risk South Sudanese and Pasifika communities to inform adequate therapeutic and specialised mental health responses.
- 2.4. Build the capacity of the youth justice, education and mental health systems through building culturally-responsive practice and ongoing anti-racism professional development.
- 2.5. Address overrepresentation with a long-term focus on the socio-economic and environmental drivers of youth offending, including institutional forms of racism.

A coordinated response to multicultural youth over-representation in justice

In Victoria, cohorts of multicultural children and young people are over-represented throughout the youth justice system. Over-representation is largely a consequence of multicultural young peoples' particular experiences of a complex range of personal, social and systemic risk factors coupled with the failure of responses to adequately understand and address their particular needs. This includes responses to youth crime that have often neglected issues of structural inequality and its symptoms, such as poverty, disadvantage and racism, that impact on the lives of marginalised young people.

This is not a new phenomenon. The persistence of over-representation overtime and for different cohorts of young multicultural Victorians, despite considerable investment from government, services, organisations and communities, signals an urgent need for us to do things differently.

Victoria urgently needs a Multicultural Youth Justice Strategy to support a bold change of course for how we respond to over-representation and address the needs of young multicultural Victorians at risk of and engaged in our justice system.

Recommendation 3: Invest in a Multicultural Youth Justice Strategy

CMY have developed a proposal for a Multicultural Youth Justice Strategy that outlines a comprehensive, long-term plan to address the over-representation of young multicultural Victorians in our justice system and underlying drivers of offending behaviour among this cohort.

The aim of the Strategy is to support and drive the prioritization and coordination of activities and measures, with a committee of experts, comprised of multicultural young people, their families and communities, community service organisations, government and Victoria Police central to this. This will ensure that lived experiences directly inform youth justice responses and that there is greater accountability in implementation.

Specific ways a Multicultural Youth Justice Strategy would address the underlying factors influencing multicultural youth over-representation in growing remand and prison rates and recidivism include:

- Ongoing engagement with multicultural young people and families with lived experience of the justice system to inform responses and interventions.
- Drive development of an up-to-date evidence-base of underlying drivers of multicultural youth offending and over-representation, including systemic drivers, and an investigation into models and approaches that work to support pre-offending at-risk multicultural youth, those engaged in the justice system and post-release.
- Promoting investment in innovative, evidence-based early intervention and prevention that addresses underlying drivers of offending, over-representation and overexposure among this cohort.
- Strengthening diversion pathways and detention of children and young people as a measure of 'last resort'.

- Addressing recidivism through improved service coordination and long-term investment in evidence-based, community-informed models and approaches that engage young people, their families and communities.
- Investigate the transferability and applicability of Victoria's Koori Court model for multicultural youth and communities. The 2011 evaluation of the Koori Court demonstrates significant achievements in providing "access to fair, culturally relevant and appropriate justice". The learnings and knowledge generated from the operations of this specialist court resonates with the needs of multicultural communities and young people. The Koori Court application to multicultural communities will need to be investigated and tested for transferability.
- Improve accountability and transparency through stronger focus on monitoring and reporting on outcomes for multicultural young people.
- Driving committed action to address and eradicate all forms of racial discrimination.

3.1 Implementation of the 2017 Victorian Government's review into the Youth Justice System: recommendation 4.63 that proposes DOJR work with CMY to develop a strategy to reduce over-representation of multicultural youth in Victoria's justice system.^{liv}

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