



Patrick O'Brien
 Secretary
 Parliament of Victoria
 Legal and Social Issues Committee

youthjusticevic@parliament.vic.gov.au

8 March 2017

Dear Mr O'Brien,

Re: Inquiry into the Youth Justice System in Victoria

The Centre for Multicultural Youth (CMY) welcomes the public inquiry into issues at the Parkville and Malmsbury Youth Justice Centres, and the opportunity to provide feedback on these issues.

CMY is a Victorian not-for-profit organisation supporting young people from migrant and refugee backgrounds to build better lives in Australia. CMY's offices in Ballarat, Carlton, Dandenong, Morwell and Sunshine serve some of the most diverse and fastest growing areas in Victoria. Through a combination of specialist support, training, research and advocacy, CMY works to remove the barriers young people face as they make Australia their home. This can include challenges that young people from migrant and refugee backgrounds face that lead them into contact with the police and the youth justice system.

CMY notes the detailed response to the consultation paper prepared by the Youth Affairs Council of Victoria (YACVic) and Youthlaw. We support Youthlaw and YACVic's response and offer the following additional comments by way of emphasis on particular aspects and a specialist perspective on work with young people from refugee and migrant backgrounds.

CMY shares responsibility with the Youth Affairs Council of Victoria (YACVic) for the Youth Referral and Independent Person Program (YRIPP). Funded by the Victorian government and established as a small pilot in nine police stations in 2004, YRIPP now operates in police stations across Victoria delivering a high quality system of adult volunteer "Independent Persons" to attend police interviews with young people in police custody when a parent or guardian is not available. YRIPP data and our experience supporting young people at the police station provide a unique perspective on these issues.

General Feedback in response to the Terms of Reference

Victoria's Youth Justice System has traditionally been regarded as best practice in Australia due to low incarceration and recidivism rates over many years. The recent incidents at Parkville and Malmsbury indicate that there are significant problems in the centres. However, despite what we see in the media, this does not mean that the whole youth justice system is failing. In fact there is clear evidence to suggest that the rest of this system is operating effectively with the clearest indicator that youth crime in Victoria is on the decline.

This inquiry is also an opportunity to identify what is working well and seek to strengthen those areas. In our experience, the following are key strengths of the current system:

Separation of the youth system from the adult system has allowed for the creation of a response that is tailored to the needs of children and young people and their stage of development. The creation of a Youth Justice Division within the Department of Justice and Regulation, which also manages the adult Corrections system, poses a potential threat to the youth justice system that needs to be managed appropriately, including:

- Emphasis on diversion and applying the least interventionist response at all times, including at the point of police contact and once a young person is in the court system.
- Emphasis on rehabilitation, reintegration into the community and addressing the causes of offending as opposed to considerations of punishment and retribution. This needs to continue to be part of the Children

Youth and Families Act 2005 as it makes economic and policy sense to continue to focus on supporting young people to stay out of the justice system.

- Dual track system which acknowledges that young people aged 18 – 21 years require a tailored response that is different to that which can be provided by an adult system.
- DHHS Youth Justice Review and Strategy led by Penny Armytage and Professor James Ogloff. The establishment of this review is a significant policy opportunity in this area that we have not seen for many years. The methodology and process established for this review are to be commended. The review needs to be allowed to continue, present its recommendations and have them acted upon.
- Independent Youth Parole Board and the youth parole system that allows expert decision-makers to provide young people with the opportunity for supervised early release back into the community.

Responses to specific Terms of Reference

In response to some of the terms of reference, we provide the following comments:

ToR 2: the security and safety of staff, employees and young offenders at both facilities

- Our understanding is that insufficient space, infrastructure and permanent staff (including the skill and cultural diversity of staff) to support the increased numbers of young people in the facilities has resulted in increased use of lockdowns and removal of access to education and other programs. This has contributed to recent events and exacerbated security and safety issues for staff and young people.

ToR 3: reasons for, and effects of, the increase in the numbers of young people on remand in the last 10 years

- Crime Statistics Agency data indicates that there has been a small cohort of young people who are offending more frequently and more seriously with a tendency towards more violent offences. Our sense is that there is an increase in remands as many of these young people are being refused bail due to the nature and type of their offending which would otherwise not have been the case.
- The Bail Amendment Act 2013 created additional offences for breaching bail conditions and made it more difficult for police and courts to grant bail. Whilst this act was repealed in 2016 with respect to young people under 18 years, in our view it continues to have an impact on remand numbers and the culture of police decision making about bail and bail conditions for children and young people.
- In our experience, young people from some refugee and migrant backgrounds can be isolated and ostracized by their families as a result of their involvement with police or in the criminal justice system. This is often due to shame and fear and a lack of understanding about our system. The lack of family support, including that they are not permitted to return to a family home, is a factor impacting decisions about bail and remand numbers.

ToR 4: implications of incarcerating young 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 reoffending;
 - b. the implications of separating young people from their communities and cultures
- Close connections with those of similar backgrounds, including family and intra-cultural connections, are important for creating strong, supportive networks and a sense of identity for young people from migrant and refugee backgrounds. Links to cultural communities can be a significant protective factor. Social capital (the ability to access and mobilise resources that reside in social relationships, networks and resources) is recognised as important not only for social participation and wellbeing, but in facilitating access to resources, such as housing and employment. Remand and detention are likely only worsening the likelihood of reoffending among young people by further isolating them from the community and compound the challenges for young people who are struggling to build positive social and cultural capital.

ToR 5: additional options for keeping young people out of youth justice centres;

- There is strong evidence that targeted early intervention programs for at risk young people are a cost-effective way to reduce crime. Research illustrates that imprisonment does little to lower rates of recidivism and nothing to address the underlying causes of offending. Diverting young offenders away from the criminal justice system is a better way to prevent crime. The crime prevention projects currently being established by

the Crime Prevention unit within the Department of Justice and Regulation are a good example of such an option through a community led response to local issues.

- Whilst the number of offending incidents is small in terms of the total numbers, young people from African and Pasifika backgrounds are overrepresented in offending data in Victoria as compared with their numbers in the community. These communities are fully aware of the issues facing their young people in the justice system and of the intergenerational conflict within communities. CMY's experience is that these communities want to own these problems and find solutions to them. However, they feel mistrusted and so disengage with a service system that doesn't openly seek to involve them. CMY believes that more needs to be done to engage communities in these issues and support them to develop tailored responses.

ToR 8: any other issues the Committee consider relevant.

- Media reaction to specific violent crime incidents in Victoria has created greater fear and apprehension in the community about youth crime and in some areas fear of particular groups of refugee or migrant background young people. The media portrayal of the young people involved in the incidents at Malmsbury and Parkville has compounded this. The impact of this is that young people within the justice system are vilified unfairly as dangerous or anti-social. This has impact in relation to their social connections, community interactions and employment prospects. We encourage the committee to show political leadership on this issue as Victoria Police have done and challenge the stereotyping and stigmatization of young people who are part of the justice system in Victoria .

Recommendations:

CMY calls for a targeted and resourced youth justice action plan for migrant and refugee young people with a focus on over represented groups. The action plan should cover the spectrum of young people's contact with the justice system from contact with police, a stronger youth diversion strategy, entering and exiting the justice system and post-release supports. The action plan should also include:

- A range of culturally appropriate bail support and diversion programs for migrant and refugee young people that take into account their family and community contexts.
- Training for Victoria Police members to support their understandings of migrant and refugee communities, bail issues affecting communities and services and supports that are available within and for communities.
- Cultural competency training for workers in the youth justice and young adult systems who interact with migrant and refugee young people.
- Engagement with over-represented communities on these issues to support them to develop tailored responses to the causes of youth crime, the lack of understandings in families about the Australian legal system and the fear and shame within communities about their children having contact with the justice system.

CMY is happy to provide further comments or feedback should that be of assistance to the Committee. Please do not hesitate to contact me on [REDACTED] or [REDACTED]

Yours faithfully,

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Carmel Guerra, OAM
Chief Executive Officer