

1	Matters relating to incidents including definitions, numbers and any changes to the reporting of incidents	No comment.
2	The security and safety of staff, employees and offenders	<p>The state government have been shedding staff and cutting budgets to the Youth Detention Centres, staff turnover and poor morale under these circumstances are normal. The high rates of casual staff who lack the experience, skills and relationships/knowledge of children/young people in detention have added to the dangerous mix of unhappy children/young people with nothing left to lose. Children and young people need hope. Children and young people need a date for when they are to have their case heard. Children/young people on remand, especially those aged under 15 should not mix with older teens who have been sentenced. Children/young people should have the opportunity to exercise every day, they should be encouraged to use their 'energy up' this is good for their physical and mental health and would render them less likely to lash out. Staff should be more carefully screened, recruited for higher levels of emotional intelligence, capacity to diminish the intensity of conflict and work in an environment where they feel valued and supported for the difficult, very important work that they do. Children/young people should also be provided with regular professional development and opportunities to network and support each other. <b>Children/young people aged below 16 years and young people aged 16 to 25 years should be detained separately. There should be a 'Thomas Embling' like facility for young people in detention.</b></p> <p>The recent announcement that youth justice custodial services, community based youth justice and youth justice policy will move from the Department of Health and Human Services to the Department of Justice and Regulation will not facilitate the most appropriate reforms and interventions at risk children/young people require. The recent problems affecting youth detention centres were more a result of staffing issues/lack of staff than anything wrong with a more child/youth based approach to interventions. Under the new regime it would appear young people and children will be treated to the same management style as the adult jail system, this will lead to increases in recidivism not decreases.</p> <p>Children and young people from Aboriginal, Maori and Sudanese backgrounds are over represented in youth detention centres, these groups often have a background of trauma and other severe disadvantages on top of for some cohorts; abuse and neglect. These children need early intervention programs and specific tailored rehabilitation programs.</p>

<p>3</p>	<p>Reasons for, and effects of, the increase in the numbers of young people on remand in the last 10 years</p>	<p>The population of Victoria has increased over the last 10 years, regularly recording the highest growth rate of all Australian States and Territories. Driven by net overseas and interstate migration rates as well as increases in fertility rates, the Victorian population is becoming more diverse in an ever-changing labour market where entry level jobs and unskilled labour are fast diminishing. In June 2006 the Victorian population was 5.13 million, as of June 2016 it was 6.07 million. (<a href="http://www.abs.gov.au">www.abs.gov.au</a>). A significant proportion of the growth includes a larger proportion of children and young adults from new migrant communities struggling to adjust to a new life without the traditional support of fathers. As the population rises, the proportion of at risk young people rises together with the lack of hope for at risk young people, more young people are at risk of criminality. However, Youth Law report that the actual number of young people offending has been steadily decreasing (insert ref here). The reasons why there are more children/young people in remand over the last 10 years includes: increase in use of drug and alcohol – including the rise of the abuse of the drug ‘ice’ (methamphetamines) which often increase aggression, impulsivity and psychotic symptoms, delays in court processes (due to increased numbers), build-up of minor offences in the court system, higher rates of recidivism among Aboriginal young people due to lack of support and disconnect from culture, further exacerbating estrangement of children/young people. <b>Keeping children/young people in remand is not recommended</b>, especially without court dates. Children/young people grow increasing anxious and frantic as the ‘disconnect’ from family/culture/friends grows encouraging a cycle of further offending. Anecdotally, many in the youth justice sector believe the increase in numbers of young people in remand is due to the changes to the <i>Bail Act</i> in 2013 which saw the introduction of a new offence regarding the conditions of bail – but this was applied to adults and children (children should be treated differently, because they are <i>children</i>).</p> <p>Other issues to note:</p> <ul style="list-style-type: none"> <li>- High numbers of children/young people on remand leads to normalisation of incarceration and de-stigmatising of the gravity of the detention, section of the community appear to be losing their fear to their reputations associated with undertaking youth detention</li> <li>- Remand population have lacked access to services made available to other detainees, lack of emotional maturity couple with the other significant barriers experienced by the young people.</li> </ul> <p>Youth Law (<a href="http://youthlaw.asn.au/campaigns-advocacy/emerging-issues/">http://youthlaw.asn.au/campaigns-advocacy/emerging-issues/</a>) reports that the rise in youth offending over the last month in serious offending has been committed by a small cohort of young people who have been involved in high speed stolen vehicle expenses, car-jacking, aggravated burglaries and home invasions. Whilst the media reporting has been alarmist it is imperative that we remember the offenders are children and that overall youth offending has been declining and not spiking. In fact, the Victorian Crimes Statistics Agency (<a href="https://www.crimestatistics.vic.gov.au/sites/default/files/embridge_cache/emshare/original/public/2016/05/b7/c7dfd6ae9/201603010_final_in_fact1.pdf">https://www.crimestatistics.vic.gov.au/sites/default/files/embridge_cache/emshare/original/public/2016/05/b7/c7dfd6ae9/201603010_final_in_fact1.pdf</a>) data confirms there has been an over 40% decrease in the number of new child/youth offenders aged 1- to 17 years since 2009/10.</p> <p>Also refer to article in Pro-bono Australia with CEO of Jesuit Social Services: <a href="https://probonoaustralia.com.au/news/2016/10/youth-justice-system-needs-balance/">https://probonoaustralia.com.au/news/2016/10/youth-justice-system-needs-balance/</a></p>
<p>4</p>	<p>Implications of incarcerating young</p>	<p>Placing children/young people under further stress by removing them from their communities and culture increases harm upon them and exacerbates disengagement and disillusionment, many young people fall into feeling hopeless in this situation and are more easily persuaded that ‘they may as well’ continue down the crime pathway. Statistics show that large proportion of both adult and youth detention ‘inmates’ have low literacy and numeracy, higher rates of mental health/borderline personality issues, impoverished backgrounds, auditory –processing</p>

<p>people who have significant exposure to trauma, alcohol and or other drug misuse and/or the child protection system, or who have issues associated with mental health or intellectual functioning, in relation to: a) the likelihood of re-offending and b) the implications of separating young people from their communities and cultures</p>	<p>and learning disorders. They need rehabilitation, intensive tailored education that addresses their individual needs and learning abilities to enhance successful transitions post release. Engagement with culture and community provide the 'soft landing' of love and attention that promotes greater well-being and increased likelihood of successful transitions to further education, training or employment. Those children/young people without community/familial supports should be provided with the supports required via the Out of Home Care system.</p> <p>Options that could deliver better outcomes for these young people include:</p> <ul style="list-style-type: none"> <li>- Better assistance and follow up for children on bail</li> <li>- Support for children/young people who have been released</li> <li>- Cross cultural training and trauma informed practice (for staff)</li> <li>- Better access to education, including mainstream and alternative settings and better access to counselling while on remand</li> <li>- Cultural programs for Aboriginal and other children/young people from diverse backgrounds to maintain connection to community</li> <li>- Greater investment in early intervention, youth justice clients tend to come from similar background profiles, poor family environments, sub-optimal parenting, leading to disengagement at school/behavioural issues and acting out at school – leading to expulsion to 'wagging' leading to petty crimes that escalate and as is reported by the police, many children/young people are committing more serious offences the first time they come into contact with the criminal justice system.</li> </ul> <p>Consequences of filling youth justice centres with young people on remand include:</p> <ul style="list-style-type: none"> <li>- Inevitable mixing of remand and sentenced population, normalisation of incarceration, lack of access to services and education, lack of family support and connection to culture/community, increased risk of re-offending, pressure on the system/staffing, increased anxiety/mental health issues in response to long wait times not knowing when a court case will be held or what their future holds</li> </ul>
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5	Additional options for young people out of youth justice centres	Continued case management from service providers contracted to deliver services to children/young people whilst inside detention to follow the child/young person post-release. Restorative justice programs in schools and the community could support recidivism. Diversion programs developed in consultation/approval of the Children’s Court.
6	The culture, policies, practices and reporting of management at the centres	<p>The recent violence at the Youth Justice Centres in Parkville and Malmsbury appear to have been the impetus to move the management of these centres to the Department of Justice and Regulations but evidence suggests that these incidents were prompted by poor staffing levels/skills, unusually high numbers of young people being held on remand and the inability of the system to manage and rehabilitated children and young people with challenging behaviours and education requirements, mental health, substance abuse and other significant barriers. Youth Detention creates further trauma and preconditions for mental illness. It creates, expands and entrenches disadvantage. Staff need to be briefed on the individual backgrounds of children/youth in their care so they can respond/manage their behaviour with this knowledge in mind.</p> <p>The Annual Report from the Youth Parole Board demonstrates consistently; year after year that the children/young people in youth detention centres: are more likely than not to be victims of abuse, trauma or neglect (on average over 40% were in child protection), over a quarter at any one time exhibited impaired intellectual functioning and/or had an acknowledge disability. Typically, more than 20% have a history of self-harm or suicidal ideation and over 30% had mental health issues and over 60% had been expelled from school.</p> <p>The LLEN is not condoning any criminal activity but unless attention and diversion initiatives are delivered to at risk cohorts, society cannot evolve without honestly looking at the dysfunction within and ultimately, decrease recidivism.</p> <p>Age appropriate interventions are what children and youth need – not adult prison guidelines and management ‘speak’.</p>
7	The role of the Department of Health and Human Services in overseeing practices at the centres	<p>The Department of Health and Human Services should remain the governing department for children and young people. Greater intervention capacity and higher skilled staff are required together with targeted, tailored interventions addressing the whole child are required to optimise successful transitions back into the community and engagement in further education, training or employment. The Department should also respect the human rights of the children/young people and abide by the Charter of Human Rights and Responsibilities when overseeing youth justice matters.</p>

## References

.id The population experts. *The Rise of Victoria – Victoria's Population Boom and Changing Landscape*, 2016 p6

<http://youthlaw.asn.au/2016/08/04/youth-crime-wave-needs-smart-complex-responses-not-hysteria/>