

14/9/23

Info for National Children's Commissioner meeting re.

Youth Justice and Child Wellbeing Reform across Australia

From April 2017, when he was 13 years old, until now, our son has spent 144 weeks, out of a possible 326 weeks, in either [REDACTED] or one of the adult corrections prisons, and has been arrested, bailed and remanded countless times. So he has been in youth or adult detention for almost half of these formative teenage years.

Here are some thoughts on our experience with the Youth Justice system, and some reflections on what has helped, or not helped, and what would promote him moving away from the correctional system and back to mainstream society...

Housing

Stable independent housing really helped him maintain a job for a short time earlier this year (see below). He had to leave this flat because the landlord reclaimed it, and after he then returned home, and lost the job shortly after. Although he has a room at home and home address is usually his bail address, in reality he chooses to stay elsewhere, and only calls at home for change of clothes, shower etc. every so often. This means he is then couch surfing with many of the same network of friends he's been involved with in previous offending, and the temptation to re-offend increases almost inevitably.

So prioritising affordable housing for young people leaving youth detention should be recognised as an essential base for being able to keep yourself away from previous networks, and decrease involvement in youth justice

More practical, vocational courses earlier in schools

Our son's involvement in youth justice began while he was in his first year of High School. He fell in with a crowd inside and outside of school who were disengaged from school and became increasingly involved in unlawful activities and was expelled from school at the end of Year 7. He was never academically minded but there were not hands on courses he could join, as these don't really start until at least Year 10. If programs that were less academic based and more practical based had been available in the first years of high school, the chances of him remaining engaged with school would have increased.

No rehabilitation while on remand

A very large part of his time in detention has been on remand, and the especially frustrating thing there is that when on remand no rehabilitation seems to occur. Programs open to convicted young people are not open to youths on remand, given the presumption of innocence - even when the young person has been arrested and detained multiple times for the same kinds of offences. I think we are not helping young people when corrections staff can't talk about why they are in detention from day 1 of being locked up, so they can then move to possible ways to change their behaviours.

Too long between offence and sentencing

The link between actions and consequences seems to be completely severed, as the time between being arrested and charged with an offence, and the sentencing for that offence is way too long. For example, offences he committed in [REDACTED] were not sentenced until [REDACTED], offences in [REDACTED] not dealt with until [REDACTED], and a [REDACTED] family violence incident has still not been finalised – the final hearing is not until [REDACTED].

In all these cases, he subsequently committed further offences while on bail. From a teenagers point of view there is no immediate consequence for the offence, you won't be dealt with until maybe 6 months or a year later. Why can the Court not deal with offending in a timely way, with a clearly stated maximum amount of delay being accepted?

Bail is not effective deterrent for changing kids behaviour

Bail conditions are very rarely enforced and the kids know it. Even when a bail condition is broken, for example because an overnight curfew has been breached, there is no action taken. The supervision of bail curfews by police is pretty much non-existent in our experience. On the rare occasions when police did attend and he was invariably not home, bail was not rescinded, so he learnt that this condition meant nothing in reality.

Magistrates have asked me to self-report my son's absences overnight, but my experience has been that police don't take any action if you ring up to say your son is not at home - they don't come round and record a bail breach. They have also told me that unless they record a breach themselves, it wouldn't be recognised at Court.

The only effect bail seems to have is that if someone is subsequently arrested while still on bail, they won't be given it again. This hasn't been an effective deterrent so far for our son.

Family violence education programs seeking to change behaviour have been minimal

There have been multiple breaches of IVOs since [REDACTED]. There was some intervention during his most recent custodial sentence at [REDACTED] via the [REDACTED] counselling, though this was in relation to an application to the Parole Board. No 'Mens Behaviour Change' program has been recommended or mandated by Court, despite IVO breaches being a recurring offence over the last couple of years. Whilst its no magic bullet I'm sure, it should be a mandatory requirement to at least begin this process of taking responsibility, if IVO breaches have been verified.

Driving offences - mandated to attend driver education

Our son does not have a full licence, but many driving offences. He has a learners permit, which has been suspended until at least mid-2024. Before he can re-apply for his learners permit he has to do a drivers education course, and subsequently have a car fitted with a breathalisher. The comparison with consequences for family violence offending is stark.

Multiple Magistrates dealing with cases over extended periods creates confusion and inconsistency

We have found that while one Magistrate may impose a bail condition, for example that drug screens must be done, if the next time he is at Court and has a different Magistrate, they may question why he is needing to do drug screens at all, and then take this condition off. The message he receives is that these things don't really matter. Also the delay between charges being laid and sentencing means the sentencing Magistrate may have no good sense of the history of offending.

Alcohol and other drug services

Drug and alcohol services are all voluntary, however his offending – driving and property theft and IVO breaches - are all heavily affected by his continued drug use. Of course it is not possible to force anyone to refrain from drug use, but if mandating drug screens are part of bail or other conditions, then there must be real consequences for avoiding these, otherwise they are pointless.

Specialist Youth Mental health services are not available statewide

Accessing specialist youth and adult mental health services is really difficult. Our son does have genuine mental health concerns, both ADHD and depression have been diagnosed and these both impact on his law-breaking behaviours. He hasn't had consistent help with these, partly through his own lack of engagement and partly due to the inflexibility of mainstream services. Our experience with Child and Adolescent Mental Health Services in our area was really unhelpful, with only children with acute mental illness considered for service. We found psychologists, using the GP mental health plan system, but they rarely have capacity or flexibility to say, do outreach visits to clients, and are not skilled in working with children with a corrections history.

██████ youth mental health services are an excellent service but they only cover the ██████████ of the city- ironically that means while in ████████ he fell within the ████████ network, but once he moved back to our area in ████████, we were back in to the ████████ CAMHs system. Making the ████████ services available to all YJ clients irrespective of where they live would be very useful.

Positive programs and experiences;

Youth Control Order was effective

He was on a Youth Control Order from ████████ – ████████ with monthly Court monitoring of this, and various conditions. The YCO was successful in that he was not arrested or charged with any further offences during that time. The expectations were higher than other orders, but this did motivate him to engage with the various agencies involved. He also had to meet some of his victims via a 'group conference' face to face meeting, which did have an impact on him at the time (he said he 'felt like a d*\$*head' for what he had done when he had robbed ██████████). He was engaged with helping me build a deck in the backyard for one day a week at this time, and was very capable and useful in this project. So as an alternative to custody the YCO did have some positive effects.

Practical training at Malmsbury Youth Justice

In terms of education, hands-on practical training and work has been the most engaging for our son. While at [REDACTED] he got involved in the [REDACTED] Café, doing barista and other café work. He was being brought down from [REDACTED] to [REDACTED] to work at this café [REDACTED] once a week. I know he got a lot of positive feedback and self-esteem from successfully following this through. He also enjoyed some of the engineering workshops at [REDACTED], like the welding course, and working at the food truck at [REDACTED]. Also useful was other practical training provided there such as Road Safety control, and White Card training for construction.

In [REDACTED] he was enrolled in a Vocational furniture making course at [REDACTED]. He was removed from this course after only 3 hours for smoking on the campus. In retrospect, if the School had been more flexible this could have been a turning point for him. Also, he was on a Youth Control Order at the time – perhaps a condition to attend school in that order could have enabled the school the flexibility to allow him a second chance.

The [REDACTED] service became involved when he was at [REDACTED] earlier this year, and were great in finding work with [REDACTED] in the days following his release. They were very proactive with him and very supportive in looking for a place for him to work. It was very important that this started straight after leaving the prison, and also that he was being paid an award wage, so had something to show for his work immediately. This immediate reward is so important because by this time he had become skilled at funding his lifestyle in illegal ways, which from his perspective could be seen as an easier option, even if the risks are large. He was proud to be working at this job and it gave him a vision of an alternative, 'normal' way of life.

Unfortunately, he lost his local tenancy shortly after starting work (landlord wanted the flat back), and then had to move home, which was 10km from the work place. So this job then became impractical as it started at 5am, before public transport was available, and he was therefore let go. However as a program, [REDACTED] were excellent, and potentially could work for him in the future.

Every time he leaves prison he is clear-headed, and most motivated to make changes. Keeping this momentum going in those first few weeks, and avoiding slipping straight back into the same social networks and lifestyle, is what is crucial to making lasting change. To do this he needs a space where he can stay away from previous negative influences both in the daytime (fulltime work, training or education) and in the evening (in independent housing, not couch surfing). So priorities to give the best chance of effecting change:

Housing - somewhere independent to live where he can avoid negative friendships

Full time employment, education or training - that is taking up the majority of the week and providing a legal income source, and is a real alternative to illegal activities

All the best

[REDACTED]

Parent