

I am Charlie.
I didn't like failing at school.
But I got used to it.
By 14 I was living on the streets.
I got used to it.
Now I'm 19 and on parole.
I'm sorry.
I'm learning.
I've started an apprenticeship.
I am...

#WORTH A SECOND CHANCE

Fixing Youth Justice in Victoria

CAMPAIGN POLICY PLATFORM

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Jesuit Social Services #WorthASecondChance Campaign

Giving young people a second chance works

For many years, Victoria led the country in supporting kids in trouble. There was a common understanding across sectors, including Government, police and community, about holding young people who offend accountable while giving them the chance to make amends for their actions.

As a direct result of this approach, we saw long-term decreases in first time and repeat offending. We saw more children and young people reconnecting with family, education, employment and other opportunities.

What has changed?

We have seen a negative shift towards harsh punishments that close the door on kids early, and less investment in proven programs that give them a second chance in life and support them to take advantage of that opportunity.

For example, we have seen kids placed in adult prison, longer sentences, more kids locked up in remand (unsentenced), and the erosion of the successful 'dual track' system whereby young people aged up to 21 years can be placed in Juvenile Detention.

This has made it harder for everyone trying to work with kids in crisis, including parents, teachers, carers, youth workers and health professionals. That means worse outcomes for young people and the community.

What does this mean for our communities?

Not only are we inflicting greater harm on kids through these policies but we are undermining the long-term safety of our community. Instead of helping kids to get their lives back on track, we are setting them up for a lifetime of social and economic exclusion – and that hurts all of us. We are asking the people of Victoria to join with us to call for the youth justice system our community deserves.

The facts speak for themselves

- 61% of 10-17 year old Victorians charged and sentenced in the Children's Court go on to re-offend within six years (SAC, 2016).
- 80% of young Victorians with access to group conferencing have not re-offended two years later (KPMG, 2010).
- The detention rate for Aboriginal and Torres Strait Islander people is 13 times the non-Indigenous rate (AIHW, 2018).

Of young people who have contact with the youth justice system:

- 71% were victims of abuse, trauma or neglect.
- 56% had previously been suspended or expelled from school.
- 40% presented with mental health issues.
- 37% had involvement with child protection at some time. (Youth Parole Board Annual Report 2016 – 17)

Introduction

Youth justice is at a crossroads in Australia. In every state and territory across the nation, governments are grappling with youth justice issues as they seek to reduce crime, improve community safety and respond to public concern that is being fanned by sensationalised media coverage.

We must maintain and strengthen our focus on prevention – addressing the underlying causes of crime by intervening in the web of disadvantage that impacts on individuals, families and communities – and keeping young people out of the youth justice system wherever possible. For those young people who do come into contact with the youth justice system we need to commit to rehabilitation as the primary goal.

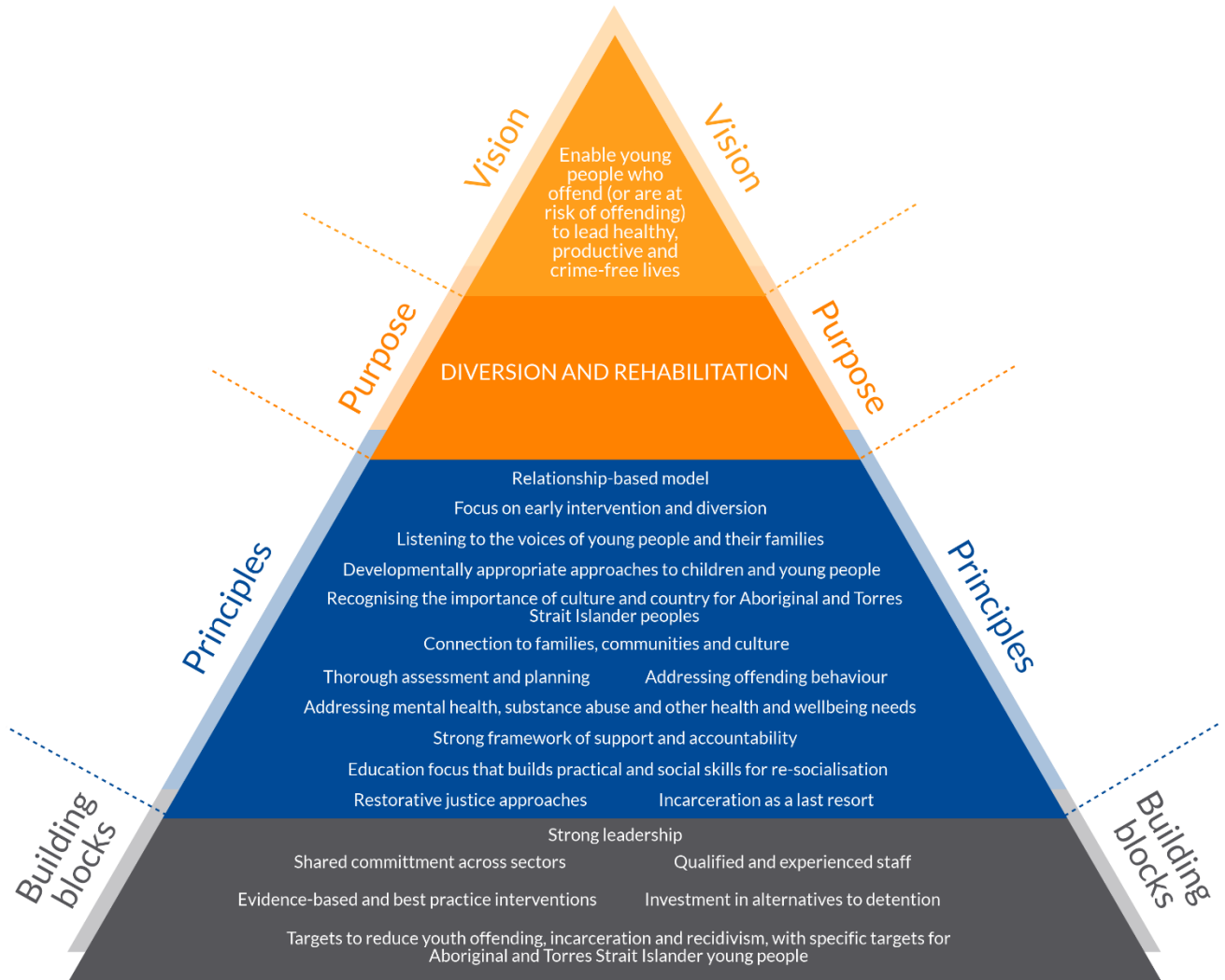
In order to inform the discussions around youth justice in Australia, Jesuit Social Services decided to look outside our borders for potential solutions. In 2017, some of the senior leaders of our organisation undertook an international #JusticeSolutions study tour, taking in parts of Norway, Germany, Spain, the United Kingdom and the United States.

We saw that good youth justice systems focus on early intervention and diversion, preventing young people from further contact with the justice system, using child-specific approaches and engaging families and communities. They have thorough assessment and planning processes that are supported by strong social infrastructure and well-resourced community alternatives to locking up young people. When prison is necessary, the focus is on strong education, addressing problem behaviour and underlying needs, and building social and practical skills through programs that prepare young people for reintegration into their community. They use facilities that are small and close to the homes of detainees, with positive cultures and well qualified staff who are trained to build relationships of trust, rather than punish.

All of this is underlined by a deep commitment to take the time to listen to young people, and their families, to truly understand what is driving their behaviour and ensure that those issues and needs are addressed.

It's time to fix youth justice in Victoria. We need our leaders to work collaboratively, constructively and in good faith with experts in the field – service providers, academics, the judiciary, police, community members, and most importantly young people, their families and communities – to develop a united vision for our youth justice system. We need a clearly-articulated vision and purpose, interventions that will deliver agreed upon outcomes, and appropriately qualified staff to implement these, in order to support and challenge young people to become their best selves and to create the sort of community we, and future generations, want to live in.

A model for youth justice



Detention

- Adopt a relationship-based model across every aspect of operations
- Dynamic security
- Offer small community-based settings (prioritising normality, and ongoing engagement with family and community)
- Facilitate connection with family, community and culture
- Prioritise education and skills for life
- Address offending behaviour
- Address mental health, substance abuse and other health and wellbeing needs
- Focus on re-socialisation, transition and re-integration to the community
- Keep remandees separate from sentenced offenders
- Engage and support staff who have appropriate personal attributes, qualifications and experience to build relationships of trust and deliver on the re-socialisation goal

Policy Platforms

Strengthen foundations for real justice and safer communities

Develop a ten year plan, backed up with investment for the Victorian youth justice system including:

- A rollback of regressive sentencing practices such as mandatory detention.*
- Setting and monitoring targets to reduce the number of young people offending, reoffending, on remand and in prison.*
- Through the better use of data and investment in research and evaluation, build a shared understanding of what is working and what else is needed to improve outcomes*

For a long time, Victoria led Australia in our approach to youth justice. Our starting point was that children are children – and that those who get in trouble need a different response to adults. We recognised that most children grow out of offending as they mature, and that the children most likely to offend are often the ones who have faced the toughest circumstances growing up.

Our strengths included a strong culture of collaboration (across police, government, the community sector and courts) and our unique dual track system, which has kept many vulnerable young offenders aged between 18 and 20 years out of adult prisons. The effectiveness of Victoria’s approach was reflected in our low rates of young people under supervision (both in the community and in detention).¹

But in the past few years we’ve changed track.

Over the past decade, populist reactions on the part of governments seeking to cultivate a ‘tough on crime’ image have often replaced evidence-based policy.

A surge in the negative media narrative on youth crime in Victoria since the disturbances at Moomba in 2016 has triggered another wave of more punitive, law and order responses – including the erosion of dual track and longer sentences for young people, increasingly punitive sentencing policy like mandatory sentencing for injuries to emergency workers and the announcement of a new \$288.8 million secure youth justice facility in Cherry Creek.

Alongside this, in their 2017 *Youth Justice Review and Strategy: Meeting needs and reducing offending (Youth Justice Review)*, Penny Armytage and Professor James Ogloff OAM observed that there was a lack of strategic planning and ad hoc use of experts in Victoria’s youth justice system.²

The asks included in this document are the ‘building blocks’ of our ten year vision for the Victorian youth justice system.

On our 2017 #JusticeSolutions study tour, Jesuit Social Services looked at successful models of youth justice overseas, in Europe, the UK, and the US. Good systems had a clear vision and well-articulated purpose, a focus on rehabilitation as the primary goal, an emphasis on prevention and diversion, and on relationships, family and community.

Our youth justice system lacks this sort of direction – we need to underpin our system with a strong vision so that all our responses to young people are geared toward the right goals. We must develop a 10-year plan for youth justice in Victoria.

This plan must include clear targets to reduce offending, reoffending, and the number of young people on remand and in prison. Targets must also be set to reduce the overrepresentation of Aboriginal children and young people in the justice system.

It should be backed up with investment that focuses on prevention, early intervention and diversion.

In the previous state budget, youth justice custodial services investment increased by 32 per cent, to \$136.6 million, while youth justice community-based services only increased by 14 per cent to \$71.1 million. The Opposition's proposals for youth justice have equally called for more spending on prisons for kids. We need to shift investment away from prisons, towards prevention and early intervention.

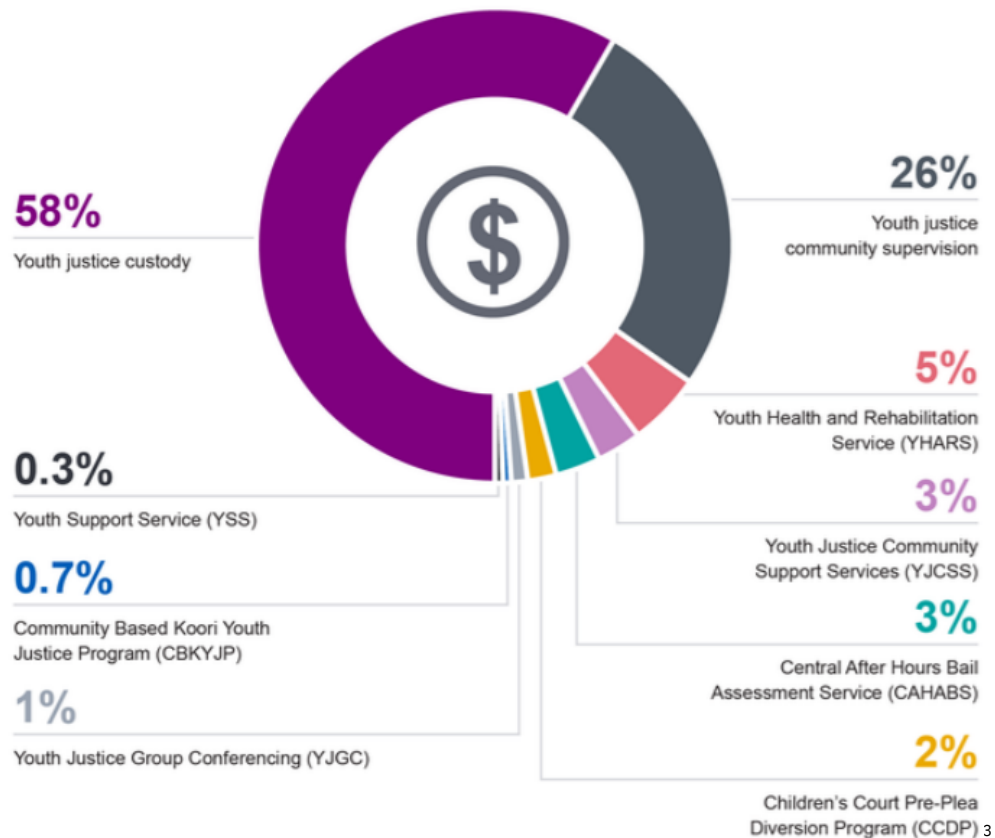


Chart reproduced from Ogloff, J. & Armytage, P. (2017). *Youth justice review and strategy: Meeting needs and reducing offending. Part 1, p.72.*

We need to listen to and work with young people, families and communities so that the system meets their needs. They must be involved at all points, including policy development, service design, implementation and program evaluation.

Strengthen foundations for real justice and safer communities

Get the foundations right:

- *Raise the age of criminal responsibility from 10 to 14 years.*

In Victoria, primary school age children as young as 10 can be brought before the court, sentenced and locked up behind bars.

Capturing young children in the justice system, rather than addressing their offending behaviour and holding them accountable in their schools and communities, starts a cycle of incarceration that is hard to break.

We know that children first detained between the ages 10 and 14 are more likely to have sustained and frequent contact with the justice system throughout their lives.⁴ When kids go on to more serious and repeat offending, this threatens community safety in the long-term.

Our age of criminal responsibility is a breach of human rights standards⁵ and puts Australia out of step with the rest of the world, where the median age is 14 years.⁶

Age of criminal responsibility: international comparison⁷

AUS	NZ	CAN	ENG	USA ⁱ	FRA	GER	SWE	NED	CHN	JPN
10	10	12	10	6-12	13	14	15	12	14	14

Child offending experts, psychologists and criminologists agree that younger children have rarely developed the social, emotional and intellectual maturity necessary for criminal responsibility before the age of 14 years. Children of the same biological age may develop the necessary cognitive capacities for criminal responsibility at vastly different rates, compromising their ability to effectively engage with the justice system.⁸

Children who come into contact with the youth justice system are likely to have faced a tough start to life, including exposure to mental illness, drug and alcohol abuse, homelessness and child abuse and neglect. The Youth Parole Board Annual Report for 2016-17 found that of a snapshot of young people involved with the justice system, 37 per cent had had contact with child protection at some time.⁹ In previous years, this figure has reach as high as 64 per cent.¹⁰

We need to raise the age of criminal responsibility from 10 to 14 years, and put in place restorative responses that work with families, schools and communities to support - rather than punish - vulnerable children aged 10-14.

We need responses that take account of their broader family and social circumstances, work with the child to help them to understand the impact of their anti-social behaviour and equip them with the tools to take a different path.

Following the Royal Commission into youth detention, the Northern Territory government has given in-principle support to raising the age of criminal responsibility to 12 years and a presumption against incarcerating a child younger than 14 years.

We believe the Victorian Government can take the lead and go further, raising the age of criminal

ⁱ The age of criminal responsibility varies between US states.

responsibility to 14 years, and investing in alternative approaches that support vulnerable children in trouble.

For children under 14, evidence-based welfare responses should be employed. Restorative justice, for instance, would hold young people to account for their behaviour, while family-centred approaches and preventative measures would target the social and economic factors which lead to anti-social behaviour.

It's time to raise the age of criminal responsibility in Victoria.

Strengthen foundations for youth justice in Victoria

Get the foundations right:

- *Restore access to the dual track system and extend age eligibility to 24 years old.*

Victoria's unique 'dual track' system allows young offenders aged 18 and 20 years to serve custodial sentences in youth detention instead of adult prison, with courts making decisions based on the prospects of rehabilitation and vulnerability of the young person.

A dual track system acknowledges that young people who offend need a different response to adults. It is intended to prevent vulnerable young people from entering the adult prison system at an early age.

It is recognised as one of the key aspects of Victoria's youth justice system that has contributed to our comparatively low rates of youth offending and reoffending. The evidence shows us that young people who spend time in adult prison are more likely to re-offend on their return to the community than young people exiting youth detention.¹¹

Research shows that brain development, and the ability control impulsivity, judgement, planning for the future, foresight of consequences and other characteristics that form moral culpability, continues up until the age of at least 25.¹²

In September 2017, the Victorian Government amended sentencing laws, significantly restricting dual track sentencing options for young people who commit certain crimes and increasing maximum detention periods.

The Victorian Government has also recently introduced to the Parliament legislative changes to introduce mandatory custodial sentencing for injuries against emergency workers. The 'special reasons' exception of psychosocial immaturity which applies to all statutory minimum prison sentences will be removed, once again making it less likely that young people will have access to the dual track system. The Opposition supports this legislation, and has called for stronger measures like naming and shaming children for offences, and reintroducing bail laws shown to negatively impact the youth justice system.

By effectively introducing a presumption *against* dual track sentencing, these changes mean more young people will end up in adult prisons.

The effects of these changes are already beginning to show. The number of young people aged 18-20 sentenced to adult prison rather than youth justice facilities has significantly increased. In 2013, just under half of young people sentenced to detention in the County and Magistrates' Courts were sentenced to youth detention. By 2017, only one third were sentenced to youth detention, with two thirds sentenced to adult prison.¹³

The *Youth Justice Review* called for the restoration of the dual track system. The report emphasised the importance of maintaining a low-security custodial model which focuses on rehabilitation, education and training, and work readiness for young people.¹⁴

We must immediately restore Victoria's unique 'dual track' system and expand its operation for young adults up to 24 years. We must not unwind the things that have made our system strong. Restoring and extending dual track is one important step towards this.

Strengthen the foundations for real justice and safer communities.

Get the foundations right:

- *Work alongside Aboriginal agencies and communities to reduce overrepresentation in the justice system*

Aboriginal and Torres Strait Islander young people are significantly and increasingly overrepresented in our youth justice system.

Aboriginal and Torres Strait Islander young people make up 2 per cent of young people aged 10–17 in Victoria, but 18 per cent of the 10-17 year olds under youth justice supervision. Five years ago, Aboriginal and Torres Strait Islander young people were 11 times more likely than non-Indigenous young people to be under youth justice supervision. Now, Aboriginal and Torres Strait Islander young people are 14 times more likely to be under supervision.¹⁵ This is disgraceful.

We must acknowledge the role that complex disadvantage and intergenerational trauma can play in young people becoming involved in the justice system.

We must use a community capacity building approach to bring together the government, community organisations, Aboriginal community controlled organisations and Aboriginal and Torres Strait Islander communities.

In acknowledgment of the over-representation of Koori children in the Youth Justice system, Jesuit Social Services acknowledges the major contribution also of the Aboriginal controlled community organisations who provide the majority of high quality support for Koori children in the Youth Justice system.

We must continue to partner with and support Aboriginal controlled organisations already doing the work to reduce Aboriginal and Torres Strait Islander overrepresentation in the justice system; organisations like, the Aboriginal Justice Forum, the peak body for overseeing the development, implementation and monitoring of the Aboriginal Justice Agreement, which brings together senior representatives of the Victorian Government and members of the Koori community three times a year in metropolitan and regional locations throughout Victoria to improve Koori justice outcomes.

It's time to work alongside Aboriginal agencies and communities to reduce overrepresentation in the justice system. Our ten year plan for youth justice should include specific targets to reduce the overrepresentation of Aboriginal children and young people in the justice system, and the expansion of programs that provide culturally appropriate support for Aboriginal children and families.

Support kids and communities to prevent offending

Start locally with long-term investment in place-based solutions to tackle disadvantage, including justice reinvestment.

Politicians introduce tough on crime policies based on popular opinion rather than evidence of what works. Meanwhile, the root causes of crime – such as poverty and entrenched social disadvantage – remain hidden and unaddressed. As a result, the long term cycles of offending continue.

We know that young people involved in the justice system often come from the most disadvantaged backgrounds. Nationally, young people from the lowest socioeconomic areas are roughly 7 times as likely to be under supervision as those from the highest socioeconomic areas. More than two thirds of young people (37 per cent) under supervision are from the lowest socioeconomic areas, compared with only 6 per cent from the highest socioeconomic areas.¹⁶ In Victoria, the rate of youth justice supervision is considerably higher in areas of the most socio-economic disadvantage, with 30 per 10,000 people under supervision in the lowest socio-economic areas, and just 2.7 per 10,000 in the highest socio-economic areas.¹⁷

In 2015, Jesuit Social Services, in partnership with Catholic Social Services Australia, released its fourth *Dropping of the Edge* report, which found that certain locations in Australia experience significantly more social disadvantage than others, and that this disadvantage is persistent over a number of years. These communities experience a web-like structure of disadvantage, with significant problems including unemployment, a lack of affordable and safe housing, low educational attainment, and poor quality infrastructure and services.¹⁸

There is a clear link between locational disadvantage and high crime rates.¹⁹ In our *Dropping of the Edge* report, we found that 6 per cent (42) of postcodes in Victoria accounted for half of all adult prison admissions.²⁰ Responses to youth offending behaviour that don't take into account the root causes of crime – the poverty and entrenched disadvantage that many kids in the justice system have experienced – are set to fail.

The Victorian Government's Youth Crime Prevention Grants fund initiatives in select communities to attempt to deal with the underlying causes of crime. However, a more holistic, cross-departmental approach is needed to affect real change.

Place-based approaches are centred on the idea that some problems have multiple and interacting causes, and require a range of responses that go beyond the capacity of any one stakeholder to address.²¹ To address youth crime, we therefore have to think about how local communities can be involved, engaged and empowered.

We need to work together to keep kids safe and connected to the community, their school, family, culture. We need sustained, collaborative, long-term commitments across the government, community and business sectors, driven by communities themselves.

Justice reinvestment is a strong example of a place-based approach. It is a form of preventative financing in which governments redirect resources that are currently spent on incarcerating people into community-based programs and services that aim to address underlying causes of offending.²² Justice reinvestment simultaneously reduces penal budgets and offending rates.²³ It prevents offending, breaks the cycle of recidivism and increases community safety by working to more effectively rehabilitate and reintegrate offenders.²⁴

We must look beyond the political cycle to measures which break the intergenerational cycle of disadvantage which can lead to offending behaviours. By focusing on social drivers of crime such as unemployment, homelessness, health and education issues, justice reinvestment has the potential to deliver profound benefits to individuals and build stronger, safer and more cohesive communities over the long term.²⁵

Support kids and communities to prevent offending

Step in early to support kids in trouble, to keep them safe and connected to school, family, culture and community:

- *Lower the age of eligibility for the successful Navigator Program from 12 to 10 years.*
- *Trial new programs that work with children from 8 years, at the first signs of anti-social behaviour and disengagement.*

When it comes to keeping kids on track, we are not intervening early enough.

Disengagement from school is often an early warning sign that kids are heading down the wrong track. The Youth Parole Board Annual Report for 2016-17 found that of a snapshot of young people involved with the justice system, more than half (56 per cent) of young people in youth detention had previously been suspended or expelled from school.²⁶

We also know that the younger a child is at the time of their first offence, the more likely they are to commit more offences in the future.²⁷

If we support kids at a young age, when they start to show signs of disengaging from education, we can keep the community safer by preventing future involvement in the justice system.

The Navigator program is an example of a program that has been successful in reaching out to kids at risk and re-engaging them with school, TAFE or other pathways to education and a job.

The program supports young people aged 12-17 who have disengaged from school. By working actively with the young person and their support networks, like school and family, the program aims to reengage young learners with education and training.

We welcomed the Victorian Government's expansion of the program statewide in the 2018/19 budget.

There is an opportunity to do more. Our experience delivering the program has highlighted a need to start **even earlier** to identify and engage children at the first signs of trouble, before problems become entrenched.

For this reason, Jesuit Social Services is asking the Victorian Government to:

- lower the eligibility of the Navigator program from 12 to 10 years old.
- trial new programs that work in a holistic and restorative way with children aged 8-14 years, engaging families and schools to address the risk factors that may lead to offending in the future.

Support kids and communities to prevent offending

Step in early to support kids in trouble, to keep them safe and connected to school, family, culture and community:

- *Expand programs that provide culturally appropriate support for Aboriginal children and families.*

Aboriginal and Torres Strait Islander young people are overrepresented in our youth justice and child protection systems. Aboriginal and Torres Strait Islander kids are 13 times more likely than non-Indigenous young people to be locked up in Victoria.²⁸ Twenty per cent of children in out-of-home care are Aboriginal and Torres Strait Islander, and 20 per cent of Aboriginal children in out-of-home care are not placed with relatives/kin, other Indigenous caregivers or in Indigenous residential care.²⁹

Aboriginal and Torres Strait Islander kids in youth justice are also more likely to have experienced economic and social disadvantage than non-indigenous young people under supervision – nationally, 42 per cent of Aboriginal and Torres Strait Islander young people lived in the lowest socioeconomic areas before entering supervision, compared with 33 per cent of non-indigenous young people.³⁰

Involvement in child protection and youth justice often disconnects Aboriginal and Torres Strait Islander young people from their cultures and communities. The ongoing and increasing overrepresentation of Aboriginal and Torres Strait Islander young people in our youth justice system is therefore in direct contradiction to efforts on the part of government to work alongside Aboriginal and Torres Strait Islander communities to enhance self-determination.

We call for the expansion of culturally appropriate support for Aboriginal kids and families.

When young people have a strong sense of identity, belonging and meaningful connection to their communities, they are less likely to engage in offending behaviour. To help support young people involved in the justice system to get back to leading healthy lives, they also need to be engaged and supported in their community.

We need to divert Aboriginal kids away from the youth justice system, and we need responses to offending that are culturally safe and supportive for young Aboriginal kids and families. We need approaches that build on the strength and resilience of Aboriginal and Torres Strait Islander communities and enhance connections to culture.

For instance, Regional Aboriginal Justice Advisory Committees (RAJACs) throughout Victoria advocate for improved justice outcomes and Koori justice initiatives to both Koori communities and government agencies, and develop and implement regional justice plans that address Koori over-representation.³¹

Recognising the need to divert vulnerable children away from the youth justice system, Jesuit Social Services is in partnership with the Victorian Aboriginal Legal Service (VALS) and the Victorian Aboriginal Child Care Agency (VACCA) to deliver Barreng Moorop. In 2017 Jesuit Social Services transitioned the lead role in partnership to VACCA who now administers the program, with VALS and Jesuit Social Services remaining engaged as partners.

Barreng Moorop works with 10-14 year old children, their siblings and their families residing in the North and West metropolitan regions of Melbourne who intersect the criminal justice system. The

program provides culturally responsive trauma-informed services to divert young Aboriginal people away from the criminal justice system.

Outcomes³² from Barreng Moorop participants in 2016-17 were impressive:

- 82 per cent of participants had an improved view of self
- 76 per cent of participants had improved health and wellbeing
- 76 per cent of participants had improved connection with family
- 76 per cent of participants had an improved capacity to set goals
- 65 per cent of participants had improved participation in education or employment.

Support kids and communities to prevent offending

Strengthen specialist programs and pathways to training and employment to give young people at risk purpose, stability and opportunity.

Education is a protective factor against justice involvement. When kids are engaged in education and training, or in meaningful employment, they are less likely to come into contact with the justice system in the first place. And when kids are re-engaged in education while they are in detention, they are less likely to reoffend.

In 2017, the *Youth Justice Review* revealed that of a sample of young people in custody, 80.1 per cent were rated as having a risk for not participating in education, and 76.8 per cent were truant in the past year.³³ Attendance and engagement at school is important for children's development. Not only are most children and young people who have contact with the justice system developmentally, socially and economically vulnerable, they also tend to be disengaged from the support and education that underpins positive development.

There must be a focus on reintegrating young people into the education system. This involves not only addressing the systems which are in place for reintegration into education, but also providing support. Enrolment in education and training is only the first step, and for vulnerable young people intensive support is often required to ensure ongoing engagement and success. Too often we see youth justice involvement coincide with severance of relationship with school.

We welcome the Victorian Government's recent commitment and investment in a number of education, training and employment initiatives. However, these programs are not necessarily targeted to the specialist requirements of young Victorians with multiple and complex needs involved with the justice system. With the exception of specific programs within the Jobs Victorian Employment Network, there has been little investment in initiatives that target the most at-risk young people.

Nevertheless, some small-scale pilot programs are connecting justice involved young people to employment and education.

Employment programs

Labour market programs for young people at risk should be place-based, and focus equally on supply and demand:

- Building the aspiration, confidence and capabilities of young people through experiential and hands-on learning activities, linked to real local growth industry opportunities;
- Developing strong local employer networks in high-volume recruitment industries, to provide critical work experience placements as well as real job opportunities.

An example of a strong demand-focused program is the Industry Employment Initiative, led by Social Ventures Australia in conjunction with Jesuit Social Services, Mission Employment, the Brotherhood of St Laurence and the Business Council of Australia. The Industry Employment Initiative creates pathways to employment for young people, including those in contact with the youth justice system, through partnerships with major employers.

Over the past two years the Industry Employment Initiative has seen a range of new employment opportunities created through Coles Supermarkets and a network of high end hotels.

A successful program responding specifically to the needs of adults exiting the justice system is the Judy Lazarus Transition Centre Employment Program. The program gives people transitioning from detention an opportunity to develop employability skills, access careers advice and build the confidence to get a job.

Education programs

Education programs must focus on building the confidence of participants who may have had poor previous experiences at school. Pre-accredited training delivered by Learn Local Organisations and the Victorian Certificate of Applied Learning are both positive options for at risk young people to re-engage in education. However, additional resources are required for one-on-one tailored learning support, education coaching and small class sizes to ensure an adequate level of personal support.

A positive education program for at risk young people is the Certificate 1 in Developing Independence, developed by the Brotherhood of St Laurence. Developing Independence is an accredited foundation level course for 16–25 year olds who are service-connected and do not have the necessary personal, family and social networks to engage in formal education and training. The course is co-delivered over at least 12 sessions by a qualified educator with links to mainstream education settings (e.g. TAFE, higher education, school) and youth development workers based in service settings. It engages young people in mainstream education by developing their personal vision-planning and goal-setting capabilities across six life domains: education, employment, health and wellbeing, social connections, housing and living skills, and civic participation.

A recently run education program that responded to the specialist needs of people who come into contact with the justice system is DC Garden in Dandenong. Linked to the Dandenong Drug Court and coordinated by Jesuit Social Services, DC Garden provided an education-focussed option for people on a community service order, and additional health and wellbeing support for people who have experienced drug addiction.

DC Garden participants developed confidence and positive social networks while completing a Certificate 2 in General Education for Adults – with a particular focus on literacy, numeracy, horticulture and employability skills. Participants also gave back to the local community by growing and harvesting vegetables and herbs to be donated to the local church.

Give kids the support they need to get back on track

Continue to strengthen diversion opportunities, with a focus on rehabilitation and restorative justice, for all young people, at each point in the justice system.

Most offending by young people is episodic, transitory, of a minor nature, and unlikely to constitute a risk to the safety and welfare of the community. Most young people will outgrow their anti-social behaviour as they mature and/or are turned away from crime by police cautioning or youth diversion programs.

Whilst prison may be necessary in a small number of cases, it should always be used as a last resort and never for children aged under 14 years.

Welfare-based and restorative justice approaches, are more effective in reducing re-offending among children than use of custody and prison sentences. In fact, we know that detention is often ineffective at preventing reoffending and enhancing community safety.

In recognition of this, and of the particular vulnerabilities of children, most modern youth justice systems both in Australia and overseas aim to divert children away the criminal justice system.

Victoria had developed a particularly strong approach to youth justice that effectively diverted most children from further contact with the justice system. At the same time, we consistently have a youth crime rate that is far lower than the national average: Victoria has the second lowest youth offender rate after the Australian Capital Territory, at 1,447 offenders per 100,000 persons. Over 2015-16 to 2016-17 alone, there was a five per cent decrease in the number of youth offenders in Victoria.³⁴

We need to do more to invest in evidence-based alternatives that actually work to divert young people away from deeper involvement in the justice system. Diversion, with a focus on rehabilitation and restoration, should be the first option at all points in the system. We welcome the Victorian Government's state-wide expansion of diversion programs, including support for the Children's Court Youth Diversion Service, initially piloted by Jesuit Social Services, and the Youth Justice Bail Supervision program.

Restorative justice views crime as more than breaking the law – it recognises that when people have committed a crime it also causes harm to people, relationships and community.

Restorative justice focuses on *repairing* this harm. It brings people together – the offender, the victim and others affected – to acknowledge the harm, consider how best to repair the harm, and prevent similar harm in the future. This process is often transformative: creating fundamental changes for individuals, relationships and communities.

In Victoria, Youth Justice Group Conferences have been run since 1995. Group Conferences help young people see the impact of their actions on victims of crime, and support young people to restore relationships with those they have harmed. Conferences take place before a young person is sentenced. The court considers the young person's participation in the conference, and subsequent outcomes such as participation in support programs, when deciding a sentence.

An evaluation of this program in 2010 found that 80 per cent of young people who successfully completed a Group Conference had not re-offended two years later³⁵ – by comparison, over half of the young people who had been in youth detention going on to reoffend.³⁶

New Zealand offers an alternative of how a youth justice system can be built around restorative justice. Since 1989, Group Conferences an automatic option for young people to make amends for

crimes they have committed. By focusing on community-based remedies to harm, New Zealand has been able to effectively divert the majority of young people away from the formal justice system and reduce the number of children and young people in prison.³⁷

It is also well established that there are clear links between young people's involvement in the out-of-home care system and youth justice. In Victoria, from 2014 to 2016, five per cent of young people aged 10-16 years old in the child protection system were also under youth justice supervision.³⁸ The Youth Parole Board Annual Report for 2016-17 also found that of a snapshot of young people involved with the justice system, 37 per cent had had contact with child protection at some time.³⁹

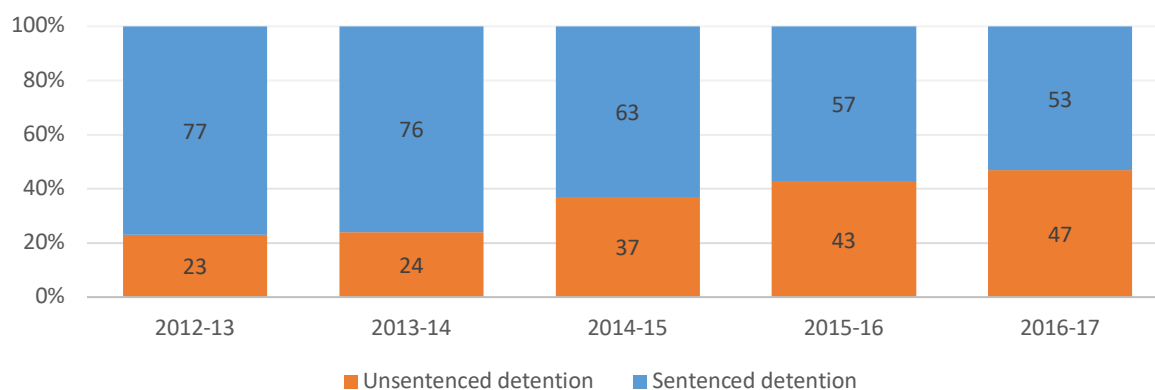
We believe that there is an opportunity to work in a better way with young people who find themselves in challenging situations in out-of-home care settings. Currently these young people have limited access to a therapeutic, diversionary, restorative based process to work through the issues they face. Too often, the criminal justice system ends up being the default response for these young people. A restorative justice process using the methodology of Group Conferencing would be an effective means of addressing conflict and repairing the harms experienced by children in residential units.

Give kids the support they need to get back on track

Avoid unnecessary detention through a focus on housing and alternatives to remand.

Too many young people are being held in unsentenced detention.

In the past five years, the proportion of young people held in detention unsentenced has more than doubled from 23 per cent in 2012-2013 to 47 per cent in 2016-17.⁴⁰



The increase was initially driven by reforms to the Bail Act in December 2013, introduced by the previous government, that imposed the same conditions and restrictions on children as are applied to adults. While these amendments were reversed in 2016 by the current Government, the number of children on remand remains unacceptably and unnecessarily high.

Our experience is that the bail restrictions fall more heavily on young people experiencing disadvantage and homelessness, who find it harder to argue for and access bail.

The link between disadvantage and the likelihood of not receiving bail are clear. As the Victorian Law Reform Commission highlighted:

“Although bail law appears to apply equally to everyone, it doesn’t operate that way in practice. Indigenous Australians, immigrants, children, young people, people with mental illnesses and women are all disadvantaged by the operation of the current bail law.”⁴¹

Each time a young person is placed in detention, they are cut off from their support networks, are more likely to be exposed to negative influences, and often fail to access the education and rehabilitation services that will set them up for success when they return to the community. Many support services are not available to young people on remand.

We know that the length of time that a young person spends on remand is one of the most significant factors in how likely they are to reoffend.⁴² Furthermore, most children and young people who are remanded do not go on to receive a custodial sentence. On average, since 2012-13, only around 20 per cent of those remanded were sentenced to a custodial order.⁴³

In a very small number of cases, placing a young person on remand may be necessary when they pose a real risk to the community. But in most instances, this is not the case.

Too many young people continue to be locked up on remand simply because alternative accommodation cannot be found.⁴⁴

To reduce the number of young people on remand, we must focus on after-hours and supported housing support by establishing small transitional homes for young people on bail.

Increasing housing options for young people on bail and exiting remand must be a priority, coupled with work by both the Victorian and Federal Governments to address the lack of affordable housing that is contributing to the soaring rates of youth homelessness in Victoria. Homelessness only serves to compound the significant challenges already faced by young people at risk.

We call for the establishment of small transitional homes each providing safe accommodation for three to four young people involved in the youth justice system for up to 12 months. Staffed 24 hours, the houses would facilitate access to tailored life skills, education and work readiness programs, and coordinate a transition to sustainable long-term independent living options. Such a model would provide significant benefits to the young people, improving health and wellbeing for participants, the community by increasing community safety, and savings to the Victorian Government through reduced recidivism and boosted productivity.

In addition, targets should be set across the youth housing and homelessness network to accommodate young people on bail and exiting remand. These targets should be set at an appropriate level, based on a snapshot percentage of young people experiencing homelessness who are in contact with the youth justice system.

Give kids the support they need to get back on track

Break the cycle of crime with more intensive support for the small number of high-risk young offenders.

On the whole, youth offending, and offending in general, is decreasing in our state.

For the eighth year in a row, Victoria's youth offender rate has dropped.⁴⁵

While the number of young people committing offences has fallen, a small group of young people is committing a higher frequency of offences. In 2016, the Crime Statistics Agency of Victoria found that while only 1.6 per cent of young offenders belong to the group of 'high frequency offenders', this group was responsible for over a fifth of all criminal incidents perpetrated by this sample of young people.⁴⁶

Over recent years, the Victorian community has understandably expressed concern about young offenders, especially those who commit violent or serious crimes such as assault, motor vehicle theft, robbery or burglary. This issue has also been the subject of intense media coverage.

However, knee-jerk responses calling to lock children up will not keep the community safe.

To stop the cycle of offending, we need targeted, intensive interventions for the small number of young people who are committing a disproportionate amount of serious crime.

We must invest in intensive support programs across the state, which identify and work closely with those who pose the greatest risk to the community. We need to engage these young people to develop an individualised plan that holds them accountable, tackles the issues contributing to their offending behaviour, developing solid skills that put them on a positive pathway. There should be monitoring of their progress – daily where necessary – to deliver sustainable and lasting change. This includes, but is not limited to, support across the areas of housing and homelessness, health and wellbeing, justice casework, education services, and work experience and employment.

Give kids the support they need to get back on track

Strengthen in-prison and transition support to set kids up for success when they return to the community.

- *Ensure education and therapeutic support are a priority in detention.*
- *Improve intensive support when young people exit prison to connect with housing, education and training and the community.*

All young people in prison will one day be released back into the community. From day one, programs and interventions for young people in prison should be geared toward their transition back into the community.

Youth justice custodial environments need to provide cultural safety, health and mental health services, alcohol and drug services, disability support, and responses to young people's experience of trauma.

In the last State Budget, the Victorian Government invested in expanding structured day programs outside school hours in youth justice centres. While this is a welcome investment, more can be done.

We must ensure that young people's needs are thoroughly assessed so that interventions are targeted and effective. This means from the moment a young person enters youth detention, they receive intensive multidisciplinary assessment by educators, doctors, dentists, psychiatrists and alcohol and drug specialists, as well as individualised plans tailored to their offending behaviour, that ensure they can re-integrate with family and community at the end of the sentence.

The "principle of normalcy", which underpins the highly successful Norwegian justice system, holds that life inside prison should resemble life outside prison as much as possible. This avoids institutionalisation of young people and promotes adherence to human rights standards inside prisons, so that when young people return to the community, they are less likely to be institutionalised and able to re-integrate more easily.

We need a holistic and therapeutic approach that is integrated into a wider through-care model.

Specialised mental health services for young people are one important part of this approach. To ensure appropriate services are delivered, specific funding, workforce capacity building and appropriate programs are required. Victoria needs ongoing, sustainable and comprehensive forensic mental health services for young people, both in the community and custody. We need a state-wide service network providing:

- secondary consultation and support for community mental health outreach services that manage young people with offending behaviours (predominantly referred via the Youth Justice Mental Health Clinician initiative)
- comprehensive training and supervision to community services to assess and manage mental illness related violence and offending (including family violence)

When young people leave detention, they must be supported to connect with housing, education and training. This transition planning should commence as soon as the young person enters detention. We must improve intensive support when young people exit prison, using a step-down model to connect with housing, education, training and support in the community. There is also a need for a supported pathway to community mental health services for young people leaving custodial detention where required.

We believe that ongoing, coordinated and youth-focused practice can produce better outcomes for young people, and for the community. The Victorian Youth Justice Community Support Service (YJCSS) provides a positive example of this approach. YJCSS helps prevent re-offending by focusing on a young person's development, preparing them for adulthood and re-connecting them with the community.

Jesuit Social Services is the lead agency delivering YJCSS across metropolitan Melbourne. Our case work focuses on broad aspects of a young person's life, such as social connection, economic participation, wellbeing and resilience, gender and identity, health, and self-determination. Through our case work, young people in the justice system develop:

- independence, resilience and pro-social connection to family and community
- skills and knowledge to make informed choices about their future
- the means to participate more fully in their community
- connections to family, education, training, employment and community

While we commend the Victorian Government for extending operating hours, additional investment in YJCSS is required so that it can provide support to every young person exiting youth detention. Jesuit Social Services believes that being able to work holistically with a young person, their family and their community is essential in their support. Investment in YJCSS needs to provide for this level of engagement.

We need sensible responses to youth offending that consider the long-term picture. From the minute a young person enters detention, we need to work toward rehabilitation and facilitating their return to the community better off than when they entered.

Give kids the support they need to get back on track

Strengthen in-prison and transition support to set kids up for success when they return to the community.

- Ensure the new children's prison is built according to the evidence of best-practice in the rehabilitation of young people, with transparent monitoring of numbers in detention.*

International evidence shows that small, home-like facilities that help young people to stay connected to their families and communities are the most effective models of detention. Large youth justice facilities, far from children's homes, families and communities, such as Cherry Creek, are not effective at rehabilitating young people or reducing offending.

On our 2017 #JusticeSolutions study tour of Europe, the UK, and US, we saw that good youth justice programs focus on early intervention and diversion, preventing young people from further contact with the justice system, using child-specific approaches and engaging families and communities.

When prison is necessary, the focus is on strong education, addressing problem behaviour and underlying needs, and building social and practical skills through programs that prepare young people for reintegration into their community. They use facilities that are small and close to the homes of young people, with positive cultures and well qualified staff who are trained to build relationships of trust, rather than punish.

Given what we know about what works in youth detention, building a new children's prison at Cherry Creek is the wrong approach. However, since its construction is already set to proceed, it is crucial that the prison is adequately resourced and designed to deliver rehabilitation-focused programs for residents. Creating an environment focused on containment and security will only serve to exacerbate the challenges which have led to young people committing offences.

Genuine consultation on the Cherry Creek operating model must take place across the community, youth, education and health sectors, including on the underpinning practice framework co-designed with these key stakeholders, reflected in the staffing, programs, therapeutic model, transitional arrangements, and physical environment of Cherry Creek.

We support the *Youth Justice Review* proposal to retain and upgrade the Parkville site for specific vulnerable cohorts. In line with the *Youth Justice Review's* findings, we call for development of a purpose-built transition facility at the site, with a portion of the facility providing purpose-built accommodation for young women.

Give kids the support they need to get back on track.

Strengthen the capability of the workforce to address the complex needs of young offenders.

Introduce a minimum qualification standard.

People who work with children in youth justice must have the right qualifications to respond to the complexity of the kids they work with. Young people in prison have the most complex needs, often have experienced disadvantage and trauma, and can present with challenging behaviours. This means that we need professionals who can understand and work appropriately and meaningfully with these children and young people. However, in Victoria, there are no minimum qualification requirements for youth justice custodial workers.

High staff turnover of youth justice workers has also been identified as a considerable problem. The Final Report of the Victorian Parliamentary Inquiry into Youth Justice Centres in Victoria found that, at one stage, only eight out of 50 new staff hired stayed longer than one year in the job and, at another time, 30 out of a recruitment pool of 50 left prior to completing their induction training.⁴⁷

We can turn to international jurisdictions to see examples of best-practice in youth justice workforce capability.

In the Netherlands, staff require a minimum three-year bachelor degree to work in youth prisons,⁴⁸ and in Spain's youth detention 'Re-education Centres' run by non-profit organisation Diagrama, front-line staff (named 'educators') are expected to have a professional qualification.⁴⁹

In Norway, the training undertaken by correctional staff is currently a minimum of two years, and plans are in place to extend this to a three year Bachelor degree in the very near future. The course involves both academic and on the job (i.e. within prison) components. As we learnt on our #JusticeSolutions tour, a significant part of prison officer training involved equipping new staff with the capacity to focus on engagement and building relationships with people. Entrants are screened for life experience and positive, humanistic attitudes. Course participants are paid to undertake the training – they are the only paid students in the Norway system. This provides an incentive for people to embark on this career path, which is highly sought after. Entry is competitive and the status of this profession is respected in the community.

Recent events in Victoria have highlighted the risk of using an under-skilled, under-resourced and casualised workforce to address the needs of a vulnerable and complex group of young people.

We envision a Victorian youth justice workforce that is highly qualified and grounded in principles that place the interests, developmental needs and rehabilitation of children and young people at the forefront. We must strengthen the capability of the workforce to meet the complex needs of young offenders and introduce minimum qualifications.

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