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Abstract | The administration of youth justice systems in Australia is a state and territory responsibility. Almost all states and territories have in recent years undertaken extensive reviews of their youth justice systems. In addition, various oversight bodies (such as ombudsmen, inspectors of custodial services, children's guardians and advocates), Commonwealth agencies (such as the Australian Law Reform Commission), and non-government organisations (such as Amnesty International) have also completed reviews and published reports in this area. The catalysts for some of these reviews were incidents in youth justice detention centres which captured national (and international) attention. A key theme arising from many of these reviews is the need for youth justice detention to be a measure of last resort. Detention, especially for young people who have been victims of abuse and neglect or who have mental illness and intellectual disabilities, is often detrimental and has little benefit in reducing recidivism. This paper explores this and other key themes arising from the recent reviews into Australian youth justice systems.

Youth justice in Australia: Themes from recent inquiries

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Introduction

Young people aged between 10 and 18 years who commit a crime in Australia may find themselves faced with one of a number of possible criminal justice responses. Generally, this will involve being arrested by the police, interviewed and potentially charged. Depending on the seriousness of the offence and various legal requirements (which can vary according to jurisdiction), the young person may be diverted from the traditional criminal justice process (for example, to a police caution or some form of restorative justice intervention) or put before a court (often, but not always, a specialist children's court). They might then receive some form of community sanction, or in the case of serious crimes and/or repeat offending they may be sentenced to serve a period in custody.

Since ABC's Four Corners program aired an investigation into the Don Dale Youth Detention Centre in 2016 (Four Corners 2016) there has been considerable focus on the operation of Australian state and territory youth justice systems. Images of young people on the rooftops of youth justice detention centres (see, for example, Noyes et al. 2019; *The Guardian* 22 July 2019: Independent review ordered after riot at NSW juvenile justice centre) or being strip-searched and tear-gassed during disturbances (see, for example, Pengilly 2019); and the image of a young person restrained in a spit hood (see, for example, Meldrum-Hanna & Worthington 2016; *The Guardian* 4 October 2016: Don Dale: teenager stripped naked and hooded by six guards, court hears) have brought considerable focus to the operation of Australian youth justice systems—perhaps like never before. This paper will provide an overview of some of the key themes that have arisen out of the many reviews into Australian youth justice systems in recent years.

Important context: Falling youth crime

Before highlighting some key themes arising from recent reviews, it is necessary to consider the contemporary trends in youth crime.

Youth offending has fallen across most Australian jurisdictions in the past decade. In 2008–09, 71,421 young people (or a rate of 3,187 per 100,000 population) were proceeded against by police throughout Australia (ABS 2020). In comparison, in 2018–19, 49,180 young people (or a rate of 2,045 per 100,000 population) were proceeded against by police (ABS 2020). Over a period of 10 years the rate of young people proceeded against by police declined by 36 percent.

Similarly, other jurisdictions around the world have also experienced a consistent decline in proceedings against young people over the past decade. For example:

- In Canada between 2008 and 2018, the number of young people (aged 12–17) committing offences reported by police fell by 48 percent (Moreau 2019: 31).
- In England and Wales between 2008 and 2018, the number of young people (aged 10–17) entering the youth justice system for the first time fell by 86 percent and the number of total proven offences fell by 75 percent (Ministry of Justice United Kingdom 2019: 12, 20).
- In the United States between 2009 and 2018, the number of young people (under 18) arrested fell by 60 percent (United States Office of Juvenile Justice and Delinquency Prevention 2020).

Although it may appear that the decline in the rate of young people proceeded against by police in Australia is lagging behind the progress made in other jurisdictions, it must be noted that the base rate of young people proceeded against by police in Australia a decade ago had been significantly lower than those of its overseas counterparts. For example, in the United States, the arrest rate of young people was 5,343 per 100,000 population in 2008, while in Australia the rate was 3,187 per 100,000 population in the same year (ABS 2020; United States Office of Juvenile Justice and Delinquency Prevention 2020). A decade onwards, the arrest rates in the United States and Australia are more comparable at 2,167 per 100,000 population and 2,045 per 100,000 population, respectively (ABS 2020; United States Office of Juvenile Justice and Delinquency Prevention 2020).

As the number of young people coming to the attention of police in Australia has declined over the last decade or so, the numbers of young people entering youth justice systems has also fallen. On an average day in 2008–09, there were 27 per 10,000 young people under some form of youth justice supervision (either supervision in the community or detention) throughout Australia. By 2017–18, this had fallen to 21 per 10,000 young people, which is a decline of 22 percent (AIHW 2019b: 34).

These trends provide important context for consideration of contemporary practices in Australian youth justice systems. Falls in crime and falling rates of young people entering youth justice systems are welcome trends in light of some of the findings arising from the various recent reviews, especially those focused on the operation of youth detention facilities (discussed below).

Methodology

In recent years, almost all Australian states and territories have undertaken some form of review or inquiry into their youth justice systems. We examined the reports arising from these reviews and inquiries to identify some of the broad themes and trends that are pervasive throughout contemporary Australian youth justice systems.

Key reviews and inquiries into particular Australian youth justice systems (or particular aspects of Australian youth justice systems) in the last five years were identified and findings and recommendations analysed. A full list of the reviews and inquiries considered is listed below in Table 1.

Table 1: Key reviews and inquiries into Australian youth justice systems 2016–19

New South Wales

- Ministerial Review into the riot at Frank Baxter Detention Centre 21 and 22 July 2019 by former NSW Police Force Assistant Commissioner Lee Shearer APM (Shearer 2019)
- Inquiry into the adequacy of youth diversionary programs in New South Wales by Parliament of New South Wales, Legislative Assembly Committee on Law and Safety (LACLS) (2018)
- Use of force, separation, segregation and confinement in New South Wales youth justice centres by the New South Wales Inspector of Custodial Services (2018)
- Re-integrating young offenders into the community after detention by the New South Wales Auditor-General (Audit Office of NSW 2016)

Victoria

- Managing rehabilitation services in youth detention by the Victorian Auditor-General's Office (VAGO) (2018)
- Inquiry into Youth Justice Centres in Victoria by Parliament of Victoria, Legislative Council Legal and Social Issues Committee (LSIC) (2018)
- Victoria youth justice review and strategy: Meeting needs and reducing offending. Report by former Secretary of the Department of Justice and Regulation Penny Armytage and Professor James Ogloff AM (see Armytage & Ogloff 2017a, 2017b, 2017c, 2017d)
- Review of the Parkville Youth Justice Precinct: An independent review by former Victoria Police Chief Commissioner Neil Comrie AO, APM (Comrie 2017)

Table 1: Key reviews and inquiries into Australian youth justice systems 2016–19 (cont.)

Queensland

- Report on youth justice by former Queensland Police Service Commissioner Bob Atkinson AO, APM (Atkinson 2018)

Western Australia

- Inspection of Banksia Hill Detention Centre by the Western Australia Office of the Inspector of Custodial Services (2018)
- Diverting young people away from court by the Office of the Auditor-General Western Australia (2017)

Tasmania

- Youth at risk strategy paper by the Tasmanian Government (2017)
- Custodial youth justice options paper by Noetic Solutions (2016)

Northern Territory

- Royal Commission into the Protection and Detention of Children in the Northern Territory (RCPDCNT) (see RCPDCNT 2017a, 2017b, 2017c, 2017d)
- Reports by civil society, non-government, oversight and other organisations
- What children and young people in juvenile justice centres have to say by the NSW Advocate for Children and Young People (2019)
- The sky is the limit: Keeping young children out of prison by raising the age of criminal responsibility by Amnesty International Australia (2018)
- The children’s report: Australia’s NGO coalition report to the United Nations Committee on the Rights of the Child by the Australian Child Rights Taskforce (2018)
- Free to be kids: National plan of action by the Change the Record Coalition (2017)
- Pathways to justice: An inquiry into the incarceration rates of Aboriginal and Torres Strait Islander Peoples by the Australian Law Reform Commission (2017)
- A statement on conditions and treatment in youth justice detention by the Australian Children’s Commissioners and Guardians (2017)
- Australian child rights progress report: A report on the 25 years of the UN Convention on the Rights of the Child in Australia by the Australian Child Rights Taskforce (2016)

Many of the recent reviews and inquiries had been instigated by the occurrence of high-profile adverse incidents (such as riots) in youth detention centres. Some of these incidents sparked reviews into the practices and policies of the particular detention centre itself or a particular aspect of youth justice (such as the use of force in detention or diversion), while other incidents prompted a review into the youth justice system in its entirety. For example, the Royal Commission into the Protection and Detention of Children in the Northern Territory (RCPDCNT) (2017a, 2017b, 2017c, 2017d) examined the Northern Territory’s youth justice system as a whole. Similarly, Armytage and Ogloff (2017a, 2017b, 2017c, 2017d) undertook a review of the Victorian youth justice system with findings published in the report *Victoria youth justice review and strategy: Meeting needs and reducing offending*. Given the breadth and scope of the two aforementioned reviews, regular reference will be made to them throughout this article.

A content analysis methodology was used to examine the findings and recommendations found in the reports and inquiries into the Australian youth justice systems identified in Table 1. Content analysis is often used to identify key themes found in communication content by allowing large amounts of data to be examined in a systematic manner (Weber 1990). For this paper, all the central findings and recommendations from the reviews and inquiries listed in Table 1 were tabulated and then sorted into broad topics, such as diversion, rehabilitation, detention and so on. The data within each broad topic were then coded and analysed for the emergence of key themes and narratives that were consistent throughout the jurisdictions.

This paper provides a summary of some key themes emerging from the numerous reviews and inquiries. This was a difficult task given the breadth and volume of the reports. Hundreds of recommendations and many thousands of pages of material and findings accumulated across the reports. In order to summarise all the findings and the occasionally conflicting recommendations concisely in the limited scope of this paper, some generalisations have been made and some nuance has been unavoidably lost.

Themes from recent inquiries

Running through many of the recent reviews and inquiries listed in Table 1 are a number of common themes and some key differences. This paper addresses some of these themes, as follows:

- Young people who enter youth justice systems, especially those who serve some period in detention (either on remand while they await a court appearance or once sentenced), frequently present with an array of vulnerabilities and complex needs.
- These vulnerabilities might be exacerbated by spending time in custody, especially in segregation and isolation. This is particularly the case for Aboriginal young people, who continue to be massively over-represented in youth justice systems across Australia.
- Consequently, detention should be a last resort option. To ensure that youth justice detention is used as a last resort, recommendations from reviews included that:
 - the minimum age of criminal responsibility should be raised;
 - diversion should be more frequently used, where appropriate; and
 - alternatives to being remanded in custody should be employed more often.
- In the instances where detention is required, then youth justice detention centres should:
 - provide appropriate programs to all detainees;
 - properly train and supervise staff;
 - have systems in place to ensure operational integrity is maintained; and
 - make education programs available to as many detainees as possible and for as long as possible.

While there was widespread agreement across the many reviews and inquiries about the themes outlined above, there were also some critical areas of disputation. In particular, and importantly, there was some divergence across the reviews with regard to what should be the overall operating philosophy of youth justice systems. Broadly put, one approach favoured focusing on the experiences of trauma and victimisation needs of young people, while the other favoured focusing on the criminogenic risks and needs of young people. These different approaches will be discussed in some detail.

Vulnerabilities and complex needs

There was considerable agreement across the reviews and inquiries that young people entering youth justice systems (especially detention facilities) are a vulnerable population group who are likely to have a number of complex needs. A significant proportion of the young people in the Australian youth justice systems come from challenging home circumstances, including dysfunctional family environments, histories of familial offending, exposure to family violence, unstable accommodation or homelessness, and socio-economic disadvantage or poverty (Armytage & Ogloff 2017a: 8–9). Similarly, it is not uncommon for this group of young people to also be struggling with alcohol and substance misuse, mental health issues, cognitive disabilities, childhood abuse and/or neglect, and disrupted education (Armytage & Ogloff 2017a: 8–9; LSIC 2018: 7; RCPDCNT 2017b: 116–117). A 2015 NSW Health survey of young people in custody found that 83 percent had at least one psychological disorder, 68 percent had experienced abuse or neglect in childhood, and almost 17 percent had an IQ under 70 points, which indicates potential intellectual disability (NSW Health & NSW Juvenile Justice 2016).

In addition to these challenges, many reviews and inquiries highlighted the plight of ‘cross-over kids’ who first had contact with child protection systems and then entered youth justice systems. An AIHW report compared a total of 58,193 child protection and youth justice records between July 2014 and June 2018 across seven Australian jurisdictions and found that young people who had contact with child protection services were nine times more likely than the general population to be under youth justice supervision (AIHW 2019a: 13). It also found that approximately half of the population under youth justice supervision had also received child protection services some time during the four-year period (AIHW 2019a: 6).

Similarly, the Victorian Sentencing Advisory Council found that young people who were first sentenced between the ages of 10 and 13 were likely to have been known to child protection services. In the 2016 and 2017 calendar years, 54 percent were subject to a child protection report, 38 percent were subject to a child protection order, 33 percent had been in out-of-home care, and 26 percent had experienced residential care (Victorian Sentencing Advisory Council 2019: xxiv).

Detrimental impacts of detention

The landmark Royal Commission (RCPDCNT) in 2017 highlighted the failure of Northern Territory youth justice detention centres to keep children safe. The RCPDCNT was tasked to review the territory’s youth detention and welfare system over a period of 10 years from 1 August 2006 (RCPDCNT 2017b: 53). The RCPDCNT found that youth justice detention centres in the Northern Territory were completely ‘not fit’ for accommodating young people, let alone rehabilitating them (RCPDCNT 2017b: 12). It also found sustained patterns of abuse, humiliation, denial of basic human needs, and long-lasting physical and psychological damage. The detention centres were described as ‘poor’, ‘unsatisfactory’, ‘unsuitable’, ‘oppressive’, ‘appalling’, ‘dangerous’ and ‘deplorable’ by witnesses to the commission (RCPDCNT 2017c: 80). The RCPDCNT recommended the closure of the Don Dale Youth Detention Centre by February 2018 (RCPDCNT 2017c: 102).

While the Don Dale Youth Detention Centre was one of the more egregious cases, other detention centres around the country, such as Banksia Hill in Western Australia, Frank Baxter in New South Wales and Parkville in Victoria, have also faced significant scrutiny in recent years (Comrie 2017; Shearer 2019; Western Australia Office of the Inspector of Custodial Services 2018). These reviews, and the practices and conditions precipitating them, highlight the potentially criminogenic nature of youth justice detention centres which entrench young people further in disadvantage (Baldry et al. 2018; Cunneen, Goldson & Russell 2016), especially for those on remand (ie unsentenced). Young people on remand are likely to be exposed to the detrimental effects of detention but are not there long enough to gain any substantial therapeutic or rehabilitative benefit (Armytage & Ogloff 2017a: 15).

Within youth justice detention centres, young people may be removed or separated from other detainees for punishment, protection or security purposes. Separation is used in situations where the young person needs to be removed from the general population for the safety, security and good order of the detention centre (Audit Office of NSW 2016: 15). Segregation is used to protect the personal safety of the young person and confinement is used for the purposes of punishment for misbehaviour (Audit Office of NSW 2016: 15). There are regulations in each jurisdiction that govern the minimum conditions that must be adhered to when young people are either separated, segregated or confined. For example, young people under the age of 16 can be confined for up to 12 hours and young people over the age of 16 can be confined for up to 24 hours in New South Wales (Audit Office of NSW 2016: 15). In 2018, the NSW Inspector of Custodial Services found that confinement was overused as a form of punishment (despite a number of alternative punishment options being available) and often relied upon as a way to manage young people exhibiting challenging behaviour (NSW Inspector of Custodial Services 2018: 16).

The overuse of separation, segregation and confinement to manage young people can be associated with a number of negative impacts—the prolonged use of isolation can impact the physical and psychological health of the young person, as well as their social and education development (NSW Inspector of Custodial Services 2018: 17).

Indigenous over-representation

According to the Australian Child Rights Taskforce (ACRT), the continued over-representation of Indigenous young people in the youth justice system should be considered ‘a national crisis’ (ACRT 2018: 13). Although this has been acknowledged as a key issue by all major reviews and inquiries, there has been limited success in effecting significant change in the persistent over-representation of Indigenous young people in the youth justice population (ACRT 2018). In 2017–18, Indigenous young people represented approximately five percent of all people aged 10–17 in Australia. Yet they constituted 49 percent of the population of young people under supervision, both in the community and in custody and were 23 times more likely than non-Indigenous young people to be in detention (AIHW 2019b: 9).

The historical and ongoing effects of colonisation, broken connection to country and community, and the ensuing cycle of intergenerational trauma and exclusion from mainstream culture cannot be understated (Armytage & Ogloff 2017b: 174). The RCPDCNT emphasised how the ‘destabilisation’ and ‘history of control’ of Aboriginal communities has resulted in ‘chronic disadvantage’ relating to Aboriginal people’s levels of physical and mental health, disability, employment, housing and education (RCPDCNT 2017b: 116). The Australian Child Rights Taskforce (2018: 13) has described the need to address the impacts of intergenerational disadvantage as ‘critical’ and ‘urgent’. The complexity of this problem derives from the numerous interrelated and entrenched structural issues that cannot be remedied with short-term measures.

Detention as a last resort

The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (United Nations 1985) (the Beijing rules) and the Convention on the Rights of the Child (United Nations 1989) (see also United Nations Committee on the Rights of the Child 2019) states that detention should be considered only as a last resort option for young people. This is because extensive research has found that detention is damaging and criminogenic, serving to entrench young people further in disadvantage (Baldry et al. 2018; Cunneen, Goldson & Russell 2016). Recent reviews and inquiries reaffirm the importance of detention being used only as a last resort and make some key recommendations to help achieve this objective.

Raising the minimum age of criminal responsibility

One way of reducing the footprint and impact of the Australian youth justice systems is to raise the minimum age of criminal responsibility. The current minimum age of criminal responsibility in Australia is 10 years of age. Notwithstanding that *doli incapax*—the rebuttable presumption of innocence—is in place for children aged 10–14 throughout all jurisdictions in Australia (see, for example, *Criminal Code Act 1995* (Cth), sch 1; Crofts 2018; Richards 2011), children as young as 10 can be and are placed in youth justice detention (AIHW 2019b). In 2017–18, approximately seven percent or 411 young people under supervision on an average day were aged between 10 and 13 (AIHW 2019b).

Currently, there is growing pressure to raise the minimum age of criminal responsibility in Australia. By way of comparison, the minimum age of criminal responsibility in New Zealand and the United Kingdom is also 10 years of age (Child Rights International Network 2019). Many of the states in the United States do not have a set minimum age of criminal responsibility but, in the states that do have a legislated minimum age of criminal responsibility, it ranges from 6 to 10 years of age. In Canada, the minimum age of criminal responsibility is set slightly higher at 12 years of age. Similarly, the age of criminal responsibility is set at 12 years or above in almost all European countries. Most notably, the minimum age is 15 in the Nordic countries (with the exception of Denmark, at 14), and 14 in Spain, Italy and Germany. In some other countries globally the minimum age is even higher, at 16 years in Argentina, and as high as 18 in Peru and Chile (although children over 14 can be subject to punishment for offending behaviour) (Child Rights International Network 2019).

Australia's current minimum age of criminal responsibility would therefore appear to be 'anomalous with global norms' (Cunneen 2017: 2) and various recent reviews have called for it to be lifted. The *Report on youth justice* in Queensland by Bob Atkinson (2018: 13) and the RCPDCNT (2017a: 46) both recommended that the age of criminal responsibility be raised to 12 years of age. The United Nations Committee on the Rights of the Child (2007) has recommended an absolute minimum of 12 years, and Amnesty International Australia (2018) has recommended it be raised to 14 years, which is the median age across 86 countries worldwide (Cunneen 2017: 2–3). Furthermore, it is argued that children aged 10–12 have not reached a stage of developmental maturity appropriate for them to be considered legally responsible for their offending behaviour (Atkinson 2018: 105).

Greater use of diversion

Another way to reduce the number of young people entering youth justice detention centres is through the use of diversion. The rationale is to divert young people away from traditional criminal justice interventions and ideally into programs aimed at helping them take responsibility for their actions, make reparations for the harm they caused, and limit their chance of becoming entrenched in the justice system (RCPDCNT 2017d: 249). Diversionary measures are largely employed at particular stages of the criminal justice process, such as initial police contact and pre-sentencing.

In the Northern Territory in 2015–16, 35 percent of 2,082 children and young people were diverted after coming into contact with the police (RCPDCNT 2017b: 27). According to the RCPDCNT, the 'vast majority', around 85 percent, of diverted young people did not reoffend (2017b: 27; 2017d: 259). Other reviews and studies have similarly demonstrated the success of diversion (see, for example, Atkinson 2018: 23; Cunningham 2007; LSIC 2018: 34; Lulham 2009; Vignaendra & Fitzgerald 2006; Wilson, Brennan & Olaghère 2018; Wilson & Hoge 2013). Accordingly, the Inquiry into Youth Justice Centres in Victoria (2018) noted that diversion can lead to safer communities, is more cost-effective than custodial sentences and can be specifically designed to reduce Aboriginal over-representation (LSIC 2018).

However, police diversionary mechanisms (cautions or referrals to other services) are often underused or not used systematically (Office of the Auditor General Western Australia 2017). The reviews illuminated how the currently limited and often 'ad hoc' approaches to diversionary programs can represent a 'missed opportunity to intervene' and limit future contact with the youth justice system (Armytage & Ogloff 2017a: 23).

Reducing the remand population

The proportion of young people remanded to youth justice custodial centres has been increasing in recent years. In some jurisdictions this population now represents close to half or more of the young people in detention on any single day (AIHW 2019b: 16). Remand periods are often relatively short but can be disruptive and of little rehabilitative value. A young person remanded in custody will often have their schooling, employment, residential and other circumstances disrupted, and they will often be ineligible to participate in educational, vocational or rehabilitative programs while on remand.

Given that many young people end up in detention for breaching their bail conditions such as curfew requirements (LACLS 2018: 52), as opposed to committing a new offence, strategies could be put in place to remind young people of their bail conditions (RCPDCNT 2017a: 42). Similarly, lack of suitable accommodation has persistently been a factor preventing young people from being granted bail—this particularly affects Aboriginal young people, young people in regional areas and young people with complex needs or offending histories (LACLS 2018: 49). Programs to help place young people in suitable accommodation, nominating multiple addresses on bail residence conditions, and training for police and courts on setting appropriate bail conditions would assist in keeping young people in the community rather than being remanded in detention (LACLS 2018: 51).

In the instances where young people are remanded in custody, a number of recommendations have been made. These include ensuring young people in remand have access to rehabilitative programs and vocational education services while in detention (Armytage & Ogloff 2017a: 33; LACLS 2018: 9; RCPDCNT 2017a: 35), developing a suite of non-offence specific offending behaviour programs for them (Armytage & Ogloff 2017a: 54) and ensuring there is greater use of tailored case management and release planning for this group (RCPDCNT 2017a: 36).

Improving youth justice detention

While numerous reviews and inquiries reaffirmed that detention should be used as a last resort, there is a continuing need to detain some young people. In these circumstances, every effort should be made to enhance the experience.

The Parliament of Victoria's Legal and Social Issues Committee and the Tasmanian Youth at Risk Strategy recommended that detention should adopt a therapeutic rather than punitive approach for the purposes of reducing reoffending (LSIC 2018; Tasmanian Government 2017). The LSIC (2018) found that, for some young people, detention actually signifies the first period of stability in their lives with consistent access to educational or therapeutic programs. Similarly, Armytage and Ogloff (2017a: 25) identified a range of features that can augment the benefits of detention, such as having a clear operating philosophy, skilled workers, a structured day, rigorous assessment of young people and clear behavioural management.

The following sections focus on three broad areas where improvements could be made: provision of programs, delivery of education and having suitably trained and supervised staff.

Provide appropriate programs and adequately resourced services to all detainees

The lack of appropriate programs and services for young people in detention was a common theme throughout the reviews, inquiries and reports (Armytage & Ogloff 2017a, 2017c; Atkinson 2018; LSIC 2018; RCPDCNT 2017a, 2017c; VAGO 2018). For example, Armytage and Ogloff (2017a: 18–19) found that there was a lack of programs to address offending behaviour in the Victorian youth detention setting, particularly for high-risk offenders. Additionally, the group structure in which the programs were delivered to detainees was described as 'lacking', as there is limited opportunity to instil behavioural change in young people when they are with their peers (Armytage & Ogloff 2017a: 19).

The current range of programs available to young people in detention is insufficient and does not adequately address the complex needs of the population group, which can have implications for rehabilitation and reducing reoffending (VAGO 2018: 8). Program and service deficiencies in youth justice detention centres may be the product of insufficient resources and/or facilities, prioritising security over rehabilitation, and inefficient case management and needs assessment (VAGO 2018: 8).

The various reviews also highlighted the need for programs that connect Aboriginal young people to culture and country, which may help address the over-representation of Aboriginal young people in detention (Armytage & Ogloff 2017a: 19; Shearer 2019: 15).

Make education programs available to as many detainees as possible for as long as possible

The provision of consistent education in youth justice detention is critical for the purposes of rehabilitating young people and reducing their risk of reoffending (Armytage & Ogloff 2017a: 18). Education in detention can lead to better future employment outcomes, and increased literacy and numeracy levels among a population who have had disrupted and limited contact with education services in the past. Moreover, there is research to indicate that young people with higher educational attainment in detention are more likely to continue their education upon release and have a lower rate of arrest (VAGO 2018: 21).

In response to the youth justice review conducted by Armytage and Ogloff in 2017, the Victorian government invested an additional \$50 million to reform the youth justice system (VAGO 2018: 8). Part of the reform related to the operation of Parkville College. Parkville College is a specialist secondary school for all young people in detention in Victoria. It offers classes six days a week and is open 52 weeks a year (VAGO 2018: 71). Learning materials have been tailored to the specific needs of young people in detention—Parkville College recognises that the young people are likely to have lower levels of literacy and numeracy and aims to provide content that is age appropriate, culturally and gender diverse, and reflects their unique life experiences (VAGO 2018: 68). Moreover, Parkville College student results are on average four times higher than expected under the Australian Core Skills Framework (VAGO 2018: 68). Such positive results indicate that the education model and materials employed in Parkville College have been effective in engaging young people and giving them greater opportunities to succeed upon release.

Properly train and supervise staff

The importance of having adequately trained and supervised staff in detention centres was a recurring theme among the recent reviews, reports and inquiries into Australian youth justice systems. Working in a custodial environment can be demanding; detainees may exhibit challenging behaviour and have numerous, complex needs (Shearer 2019: 15). In the absence of comprehensive training, youth officers are not adequately equipped and skilled to respond appropriately to detainees or to any unexpected incidents, which can pose further risk to both staff and detainees (Shearer 2019: 15).

Training requirements to become an officer in a youth detention centre have been found to be patchy and insufficient (Armytage & Ogloff 2017a: 19; NSW Inspector of Custodial Services 2018: 13; Shearer 2019: 15). In New South Wales, there are no specific education, training or skill requirements to become a youth officer, thus there may be people who work in youth justice detention centres who have had limited prior experience working with young people, let alone a group with complex needs (NSW Inspector of Custodial Services 2018: 13). In Victoria, working in youth detention centres involves an eight-week training program (Shearer 2019: 15).

The review into the riots at Frank Baxter Juvenile Justice Centre in New South Wales found that, in many instances, staff had been tasked to perform duties or activities they did not have adequate training or experience for and there were no other staff present to take on the task (Shearer 2019: 15). Similarly, the NSW Inspector of Custodial Services found that many incidents where force had been used in detention centres could have been avoided if staff had received more training in trauma-informed practices, negotiation skills and de-escalation techniques (NSW Inspector of Custodial Services 2018: 13).

Furthermore, the Shearer review found that there had been an increase in the employment of casual and temporary staff within New South Wales youth justice detention centres, while the number of permanent and ongoing positions had decreased in the previous three years (Shearer 2019: 17). These conditions have implications for the training provided to staff, the ability of staff to build rapport with detainees as they are not present as often, increased staff turnover and casual staff not wanting to raise concerns due to the fear of being perceived as difficult (Shearer 2019: 17).

Offenders or victims first?

One major area where there was a divergence of views across the inquiries and reviews pertains to the overarching operating philosophy of youth justice systems. Broadly put, one approach favours a focus on addressing the criminogenic risks and needs of young people, while the other is more welfare-oriented and is guided by trauma-informed practice.

According to the 'what works' literature on reducing youth offending, the prevailing view is that young people have eight key categories of criminogenic risk factors and needs (the 'Central Eight') that can be correlated with their offending behaviour (Bonta & Andrews 2007). Thus, effective interventions and rehabilitation initiatives must identify and limit the influence of these risk factors on a young person's life (Bonta & Andrews 2007).

Andrews, Bonta and Hoge (1990) developed the risk–need–responsivity (RNR) model for effective offender rehabilitation. This well-researched model is the predominant model used in New South Wales and was recommended by Armytage and Ogloff (2017a) in their review of the Victorian youth justice system. The RNR model is centred around addressing the Central Eight criminogenic risk factors that are most likely to influence future reoffending behaviour. Among this group of criminogenic risk factors, four are considered to most strongly influence offending behaviour. These are often referred to as the 'Big Four' and include antisocial personality patterns, pro-criminal attitudes, social supports for crime and a history of antisocial behaviour (Bonta & Andrews 2007). In addition to the Big Four risk factors, there are four remaining criminogenic risk factors that moderately contribute to reoffending behaviour, and these are often termed the 'Other Four': problematic family relationships or circumstances, problems at school or work, lack of prosocial recreational activities and substance abuse (Bonta & Andrews 2007).

Armytage and Ogloff (2017a: 12), in their review of the Victorian youth justice system, argued that youth justice has 'lost its focus on responding to criminogenic needs' as there is an 'overemphasis' on welfare and extrinsic needs. In line with the RNR model, they contended that without first addressing criminogenic risk factors, welfare-based interventions cannot be entirely effective. They recommended that interventions directed at the young person's criminogenic needs should be the focal point, while being simultaneously supported by a suite of welfare programs. In the absence of ongoing support for the management of offending risk, Armytage and Ogloff (2017a) argued that welfare interventions cannot provide young people with the tools to address their own behaviours. Moreover, Armytage and Ogloff (2017a) contended that while trauma-informed practice is important, an overemphasis on trauma negates young people's ability to take responsibility for their own actions, problematically perpetuating the narrative that all young people are victims.

There are several other models of youth justice that have been developed and implemented internationally and which place greater emphasis on non-criminogenic needs. For example, the 'Good Lives Model' emphasises the importance of a holistic and therapeutic approach to rehabilitation (Ward & Maruna 2007). It focuses on 'human goods', such as agency, quality relationships and a purpose-filled life, to reduce the risk of reoffending (White & Graham 2010).

Similarly, the 'Children First, Offenders Second' approach (a subset of Positive Youth Justice) places limited focus on the importance of risk and/or punishment; instead, it recognises the vulnerability of children, and emphasises that all youth justice services should be 'children first', trauma-informed, rights-based, and operate in young people's best interests (Case & Haines 2014; Haines & Case 2015). The broad purpose of a trauma-informed approach to treatment is to ensure that, at the system level, all aspects of youth justice interventions consider the impact of adversity experienced by the young person and attempt to ameliorate this harm (Wall 2016). The ideal is not simply to implement specific interventions that are trauma-informed, but to embed this way of thinking in organisations and systems (Wall 2016). Overall, these approaches reflect the argument that without appropriate and widely available community programs or health and welfare services, young people with multiple disadvantages will continue to be 'excessively criminalised' and subject to 'cruel and unusual punishment' in the youth justice system (Baldry et al. 2018: 648).

Consistent with these approaches, some of the Australian youth justice reviews recommended adopting a 'trauma-informed' perspective (see Atkinson 2018; RCPDCNT 2017a). At the outset, from this perspective, young people should be first seen as 'victims of circumstance' and disadvantage, rather than being viewed as offenders (Atkinson 2018: 105). In general, these reviews considered young offenders to be victims of their environments and their offending behaviours as by-products of their socio-economic disadvantage and/or trauma. Therefore, proponents of this perspective argue that youth justice measures should account for this disproportionate disadvantage by responding first to their complex, non-criminogenic needs. Such a philosophy diverges from the RNR model, which is an offenders-first approach that aims to address and mitigate the influences of criminogenic risk on a young person's behaviour before targeting their non-criminogenic needs (Haines & Case 2015).

Conclusion

This paper has outlined a number of key system-level issues that have emerged from the hundreds of recommendations emanating from various reviews and inquiries made over several years across the Australian states and territories.

All of the reviews and inquiries recognised that the young people who find themselves in contact with youth justice systems are a vulnerable population, often with multiple and complex needs. Such vulnerability and disadvantage can be further exacerbated by the detrimental impacts of detention. Inquiries into the Don Dale Youth Detention Centre in the Northern Territory, Frank Baxter in New South Wales, Parkville in Victoria and Banksia Hill in Western Australia have revealed the potential criminogenic effects these facilities can have on the young people who are detained in them.

The detrimental effects of detention on young people have resulted in the various reviews and inquiries recommending that detention should only be used as a last resort. The use of detention as a last resort will also assist in addressing the continued over-representation of Indigenous young people in the youth justice system. Other ways of addressing this over-representation include increasing the age of criminal responsibility, increasing the use of diversion and reducing the remand population, which were all common recommendations across a number of the reviews and inquiries.

Despite the principle that detention should be used as a last resort, there will always be continued need for detention centres for a small number of young people. In order to maximise the rehabilitative benefits of detention centres, the reviews and inquiries made a number of recommendations. It was recommended that appropriate programs and services be provided for all young people in detention—including education programs, programs to address their complex needs and reoffending behaviour, as well as culturally responsive programs for the significant proportion of Indigenous young people in custody. Additionally, the importance of having adequately trained and supervised staff in detention centres was a recurring recommendation among the reviews and inquiries.

Finally, achieving a shared philosophy across all agencies and actors in the youth justice system is a significant challenge, not least because there is considerable debate as to whether young people entering the youth justice system should primarily be treated as offenders or victims.

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