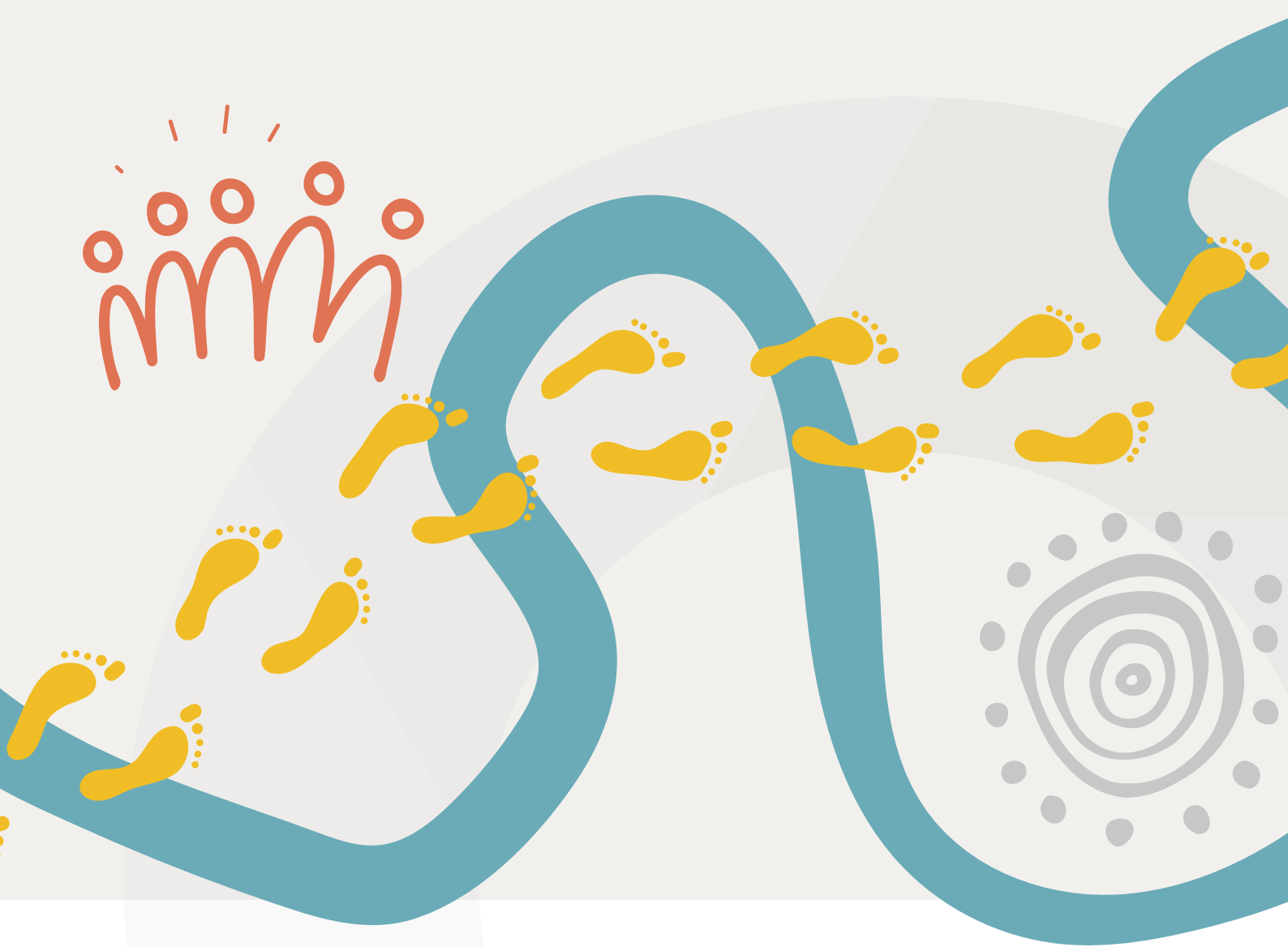


# Blueprint for a Better Future:

## Paving the Way for Youth Justice Reform in Western Australia

Edition 1: August 2022



Social Reinvestment WA acknowledges the traditional custodians of country on which this report was developed, the Whadjuk people of the Noongar Nation, and their continuing connection to land, sea and community. We pay our respect to their Elders both past and present, as well as acknowledge and celebrate the ongoing contributions of Aboriginal young people in our communities.

## **Blueprint for a Better Future:**

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### **Social Reinvestment WA**

Social Reinvestment WA is a coalition of 30 non-profit organisations campaigning since 2014 to end the overrepresentation of Aboriginal and Torres Strait Islander people in WA. They lead development of justice reinvestment solutions in partnership with communities, and run the Raise the Age campaign in WA.

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## OUR VISION



We all want to live in a safe community, grow up in a healthy, loving family, and see our children thrive. In Western Australia this dream is attainable for many. However, there is a group of children and young people being denied this experience: those caught up in our youth justice system. These children, young people and their families are from the most vulnerable and disadvantaged groups in our community, and have serious unmet needs.

But we can create a safer Western Australia and improve outcomes for these children and young people if we work together on a smarter approach to justice issues. By responding to the underlying socio-economic drivers of offending we can effectively reduce crime, improve the cultural, social, and emotional wellbeing of families, and return the immense costs being spent at the crisis end of the justice system into building positive futures for all young people. To address this issue, we need everyone at the table – community, non-profit organisations, children and young people, and government.

Prepared in collaboration with the non-profit sector, practitioners, researchers, legal experts, and young people with lived experience, this report provides an overview of the central issues in Western Australia's youth justice system. The report provides policy recommendations and practical solutions to achieve this vision of a smarter justice system. Ultimately, that means healthy families and safer communities.

## The Need to Change Our Approach

Our youth justice system should be keeping everyone in our community safe. It should seek to prevent and reduce youth offending, and provide children and young people with the opportunity to change their behaviour so that they can enjoy bright futures as valued and responsible members of the community.

But our current youth justice system, built on decades of punitive responses, does not enable us to achieve this vision. Aboriginal children are significantly overrepresented in our justice system, as are children who have been involved with child protection services, and those with disabilities and cognitive impairments. Incarceration in Banksia Hill Detention Centre rarely changes young people's offending behaviour — 84.87 per cent of young people released from detention return to custody within five years.

In most cases, our approach to placing children in detention exposes children to further harm. Far from keeping children safe, our current approach breaches their human rights, as documented in a 2022 report from the Office of the Inspector of Custodial Services. The July 2022 decision to move a group of children from Banksia Hill Detention Centre to a unit at the maximum-security Casuarina Prison, was evidence of both the ongoing crisis our youth justice system has been facing, and the risks the current approach poses to the children and young people. It entrenches children in cycles of disadvantage, and is ineffective at rehabilitation. Without effective prevention and rehabilitation, youth offending is increasingly an issue of concern for communities across the state, particularly in the Kimberley and Pilbara regions.

The current Western Australia state government (the state government) has identified goals to improve the lives and outcomes for children, young people and families across many domains with links to the justice system (such as through the *WA Youth Action Plan 2020-2022* and the *Path to Safety: Western Australia's Strategy to Reduce Family and Domestic Violence 2020 – 2030*). Rethinking our approach to youth justice is an opportunity to enhance and improve existing Western Australia state government strategies to achieve better outcomes for children and young people.

This blueprint details how changes such as improving child protection supports, increasing access to high-quality education services, and improving mental health supports for young people will all improve outcomes in youth justice. In addition, the blueprint aligns closely to the National Agreement on Closing the Gap, and will support progress towards a range of the identified socio-economic targets. By working together to reimagine the youth justice system, we can achieve outcomes that reverberate beyond youth justice, and into other priorities of the state government. Whilst this report was developed within the Western Australian context, its contents are relevant and applicable to many jurisdictions.

# What Does a Transformed Approach to Youth Justice Look Like?

It is clear from the state of youth justice in Western Australia that our response cannot focus on a single solution. The reasons why children and young people offend, or end up in prison, most often lie outside the justice system, and therefore so do our responses.

In order to meaningfully transform Western Australia into a state that truly supports the wellbeing of children and young people, we require a collaborative and systems-based approach that shifts both the drivers of inequality and disadvantage that lead people to our justice system, as well as the enablers that entrench this disadvantage and create life-long harm.

This approach will require a new way of working, and a foundational intention to empower the communities and individuals who are at the heart of our vision for safer and healthy communities.

## Principles

### **Community Leadership and Co-Creation**

The voices and insights of children, young people and communities needs to be at the heart of what we do. The voices of lived experience are integral in ensuring our responses are effective, appropriate, and supportive.

### **Holistic and Therapeutic Approaches**

Instead of punitive responses, we need to prioritise policies, programs, and supports that are trauma-informed and address the unmet needs of children, young people and families to achieve cultural, social, and emotional wellbeing.

### **Data and Evidence-Driven Proactive Interventions**

Providing the right support, in the right place, at the right time for children and young people to meet their needs and change trajectories; informed by accessible data, information, and evidence.

### **Accessible Supports**

Removing barriers to and to ensure help and support whenever children and young people need it, regardless of entry point or mechanism; to create a system with no wrong door.

### **Aboriginal Self-Determination**

Self-determination for Aboriginal people in responses that pertain to them, and support for Aboriginal community-controlled solutions.

### **Justice Reinvestment**

Investing in wellbeing to address the underlying causes of offending, for a smarter approach that creates safer communities.

### **Transparent, Accountable and Anti-Discriminatory Systems**

Create increased trust in our justice systems through greater accountability mechanisms which seek to uphold the rights of children and proactively address systemic discrimination.

# Approach

## **Thriving and Equipped Communities: Holistic care for all young people across Western Australia**

Investing in communities that are connected, accessible, and healthy for children and young people to thrive through:

- Place-based programs that respond to community needs
- Wrap-around holistic whole-of-family programs
- Co-designed solutions with young people and communities
- Challenging community racism
- Self-determination and partnerships with communities and Aboriginal Community Controlled Organisations

## **Responsive Support: Early intervention for young people at-risk**

Community services and government collaborate to identify and care for children and young people early, and for as long as is needed, through:

- Local service collaboration to improve referral and engagement
- Data-linkage and information sharing to support proactive therapeutic interventions
- Removing barriers to support for children and young people with complex needs
- Trauma-informed care across all youth justice services and supports
- Improving screening, care, and support for disability and cognitive impairments

## **Prioritised Diversion: Individualised support upon first engagement with the justice system**

Use the justice system and the Western Australia Police Force as a touchpoint to provide support that meets the needs of children and young people, enables them to engage with services in their communities, including:

- Partnering with youth workers as first responders to improve connection with community-based supports
- Improving the use and effectiveness of police diversion options
- Prioritising community-based intensive support and relationship-building programs
- Creating a culturally-responsive and informed frontline response system

## **Rehabilitation-Focused Justice: Diversion and supportive responses within the court system**

Create a legal system that sets children and young people up to receive effective care - not harm - when behaviour escalates, through:

- Setting the minimum age of criminal responsibility to at least 14 years of age
- Ending mandatory sentencing
- Supporting children, young people, and families to navigate the legal system
- Creating culturally-based alternative courts for Aboriginal children and young people
- Investing in sentencing alternatives – including culturally-based approaches
- Ensuring diversion and reintegration options are prioritised and available in every community

## **Therapeutic Care Focused on Reintegration: Therapeutic approaches within secure places of care as a last resort**

Transforming youth detention to culturally-appropriate, therapeutic responses over punishment, and ensuring this is only used as a last resort to provide safe, intensive care by:

- Transforming detention to a therapeutic environment with a focus on rehabilitation
- Consistent through-care and transition support to continue connection

## **How Do We Achieve This Vision?**

The youth justice space is complex, with many stakeholders working across a range of sectors. Legislation, courts, policy, frontline workers, non-government services, communities, and families all interact to shape the reality experienced by children and young people day-to-day. Reform in the space of youth justice requires an approach founded on meaningful partnerships and collaboration.

This report provides a range of recommendations, summarised on the following page. Many are primarily the responsibility of state government, while some will require buy-in from the non-profit sector and local

communities, as well as collaboration with the federal government.

Ultimately, we invite the state government to work with us to plan and design a youth justice system that aligns with the principles and evidence in this blueprint. We wish to work on this in partnership with community services, Aboriginal Community Controlled Organisations, Aboriginal leaders, communities, and people with lived experience. This blueprint is intended to provide the foundation, but formal collaboration will be needed to implement it in detail.

# Next Steps for Government

## WHOLE OF GOVERNMENT STRATEGIC APPROACH

**Develop a whole of government vision and strategy to improve youth justice outcomes across the life-course, in partnership with the community and sector, commencing by the end of 2022. Carriage of a new vision and strategy should be made accountable and enabled through a leadership mechanism.**

**Why:** Western Australia currently has no mechanism to coordinate efforts across government agencies responsible for youth justice outcomes. As a result, we are seeing a disconnect between strategic intentions, funded services, and reforms between agencies, and vulnerable young people are falling through the cracks. Western Australia requires a strategy and vision for youth justice to enable connected and coordinated services for children and young people and take a holistic approach to improve outcomes.

Accountability is critical as youth justice outcomes are the responsibility of multiple ministerial portfolios and existing government agencies. As a result, interagency coordination is limited and no one body has oversight of the service system from prevention to crisis and detention. Identifying a champion within government, such as a new Ministerial Portfolio, to oversee this work will support accountability within existing activities.

## FUNDED AND ACCESSIBLE PROGRAMS IN EVERY PLACE

**Identify the 10 communities in most urgent need of action on youth justice, and allocate resourcing in the 2023 Budget for place-based initiatives to co-create asset-based solutions in partnership with local communities, ACCOs, NGOs and government services across the spectrum of intervention (Justice Reinvestment Sites.)**

**Why:** A lack of coordination between resourcing and services at a local level is preventing strategic work to address community-wide issues that are the underlying causes of offending. To achieve maximum effect from programs such as Target 120, we need to invest in the backbone supports that allow local collaboration, place-based strategies, and identifying service gaps across the spectrum of intervention.

## LAW REFORM

**Begin a review of the *Young Offenders Act 1994 (WA)*, commencing no later than the end of 2022, to update this legislation with modern understandings of youth offending, reflect a focus on prevention and diversion, and prioritise pathways that promote the wellbeing of children, young people and communities.**

**Why:** The *Young Offenders Act 1994 (WA)* has not been substantially reviewed since its initial review in 1998, and restrains the options available for young people in the justice system. A review commenced in 2016 but was suspended in advance of machinery-of-government changes. Reforming the Act is required to address provisions in the Act, reflect modern understandings of youth justice, and to address contemporary issues in youth detention and remand.

## Conclusions

Now is the perfect opportunity to make this vision a reality for our community.

Our current system is clearly in need of reform. Despite tens of millions of dollars invested into prisons and continued increases in our prisoner population, we are not seeing a shift in rates of offending and communities remain concerned about crime. It is clear our current approach is not working.

Public and political momentum is growing. There is increasing support for the campaign to raise the age of criminal responsibility in line with medical and human rights guidelines, and increasing support for preventative strategies like justice reinvestment that seek to address social issues before they reach crisis point.

We know what works. Years of research, consultation and evidence has identified what a reformed system would look like, and there is strong evidence of various strategies and programs already being implemented in Western Australia and beyond.

Our state has a unique opportunity to be a leader in youth justice reform; to harness social reinvestment and reform our system through investing and empowering the next generation of leaders, instead of criminalising them.

We look forward to working together with all Western Australians to achieve smart justice, healthy families, and safer communities through justice reinvestment.

# Recommendations

## Develop a Whole-of-Government Vision and Strategic Approach for Young People Ending Up in the Justice System

1. Develop a whole-of-government strategy for youth justice which coordinates efforts across government agencies responsible for youth justice outcomes and aligns reform work. A strategy should be developed in partnership with the Community Services Sector, Aboriginal Community Controlled Organisations, lived experience, academic experts, and community leaders. This should aim to:
  - a. Embed justice reinvestment approaches across relevant State Government departments and agencies, including the Department of Justice, the Department of Communities, the Department of Education, Western Australia Police Force, and the Mental Health Commission.
  - b. Incorporate the development of an Aboriginal Justice Agreement in partnership with relevant Aboriginal and Torres Strait Islander organisations, learning from the Victorian implementation.
  - c. Set clear direction for investment, and outcomes-based targets to measure strategy progress.
  - d. Provide mechanisms to support Aboriginal community-owned and led programs that build the capacity of local communities to lead responses tailored to local needs.
  - e. Provide structures to enhance government agencies' collaboration with each other, non-profit organisations, and local communities to allow collaborative approaches, as collaboration is currently limited and ad hoc, preventing long-term initiatives.
  - f. Enable data and information-sharing between government and non-government organisations for the identification of at-risk young people, for proactive targeted support.
  - g. Develop common evaluation frameworks across government agencies that align shared outcomes for programs across the strategy, and ensure adequate resourcing for evaluation to support investment in the programs that work.
  - h. Prioritise 10 communities in greatest need of support, identified through socio-economic and justice data analysis, for immediate investment to improve community outcomes and services.
  - i. Ensure that barriers to accessing services are removed for children who need them (a no wrong door approach), and service continuity (through care) is prioritised for young people.
2. The WA Government take a more active role in raising awareness among the general public and community around the underlying causes of offending, and the community-based approaches that can address these.

## Create Programs in Every Place, Across the Spectrum of Intervention, Investing in Struggling Areas First

3. Invest in place-based backbone mechanisms to coordinate collaboration and collective social reinvestment approaches in each community in order to: improve referral pathways for young people, increase collaboration among existing services, and identify key gaps in services for future investment.
4. Address the demand for Aboriginal frontline workers to provide culturally-appropriate care for Aboriginal young people through investment in Aboriginal Community Controlled organisations, and in development and capacity-building opportunities for Aboriginal and Torres Strait Islander staff.
5. Invest in additional community-based programs that promote positive wellbeing and prevent issues from developing for young people, including:
  - a. Initiatives to improve baseline wellbeing, address poverty, food security and housing security
  - b. Access to prosocial recreation activities
  - c. Early childhood development
6. Invest in additional support programs and services for at-risk children and young people to provide support and change behaviour prior to engagement with the justice system, including:
  - a. Alternative schooling programs and training opportunities
  - b. Alcohol and other drug rehabilitation, support and treatment services
  - c. Disability services
  - d. Mental health supports
  - e. Youth mentoring
  - f. Connected case management for children, young people and families
7. Invest in additional diversion and rehabilitation services for young people in contact with the justice system, to assist them to meet their needs in the community outside of the justice system, including:
  - a. Opportunities for Western Australia Police Force officers to refer and divert to non-profit community-based services
  - b. Cultural connections and healing programs
  - c. Aboriginal-led justice interventions (such as First Nations First Responders, night patrols, family led decision making, and Koori Court models)
8. Invest in diversion and legal assistance programs and supports for children and young people, including:
  - a. Community Justice Centres
  - b. Bail houses
  - c. Improved accessibility and advocacy support within the courts, including additional legal



- support, access to cultural interpreters, and Aboriginal Liaison Officers.
  - d. Restorative justice programs
  - e. Aboriginal-led decision-making, courts and justice interventions
9. Invest in additional programs and supports for young people in need of care or in detention, with a focus on rehabilitation and reintegration to reduce high recidivism rates, including:
- a. Training and development opportunities to support young people leaving detention to develop skills and employment opportunities
  - b. Community-based alternatives to detention (such as on-country camps)
  - c. Rehabilitation programs (such as trauma informed counselling, alcohol and drug rehabilitation and treatment, therapeutic communities)
  - d. Additional through-care programs, such as housing support.

**Reforming Legislative Frameworks and Systems to Transform Our Justice System to Prioritise Children’s Wellbeing and Community Safety; and Use Incarceration of Children Only as an Absolute Last Resort**

10. Immediately commit to raise the Minimum Age of Criminal Responsibility from 10 to 14 years old as an absolute minimum, in alignment with international standards recommended by the United Nations and the Raise the Age WA campaign asks. This legislative change should:
- a. Replace s29 of the Criminal Code (WA) with a new s29 that provides ‘a person under the age of 14 years is not criminally responsible for any act or omission’.
  - b. Provide that detention can only be imposed as a last resort and, for children aged 14 to 16 years, detention can only be imposed for very serious offences against a person.
11. Recommence a review of the *Young Offenders Act 1994 (WA)* following the 2016 review’s suspension. Amend the Act to reflect modern approaches to youth justice, contemporary issues in youth detention, and to enable strategies to achieve better outcomes in youth diversion, alternative sentencing, and remand.
12. Repeal ‘mandatory sentencing’ laws for children and young people because they unfairly and unjustly place disproportionate amounts of young people into detention, separate families, and entrench community-wide disadvantage.
13. Transform Western Australia’s youth detention system to address issues identified by the Office of the Inspector of Custodial Services, and provide therapeutic care. This should include a model-of-care

- that is child-centred, culturally safe, and empowers young people for life outside of youth detention.
14. Improve the transparency, accessibility and accountability of oversight of complaints made about Western Australia Police Force Officers. Consideration should be given to how the current process of review by the Corruption and Crime Commission and associated Parliamentary oversight can be improved, including to be more responsive and accessible to children and young people. Improvements in this area are required to increase community trust in the integrity of the complaints process and improve the relationship between police and the wider community.
15. Establish a Commissioner for Aboriginal Children and Young People to promote and advocate for the rights and interests of Aboriginal children and young people in Western Australia. The Aboriginal Commissioner for Children and Young People should have the same powers as the current Commissioner for Children and Young People including the power to hold special inquires and report to Parliament.
16. Require constant implementation of culturally safe practices designed by local Aboriginal communities, with accompanying mandatory training for all frontline staff (including Western Australia Police Force, youth custodial officers, and youth justice officers). This practice should support frontline workers to ensure they are engaging in appropriate practice for Aboriginal people and communities. Government agencies should be required to adhere to minimum standards to support effective implementation of this practice.
17. Invest in Aboriginal-led research on solutions and programs for Aboriginal and Torres Strait Islander young people involved in the criminal justice system that result in long-term positive outcomes and address recidivism to identify the solutions that work for Aboriginal young people and communities





## Our Vision

In Western Australia, we can create a system that fosters thriving young people, healthy families and creates safer communities.<sup>1</sup> Despite tens of millions of dollars invested into prisons, detention, and policing, we are not seeing a shift in rates of offending and communities remain concerned about crime. It is clear our current approach is not working.

To build a smart approach to justice and a safer Western Australia, we need to build and empower future generations. Healthy, happy communities set young people up for healthy, happy lives without need of contact with the justice system.

Currently, we imprison children as young as ten years old.<sup>2</sup> We imprison Aboriginal and Torres Strait Islander young people at over 18 times the rate of non-Aboriginal children.<sup>3</sup> More than 80 per cent of young people leaving detention return within five years' time.<sup>4</sup> These are signs that our youth justice system is not working to achieve the outcomes it purports to. We need change to address human rights issues and create real, lasting changes to communities and their safety.

Through justice reinvestment, we can divert money away from our prisons towards the community solutions that have been proven to work and save money. Key to achieving a smart justice system is providing our children the opportunities for healing and support so that they can reach their true potential, rather than criminalising them.

This requires us to unshackle decades of punitive systems that have been built on oppression, colonisation, discrimination, and racism. Importantly, it demands a revolutionary transformation of how Western Australia approaches youth justice.

The past two years has already seen major steps forward into changing how we think about criminal justice.

In June 2020, the state government passed a comprehensive set of reforms known as the *Fines, Penalties and Infringement Notices Enforcement Amendment Act 2020 (WA)*. These reforms provided an alternative, effective and accessible mechanism for

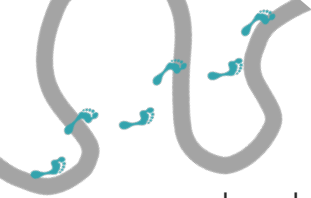
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<sup>1</sup> Note: This report alternately uses the terms 'children' and 'young people'. 'Children' is generally used to refer to ages 0 to 18 years, while 'young people' is inclusive of those aged 12 to 25 years. Given the cross-over in age ranges, we have elected to use them interchangeably throughout the report.

<sup>2</sup> Note on framing: This report uses both the terms 'prison' and 'detention' in reference to the process of incarcerating children. While we recognise institutions such as Banksia Hill Detention Centre are not legally defined as prisons, we believe the incarceration of children and the current operating environment warrants this comparison. 'Prisons' is used generally to refer to the incarceration of children, and 'detention' is used to refer to the legal term of youth detention centres.

<sup>3</sup> Australian Institute of Health & Welfare, *Youth Justice in Australia 2020–21. Cat. no. JUV 138*. (Canberra: AIHW, 2022), <https://www.aihw.gov.au/getmedia/10da194d-5756-4933-be0a-29d41743d79b/aihw-juv-138.pdf.aspx?inline=true>, pg 12

<sup>4</sup> Legislative Council of Western Australia, *Question on Notice 3053* (15 September 2020). Accessed from: [https://www.parliament.wa.gov.au/Hansard/hansard.nsf/0/588bb7aca28f3e7a482585e7001a590c/\\$FILE/C40+S1+20200915+p5843b-5843b.pdf](https://www.parliament.wa.gov.au/Hansard/hansard.nsf/0/588bb7aca28f3e7a482585e7001a590c/$FILE/C40+S1+20200915+p5843b-5843b.pdf)



vulnerable and disadvantaged people to reduce their fine debt through a Work and Development Permit Scheme. While the option of imprisonment for unpaid fines remains the option of last resort in theory, since June 2020, fine defaulters have not been imprisoned because an appropriate alternative actually exists.

In Halls Creek, the first justice reinvestment site known as Olabud Doogethu is being co-developed by 11 Aboriginal communities, with the support of Social Reinvestment WA, Department of Communities, and the Shire of Halls Creek. The Olabud Doogethu initiative began in 2019 and by working closely with communities, families, and police to develop practical solutions, has seen offences such as burglary decrease by more than 50% in the following 12 months.<sup>5</sup>

At the heart of it all, Western Australia has an opportunity to be a leader in justice reinvestment. We believe the future of our justice system is through investing and empowering the next generation of leaders, instead of criminalising them. This is possible if we listen to our communities and invest in solutions in partnership.

This report provides an overview of the issues and trends in the youth justice sector in Western Australia. In collaboration with government agencies, the non-profit sector, and the voices of young people with lived experience, we have provided a wide range of policy recommendations and solutions that can help create a smart justice system that fosters healthy families and creates safer communities.

We look forward to working together with all Western Australians to achieve smart justice, healthy families, and safer communities through justice reinvestment.

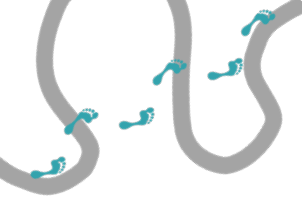
## **Why Do We Need To Change Our Approach To Youth Justice?**

Our youth justice system should keep children and our community safe. It should seek to prevent and reduce youth offending, and provide young people the opportunity to change their behaviour so that they can enjoy bright futures as valued and responsible members of the community. It should seek to sustainably reduce crime and promote wellbeing to allow children the best possible lives and participation in the community.

But our current youth justice system, built on decades of punitive responses, does not enable us to achieve this vision. Far from keeping young people safe, our current approach is breaching their human rights. It entrenches young people in cycles of disadvantage and is ineffective at rehabilitation. Our current approach leaves much to be desired in achieving the outcomes we want it to.

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<sup>5</sup> Western Australia Police Force, "Crime Statistics" *Western Australian Police Force* (28 April 2022) [https://www.police.wa.gov.au/Crime/CrimeStatistics#/,](https://www.police.wa.gov.au/Crime/CrimeStatistics#/) accessed 29 April 2022.



## The Legacy of our Current Youth Justice System

- On an average day in 2019-20, Banksia Hill Detention Centre housed an average of 107 young people.<sup>6</sup>
- Of the young people who enter detention, statistics show that more than 50 per cent will return within two years.<sup>7</sup>
- On any given day in 2019-20, more than two-thirds (72.4%) of children and young people in detention were Aboriginal children.<sup>8</sup>
- A 2020 report found that more than 50 per cent of young people involved in the justice system in Australia have had some involvement with Child Protection services.<sup>9</sup>
- A 2022 review found some young people in detention were kept in cells for 22 hours a day – a breach of their human rights.<sup>10</sup>
- Research has found that 9 out of 10 of all young people in detention had at least once severe neurodevelopmental impairment, including Foetal Alcohol Spectrum Disorder.<sup>11</sup>
- The Office of the Inspector of Custodial Services have found an enduring pattern of instability in Banksia Hill Detention Centre, with high rates of mental distress and self-harm among young people.<sup>12</sup>
- In July 2022, the WA Government moved a group of children from Banksia Hill Detention Centre to a unit at the maximum-security Casuarina Prison,<sup>13</sup> demonstrating the ongoing and escalating crisis our youth justice system has faced in being unable to therapeutically respond to young people's needs.<sup>14</sup>

<sup>6</sup> Department of Justice, *Department of Justice Annual Report, 2019/20* (WA: The Government of Western Australia, 2020), [https://www.wa.gov.au/system/files/2020-09/Department-of-Justice-Annual-Report-2019-2020\\_0.pdf](https://www.wa.gov.au/system/files/2020-09/Department-of-Justice-Annual-Report-2019-2020_0.pdf), accessed 23/3/2021

<sup>7</sup> Government of Western Australia (2022). 2022-23 Budget Statements. Budget Paper No. 2, Volume 2. Retrieved from: <https://www.ourstatebudget.wa.gov.au/2022-23/budget-papers/bp2/2022-23-wa-state-budget-bp2-vol2.pdf>, accessed 29/6/2022

<sup>8</sup> Department of Justice, *Department of Justice Annual Report, 2019/20*

<sup>9</sup> Australian Institute of Health and Welfare. Young people in child protection and under youth justice supervision: 1 July 2014 to 30 June 2018. Data linkage series no. 25. Cat. no. CSI 27. (Canberra: AIHW, 2019), <https://www.aihw.gov.au/getmedia/ebf46682-66a3-4d5e-85ce-0b3919c70dfd/aihw-CSI-27.pdf.aspx?inline=true>, accessed 29/6/2022

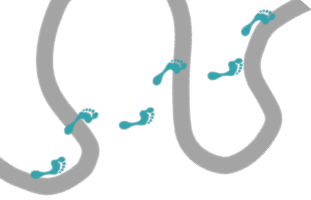
<sup>10</sup> Office of the Inspector of Custodial Services, 2021 Inspection of the Intensive Support Unit at Banksia Hill Detention Centre (2022), <https://www.oics.wa.gov.au/wp-content/uploads/2022/04/Inspection-of-Banksia-Hill-Detention-Centre-ISU-CORRECTED.pdf/>, accessed 6 May 2022

<sup>11</sup> Carol Bower *et al.* "Fetal alcohol spectrum disorder and youth justice: a prevalence study among young people sentenced to detention in Western Australia." *BMJ Open*, (2018) doi: 10.1136/bmjopen-2017-019605, accessed 11 May 2022.

<sup>12</sup> Office of the Inspector of Custodial Services, 2017 Inspection of Banksia Hill Detention Centre (2018), <https://www.oics.wa.gov.au/wp-content/uploads/2018/04/Banksia-Hill-Report-116-FINAL.pdf>, accessed 6 May 2022

<sup>13</sup> Department of Justice, *Disruptive Detainees Relocated to Temporary Facility* [Media Release], 20 July 2022, <https://www.wa.gov.au/government/announcements/disruptive-detainees-relocated-temporary-facility>, accessed 21 July 2022

<sup>14</sup> Social Reinvestment WA, *Sending WA Children to Adult Prison is Not Our Only Option* [Open Letter, signed by 75



These statistics are just a brief snapshot of some of the most recent data surrounding youth justice in Western Australia. They paint a picture of a youth justice system that is treading water, and not achieving lasting outcomes for the children in its care. Importantly, it also reflects a failure to adequately address the social determinants of health and wellbeing by investing in family support, mental health, disability care, and education.

The good news is that we can do better. We know we can achieve better outcomes with an increased focus on community-based approaches and programs. We know that early intervention and prevention can reduce crime and create safer communities while simultaneously supporting young people to be happy, thriving, and connected.

*“Proportionally, we are the most incarcerated people on the planet. We are not an innately criminal people.*

*Our children are alienated from their families at unprecedented rates. This cannot be because we have no love for them.*

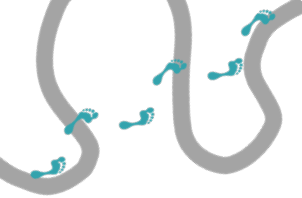
*And our youth languish in detention in obscene numbers. They should be our hope for the future.”*

- Uluru Statement from the Heart<sup>15</sup>

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Organisations], 15 July 2022, <https://static1.squarespace.com/static/59c61e6dbefafb0293c04a54/t/62d13f971861cc16d52bf00b/1657880472593/Letter+from+76+Orgs+to+Premier+on+Children+being+Sent+to+Casuarina.pdf> , accessed 21 July 2022

<sup>15</sup> First Nations National Constitutional Convention, *Uluru Statement from the Heart*, 26 May 2017, <https://ulurustatement.org/the-statement>, accessed 17/8/2022



## What Causes Children To End Up In The Justice System?

### Development

The international medical and scientific consensus is that the neurological development of children's skills in emotional regulation, reasoning and decision-making require ongoing support to build and develop. Evidently, our focus with children should be on empowering them to develop these essential life skills and to provide them the tools in which they can thrive and create their own futures, instead of criminalising them.

The overwhelming medical and scientific consensus suggests that children should not be held criminally responsible, given the neurological evidence. This is supported by the Australian Medical Association who argue that children forced into contact with the criminal justice system are less likely to complete their education, further preventing them to neurologically develop and grow into thriving adults.<sup>16</sup> In their submission to Council of Attorneys General, the Australian Medical Association fully supported raising the age of criminal responsibility to 14 years and highlighted that raising the age of criminal responsibility will prevent the unnecessary criminalisation and harm of vulnerable children.<sup>17</sup>

Australia, including Western Australia, continues to hold children as young as 10 years old criminally responsible, despite overwhelming medical and scientific evidence that this is not appropriate. If a young person engages in offending at this age, a reasonable society cannot hold them *criminally* responsible. Instead, we need to consider how as a community we can best respond to support these young people to have a bright future ahead of themselves through providing the right supports and alternatives to criminal justice.

### Disadvantage

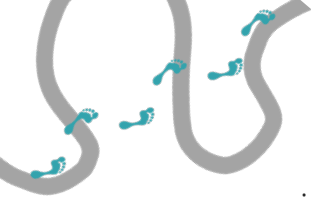
Children involved in our criminal justice system are frequently our community's most vulnerable young people. Many of the key risk factors for youth offending and antisocial behaviour have clear links to experiences of disadvantage<sup>18</sup> – from socio-

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<sup>16</sup> Social Reinvestment WA, Submission to the Age of Criminal Responsibility Working Group, Council of Attorneys General, 2020, <https://bit.ly/3tBKJYz>, accessed 27/6/2022

<sup>17</sup> The Australian Medical Association, *AMA submission to the Council of Attorneys-General – Age of Criminal Responsibility Working Group Review*, 2020, <https://ama.com.au/submission/ama-submission-council-attorneys-general-age-criminal-responsibility-working-group-review>, accessed 27/6/2022

<sup>18</sup> Amanda McAtamney & Anthony Morgan 'Key Issues in Antisocial Behaviour', *Research in Practice Summary Paper No 5*. (Canberra: Australian Institute of Criminology, 2009), <https://www.aic.gov.au/sites/default/files/2020-05/rip05.pdf>, accessed 24/6/2022



economic disadvantage, to unstable family environments, educational disengagement, experiences of homelessness<sup>19</sup>, mental illness and disability.<sup>20</sup> While the presence of such risk factors in a young person's life is not always a precursor to criminal behaviour, it is important to recognise the increased prevalence, and co-occurrence, of many of these factors amongst the most disadvantaged members of our communities, who often also experience additional barriers to factors which can be protective influences.

The overlap between young people in the youth justice system and the child protection system is significant. Of the children in Australia's youth justice system, 50% had also been in the care or services of child protection.<sup>21</sup> These children have already been removed from their families and are under the protection of government services. They are among the most vulnerable cohort in our community, and as such they need intensive support and a safe environment. The evidence shows that the removal of children from their families has a traumatising impact upon those children, even when done for their own safety. Children in the care of the state are also particularly prone to criminalisation for behaviours that might otherwise have been managed outside the formal justice system if they were not in care.

There is also significant prevalence of children with intellectual and cognitive disabilities in the youth justice system. Research in 2008 found clear overrepresentation of young people with intellectual disability in the youth justice system – compared to both the adult justice system, and wider youth population.<sup>22,23</sup> This was particularly evident amongst Aboriginal young people in the system, and was also related to a higher risk of reoffending.<sup>[OBJ]</sup><sup>24</sup> Banksia Hill Detention Centre found that 90% of children incarcerated had a severe neurodevelopmental disability or cognitive challenges, and that nearly 40% of the children had Foetal Alcohol Spectrum Disorder.<sup>[OBJ]</sup><sup>25</sup> most these children

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<sup>19</sup> Australian Institute of Health and Welfare, *Vulnerable young people: interactions across homelessness, youth justice and child protection—1 July 2011 to 30 June 2015*. Cat. no. HOU 279., (Canberra: AIHW, 2016) <https://www.aihw.gov.au/getmedia/944d5eb5-a940-41be-b1a6-f81f95636aa5/20475.pdf.aspx?inline=true> accessed 24/6/2022

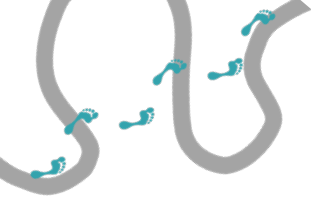
<sup>20</sup> Australian Institute of Health and Welfare, *National data on the health of justice-involved young people: a feasibility study*. Cat. no. JUV 125., (Canberra: AIHW, 2018) <https://www.aihw.gov.au/getmedia/4d24014b-dc78-4948-a9c4-6a80a91a3134/aihw-juv-125.pdf.aspx?inline=true> , accessed 11/5/2022

<sup>21</sup> Australian Institute of Health and Welfare, *Youth detention population in Australia 2019*, Bulletin no. 148. Cat. no. JUV 131. (Canberra: AIHW, 2020) <https://www.aihw.gov.au/reports/youth-justice/youth-detention-population-in-australia-2019/contents/summary>, accessed 27/6/2022

<sup>22</sup> Matt Frize, D. Kenny & C. Lennings, 'The relationship between intellectual disability, Indigenous status and risk of reoffending in juvenile offenders on community orders', *Journal of Intellectual Disability Research* 52(6), (2008) 510–519

<sup>24</sup> Frize, Kenny & Lennings, 'The relationship between intellectual disability, Indigenous status and risk of reoffending in juvenile offenders on community orders'

<sup>25</sup> Telethon Kids Institute, *Nine out of ten young people in detention found to have severe neuro-disability* [media release], <https://www.telethonkids.org.au/news--events/news-and-events-nav/2018/february/young-people-in-detention-neuro->



were undiagnosed and unsupported until the time of the study. these children were undiagnosed and unsupported until the time of the study.

When children experiencing disadvantage end up in the youth justice system, it's clear that they have already been failed by the various systems which are supposed to support and protect them and our wider community. <sup>26</sup>

## Discrimination

In Western Australia, a majority of children in the youth justice system are Aboriginal and Torres Strait Islander, despite being less than 5% of WA's population. According to the Department of Justice in 2019-20, 72% of children in detention were Aboriginal and/or Torres Strait Islander, while 55% of children supervised in the community were Aboriginal and/or Torres Strait Islander. <sup>27</sup>

Aboriginal and Torres Strait Islander people and communities already face significant entrenched socio-economic disadvantage, due to the historical legacy of Australia's colonisation and oppressive policies such as stolen generations, stolen wages, and the dispossession of Aboriginal and Torres Strait Islander people from their ancestral lands. However, systemic discrimination – both historical, recent, and ongoing – also plays a role in overrepresentation in the justice system, as well as other systems with clear links to justice involvement (such as education, child protection and health as discussed above).

Over-policing is one key example of systemic discrimination in practice. <sup>28</sup> Research has found that between 2012 to 2016, the Western Australia Police Force diverted less Aboriginal or Torres Strait Islander young people (35%), compared to non-Aboriginal and Torres Strait Islander young people (45%). <sup>29</sup> Another example is a 2019 report which found a notable disparity in infringements issued for Aboriginal drivers when

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disability/ (13 Feb 2018), accessed 24/6/2022

<sup>26</sup> Helen Milroy, Marshall Watson, Sharaddha Kashyap, & Pat Dudgeon, "First Nations Peoples and the Law" *Australian Bar Review* 50(3), (2021) pg 511

Social Outcomes, *Impact Report for the Youth Partnership Project Model and Youth Intervention Program*, 2021, <https://www.youthpartnershipproject.org.au/>, accessed 11/5/2022

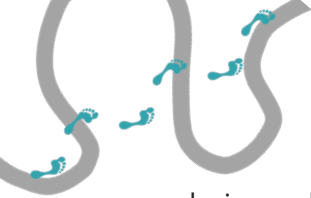
<sup>27</sup> Department of Justice, Department of Justice Annual Report, 2019/20

<sup>28</sup> The Senate Standing Committee on Finance and Public Administration, *Aboriginal and Torres Strait Islander experience of law enforcement and justice services*, (Canberra: Commonwealth of Australia, 2016) [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Finance\\_and\\_Public\\_Administration/Legalassistanceservices/Report](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Finance_and_Public_Administration/Legalassistanceservices/Report), accessed 23/3/2021

Tracy Westerman, *We Must Raise the Age of Criminal Responsibility, here is why*. (2021), <https://indigenoux.com.au/we-must-raise-the-age-of-criminal-responsibility-here-is-why>, accessed 24/6/2022

<sup>29</sup> Western Australian Auditor General's Report, *Diverting Young People Away From Court*, (Perth: Office of the Auditor General Western Australia, 2017), [https://www.parliament.wa.gov.au/publications/tailedpapers.nsf/displaypaper/4010921ab3e486d2e648e528482581cb0017c646/\\$file/921.pdf](https://www.parliament.wa.gov.au/publications/tailedpapers.nsf/displaypaper/4010921ab3e486d2e648e528482581cb0017c646/$file/921.pdf), accessed 27/6/2022





being pulled over by police officers when compared to those issued by traffic cameras.<sup>30</sup>

The history and evidence of over-policing on Aboriginal and Torres Strait Islander communities has led to the increased likelihood of justice system contact for Aboriginal and Torres Strait Islander people, including children. Consequently, this has reinforced the often-poor relationships between Aboriginal and Torres Strait Islander people and police. In addition, over-policing and increased criminalisation of Aboriginal and Torres Strait Islander people means that there are young people in our justice system that come from 'generationally incarcerated' cohorts, where there is a long line of family members who have been through the justice system before them.<sup>31</sup> This exposure to criminality is another key risk factor of future justice engagement,<sup>32</sup> and one which is disproportionately experienced by Aboriginal and Torres Strait Islander young people due to our nation's long history of systemic racism.

When involvement in the justice system is ultimately the result of children being let down by opportunities and supports that should be in place through other systems, experiences of systemic racism across these interactions pose a clear pathway towards overrepresentation.

## Trauma

There is increasing evidence and understanding that young people in the youth justice system tend to have significant experiences of trauma, and that the ongoing impact and symptoms of such experiences can be related to behaviours which result in young people being criminalised.<sup>33</sup> Trauma is the psychological injury resulting from distressing events such as violence, maltreatment, grief or similar, which can have ongoing impacts on people's lives.<sup>34</sup> Trauma during childhood, in particular, can impact on children's development and wellbeing, and has been linked to various negative outcomes later in life.<sup>35</sup> Recent Australian research has found that the prevalence of

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<sup>30</sup> Calla Wahlquist, 'Aboriginal drivers in WA more likely to get fines from police officers than traffic cameras', *The Guardian Australia*, 5 February 2020, <https://www.theguardian.com/australia-news/2020/feb/05/aboriginal-drivers-in-wa-more-likely-to-get-fines-from-police-officers-than-traffic-cameras>, accessed 27/6/2022

<sup>31</sup> Westerman, We Must Raise the Age of Criminal Responsibility

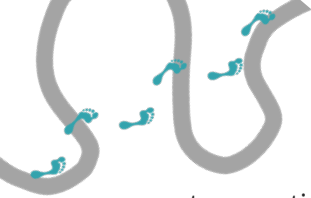
<sup>32</sup> Westerman, We Must Raise the Age of Criminal Responsibility.

McAtamney & Morgan, "Key Issues in Antisocial Behaviour"

<sup>33</sup> Catia Malvaso C *et al.* 'Adverse childhood experiences and trauma among young people in the youth justice system' *Trends & issues in crime and criminal justice* no. 651. (Canberra: Australian Institute of Criminology, 2022) <https://doi.org/10.52922/ti78610> Amanda Harris, *Trauma, young people and juvenile justice*. (n.d.) The Australian Child & Adolescent Trauma, loss & Grief Network, <http://earlytraumagrief.anu.edu.au/files/Trauma%20and%20juvenile%20justice%20in%20Australia.pdf>, accessed 24/6/2022

<sup>34</sup> Australian Psychology Association, *Trauma* [Website], (2022) <https://psychology.org.au/for-the-public/psychology-topics/trauma>, accessed 27/6/2022

<sup>35</sup> Felitti VJ, et al., "Relationship of childhood abuse and household dysfunction to many of the leading causes of death in



traumatic experiences and their ongoing impacts was particularly high among young people in youth justice supervision, with approximately 89% of young people in South Australia's youth justice system having experienced a combination of maltreatment and household dysfunction.<sup>36</sup>

When unaddressed, trauma can have a severe impact on children and young people's behaviours, including in forming supportive relationships, showing empathy, concentration, impulse control, and managing emotions.<sup>37</sup> In turn, such factors can be linked to the types of offending which are common for young people, such as violence, theft, and drug offences.<sup>38</sup> As such, it is important for the youth justice system to understand trauma and be able to respond to the underlying needs associated with trauma responses, rather than merely criminalising the resulting behaviours.

However, our current youth justice system struggles to respond in an appropriate way to young people who have experienced trauma, and in many regards, criminalisation deepens the challenges that these young people face. While some parts of the system (such as courts and service providers) are recognising the impact of trauma and the need to respond appropriately, overall, our system isn't designed to help young people address the underlying needs related to recovering from trauma, which will best enable successful reintegration and reduce recidivism. In particular, the environments of the criminal justice system – from police interactions, to courts and youth detention – can be retraumatising for many young people, particularly in regards to aggressive and authoritative interactions, as well as isolation from family and other important support networks and coping strategies, and the heightened environment created when high numbers of traumatised children are incarcerated together.<sup>39</sup> Additionally, when the justice system removes Aboriginal and Torres Strait young people from their families, communities and Country, it can have amplified impacts due to the historical trauma of dispossession and the stolen generations.<sup>40</sup> Our justice system needs to be redesigned to ensure it can help – not further harm – the young people who engage with it, through therapeutic responses that address the needs that underly offending behaviour.

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adults. The Adverse Childhood Experiences (ACE) Study." *American Journal of Preventative Medicine* 14(4), (1998)m, 245-58. doi: 10.1016/s0749-3797(98)00017-8. PMID: 9635069, accessed 27/6/2022

<sup>36</sup> Malvaso et al, 'Adverse childhood experiences and trauma among young people in the youth justice system.'

<sup>37</sup> Harris, Trauma, young people and juvenile justice.

<sup>38</sup> Milroy et al., "First Nations Peoples and the Law"

<sup>39</sup> Westerman, We Must Raise the Age of Criminal Responsibility

<sup>40</sup> Milroy et al., "First Nations Peoples and the Law"



## How Does Our Vision Align With Government's Systems And Priorities?

In Australia, the provision and funding of youth justice services are the responsibility of state and territory governments, who individually set policy, legislation and the systems of management. In Western Australia, youth justice services are currently defined to support, supervise, and manage young people who are charged and/or convicted of offences that occurred when they were aged 10 to 17 years, but may continue involvement after this age.

The youth justice system in Western Australia includes:

- The Western Australia Police Force, are usually the first point-of-contact with the justice system, and are responsible for enforcing the law, investigating crimes, and working to prevent and reduce crime (including through community engagement, using options to divert young people from the justice system, and prosecuting young people in the justice system).
- The courts, particularly the Children's Court of Western Australia, which is responsible for hearing charges and determining bail and sentencing.
- Statutory services, which support the supervision and case management of young people on legal orders (such as community-based supervision orders and those in detention).
- Funded community service providers, which may run prevention and support programs in both the community and in detention.

This rigid and limited structure is due for significant reform to bring our approaches and focus in line with what we know works to address youth offending and keep communities safe. Our vision for a smart justice system goes beyond punitive measures and siloed agencies, to address poverty and inequality, mental health and family violence, and access to supports before young people come into contact with the youth justice system.

A smart youth justice system means we need everyone at the table.

The state government has a significant reform agenda in many community services and areas of social and health policy, some of which is already underway. This has included a shift to embed the principals of place-based, person centred, collaborative, co-designed, and self-determined responses across government strategy and policy. This blueprint aligns with this agenda, and builds on, existing reform to meet government's goals.

This report has been informed by a consultation and literature review process which



Social Reinvestment WA undertook with its member organisations. In these consultations we identified factors which promote the wellbeing of young people, improve their overall life trajectory and reduce their likelihood of coming into contact with the justice system. The determinants of wellbeing are broader than ‘youth justice’, and many sit under the strategies and remit of other agencies.

The current state government has a strong vision to improve outcomes for young people and families across many domains, creating the ‘Beyond 2020’: WA Youth Action Plan 2020-2022, the WA Youth Health Policy 2018-2023, the Earlier Intervention and Family Support Strategy, and more. Investments in improving child protection supports, access to high-quality education services, and increased mental health supports for young people will all improve youth justice outcomes.

In addition, this blueprint aligns closely with much of the new National Agreement on Closing the Gap in regards to overarching objectives to overcome entrenched inequality faced by Aboriginal and Torres Strait Islander people through shared decision making, increasing community control, cross-government accountability and harnessing local data to drive progress.<sup>41</sup> Approaches championed by this report will directly contribute to the Closing the Gap socioeconomic targets. Most notable is Target 11, which aims for at least a 30% reduction in the rate of Aboriginal and Torres Strait Islander young people in detention by 2031. Importantly, other Closing the Gap goals related to adult incarceration, social-emotional wellbeing, education, child protection and family safety, health, and cultural connection are all addressed under our blueprint.<sup>42</sup>

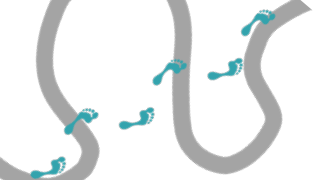
By working together to achieve the youth justice system this report envisions, we will achieve outcomes that reverberate beyond youth justice, and into other priorities of the state government.

We believe that through partnership, everybody and every community in Western Australia will benefit.

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<sup>41</sup> *National Partnership Agreement on Closing the Gap*, Coalition of Aboriginal and Torres Strait Islander Peak Organisations and all Australian Governments, signed July 2020 (National Partnership Agreement), <https://www.closingthegap.gov.au/sites/default/files/files/national-agreement-ctg.pdf>

<sup>42</sup> National Partnership Agreement on Closing the Gap



# What Does a Transformed Approach To Youth Justice Look Like?

Noting increasing imprisonment rates, a recent Productivity Commission paper on Australia's 'prison dilemma' stated: "imprisonment cannot be explained solely by changes in either the amount or type of crime. It is, at least in part, a policy choice."<sup>43</sup>

If imprisonment of young people is driven by policy, then we can change policy.

Many of the solutions and alternatives to fix the youth justice system already exist in our communities; many options have been trialled with success, and are being implemented at the grassroots level. What is needed is greater investment in and support for the initiatives that work and the structures that support them to be effective.

This report provides an overview of how existing solutions - across Western Australia, Australia, and internationally - can be applied in our communities to realise better outcomes for young people.

We hope to paint a picture of a transformed youth justice system in Western Australia that inspires action for change, and supports decision-makers to realise that our current approach is not the only approach we have available. We can work together to utilise our state's strengths, bring communities together to create solutions, and support young people to be safe and well every step of the way.

We believe that with policy shift towards diversion and care, investment in community-based solutions, and legislative reform, we can end youth imprisonment and create safer communities at the same time.

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<sup>43</sup> Productivity Commission, Australia's Prison Dilemma (2021) page 2, <https://www.pc.gov.au/research/completed/prison-dilemma/prison-dilemma.pdf>, 95, accessed 29 April 2022



## Our Foundational Principles

It is clear from the state of youth justice in Western Australia that our response cannot focus on a single solution.

In order to meaningfully transform Western Australia into a state that truly supports the wellbeing of young people, we require a collaborative and systems-based approach that shifts both: the *drivers* of inequality and disadvantage that lead people into our justice system; as well as the *enablers* that entrench this disadvantage and create life-long harm.

Many of these are held outside of the justice system and are in our communities, our education systems, our family support systems, and more.

This approach will require a new way of working, and a commitment to empower the communities and individuals who are at the heart of our vision for safer and healthy communities.

Below are the **essential principles** that must sit at the heart of this reform and are foundational to the success of our approach.



### Community Leadership and Co-Creation

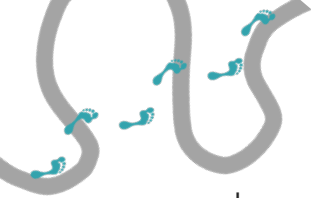
*The voices of young people and communities at the heart of what we do*

We know that by involving service users and communities in the design of services, they are more likely to meet their needs. We have heard repeatedly from our conversations with young people that many aspects of the youth service system (including the justice system) are not designed to meet their needs. Some young people have reported cases where the systems intended to support them, have instead harmed their wellbeing through poor design, punitive approaches, or by disempowering them in their live choices.

It is critical that our collective approach to youth justice actively engages and empowers children, young people, and families as partners in design and implementation. Young people must be supported to shape and critique policies, services, and system design early, in order to ensure our new responses are effective and actually meet the needs of those they intend to support.

Young people can help us to understand how a child or young person navigates the justice system, what makes a service feel welcoming and supportive, and where supports might be missing or could be improved. We need to embed the voices of children and young people in designing services and policies to ensure they are appropriate and effective.

Participation in decisions that affect them is a fundamental human right for children



and young people in Australia, ratified by the United Nations Convention on the Rights of the Child.<sup>44</sup>

By enshrining young people's voices closely in our approach to youth justice, we have the opportunity not only to empower young people and uphold this right, but to also improve the quality of our youth justice services and approach.

We can achieve this by embedding co-design at the heart of youth justice reform, and at all levels of strategy setting, policy-making, and service commissioning.



## Holistic and Therapeutic Approaches

*Prioritising trauma-informed support over punitive responses*

Young people deserve help, not harm.

This must be the foundational principle on which youth services and youth justice systems are built. Embedding a therapeutic and supportive approach at the core of our responses across early intervention, diversion, and intensive support is more likely to address the drivers of crime and youth offending, and support young people to engage in prosocial behaviours.

Currently, Western Australia's approach to youth justice is highly punitive, with real and quantifiable harms to children's wellbeing and psychological health and disruptions to their education. For example, community-based sentences for children and young people in their current form are focused on monitoring and compliance, not addressing the underlying causes of their offending behaviour. Under a community-based sentence a young person may be ordered to complete 50 to 100 hours of community work that does not contribute to their education or skill development. Community-based orders also require young people to report for supervision one or two times each week. For many, this requires extensive travel on public transport without support. Many young people have told us this system gives them the choice of: risking a fine by catching public transport without a fare, or simply not attending. For many younger children it is not feasible or safe for them to make this journey on their own.

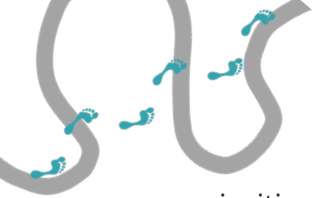
Importantly, our conversations with young people demonstrate a profound lack of trust in government services, arising from years of culturally unsafe and punitive responses. The end result of this is an approach to youth justice that focuses on *severing* relationships, instead of *building* them.

A therapeutic approach to supporting better outcomes for young people should be

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<sup>44</sup> . *International Covenant on Civil and Political Rights*, opened for signature 19 December 1996, United Nations, Treaty Series, vol. 999, p. 171, [https://treaties.un.org/doc/Treaties/1976/03/19760323%2006-17%20AM/Ch\\_IV\\_04.pdf](https://treaties.un.org/doc/Treaties/1976/03/19760323%2006-17%20AM/Ch_IV_04.pdf), (entered into force 23 March 1976), art 10(1).

*Convention on the Rights of the Child*, opened for signature 20 November 1989, 1577 UNTS 44, 28 ILM 1457 (entered into force 2 September 1990), art 40.



prioritised in every engagement. This includes increasing: the available diversion options for young people; providing young people with services that build their capacity to engage in their communities; and a model of policing that is founded on youth engagement and connections.

Importantly, this will require transforming youth detention from a punitive intervention to a therapeutic and community-based system. Banksia Hill Detention Centre is actively harming children and young people by: disrupting their education; exacerbating their experiences of traumas and instability; and often exiting young people from detention with limited support resulting in high rates of recidivism.<sup>45</sup>



## **Data and Evidence-driven Proactive Interventions**

*Providing the right support, in the right place, at the right time*

By the time a child or young person comes into contact with the criminal justice system, there have been numerous missed opportunities to intervene and support them. It is a common story to see patterns of educational disengagement, contact with child protection services and more, years prior to a young person entering the youth justice system. It raises the simple question – what was being done to support these children and young people prior to their entry into the youth justice system?

We need to be smarter about how we engage children and young people early, using the information we already have available to us, and provide them with the supports they need to change their life trajectories.

Feedback from our members is that they can usually predict the young people who will in future come into contact with the youth justice system. These young people are identified through engagement in the child protection system, experiences of poverty, family and domestic violence, and more.

We must shift our approach to allow us to share data and information across the services and systems that can help us to identify young people, and provide them with the support they need. Better outcomes for young people are not just about improvements to justice services, but also about investment in education, mental health, child protection, health, and homelessness.

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<sup>45</sup> The Royal Australasian College of Physicians, *The health and well-being of incarcerated adolescents* (2011), <https://www.racp.edu.au/docs/default-source/advocacy-library/the-health-and-wellbeing-on-incarcerated-adolescents.pdf>, accessed 12 May 2022

Office of Inspector of Custodial Services, *Recidivism Rates and the Impact of Treatment Programs*, (2014) <https://www.oics.wa.gov.au/reports/recidivism-rates-impact-treatment-programs/key-findings/recidivism-risk-factors/>, accessed 12 May 2022





## Accessible Supports

*Ensuring help and support is available whenever young people need it*

All youth services should be accessible for young people regardless of their circumstances. Currently, there are many barriers in place that prevent young people accessing services when they need them – whether they be service eligibility criteria, geographical location, or administrative discrimination.

For Aboriginal young people, barriers may include culturally-unsafe practices or environments. Service delivery policies and procedures may also be inherently discriminatory, such as intake processes and paperwork which are not culturally secure.

We must invest in support for families to navigate service systems; information sharing and service mapping to allow appropriate and timely referrals across systems; and for programs and services to be adequately funded so spaces are available without extensive waitlists.

'No Wrong Door' is an approach to supporting individuals to receive appropriate support or referral, regardless of where they first present in a service system. No Wrong Door is a term commonly used across the mental health and homelessness systems.<sup>46</sup>No Wrong Door is fundamentally about reducing barriers and improving access for the individuals who need support the most.

A No Wrong Door approach would see government agencies and community support services working together to understand how services interact and assist young people and their families to navigate and access the supports they need.

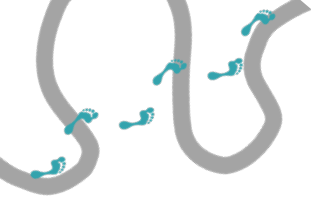
We must also identify administrative barriers to accessing services and implement systemic changes to service delivery which address these underlying discriminatory policies. Initiatives such as the '*Looking Forward Moving Forward Project*',<sup>47</sup> which aims to increase the number of Aboriginal people accessing mental health and drug and alcohol services, are already conducting research into these barriers at a local level, and these should be supported and expanded upon.

Young people who need support and care should be able to access help whenever they ask for it. Seeking help is a difficult and courageous act at the best of times, and for

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<sup>46</sup> Government of Western Australia, '*No Wrong Door Approach to Co-Design*', Perth, WA, Government of Western Australia, 2021, <https://www.wa.gov.au/organisation/departments-of-communities/no-wrong-door-approach-co-design#:~:text='No%20Wrong%20Door'%20means%20that,system%20looks%20like%20in%20practice.,> accessed 16 June 2022.

<sup>47</sup> Michael Wright et al., '*Looking Forward Moving Forward Project Progress Report 2021*' (Perth: Curtin University, 2022), [https://debakarn.com/wp-content/uploads/2022/03/2021-LFMFProject-Progress-Report\\_FINAL.pdf](https://debakarn.com/wp-content/uploads/2022/03/2021-LFMFProject-Progress-Report_FINAL.pdf), accessed 21 July 2022.



young people who are struggling there should be No Wrong Door to support and referrals to what they need to stay healthy and well.

There is already a commitment to implement No Wrong Door across the Homelessness Service System in Western Australia, adhering to four key principles:<sup>48</sup>

- People know where to get help
- People tell their stories once
- Service providers talk to one another
- People are connected to the right services at the right time.

Applying No Wrong Door through a justice lens would create a connected and accessible youth services system for at-risk young people who need support, including access to counselling, alcohol and drug support and treatment, family and domestic violence issues, and homelessness services. These are systems that address the underlying causes of offending, and must be part of a connected service system if it is to meaningfully change justice outcomes.



### **Aboriginal Self-Determination**

*Aboriginal community control and ownership over solutions and programs*

**“When we have power over our destiny our children will flourish. They will walk in two worlds and their culture will be a gift to their country.”**

*Uluru Statement from the Heart*<sup>49</sup>

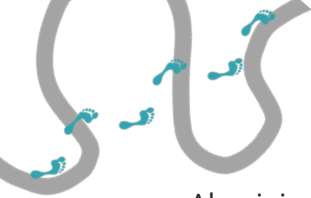
Aboriginal young people have, for many years, been over-represented in Western Australia’s justice system. We know that, for many Aboriginal young people, this has been driven by intergenerational trauma, the ongoing impacts of colonisation, racism, and trauma. These have contributed to complex relationships between government institutions and Aboriginal people, and require an understanding and appreciation of Australia’s history of colonisation.

We cannot talk about transformative youth justice without acknowledging these truths as drivers of current inequities and poorer outcomes for Aboriginal young people in our justice system. Similarly, we must also acknowledge the strengths inherent in Aboriginal communities, the resilience of relationships, and the value of cultural approaches. Justice issues do not stem from indigeneity, but from the legacy of colonisation.

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<sup>48</sup> Centre for Social Impact, *Enabling a No Wrong Door System in Homelessness* (2019), Western Australia: Department of Communities, <https://www.communities.wa.gov.au/media/2763/no-wrong-door-report.pdf>, accessed 12 May 2022

<sup>49</sup> First Nations National Constitutional Convention, *Uluru Statement from the Heart*



Aboriginal communities have been telling us for years that they wish for a strengths-based and community-controlled approach to Aboriginal-led solutions, and have demonstrated success in increasing community safety and supporting whole-of-community approaches to reducing youth offending. The principle of self-determination is also a fundamental human right upheld by the United Nations Declaration on the Rights of Indigenous People.<sup>50</sup>

Support for Aboriginal young people must be provided through Aboriginal-led approaches, support the self-determination of individuals and communities, and uplift cultural, social, and emotional wellbeing. All programs and services for Aboriginal children and young people must be culturally appropriate and led by Aboriginal people and communities wherever possible.

Previous approaches that have involved the removal of children — such as through youth detention — are not culturally-appropriate,<sup>51</sup> cost-effective, or successfully rehabilitative, and must be options of last resort in every instance.

Projects such as Olabud Doogethu in Halls Creek,<sup>52</sup> Kanyirninpa Jukurrpa (KJ)<sup>53</sup>, and Woombooriny Amboon Angarriya Partnership Initiative highlight how Aboriginal-led decision making allows communities to work to meet their own needs and increase cultural, social, and emotional wellbeing.<sup>54</sup> Local communities have critical insight into solutions to their local problems, and solutions designed without the input and support of the community they serve are destined to be ineffective. Resourcing these approaches allows better services at reasonably similar cost.

Community development principles should be at the heart of leading community co-designed, place-based solutions. This ensures solutions to address the causal factors unique to individual communities are owned and driven by the community. Importantly, funding should also support these communities and place-based solutions. This requires a change in policy directives, to enable communities in partnership with organisations to propose solutions for funding after co-design, as opposed to governments procuring predetermined services through a tendering process.

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<sup>50</sup> United Nations General Assembly Resolution 61/295, *United Nations Declaration on the Rights of Indigenous Peoples*, UN General Assembly, A/RES/61/295 (13 September 2007), <https://undocs.org/a/res/61/295>

<sup>51</sup> Australians Together, *Intergenerational Trauma* [website] (2021), <https://australianstogether.org.au/discover/the-wound/intergenerational-trauma/>, accessed 12 May 2022

<sup>52</sup> Olabud Doogethu, *Olabud Doogethu – Smart Justice In the Heart of the Kimberley*, [Website], 2020, <https://olabuddoogethu.org.au>, accessed 29/6/2022

<sup>53</sup> Social Ventures Australia, *Think Martu. Think Differently. Act Differently: How KJ Works with Martu*, (2021), [https://www.kj.org.au/s/KJ-evaluation-report-2-How-KJ-works-with-Martu\\_FINAL.pdf](https://www.kj.org.au/s/KJ-evaluation-report-2-How-KJ-works-with-Martu_FINAL.pdf), accessed 11 May 2022

<sup>54</sup> Jessica Bunning, Janella Isaac, Rosana Smith, Josh Augustine & Belinda Sampi, “Dampier Peninsula’s Community Navigators Empowering Kimberley Families through their Aboriginal-led Woombooriny Amboon Angarriya Partnership Initiative (WAAPi)” *Nulungu Publication Series, Nulungu Insights No. 4.* (2019), [https://www.notredame.edu.au/\\_data/assets/pdf\\_file/0030/80769/Nulungu-Insights-4.pdf](https://www.notredame.edu.au/_data/assets/pdf_file/0030/80769/Nulungu-Insights-4.pdf), accessed 12 May 2022



## Justice Reinvestment

*Investing in wellbeing to address the underlying causes of offending*

**“Youth committing crime should not be put in jail straight away. They should undergo programs...”**

*Young people at the Speak Out for Change Youth Summit 2015<sup>55</sup>*

Justice reinvestment means redirecting expenditure from costly and ineffective criminal justice interventions, into initiatives and programs which focus on the wellbeing of individuals, communities, and families. It is founded on the idea that by addressing the underlying causes of offending, we will prevent future crime and therefore reduce reliance on more costly interventions such as prisons and policing.

“Tough-on-crime” programs that punish the action and do not address the cause of offending are underpinned by the idea that offending behaviour is a product of choice, and not driven by socioeconomic factors.<sup>56</sup> This is in direct contradiction with the wealth of research and literature and findings of numerous state, national and international reports and Royal Commission findings.

We must actively prioritise social reinvestment as an approach to our youth services system, supporting families early, addressing the impacts of poverty and homelessness, creating therapeutic connections, and diverting young people away from punitive approaches that entrench contact with the justice system

Justice reinvestment approaches that are centred on early intervention and therapeutic support are more cost-effective than crisis and bed-based services, such as prisons and emergency departments.<sup>57</sup> The added benefit of these types of initiatives is they improve social outcomes in areas broader than justice, such as education and employment, and generate fiscal savings and net benefits.

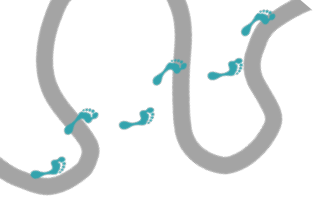
Currently, state investment in youth detention centres, prisons and courts far outpaces investment in therapeutic supports. With careful, strategic investment, we can create a more sustainable community services system, and rebalance funding towards the programs that provide supports to families when they need them.

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<sup>55</sup> Youth Partnership Project, *Speak Out For Change: Youth Voices on Youth Issues*, (2015), <https://resourcecentre.savethechildren.net/document/youth-voices-youth-issues-report-2015-speak-out-change-summit/>, accessed 29/6/2022

<sup>56</sup> Brian Sellers, & Bruce Arrigo, “Adolescent transfer, developmental maturity, and adjudicative competence: An ethical and justice policy inquiry”, *Journal of Criminal Law and Criminology*, 99/2 (2009), 435-488, [https://www.researchgate.net/publication/228680111\\_CRIMINOLOGY\\_ADOLESCENT\\_TRANSFER\\_DEVELOPMENTAL\\_MATURITY\\_AND\\_ADJUDICATIVE\\_COMPETENCE\\_AN\\_ETHICAL\\_AND\\_JUSTICE\\_POLICY\\_INQUIRY](https://www.researchgate.net/publication/228680111_CRIMINOLOGY_ADOLESCENT_TRANSFER_DEVELOPMENTAL_MATURITY_AND_ADJUDICATIVE_COMPETENCE_AN_ETHICAL_AND_JUSTICE_POLICY_INQUIRY), accessed 12 May 2022

<sup>57</sup> Social Reinvestment, *WA Prison and the Bottom-Line*. [website] (2020). Retrieved from: <https://www.socialreinvestmentwa.org.au/prison-and-the-budget-bottom-line>, accessed 4 March 2022



## Transparent, Accountable and Anti-Discriminatory Systems

*Increase trust in our systems through greater accountability*

Communities should be able to trust the systems that care for them and those around them to achieve positive outcomes, improve lives, and promote wellbeing. This trust is critical for citizens and communities to engage with systems and programs, as without it – why would they? Systems such as justice should be subject to considerable scrutiny considering the consequences when justice is not upheld or quality is poor.

However, trust in government has generally declined significantly in recent years<sup>58</sup> – and for Aboriginal communities who have experienced systemic, institutionalised oppression and discrimination, any possible trust in government systems has been actively thwarted time and time again. Current disproportionate rates of Aboriginal people and children being incarcerated speak to discrimination in our system today.

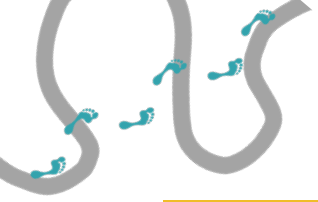
To build trust, we need work to create a system of youth justice that is transparent and accountable, and actively works to be anti-discriminatory at all levels.

Closed environments such as prisons and youth detention also can be cause for concern, with recent findings from the Office of Inspector of Custodial Services that human rights had been breached at Banksia Hill Detention Centre. This suggests our current compliance-focused approaches may not be working, and we should move towards a more proactive element of independent oversight, public reporting and accountability, and measures of progress.

Our new system of youth justice should look to release more information to the public around decision-making processes and conditions in closed environments, and strengthen accountability bodies that ensure our systems are not just complying with the law, but providing the best possible outcomes for vulnerable young people and uphold their human rights.

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<sup>58</sup> Edelman (2022) *Edelman Trust Barometer 2022 Australia*, Edelman, 21 July 2022,



## A New Approach

Our new approach requires a shift in thinking across youth services and community safety. The state government must have the courage to re-examine the way in which our institutions handle youth crime, detention, and community supports.

Importantly, this will require partnerships with communities and the non-profit sector across the spectrum of intervention for at-risk young people — from prevention and early intervention to detention and through-care.

The principles we have outlined above provide the basis for this vision, and should be considered in every aspect of a refreshed approach to young people's wellbeing in Western Australia. These provide the *why* to our approach.

Here, we step out the *what* - what are the frameworks and approaches that we know will see success for young people at an individual, social, community and economic, level.

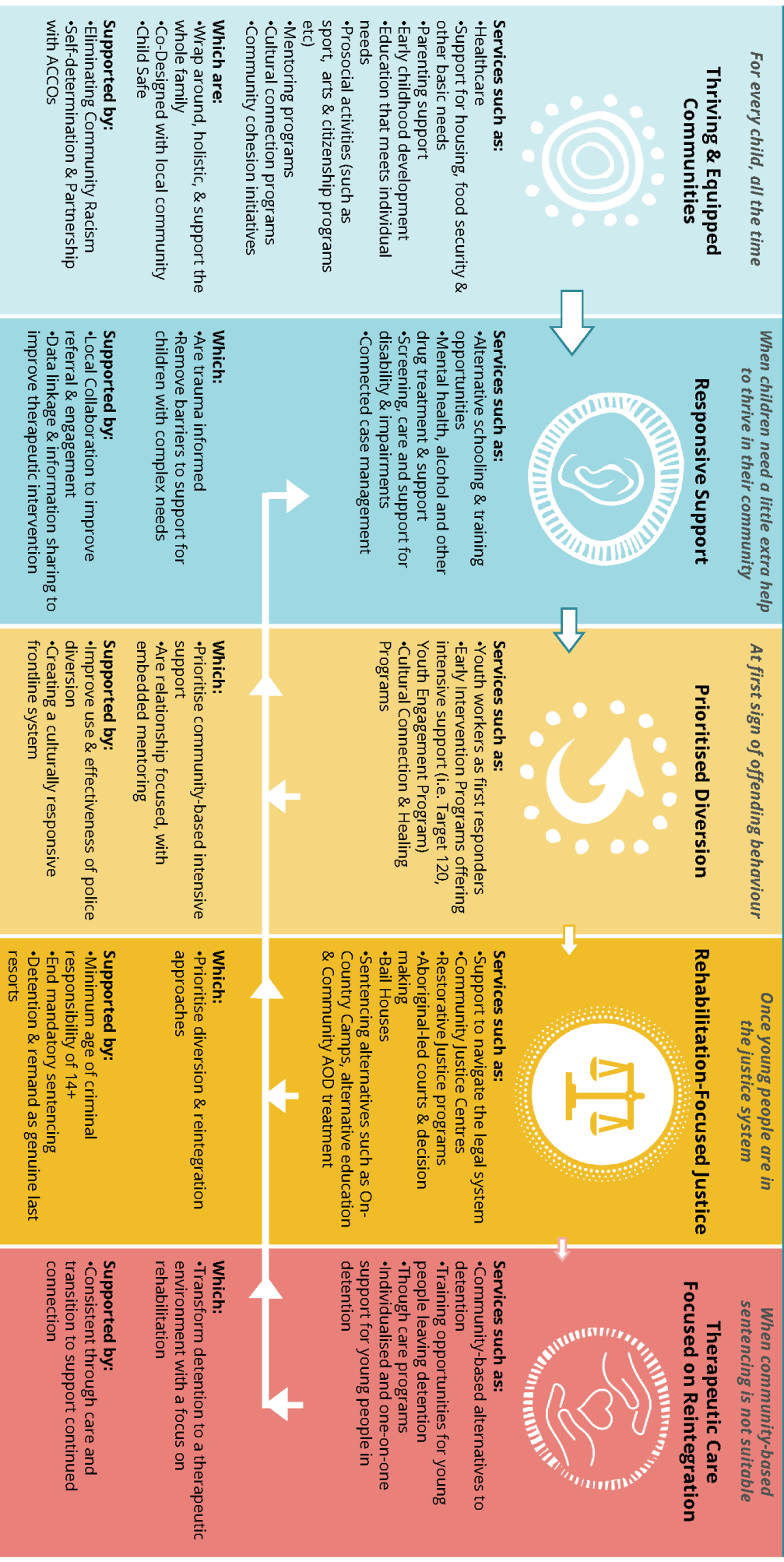
- **Thriving and Equipped Communities: Holistic care for all young people across Western Australia**
  - Investing in communities that are connected, accessible, and healthy so young people can thrive.
- **Responsive Support: Early intervention for young people at-risk**
  - Community services and government collaborating to identify and care for young people early and for as long as is needed.
- **Prioritised Diversion: Support upon engagement with the justice system**
  - Using the justice system and Western Australia Police Force as a touchpoint to provide support that meets young people's needs, and enabling them to engage with services in their communities.
- **Rehabilitation-Focused Justice: Diversion and supportive responses within sentencing and court systems**
  - Creating a court system that supports young people to receive effective care and support if behaviour escalates.
- **Therapeutic Care Focused on Reintegration: Therapeutic approaches within secure places of care as a last resort**
  - Transforming youth detention to culturally-appropriate, therapeutic responses over punishment, and ensuring this is only used as a last resort to provide safe, intensive care.

# Blueprint for a Better Future: Paving the Way for Youth Justice Reform in Western Australia



Supported by: cross-agency collaboration mechanisms | coordinated investment based on outcomes-based targets | common evaluation frameworks | increased system accountability

## Whole of Government Strategy & System Coordination



supported by: Mechanisms for community leadership & Aboriginal community control | Structures for collaboration between government, services and community | No Wrong Door approaches

## Place Based Strategy & Local Coordination

**Underpinned by Principles of:**



Community Leadership & Co-Creation



Therapeutic Responses



Data & Evidence Driven Proactive Interventions



Accessible Supports



Aboriginal Self-Determination



Justice Reinvestment



Transparent, Accountable & Anti-Discriminatory Systems



## THRIVING AND EQUIPPED COMMUNITIES: Holistic care for all young people across Western Australia

Creating connected and healthy communities is foundational to improving wellbeing for young people. It is within communities that young people operate, and learn values, develop life skills and see opportunities. The development of this blueprint involved consultation with youth justice service providers and Social Reinvestment WA's member organisations to identify the essential enablers of wellbeing for young people. Appendix A to this blueprint contains more detail regarding each of the wellbeing enablers, the evidence base supporting them and their alignment with existing policies and plans of the state government.

With place-based community development, implementing real co-design with young people for youth services, and action to address racism in communities, we can address these enablers of wellbeing which sit outside traditional 'youth justice' services by improving family access to material and social needs. Addressing these root causes of offending improves educational engagement, and reduces the number of young people needing more intensive support or who come into contact with the criminal justice system.

Transforming outcomes for youth justice requires us to recognise community expertise and invest strategically in communities to design and implement solutions that work. By bringing together local families, youth services, stakeholders, and government agencies, we can learn deeply and identify what makes communities strong. With this knowledge, funding can be directed to the areas of greatest need and have the greatest impact, while existing services can collaborate and integrate with new initiatives.

What does this look like in practice?

- **Initiatives to ensure that the material needs of young people are met by addressing poverty, food security, housing instability**

Experiences of poverty, housing instability, food insecurity, or other forms of disadvantage are risk factors for contact with the justice system later in life.<sup>59</sup> Community development approaches that involve strategies to reduce experience of disadvantage or invest in social infrastructure can have positive outcomes in reducing youth and community crime. Social reinvestment approaches, such as that of Just Reinvest, show reduced crime in relation to community development.

- **Quality and accessible healthcare**

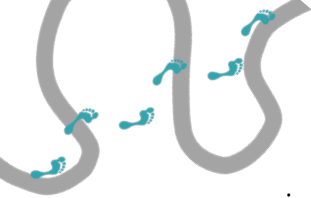
Individuals entering the justice system have often had little or no prior contact with health services but are also more likely to have complex health needs compared to the general population.<sup>60</sup> Investing in community-based initiatives to

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<sup>59</sup> Amanda McAtamney & Anthony Morgan 'Key Issues in Antisocial Behaviour', *Research in Practice Summary Paper No 5*. (Canberra: Australian Institute of Criminology, 2009), <https://www.aic.gov.au/sites/default/files/2020-05/rip05.pdf>, accessed 24/6/2022

<sup>60</sup> Australian Medical Association, *Position Statement on Health and the Criminal Justice System*, 3.





improve access to quality healthcare, particularly for vulnerable members of society, can help to reduce crime and improve outcomes for individuals, both during childhood and throughout their lifetime.

- **Programs and initiatives to increase safety for children and creating organisations that are child safe**

All children have a right to be safe, including being safe from domestic and family violence and exploitation, abuse and neglect. Programs and initiatives to increase the safety of children can also reduce the likelihood of them subsequently coming into contact with the justice system. Organisations and service providers that work with children and young people, including those in the youth justice sector, must be child safe and should implement the 10 principles of child safety underpinning the Australian Human Rights Commission *'National Principles for Child Safe Organisations'* published by the Australian Human Rights Commission, which have already been endorsed by the WA Government.<sup>61</sup> Implementation of child safe principles must also be culturally safe for Aboriginal and Torres Strait Islander children, and should follow the principles outlined in SNAICC's *'Keeping Our Kids Safe: Cultural Safety and the National Principles for Child Safe Organisations'*.<sup>62</sup>

- **Parenting support programs**

The quality and nature of a child's relationship with their parent or carer has been linked with the likelihood of them coming into contact with the justice system.<sup>63</sup> Parenting support programs and other similar initiatives can help to reduce the likelihood of young people engaging behaviour likely to lead to contact with the justice system.<sup>64</sup> Initiatives such as the Home Interaction Program for Parents and Youngsters have observed increased language, cognitive, emotional and social skills in children that participated.<sup>65</sup>

- **Facilitating and promoting mentoring programs**

Mentoring relationships can reduce the likelihood of engagement with the justice system while also improving protective factors such as participation and performance in education, training and employment.<sup>66</sup> Investment in this area

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<sup>61</sup> Australian Human Rights Commission, *National Principles for Child Safe Organisations* (Sydney: Australian Human Rights Commission, 2018).

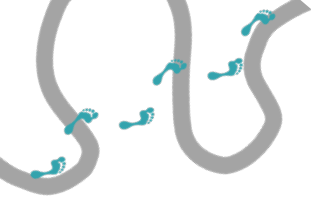
<sup>62</sup> Commonwealth of Australia, Department of the Prime Minister and Cabinet, *Keeping Our Kids Safe: Cultural Safety and the National Principles for Child Safe Organisations* (2021), <https://www.snaicc.org.au/wp-content/uploads/2021/06/SNAICC-VACCA-OCS-ChildSafeReport-LR-with-alt-tags-May2021.pdf>, accessed 30 June 2022.

<sup>63</sup> Machteld Hoeve, et al., 'The relationship between parenting and delinquency: A meta-analysis', *Journal of Abnormal Child Psychology*, 37(6) (2009), 749-775, 765.

<sup>64</sup> Matthew Manning, Ross Homel and Christine Smith, 'A meta-analysis of the effects of early developmental prevention programs in at-risk populations on non-health outcomes in adolescence', *Children and Youth Services Review*, Elsevier, 32(4) (2020), 506-519, 514-515.

<sup>65</sup> Acil Allen Consulting, *Evaluation Of The Home Interaction Program For Parents And Youngsters* (Canberra: Department of Social Services, 2018), 14.

<sup>66</sup> Ania Wilczynski, *Early Intervention: Youth Mentoring Programs An overview of mentoring programs for young people at risk of offending* (Canberra: Australian Government Attorney-General's Department, 2003), 69-71.



could take the form of equipping individuals who work with young people to provide mentoring as well as creating and funding specific mentoring programs.

- **Early childhood development programs**

Early childhood development sets children, young people and their families up to succeed later in life, and are associated with fewer experiences of poverty and greater economic participation. Investment in early childhood programs, such as those providing parenting support, early childhood education, and nutritional support, have shown a link with reduced crime and higher family unit earnings.<sup>67</sup>

- **Access to education that meets the needs of the individual**

Access to educational opportunities has been linked with reductions in crime at a societal level,<sup>68</sup> and educational attainment can reduce an individual's likelihood of contact with the youth justice system.<sup>69</sup> Young people who enter the justice system often have complex educational needs,<sup>70</sup> but have poor experiences of education.<sup>71</sup>

- **Access to prosocial activities (such as sport, music, scouts, art etc)**

Access to prosocial activities support children and young people's educational development, form social connections, build their self-esteem, and support their future economic participation.<sup>72</sup> Organisations such as Scouts WA, Garnduwa, and Shooting Stars provide examples of developing opportunities for children and young people to engage in pro-social activities that develop their relationships, self-esteem, and employment prospects.

- **Programs to promote community cohesion**

Improvements in social connectedness can lead to sizable reductions in crime rates,<sup>73</sup> and can also provide broader benefits such as acting as a protective

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<sup>67</sup> Campbell, F., Conti, G., Heckman J., et al., *Early childhood investments substantially boost adult health*. Science, 2014, vol. 343, no. 6178, pp. 1478-1485. doi:10.1126/science.1248429, accessed 29/6/2022

<sup>68</sup> ikhil Jha and Cain Polidano, 'Vocational Education and Training: A Pathway to the Straight and Narrow', Melbourne Institute of Applied Economic and Social Research, The University of Melbourne, 2016.

<sup>69</sup> Wim Groot and Henriëtte Maassen van den Brink, 'The effects of education on crime', *Applied Economics* 42(3) (2010), 279-289, 282.

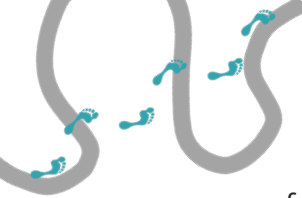
<sup>70</sup> Peter Leone and Lois Weinberg, *Addressing the unmet educational needs of children and youth in the juvenile justice and child welfare systems* (Washington DC: Georgetown University, 2010), <https://www.ojp.gov/ncjrs/virtual-library/abstracts/addressing-unmet-educational-needs-children-and-youth-juvenile>, 1, accessed 30 June 2022.

<sup>71</sup> Commission for Children and Young People, *The same four walls: Inquiry into the use of isolation, separation and lockdowns in the Victorian youth justice system* (Melbourne: Commission for Children and Young People, 2017), 82.

<sup>72</sup> Chongmin Na. and Ray Paternoster,

'*Prosocial Identities and Youth Violence*.' *Journal of Research in Crime and Delinquency*, vol. 56, no. 1, 2019. <https://doi.org/10.1177/0022427818796552>, accessed 29/6/2022

<sup>73</sup> Bryan Stuart and Evan Taylor, 'The effect of social connectedness on crime: Evidence from the great



factor for vulnerable youth.<sup>74</sup> Programs such as Connecting Community for Kids provide services which help to increase community connectedness for families.

- **Facilitating and supporting connection to culture**

Strong cultural connections have been shown to reduce the likelihood of Indigenous Australians coming into contact with the justice system,<sup>75</sup> and can also positively influence wellbeing<sup>76</sup> and key outcomes such as health, education and employment.<sup>77</sup>

## Place-Based Coordination That Respond To Community Needs

### Our Vision

By using place-based approaches to tackle complex problems, we ensure programs and services are tailored to community contexts and local needs. Local community members are able to advise on the solutions that will work, and existing service providers are able to identify the service gaps that need to be filled, while also strengthening their ability to support young people through partnerships. Government and other funding bodies engage early, and allow community expertise to influence spending through time, flexibility, and co-design.

Western Australia is a diverse state - no two communities are the same, with different local stakeholders, community attitudes, environmental challenges, and more. While communities may experience similar challenges or long-term problems, the same approach to address these may not work for every community.<sup>78</sup>

'Place-based approaches' work with this understanding by supporting communities and local individuals to take active roles in developing and implementing solutions to social problems, with the aim of ensuring these solutions are the right fit for the community. One definition describes place-based as "the intention of targeting a specific geographical location(s) and particular population group(s) in order to respond to

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migration', *The Review of Economics and Statistics*, 103(1) (2021), 18–33, 19.

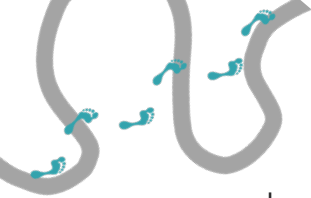
<sup>74</sup> Cynthia Ewell Foster, et al., 'Connectedness to family, school, peers, and community in socially vulnerable adolescents', *Children and youth services review* 81 (2017), 321-331, 330.

<sup>75</sup> Anna Ferrante, 'Assessing the influence of "standard" and "culturally specific" risk factors on the prevalence and frequency of offending: the case of indigenous Australians', *Race and Justice*, 3(1) (2013), 58–82, 71.

<sup>76</sup> Bourke et al., Evidence review of Indigenous culture for health and wellbeing, *International Journal of Health*, 8(4) (2018), 11–27, 21.

<sup>77</sup> Commonwealth Government, *National Aboriginal and Torres Strait Islander Health Plan 2013-2023* (Canberra: Commonwealth Government, 2013), 9; Alfred Dockery, *Traditional culture and the wellbeing of Indigenous Australians: an analysis of the 2008 NATSISS* (Perth: Curtin University Centre for Labour Market Research, 2011), 18.

<sup>78</sup> The Australian Centre for Social Innovation, *Place-based Collective Impact: Framework for Practice Final Report* (2019), Unpublished: Prepared for Save the Children Australia



complex social problems”.<sup>79</sup>

Because place-based approaches work with a diversity of issues, they may take many forms and have unique models. Common elements of place-based approaches include but are not limited to:<sup>80</sup>

- Collaboration between stakeholders on a common goal or purpose
- Governance that enables priorities to be set by local communities.
- Systems approaches, working to understand the real challenges and identify root causes of issues.
- Local service capacity building, to enhance service delivery within an area.
- Developing a clear shared vision that understands diverse viewpoints and clarifies points of tension.
- Providing a backbone organisation that allows for sustained effort and partnerships between stakeholders.

Place-based approaches need to be fundamental ways-of-working, and proper implementation requires the right conditions to work. To enable their success, place-based approaches require government to<sup>81</sup>:

- Improve understandings of what true place-based approaches look like (and don't look like);
- Develop mechanisms to work in a place-based manner through planning and procurement;
- Have buy-in and backing from leadership that is willing to play the long-game; and
- Provide funding that allows the time, resourcing, and flexibility required to create real partnerships.

Place-based, collaborative approaches are a growing movement in Australia, and respond to calls for holistic approaches that are enshrined in literature and often named in government strategy. However, funding opportunities are currently time-limited or unstable, leading to many projects collapsing or being unable to realise the outcomes within tight constraints.<sup>82</sup> Other jurisdictions across Australia, such as in Victoria, have progressed work identifying the capabilities and enabling factors

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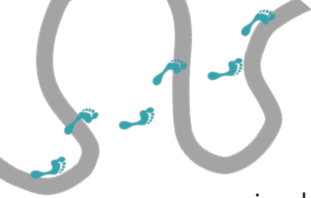
<sup>79</sup> Sez Wilks, Julie Lahausse, & Ben Edwards, *Commonwealth Place-Based Services Delivery Initiatives: Key Learnings Project (Research Report No. 32)* (2015), Melbourne: Australian Institute of Family Studies, <https://aifs.gov.au/sites/default/files/publication-documents/rr32.pdf>, accessed 12 May 2022

<sup>80</sup> Tom Leeming, & Claire McCullagh, *In WA and Beyond, Place-Based Approaches Can Meet the Needs of Young People*. [Website] (2019) <https://www.nousgroup.com/insights/wa-place-based-young-people/>, accessed 11 May 2022

Sez Wilks, Julie Lahausse, & Ben Edwards, *Commonwealth Place-Based Services Delivery Initiatives: Key Learnings Project (Research Report No. 32)* (2015), Melbourne: Australian Institute of Family Studies, <https://aifs.gov.au/sites/default/files/publication-documents/rr32.pdf>, accessed 12 May 2022

<sup>81</sup> Queensland Council of Social Service, *Place-Based Approaches for Community Change: QCOSS' Guide and Toolkit* (2019), <https://www.qcoss.org.au/wp-content/uploads/2019/11/Place-Based-Guide-Toolkit-FINAL-v.8-Nov19.docx>, accessed 12 May 2022

<sup>82</sup> Ten20 Foundation, *Funding community-led place based practice: Insights and actions for funders and communities* (2019), <https://www.socialventures.com.au/assets/Funding-community-led-place-based-practice-report.pdf>, accessed 12 May 2022)



required between government and communities for place-based partnerships.<sup>83</sup>

This work may begin by identifying communities of need that meet the conditions for place-based approaches and partnerships based on data and community engagement. Investment in place-based approaches should ideally be supported by community champions, and matched with government investment and support to enable success. Areas experiencing high levels of youth offending or other indicators of need should be prioritised.

When this work is done well, existing services in communities will see greater success through collaboration. It is likely that existing mixtures of services will change to meet local community needs, growing areas that are under-resourced and supporting more effective practice through deeper learnings on what works for communities.

## Wrap-Around Holistic Whole-Of-Family Programs

### Our Vision

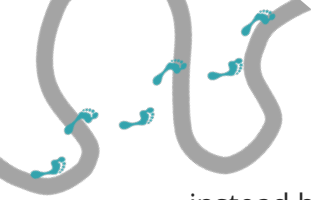
By investing in approaches that care for young people and their wider families, issues are identified early and problems prevented before they arise. Wraparound support is able to recognise and respond to the unique circumstances of families, providing the right mental health, family counselling, food security, or other assistance that is needed at the right time. With basic and immediate needs addressed, families become safer and more positive environments for young people, who see improved wellbeing and less likely to engage in offending behaviours.

Young people do not exist and act in isolation, but are active participants in, and strongly influenced by diverse family units, their communities, and more. To support young people to be well and thrive, we must support their wider families. Whole-of-family holistic care provides an opportunity to change entire trajectories of families and support better outcomes for young people.

Justice involvement and poorer outcomes are often driven by issues that face families as a whole, and cannot be addressed by focusing on an individual (such as food insecurity, unstable housing, or family and domestic violence). Environments at home and parental relationships are some of the biggest influencers of children's behaviour, and may require social, health, legal, or cultural supports to allow them to thrive. For example, inner ear infections may cause hearing loss that can be undiagnosed - leading to behavioural issues and educational disengagement.<sup>84</sup> Treating ear infections can

<sup>83</sup> Victorian Government, *A Framework for place-based approaches: The start of a conversation about working differently for better outcomes* (2020), <https://content.vic.gov.au/sites/default/files/2020-03/Working-%20together-in%20place-Policy%20Framework.pdf>, accessed 12 May 2022

<sup>84</sup> Australian Institute of Health and Welfare. *Ear disease in Aboriginal and Torres Strait Islander children: Resource sheet no.*



instead be achieved by ensuring there are adequate screening facilities in place, parents are educated about ear health and warning signs, and families are referred to appropriate treatments.

### Case Study: Youth Partnership Project

The Youth Partnership Project (YPP) was a targeted early-intervention for entire families, working to great success locally in Armadale. Informed by a comprehensive literature review, working to understand deeply the nature of the Eastern Corridor of Perth, the primary focus of the YPP's Youth Justice Model<sup>85</sup> Through data sharing, collaborative approaches and the coordination of a backbone support organisation, the YPP is able to proactively identify at-risk children aged under 12, and coordinate support to improve their outcomes early<sup>86</sup>

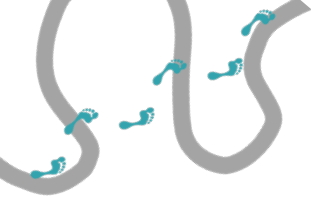
The YPP was a key example of the success we can achieve when we provide wrap-around holistic care. As a program, it takes a collective input approach which has buy-in between government, non-government organisations and community to ensure collaboration. Early evaluations of the project found it to have increased system connection in the area, improved capacity of involved services, and improved outcomes for young people across a variety of domains including education, health, family and domestic violence, and justice. However, despite success the initiative ceased in 2022 due to a lack of long-term funding

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35. (2014) <https://www.aihw.gov.au/getmedia/c68e6d27-05ea-4039-9d0b-a11eb609bacc/ctgc-rs35.pdf.aspx?inline=true>, accessed 11 May 2022

<sup>85</sup> Youth Partnership Project, *Change the Story Report*, (2017) <https://resourcecentre.savethechildren.net/document/change-story-report/>, accessed 11 May 2022

<sup>86</sup> Social Outcomes, Impact Report for the Youth Partnership Project Model and Youth Intervention Program



## Co-Designed Solutions with Young People and Communities

### Our Vision

Through a shift in procurement and policy from government, local communities are able to collectively determine priorities, and young people are supported to have a meaningful say in the services that are designed for them. Young people are supported through funding and time to design services that feel welcoming and safe, and are provided in the places where young people already are. Solutions become more effective and hit fewer stumbling blocks in achieving outcomes.

Communities are the experts in their own wellbeing, with deep understandings of local needs, relationships, and contexts that can and should inform the ways we work. The right of individuals (including young people) to be meaningfully involved in the decisions that affect them is enshrined in various human rights treaties, which Western Australia must do more work to uphold.<sup>87</sup>

Co-design with communities and young people is different to consultation (such as through workshops or surveys). Co-design involves an equal say in decision-making, and requires funding bodies and government to take steps to equalise power imbalances. For co-design to work effectively, we must value lived experience as a legitimate qualification and asset to the process of system reform. Young people with lived experience of the youth justice system will be instrumental to this process and the future of youth justice.

Co-design is also a fundamental part of place-based approaches described above, and should be a feature of every program or service relevant to young people and families. Engagement with young people is both a process (the creation of services or approaches), and an outcome (in which young people are actively engaged and contribute to services).<sup>88</sup>

Supported by the Delivering Community Services in Partnership Policy, co-design is a critical component of modern policy-making to ensure strategies are relevant to target groups and stakeholders.<sup>89</sup> Through co-design, service recipients and stakeholders embed expertise into the design of local solutions.

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<sup>87</sup> *International Covenant on Civil and Political Rights*, opened for signature 19 December 1996, United Nations, Treaty Series, vol. 999, p. 171, [https://treaties.un.org/doc/Treaties/1976/03/19760323%2006-17%20AM/Ch\\_IV\\_04.pdf](https://treaties.un.org/doc/Treaties/1976/03/19760323%2006-17%20AM/Ch_IV_04.pdf), (entered into force 23 March 1976), art 10(1).

<sup>88</sup> Leeming & McCullagh, *In WA and Beyond, Place-Based Approaches Can Meet the Needs of Young People*.

<sup>89</sup> Government of Western Australia, *Delivering Community Services in Partnership Policy* (2021) <https://dev.wagov.digital.wa.gov.au/sites/default/files/2021-05/2021%2004%20General%20Procurement%20Direction%20-%20Delivering%20Community%20Services%20in%20Partnership%20Policy.pdf>, accessed 11 May 2022



Co-design with young people requires unique skills, approaches, and resources that are well documented.<sup>90</sup> However, rarely is co-design truly practiced at a systems level and implemented across government, but often only relegated to discrete projects and usually in universal support settings (such as youth groups). Steps to achieving real co-design include:

- **Beginning co-design prior to setting an outcome or output:** When outcomes are predetermined, co-design becomes consultation, and the ability for young people to shape what is truly needed is limited.
- **Co-creating rules of engagement:** Working together to determine what processes will look like, how funders, stakeholders, and young people will treat each other.
- **Breaking down barriers to participation:** Working to identify what allows young people to engage, and what prevents them. This includes payment for their time (or other forms of compensation), holding meetings in neutral or trusted environments, and working with young people's schedules. The Lived Experience Participation Framework published by the Western Australian Council of Social Service provides guidance on this.<sup>91</sup>
- **Taking time to listen deeply and learn together:** co-design cannot be rushed. Time must be taken to truly learn and understand, and timelines must be jointly set and agreed to.

Young people who have been involved in meaningful co-design processes have often commented that the experience was highly positive, and may act as a protective factor for wellbeing in spite of difficult circumstances. Co-design is increasingly recognised by government agencies in Western Australia, and was a major feature of the Mental Health and Alcohol and Other Drug Use: Priorities for Action 2020-2025.<sup>92</sup> This document's implementation was supported by a co-design process run by the Youth Affairs Council of Western Australia (YACWA) and Connection and Wellbeing Australia. Anecdotal evidence from this process showed that by supporting at-risk young people to become actively involved in systems change, their wellbeing flourished, as well as their engagement with support services.

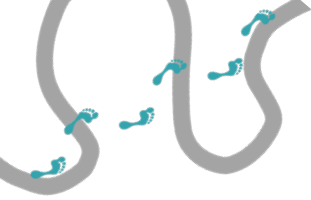
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<sup>90</sup> Michelle Blanchard & Nicholas Fava, "Co-designing New Solutions to Support Young People's Mental Health and Wellbeing" in Mathew A white, Gavin R. Slemm and A Simon Murry (eds.) *Future Directions in Well-Being* (Switzerland: Springer, 2017), 197-201

<sup>91</sup> Renna Gayde et al. *Lived Experience Framework: Principles and Practices for Lived Experience Partnerships*. (2020) <https://wacoss.org.au/wp-content/uploads/2020/12/Final-Lived-Experience-Framework-Principles-and-Practices-for-Lived-Experience-partnerships.pdf>, accessed 11 May 2022

<sup>92</sup> Western Australian Mental Health Commission, *Young People's Mental Health and Alcohol and Other Drug Use: Priorities for Action 2020-2025, Report on Implementation* (2021) <https://www.mhc.wa.gov.au/media/4251/mhc-young-people-priorities-2021.pdf>, accessed 15 June 2022.





## Challenging Community Racism

### Our Vision

By partnering with communities, challenging racism, and showcasing programs that work, we change community attitudes around justice. Community attitudes understand that when youth crime is visible, it is likely because of a lack of support. Young people feel these changes, and feel they are members of a community that cares for their wellbeing, and values their contributions. Young people feel more comfortable seeking help when they need it, and partnership programs are more numerous and successful.

Public concerns can shape policy, even when evidence does not align with populist views. Routinely, public opinion condemns young people involved in the justice system, and calls for harsh punishments abound on social media — even when these approaches do not appear to be delivering results.<sup>93</sup>

Research suggests the majority of the public tends to favour rehabilitative and therapeutic approaches to youth crime over punishment when asked; however, literacy around the difference between these approaches is low, and the public may not recognise their support for therapeutic approaches when they are not framed effectively.<sup>94</sup>

These attitudes do more than just shape policy, but can have real impacts on the way young people navigate our society. Stigmatising attitudes to youth crime encourage further isolation, and may result in more young people conforming to societal expectations around them if they and their peers are framed as ‘delinquents’. For young people who are experiencing community racism, these experiences can be profoundly damaging.

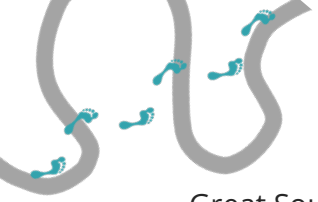
Young people are highly sensitive to their environments, and respond to the narratives and values that pervade their lives. All young people deserve to hear and feel that they are valued by their communities and those around them. No young person deserves to experience racism in their communities, and no young person is benefited when discrimination is allowed to run rampant.

In Western Australia, community racism abounds to this day. Anecdotally, YACWA is aware of a number of Aboriginal young people involved in the justice system in the

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<sup>93</sup> Anthony Petrosino, Carolyn Turpin-Petrosino, Meghan E. Hollis-Peel, Julia G Lavenberg, “Scared straight” and other juvenile awareness programs for preventing juvenile delinquency. *Cochrane Database of Systematic Reviews*, 4, (2013) 1-44. doi:10.1002/14651858.CD002796.pub2

<sup>94</sup> Brian Sellers, ‘Community-Based Recovery and Youth Justice’, *Criminal Justice and Behavior*, 42/1, (2015). 58–69, <https://doi.org/10.1177/0093854814550027>, accessed 11 May 2022

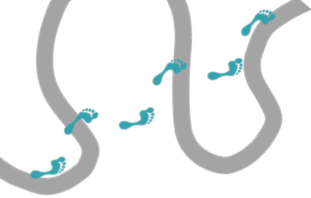


Great Southern who have faced sustained harassment following media reporting on their sentencing. According to local youth workers, these community attitudes have contributed to great distress to these young people and their families, harming their wellbeing and exacerbating alcohol and other drug use.

To change trajectories, our approach must work with community values and attitudes alongside creating new programs and services. Community work requires us to address racism and misconceptions around young people and youth offending.

We can create positive community attitudes around young people, and families that support greater connection and encourage communities to be active participants in addressing youth offending through community development. Aboriginal communities leading conversations can engage in powerful truth-telling and heal divides.





## Self-Determination and Partnerships with Communities and Aboriginal Community Controlled Organisations

### Our Vision

Through investing in Aboriginal Community Controlled Organisations (ACCOs) to lead programs for Aboriginal communities, local communities trust and respect services. Families with negative experiences of previous services engage more often with the available supports because of positive word-of-mouth. Because ACCOs are leading services, they understand local relationships and communities that other organisations don't, and achieve stronger outcomes.

**“Kids are being put in the ‘too hard’ basket. We need to have intensive, individualised approaches for success. We need Aboriginal people involved and leading.”**

— Sector consultations hosted by Social Reinvestment WA, February 2020.

Aboriginal people have been on this land for tens of thousands of years, with their own ways of working, knowing, and doing. The process of colonisation disrupted this, to great harm and detriment, and continues to impose white ways of working as the norm and standard in Western Australia. This was recognised clearly in the findings from the Royal Commission into Aboriginal Deaths in Custody<sup>95</sup> — and recommended reform in community and youth justice initiatives to respect Aboriginal communities as the stewards of their own wellbeing, and that governments work in partnership to support self-determination and culturally-led approaches.

Self-determination is an ‘ongoing process of choice’ to ensure that Indigenous communities are able to meet their social, cultural and economic needs. The ability of self-determination is a fundamental human right, enshrined in the United Nations Declaration on the Rights of Indigenous Peoples, as well as the International Covenant on Economic, Social and Cultural Rights.<sup>96</sup>

In Western Australia, self-determination and community partnerships must be prioritised in youth justice responses and community services. There are clear links

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<sup>95</sup> Elliott Johnston, *Royal Commission into Aboriginal Deaths in Custody*, ‘National Report Volume 2’, [online document], (Canberra: Australian Government Publishing Service), <http://www.austlii.edu.au/au/other/IndigLRes/rciadic/national/vol2/>, accessed 30 June 2022

<sup>96</sup> International Covenant on Economic, Social and Cultural Rights  
United Nations Declaration on the Rights of Indigenous Peoples



between the disproportionate representation of Aboriginal people in our justice system and the enduring legacy of colonisation, racism and discrimination. It is not possible for Indigenous Australians to fully overcome the legacy of colonisation and dispossession without self-determination.<sup>97</sup>

To achieve this, the people impacted should be closely involved in the development and implementation of policies and programs that impact on them, and government agencies must pursue the processes required to do this meaningfully and appropriately in commissioning. Importantly, this must go beyond consultation and ensure meaningful decision-making abilities among the community.

The development and implementation of Aboriginal Justice Agreements in partnership with relevant Aboriginal organisations is one strategy to enable self-determination and partnerships at a state-wide policy level. Such agreements intentionally enable the creation of joint justice objectives across relevant government departments in agencies, while facilitating partnerships with Aboriginal communities and organisations at multiple levels (including locally) through development, implementation and evaluation.<sup>98</sup> Aboriginal Justice Agreements have been in place in various iterations in Victoria, and can provide learnings for Western Australia if they are considered locally.

Self-determination in Aboriginal communities around community services is already achieving success in pockets of Western Australia. These should be looked to for guidance in examples of good practice, and demonstrate success as to why this work must be expanded across other communities in need.

### Case Study: Kanyirninpa Jukurrpa

Martu culture, build a sustainable economy in Martu communities, and build pathways for Martu young people. KJ runs a number of cultural, environmental and social programs in Martu communities and in Newman. KJ has been operating for many years, and a ten-year evaluation of the program from 2010 to 2020 assessed its effectiveness across 11 Martu outcomes, which comprise traditional and modern outcomes. An evaluation among the Martu community found KJ is making strong contributions across all outcomes, which include social determinants of wellbeing identified as determinants of justice involvement.<sup>99</sup>

<sup>97</sup> Australian Human Rights Commission Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2003*, (2003), [https://humanrights.gov.au/sites/default/files/content/social\\_justice/sj\\_report/sjreport03/pdf/sjrep03\\_final.pdf](https://humanrights.gov.au/sites/default/files/content/social_justice/sj_report/sjreport03/pdf/sjrep03_final.pdf), accessed 11 May 2022

Australian Human Rights Commission, "Self-determination and Australia's First Peoples", *Right to Self-Determination* [website], (n.d.), <https://humanrights.gov.au/our-work/rights-and-freedoms/right-self-determination>, accessed 11 May 2022

<sup>98</sup> Australian Law Reform Commission, *Pathways to Justice- An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples*, Final Report No.133 (2017), <https://www.alrc.gov.au/publication/pathways-to-justice-inquiry-into-the-incarceration-rate-of-aboriginal-and-torres-strait-islander-peoples-alrc-report-133/>, accessed 22 July 2022

<sup>99</sup> Social Ventures Australia, Think Martu. Think Differently. Act Differently



## RESPONSIVE SUPPORT: Early Intervention For Young People At-Risk

When young people do need support, earlier intervention and help can create better outcomes than if we wait for problems to escalate.

Sharing information and resourcing collaboration will allow us to provide proactive interventions to young people when we see early warning signs they are struggling. Existing data sets can be linked by the right agencies to identify young people early, and be targeted in our approaches to provide the right support, at the right time, and in the right place.

Improving the efficacy of our existing services with training and policy shifts creates more benefit for investment, and place savings further upstream to prevention approaches.

What does this look like in practice?

- **Alternative schooling programs and training opportunities**

Disengagement with education is a predictor for involvement in the justice system. Many young people in Western Australia who come into contact with the justice system often have poor experiences of education and have educational needs that are not addressed by the mainstream schooling system.<sup>100</sup> Alternative education such as Learning on Country programs and Curriculum and Re-engagement in Education Schools have shown success in supporting young people to change behaviour and increase protective factors that reduce likelihood of justice system contact. One example of this in practice is Olabud Doogethu in Halls Creek.<sup>101</sup>

- **Disability services**

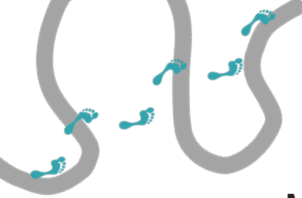
Disability and the justice system are strongly linked, particularly when disability is undiagnosed. Young people with disability require specialised supports to meet their needs and participate appropriate in programs. In 2018, approximately 90 per cent of young people held at Banksia Hill Detention Centre had a neurodevelopmental disability, including FASD, the majority of which had not been previously identified.<sup>102</sup> Improvements to disability services within community and the youth justice system form key components of the Victorian Youth Justice Strategic Plan 2020-2030.

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<sup>100</sup> Commissioner for Children and Young People, *'Speaking out About Youth Justice'*, Commissioner for Children and Young People, Perth, WA, 2016, <https://www.cyp.wa.gov.au/media/2411/final-speaking-out-youth-justice-web-version-december-2016.pdf>, accessed 29/6/2022

<sup>101</sup> Olabud Doogethu, *'Smart Justice in the Heart of Kimberley'*, Olabud Doogethu, Halls Creek, WA, 2020, [https://olabuddoogethu.org.au/wp-content/uploads/2020/12/prospectus-booklet-olabud\\_WEB.pdf](https://olabuddoogethu.org.au/wp-content/uploads/2020/12/prospectus-booklet-olabud_WEB.pdf).

<sup>102</sup> Bower *et al.* "Fetal alcohol spectrum disorder and youth justice: a prevalence study among young people sentenced to detention in Western Australia"



- **Mental health, and alcohol and other drug services, treatment, and support**

Young people involved in the justice system are more likely to experience mental health, alcohol and/or other drug concerns than the general youth population.<sup>103</sup> Access to programs to support young people’s mental health or substance use in therapeutic and appropriate ways enables young people to turn their lives around, engage in work and education, and address the causes of offending behaviour. The Drug and Alcohol Youth Service provides a safe and supportive environment for young people to manage their withdrawal from alcohol and other drugs<sup>104</sup> – however, many alcohol and other drug rehabilitation services are not available for young people in regional areas.

- **Connected case management for children and families**

Young people involved in the justice system often have complex needs that require multi-agency responses to address. Connecting agencies, non-profit service providers, and families together can improve outcomes by meeting multiple needs at once. An example of connected case management done well in this complex area is the Youth Partnership Project, operating until 2022 in the Armadale area, which resulted in reduced offending behaviours among participants and likely achieved long-term government cost-savings.<sup>105</sup>

## Local Service Collaboration to Improve Referral and Engagement

### Our Vision

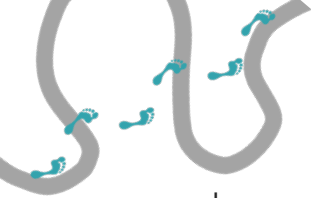
Local communities work together to identify young people in need of further support, and harness existing relationships and resources to ensure access and engagement. Existing services maximise their resources and effectiveness, which ensures young people can access the supports they need.

Young people on a potential trajectory towards the youth justice system don’t present with explicit “youth justice” challenges. Instead, young people may have complex needs and challenges that present in other areas, such as education and health, well before they are picked up by the justice system. These issues are also experienced within the context of a local community (which itself sits beyond a formal or structured system),

<sup>103</sup> Australian Institute of Health and Welfare, National data on the health of justice-involved young people

<sup>104</sup> Mission Australia, *Drug and Alcohol Youth Services (DAYS)* [website], Mission Australia, 2022, <https://www.missionaustralia.com.au/servicedirectory/185-alcohol-other-drugs/drug-and-alcohol-youth-service-days-youth-withdrawal-and-respite-service>, accessed 27 June 2022

<sup>105</sup> Youth Partnership Project, *Youth Justice Model: 2021 Practice Framework and Evaluation Summary*, Youth Partnership Project, 2022, [https://www.youthpartnershipproject.org.au/\\_files/ugd/d180ab\\_64766464fe62447c9d3c536354e18b4b.pdf](https://www.youthpartnershipproject.org.au/_files/ugd/d180ab_64766464fe62447c9d3c536354e18b4b.pdf), accessed 26 June 2022



where services may be operating alongside each other. Therefore, ideal opportunities for early identification, intervention and support exist within—and between—these existing services, if we support better collaboration. Local collaboration provides a unique possibility for proactive early identification and referrals, as well as to facilitate the engagement of young people with support services that can prevent justice involvement later in life.

Local collaboration involves bringing together stakeholders from across different thematic areas - such as education, youth services, police, child protection, housing, health, family violence, disability and more - to work collectively towards a goal of better supporting young people at the earliest possible opportunity. Frontline workers from these areas, along with grassroots community members, are full of knowledge about local communities.

Together, local collaborations provide a more holistic understanding of young people and the challenges they may face, and enable a vital point of connection and relationship with young people and families. Collaborations create opportunities for a more connected system, which can act cohesively and proactively to better support the best interests of young people by identifying and responding to indications further support may be required, before statutory responses are provoked.

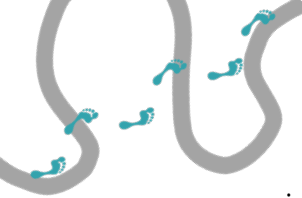
Local collaborations aiming to improve referral and engagement for early intervention can vary in structure and format depending on the local contexts. However, there are some key elements that are needed to ensure such approaches are successful:

- **Structured, intentional, and Place-Based Collaborations**

Without an intentional structure and format, collaboration becomes ad hoc and reliant on the goodwill of stakeholders to participate. Having specific leadership for the collaboration helps facilitate increased accountability and momentum, as does having a clear purpose and responsibilities for stakeholders. Being place-based is essential for collaborations looking to support early identification and support of young people within a community as it enables an in-depth understanding of local people, contexts and supports. Place-based collective impact can provide a useful structure and framework to work within, but more streamlined approaches such as local youth networks can also be adapted to suit, particularly when there are highly mobile young people and families who move between regions and communities, as is common in the Kimberley region.

- **Information Sharing**

Being able to proactively share information from diverse perspectives is essential to enable local collaborations to collectively identify and respond to young people's needs. Depending on the chosen approach, the formality and structure of information sharing can differ - from highly specific, individual data from across different departments and agencies, to the sharing of general trends identified by stakeholders. One such example is the Imagined Futures collective



impact approach in the South West Metropolitan Area<sup>106</sup>.

- **Proactive Identification**

Improving early identification referrals relies on the proactive identification of young people in need of additional support. Again, approaches can differ from targeted identification of individuals (e.g. the YPP Youth Justice Model<sup>107</sup>), to more general identification of specific cohorts or groups of young people (e.g. Imagined Futures Keeping Kids Engaged in School<sup>108</sup>) in order to improve responsiveness through additional support or referral pathways.

- **Harnessing the Power of Relationships**

The collaboration should also harness existing connections and relationships with relevant young people, families and community to help facilitate engagement in early intervention supports.

While not essential, local collaborations that focus on identifying opportunities for early intervention also have a unique opportunity to harness collective resources, expertise and capacities and to better meet needs of young people in a more intentional or targeted way. The in-depth and multi-dimensional understanding of challenges that are being faced by youth people is key to this opportunity, along with collaborative working relationships developed through the process.

## Data-Linkage and Information Sharing to Support Proactive Therapeutic Interventions

### Our Vision

Western Australia has a linked system of data across child protection, education, and other services. This database is integrated with local initiatives to enable proactive outreach and support to young people based on their needs. This proactive response due to connected data system means fewer young people require more intensive support or enter the justice system, and allows us to be smarter and invest our resources where they are needed most, such as by identifying hotspots or system gaps.

For many young people, they are not receiving the supports or assistance they need long before their first contact with the youth justice system. Early indicators of future justice system contact often sit outside of the justice sphere, such as in educational attendance or contact with child protection service – as demonstrated by the

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<sup>106</sup> Imagined Futures. *Imagined Futures: Youth*.(n.d.) <https://imaginedfutures.org.au/youth/>, accessed 24/6/2022

<sup>107</sup> Youth Partnership Project, YPP Youth Partnership Project Youth Justice Model (2022), <http://www.youthpartnershipproject.org.au>, accessed 24/6/2022

<sup>108</sup> Imagined Futures. *Keeping Kids Engaged in School* (n.d.) [Website], <https://imaginedfutures.org.au/project/keeping-kids-engaged-in-school/>, accessed 24/6/2022





Department of Communities' Target 120 program.

Understanding and early identification of young people at risk of contact with the justice system would provide an opportunity to intervene early and engage young people with supports before they enter the justice system. It is well recognised that early intervention and prevention programs are more often able to realise better outcomes for young people and families than intervention during or after crisis.<sup>109</sup> With more than 50 per cent of young people involved in the justice system having previous involvement in the child protection system, there is a clear benefit to progressing data linkage in a Western Australian context.

Linking data between relevant agencies with the right privacy protocols, can be a powerful tool that enables effective early intervention — by identifying particular cohorts and areas of need in our community, and the possibility for specific identification of individual young people in need of the right support at the right time.<sup>110</sup> In the context of young people, more coordinated information sharing and data linkage has great potential to allow caseworkers to plan more effective interventions and supports through existing services. For instance, proactive information sharing around a specific young person at risk allows all involved agencies (such as their school, child protection workers, or family support services) to be made aware when there are relevant incidents (such as a family violence incident, arrest of a caregiver, suspension or notable drop in school attendance) so that all agencies have a more holistic understanding of the young person's contexts and can responsively adapt support to better support their changing needs.

One such example is in San Francisco, where key public agencies have developed a 'Shared Youth Database'. The Shared Youth Database has linked datasets of multiple service systems with separately owned datasets of services and systems frequently used by vulnerable young people and families. Key human service agencies came together and formed an agreement permitting exchange of information between

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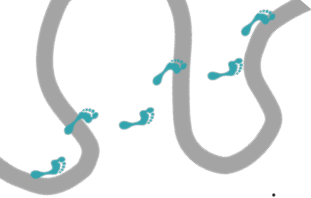
<sup>109</sup> Western Australian Department of Health. *WA Youth Health Policy 2018–2023*, (2018) <https://ww2.health.wa.gov.au/-/media/Files/Corporate/general-documents/Youth-Policy/PDF/Youth-policy.pdf>, accessed 11/5/2022

Western Australian Mental Health Commission, *Young People's Mental Health and Alcohol and Other Drug Use: Priorities for Action 2020–2025* (2020), <https://www.mhc.wa.gov.au/media/3489/yppa-young-people-priorities-for-action.pdf>, accessed 11 May 2022

Western Australian Department of Communities, *Beyond 2020: WA Youth Action Plan 2020–22* (2021), <https://www.wa.gov.au/system/files/2021-01/WA-Youth-Action-Plan.pdf>, accessed 11 May 2022.

Government of Western Australia *2021–22 Budget Statements. Budget Paper No. 2 - Volume 2*. (2021), <https://www.ourstatebudget.wa.gov.au/2021-22/budget-papers/bp2/2021-22-wa-state-budget-bp2-vol2.pdf>, accessed 11 May 2022

<sup>110</sup> C D'Arcy, J Holman et al., "A decade of data linkage in Western Australia: strategic design, applications and benefits of the WA data linkage system," *Australian Health Review* 32/4 (2008) 766–77, <https://doi.org/10.1071/AH080766>, accessed 11 May 2022



agencies.<sup>111</sup> This information immediately enabled new kinds of care within existing resources – child protection workers were able to improve care coordination and identify the right individuals to be incorporated in response plans.

“What we discovered was that – with as many clients as we serve – only about 2,000 clients were using half of the resources in key departments.”

“Moreover, plotted on a map of San Francisco, most of these multi-system clients’ families lived within walking distance of seven street corners in our city... It’s hard to realize how blind we were to the very concentrated nature of these issues.”

- Quote from a data analyst.<sup>112</sup>

Data linkage is not new in Western Australia, with a review of capabilities completed in 2016. This review noted success in data linkage within child protection and welfare data, which was used to identify primary drivers for child protection interventions.<sup>113</sup> This work translates to strong socio-economic benefits when done well— one analysis concluded a 1% reduction in the need for out-of-home care would translate to a \$2.5 million savings per annum for Western Australia.

Locally in the Armadale District the YPP has fostered data-sharing relationships between frontline youth workers, the Department of Education, WA Police Force, and the Department of Communities to support its targeted approach. This information sharing enables the YPP’s Youth Justice Model to shift the service system from passively receiving referrals to proactive engagement of young people at the right time in their lives to have the greatest impact. Critical to the success of the YPP has been the involvement of ‘soft’ data - harnessing the insight and wisdom of those who work with young people (in schools, community services, and local leaders), which has identified when a young person is on a journey towards justice involvement even before the hard data has been collected.<sup>114</sup> The YPP is an example of where local initiatives utilise information sharing and linked data to proactively identify and support young people aiming to address needs before crisis arises.

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<sup>111</sup> C. Kingsley et al., 'Getting Big Data to the Good Guys', in L. Goldkind, L. Wolf, P. Freddolino (eds.), *Digital Social Work: Tools for Practice with Individuals, Organizations and Communities*, New York, Oxford University Press, 2019, p. 134.

<sup>112</sup> C. Kingsley et al., 'Getting Big Data to the Good Guys

<sup>113</sup> Data Linkage Expert Advisory Group, *Developing a whole-of-government data linkage model: A review of Western Australia's data linkage capabilities*, (2016), <https://www.jtsi.wa.gov.au/docs/default-source/default-document-library/a-review-of-western-australia's-data-linkage-capabilities---developing-a-whole-of-government-model---december-2016.pdf?sfvrsn=0>, accessed 11 May 2022

<sup>114</sup> Youth Partnership Project, YPP Youth Partnership Project Youth Justice Model



Applying data linkage and information sharing in Western Australia presents great opportunity, but needs to understand local contexts and adopt appropriate safeguards. This include ensuring our data supports therapeutic approaches, and does not encourage early policing and criminalisation. Data linkage must, therefore, be part of a systemic approach to reduce stigma and discrimination associated with certain vulnerabilities and early indicators of contact with the justice system, such as alcohol or other drug use and mental health. As part of this, communities must own their own data, and consideration should be given to how data sovereignty is supported.

## Removing Barriers to Support for Children and Young People with Complex Needs

### Our Vision

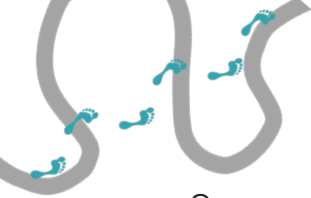
Young people are able to access the services they need when they most need them. Government and services actively review their entry requirements to make sure they are accessible for the young people they are there to support. Young people are able to access supports based on their need, and are not prevented from accessing important assistance due to inflexible eligibility criteria.

Young people involved in the justice system are more likely to have complex health and wellbeing needs that require responses from multiple services across a range of disciplines.<sup>115</sup> This includes welfare support, housing assistance, mental health and alcohol and other drug counselling, and more. Despite this, many people involved in the justice system can face additional barriers to seeking support such as not meeting requirements set by services, or even difficulty physically accessing a service due to poverty. Reform around youth justice and youth services should examine barriers to care and aim to, wherever possible, ensure there are as few barriers to young people receiving early and consistent support as they need it.

Many government contracts and agreements impose eligibility criteria that aligns with the mandate of the agency – such as requirements for a child or young person to be on a justice-related order in order to access a service. This creates barriers for services to work flexibly and respond to young people who they identify as needing support, such as intervening early or providing through-care for young people after completing an order or leaving detention. To support children and young people appropriately, we require place-based flexibility and to ensure there is a program available for every young person based on the supports they require – not stringent eligibility requirements.

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<sup>115</sup> Australian Medical Association, *Health and the Criminal Justice System 2012* [Position Statement] (2012), <https://www.ama.com.au/position-statement/health-and-criminal-justice-system-2012>, accessed 11 May 2022



One model that should be considered as an element of our service system is 'Low Threshold'. Low Threshold models of service recognise that those who are most difficult to work with are often those most in need of service, and aims to ensure service requirements are set at a level that denies service access to as few people as possible.<sup>116</sup> Thresholds can be categorised into four broad categories:

- **Registration threshold** – the availability of the service and how much effort must be expended by an individual to access the service
- **Competence threshold** – the ability of staff and organisational structures to respond to and meet the needs of clients
- **Efficiency threshold** – how clients perceive the services' use of resources and how they prioritise clients
- **Trust threshold** - whether clients trust the service being provided (often a requirement to ensure clients can cross all other thresholds)

Given the nature of working with vulnerable young people, difficult behaviours can often mean it is easier for service thresholds to be raised to protect staff safety, than it is to lower them. However, implementation of low-threshold models ultimately benefits clientele the most, and so services employing low threshold models must actively monitor and review thresholds to ensure that they remain at an accessible level for the most at-risk and in-need clients.

One-Stop-Shop is another model that prioritises ease-of-access for individuals seeking help or support from multiple providers or in multiple areas.<sup>117</sup> While there is no single model of One-Stop-Shop, this commonly looks like physical co-location for multiple services, or providing a hub service physically or online that can support active engagement and warm referrals between services. In Western Australia, One-Stop-Shop models are already being progressed in areas such as family & domestic violence and mental health.<sup>118</sup> Youth justice should explore a similar model and utilise local learnings to lower barriers specifically for a cohort of young people with contact with the justice system.

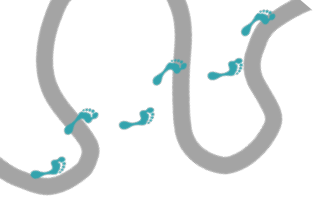
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<sup>116</sup> Depaul Ireland, *Where You're At: Low Threshold and Change*, (2013), [https://issuu.com/depaulireland/docs/depaul\\_threshold\\_a5\\_update\\_2013\\_web](https://issuu.com/depaulireland/docs/depaul_threshold_a5_update_2013_web), accessed 11 May 2022

<sup>117</sup> PricewaterhouseCoopers (2012). *Transforming the citizen experience: One Stop Shop for public services*, (2012) <https://www.pwc.com.au/pdf/transforming-the-citizen-experience-one-stop-shop-feb12.pdf>, accessed 11 May 2022

<sup>118</sup> Mental Health Advisory Council. *Advice to the Commissioner for Mental Health: One Stop Shop Initiative*. (2020) <https://www.mhc.wa.gov.au/media/3118/mhac-and-aod-advisory-advice-to-commissioner-one-stop-shop.pdf>, accessed 11 May 2022

Government of Western Australia, *Family and Domestic Violence One Stop Hubs*. (2021) <https://www.wa.gov.au/organisation/department-of-communities/family-and-domestic-violence-one-stop-hubs>, accessed 11 May 2022



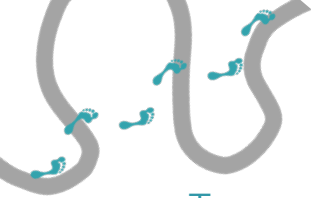
### Case Study: Passages Youth Engagement Hub

Passages Youth Engagement hub is a service in the Perth Metropolitan Area that operates under a low-threshold model. Passages operates as a youth engagement drop-in-centre primarily serving young people experiencing homelessness or housing instability. The low-threshold model is complemented by ongoing life-skill development initiatives that build the capacity and capability of clients in areas that assist in emotional management and day-to-day living. In-reach services and engagement support (such as legal services or assistance going to doctor appointments) further provide benefit to assist young people to access the services they need in a way that builds their confidence and skills.

Young people accessing Passages have often had little to no opportunity to develop important life-skills such as budgeting, healthy cooking, writing a resume or appropriate social communication. Passages runs ongoing programs through the Hub to help young people build these skills. The programs vary over time, as they are based on the wants and needs of current clients and previous engagement success. Examples of programs that are regularly run include:

- Cooking classes
- Employment assistance (including writing a resume and completing job applications)
- Financial literacy
- Sport and recreation activities
- Independent living skills

For those young people that have limited social support networks or few opportunities to engage in recreation, the skill development programs provide vital opportunities to connect with others in productive ways. Engaging in these programs provides a pathway to social inclusion and allows relationship building and regular social interactions.



## Trauma-Informed Care Across All Youth Justice Services and Supports

### Our Vision

Trauma-informed care is applied across all relevant community-based services, youth justice engagements, and detention. This is achieved by relevant and accessible workforce training on trauma-informed care and by ensuring trauma-informed care is a requirement across funded services for at-risk youth. In detention, which is used as a last resort, trauma is assessed on entry and considered as part of care and release planning to ensure the supports provided to young people are appropriate to their needs.

A high proportion of young people in contact with the youth justice system in Western Australia have unique needs related to experiences of trauma or undiagnosed neurodevelopmental disability that go unaddressed. While neurodevelopmental disability and trauma are very different in nature, both are complex, related to social determinants of wellbeing (such as poverty), and require individualised care responses that are currently not addressed consistently across our youth justice system.

Trauma can impact a young person's mental health, alcohol and other drug use, and experiences of homelessness. Complex trauma can change the ways in which a person copes with difficult events, their ability to engage with supports, and navigate relationships in a healthy way.<sup>119</sup> Experience of trauma is unique to each young person and can be related to a number of factors, including homelessness, serious injury, sexual violence or exposure to the suffering of others.

A high proportion of young people may be experiencing ongoing and current trauma, affecting their behaviour, their views of the world, and their ability to function in a complex legal system. Most young people that engage with the youth justice system in Western Australia have been significantly impacted by trauma in their lives. Studies have found 80-89% of young people in detention had experienced multiple traumatic events during their lifetime.<sup>120</sup>

One way we can ensure better outcomes for young people with experience of trauma is through trauma-informed care. Trauma-informed approaches are distinct from interventions or treatments for trauma. Trauma-informed approaches recognise that:

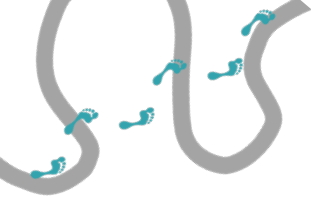
- Survivors have the need and right to be respected, informed and involved in their

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<sup>119</sup> Orygen, The National Centre of Excellence in Youth Mental Health, *MythBuster: Trauma and mental health in young people*. (2018). [https://www.orygen.org.au/Training/Resources/Trauma/Mythbusters/Trauma-mh-yp/Trauma\\_and\\_MH\\_in\\_YP\\_Mythbuster](https://www.orygen.org.au/Training/Resources/Trauma/Mythbusters/Trauma-mh-yp/Trauma_and_MH_in_YP_Mythbuster), accessed 11 May 2022

<sup>120</sup> Karen M Abram et al., "Posttraumatic stress disorder and trauma in youth in juvenile detention." *Archives of general psychiatry*, 61/4 (2004) 403-410. <https://doi.org/10.1001/archpsyc.61.4.403>

Malvaso et al. 'Adverse childhood experiences and trauma among young people in the youth justice system'



recovery.

- There is a relationship between trauma and trauma symptoms, including substance abuse and mental illness.
- There is a need for a collaborative approach between workers and the trauma survivor, their family and friends.

While some sectors and support services are already integrating trauma-informed approaches, it's essential that approaches should be applied across the entirety of our youth justice system, and in related areas of mental health and alcohol and other drug services. It is critical all young people experience trauma-informed care from the first point of contact, and safe and secure environments that foster their continued engagement. When young people with experience of trauma try to access a service that does not demonstrate trauma-informed care at first point of contact they may be deterred from continued engagement.

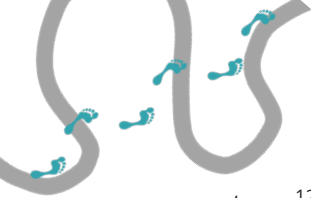
Trauma-informed care must underpin all aspects of services, supports, and engagement for at-risk young people, with a focus on providing a sense of stability, purpose, and caring relationships to build capacity among young people. To achieve these, we need greater workforce training in trauma-informed care, to embed trauma-informed care in service contracts, make adaptations to organisational systems necessary to support the implementation of these approaches and to require minimum standards of trauma training among staff in youth detention and integration with care planning.

## Improving Screening, Care, and Support for Disability and Cognitive Impairments

### *Our Vision*

Young people entering the justice system receive the care that is appropriate and individualised for them. Young people are screened earlier for disability and/or neurodevelopmental or cognitive impairments, and diagnoses are more easily obtained in regional areas. Appropriate supports and responses are available and incorporated into all care plans, including education services, family supports, and the legal system.

Disability and involvement in the justice system is complex, and a lack of system-wide understanding can result in children and young people unnecessarily entering into contact with justice-related services despite having needs that could be better supported through appropriate health or education services – such as for young people with significant hearing impairment who may be overrepresented in the justice



system.<sup>121</sup>

A particularly relevant example of how poor diagnosis, stigma, and access to appropriate supports can compound justice involvement is Foetal Alcohol Spectrum Disorders (FASD). FASD is an umbrella term that covers a range of disorders associated with pre-natal exposure to alcohol and commonly results in delayed development, learning disabilities, and impacts on cognitive functioning such as decision-making, memory, and reasoning skills.

Evidence has shown how FASD can affect the ability of people to comply with court orders, understand and navigate police interviews, and manage their behaviour in detention.<sup>122</sup> In addition, poor legal responses to people with FASD can create additional issues that further increases their likelihood of contact with the justice system. Experts believe detention is not an effective deterrent for people with FASD, and contributes only to a cycle of offending and imprisonment on release.<sup>123</sup> As one judge observed: “FASD takes away someone’s ‘ability... to act within the norms expected of society’... and it is manifestly unfair to make an individual pay for their disability with their freedom”.<sup>124</sup>

It is estimated that over half of all people with FASD will have some interaction with the justice system, and around 60% will be arrested or charged with a criminal offence.<sup>125</sup> In 2018, approximately 90% of young people held at Banksia Hill Detention Centre had a neurodevelopmental disability, including FASD, the majority of which had not been previously identified.<sup>126</sup>

In Western Australia, FASD is a pressing issue while there is limited support provided to mitigate its impacts. Stigma and shame surrounding FASD can be an impediment to diagnosis and screening for families and clinicians. Although the prevalence of FASD is under researched in Western Australia, a 2015 study found 12 of every 100 children in Fitzroy Crossing has Foetal Alcohol Syndrome – a rate on par with the highest globally.<sup>127</sup> FASD prevalence can sometimes be intergenerational, and there are limited

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<sup>121</sup> He, V., Su, J., Guthridge, S., Malvaso, C., Howard, D., Williams, T. and Leach, A., 2019. Hearing and justice: The link between hearing impairment in early childhood and youth offending in Aboriginal children living in remote communities of the Northern Territory, Australia. *Health & Justice*, 7(1). Accessed: 22 June 2022.

<sup>122</sup> Harry Blagg, Tamara Tulich and Zoe Bush, 'Placing country at the centre: Decolonising justice for indigenous young people with Foetal Alcohol Spectrum Disorders (FASD)', *Australian Indigenous Law Review*, 19/2 (2016), 4-16.,

<sup>123</sup> *Churnside v The State of Western Australia* (2016) WASCA 146

<sup>124</sup> *R v Sam* (1993) Y.J. No. 112 (T.C.)

<sup>125</sup> Ann P Streissguth et al. "Risk factors for adverse life outcomes in fetal alcohol syndrome and fetal alcohol effects." *J Dev Behav Pediatr*. 25/4 (2004) 228-38. doi: 10.1097/00004703-200408000-00002. Accessed 11 May 2022

<sup>126</sup> Bower *et al.* "Fetal alcohol spectrum disorder and youth justice: a prevalence study among young people sentenced to detention in Western Australia."

<sup>127</sup> James P Fitzpatrick et al., "Prevalence of fetal alcohol syndrome in a population-based sample of children living in remote Australia: the Lililwan Project." *Journal of Paediatric Child Health*. 51/4 (2015) 450-7. doi: 10.1111/jpc.12814. accessed





family and community-based responses that work with this understanding.

Consultation with our members has indicated that FASD is a vital part of addressing inequities in justice outcomes for young people. Assessing young people for FASD is difficult due to limited resources among the community services sector and lack of diagnostic pathways, while supporting young people with FASD who enter the justice system is made even more difficult due to inadequacies in how FASD is planned for and needs are supported – FASD does not form part of the National Prisoner Health Data Collection,<sup>128</sup> and data is not routinely reported on it in the health and welfare of prisoners or young people in detention.<sup>129</sup>

To address this, we need a greater focus on identifying disability and/or neurodevelopmental or cognitive impairments in the community as well as to invest in the individual, family and community responses to provide appropriate treatment and support to change trajectories and provide the right care.

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11 May 2022

<sup>128</sup> Australian Institute of Health and Welfare, National data on the health of justice-involved young people

<sup>129</sup> Australian Institute of Health and Welfare *Overlap between youth justice supervision and alcohol and other drug treatment services: 1 July 2012 to 30 June 2016*, catalogue number JUV 126, (2018), <https://www.aihw.gov.au/getmedia/f3906ed5-3035-4294-98ef-7a37c3a10cbb/aihw-juv-126.pdf.aspx?inline=true>, accessed 2 March 2022.



## **PRIORITISED DIVERSION: Support Upon Engagement With The Justice System**

When young people first engage with the justice system (such as through the WA Police Force), we can ensure this point of contact is a meaningful opportunity to provide young people the support they need to change their trajectory.

Punitive responses have limited effectiveness, and many instances of ‘offending behaviour’ can be linked to unaddressed issues further upstream, that sit outside of the justice system, such as experiences of poverty, disengagement with education, or family and domestic violence. By changing the way we currently police young people, we can ensure these critical first engagements are opportunities to be therapeutic and supportive, instead of entrenching harm through warnings, arrests, charges, and juvenile justice.

Funding intensive, one-on-one supports can provide the Western Australian Police Force with alternative options for referral over punitive responses that do not address the real issues and result in repeat offending. With youth workers as primary responders alongside police officers, de-escalation and trauma-informed care can support young people to establish trusting relationships and reduce critical incidents on the street. Policing can transform to proactive outreach and referral to existing supports in the community.

What does this look like in practice?

- **Expanding first responders**

Young people engaging with police are likely to have complex needs requiring support from a number of social services, such as health and mental health. Programs, such as night patrols, focused on improving the ability of first responders to provide effective and appropriate referrals to services are showing success in addressing the needs of young people and reducing future offences and police engagements. The Embedded Youth Outreach Program in Victoria has successfully reduced the rate and severity of offences among young people engaged in the program.<sup>130</sup>

- **Police diversion programs**

Criminal proceedings and youth detention are noted to be criminogenic, while community-based responses and diversion programs show success in reducing recidivism rates.<sup>131</sup> However, police in Western Australia choose to divert less than half

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<sup>130</sup> Luebbbers. S., Fullam. R., Pichler. A., & Ogloff. J., ‘Embedded Youth Outreach Program Evaluation, Summary of Rolling Evaluation Report’, prepared for Victoria Police by Swinburne University of Technology, Melbourne, Vic, 2020.

<sup>131</sup> Penny Armytage. and James Ogloff, *Youth Justice Review and Strategy: Meeting needs and reducing reoffending*, Department of Justice, Melbourne, VIC, Government of Victoria, 2017, <https://www.justice.vic.gov.au/justice-system/youth-justice/youth-justice-review-and-strategy-meeting-needs-and-reducing-offending>, accessed 29/6/2022



of offences committed by young people.<sup>132</sup> Investing in diversion pathways and programs to ensure there is an appropriate diversionary option available for police to use may result in community benefits, as in the Maranguka Justice Reinvestment Program in Bourke, New South Wales.<sup>133</sup>

- **Cultural connections and healing programs**

Culture plays a critical role in forging strong identities and healing symptoms of intergenerational trauma for Aboriginal people. Aboriginal-led cultural healing programs and solutions provide opportunities for Aboriginal young people to receive culturally-appropriate support that enhances protective factors for their wellbeing.<sup>134</sup>

## Partnering with Youth Workers as First Responders to Improve Connection with Community-Based Supports

### *Our Vision*

By developing partnerships between the Western Australia Police Force and community-based workers to carry out an integrated response to situations where young people are at risk of harm or criminalisation, we ensure that youth services, and key government agencies such as the Department of Communities, Western Australia Police Force, Health and Education are formally aligned through a shared vision to deliver effective support for at-risk, street present and hard to engage young people. Through this shared knowledge, vision and multi-agency approach at-risk young people will be more effectively diverted from entering the child protection system, the youth justice system and/or from needing emergency health services. As a result, young people have improved life outcomes and there is a reduced demand on high-cost tertiary services.

Young people's first contact with the justice system should be support focused, trauma informed, and ideally with a community-based youth work professional with specialised skills in de-escalation and youth engagement, rather than uniformed police wherever possible.

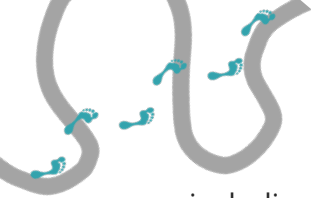
Our current system of engaging young people when they are street-present and/or engaging in risky or antisocial behaviour places the vast majority of the burden on the Western Australia Police Force to act as first responders to deal with a variety of issues,

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<sup>132</sup> Western Australian Auditor General's Report, 'Diverting Young People Away From Court

<sup>133</sup> KPMG, 'Maranguka Justice Reinvestment Project: Impact Assessment', Just Reinvestment, 2018, <https://www.justreinvest.org.au/wp-content/uploads/2018/11/Maranguka-Justice-Reinvestment-Project-KPMG-Impact-Assessment-FINAL-REPORT.pdf>, accessed 29/6/2022

<sup>134</sup> Oxfam Australia, 'In Good Hands: The people and communities behind Aboriginal-led solutions', Carlton, Victoria, Oxfam Australia, 2019, [https://www.oxfam.org.au/wp-content/uploads/2019/10/2019-AP-001-IN\\_GOOD\\_HANDS\\_FINAL\\_FA\\_WEB.pdf](https://www.oxfam.org.au/wp-content/uploads/2019/10/2019-AP-001-IN_GOOD_HANDS_FINAL_FA_WEB.pdf), accessed 29/6/2022



including criminality, mental health and homelessness. Unfortunately, many frontline police officers are not always adequately equipped or supported to deal with many of these situations, and many young people have negative attitudes towards police which can cause escalation. Legislative requirements of police may also prevent them from acting in the best interests of the young person. This is particularly true for Aboriginal young people whose distrust is rooted in the historical mistreatment of their families over many years. Instead, formalised partnerships between youth services, the Western Australia Police Force, key government agencies and community leaders is required to de-escalate situations where there are high numbers of transient young people engaging in antisocial and/or risky behaviour.

By engaging community-based youth workers to support police as first responders, we create the earliest opportunity to divert young people from contact with the criminal justice system. Youth workers bring specialised skills in youth engagement, provide a greater understanding of the underlying causes of offending, are familiar with local services and have the ability to provide therapeutic and trusted support to young people that is focused on their best interests.<sup>135</sup> Partnerships to enable this approach should be co-designed within each police district, with youth workers specifically resourced and drawn from existing local youth services and community leaders in order to maintain a clear separation of roles and responsibilities when working alongside police.

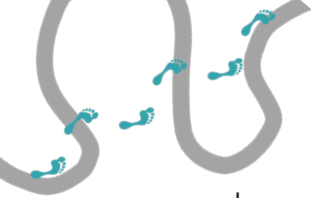
The role of youth workers in this program should be primarily focused on relationship building with high-priority at-risk young people through:

- conducting effective youth outreach and case management;
- assisting street present young people and those in unsafe homes to find supported accommodation;
- referring young people to access appropriate support services; and
- diverting young people from the child protection, juvenile justice system and emergency health services.

This model of a collaborative approach to supporting complex needs of young people at high-risk of antisocial or criminal behaviour, and/or victimisation has recently been trialled in Victoria through a partnership between Victoria Police and the Youth Advocacy and Support Service. Dubbed the Embedded Youth Outreach Program (EYOP), this approach sees police officers partnered with youth workers to provide an afterhours secondary response to young people who have frequently engaged with police. This provides a unique opportunity to identify at-risk young people, target their specific needs, and intervene to interrupt the offending pathway. There are also opportunities to help protect victims and reduce the likelihood of future victimisation

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<sup>135</sup> Youth Affairs Council of Western Australia and Western Australian Association of Youth Workers, *Code of Ethics for Youth Workers in WA*, 2003 (revised 2014), <https://www.yacwa.org.au/wp-content/uploads/2017/05/Youth-Work-Code-of-Ethics.pdf>, accessed 22 June 2022.



and exposure to unsafe situations.

Evaluations of the EYOP conducted by Swinburne University over a two-year period showed a strong justification of the program as a youth intervention and an overall positive treatment effect for all young people who engaged with the program:<sup>136</sup>

- The benefits of the EYOP outweigh the costs and provides value for money
- Most young people who receive a referral to a support service attend at least one appointment
- Young people spoke positively about the relationships they have established with their youth workers and referral services
- Police members noticed how effective youth workers' approach is to de-escalate and engage with young people
- Youth workers have greater awareness of the impacts of criminal behaviour and pressures of policing.

A business case to pilot a similar model in Western Australia was developed under the COVID Response Youth Taskforce in 2020, and was supported by the non-profit community services sector, the Department of Communities, and the Department of Justice.

## Improving the Use and Effectiveness of Police Diversion Options

### Our Vision

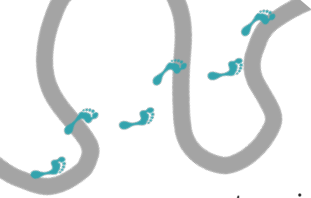
Children and young people should be diverted from the justice system at the earliest possible stage, and instead connected with effective supports to help address the needs underlying offending behaviour. Accountability mechanisms including data collection and publication reinforce this approach. Through these strategies, we prevent criminalisation, reduce the number of young people entering the formal justice system, and ensure support to address needs is prioritised as a strategy to prevent and reduce future offending.

Wherever possible, children and young people should be diverted from the criminal justice system, as involvement in the justice system is criminogenic, and not appropriate for the best care for young people.<sup>137</sup> Research has shown that when young people are more embedded in the justice system (i.e. arrested rather than cautioned) at a young age, the more likely they are to have ongoing contact with the justice system.<sup>138</sup> Meanwhile, the Northern Territory Royal Commission found that the

<sup>136</sup> Luebbbers, Pichler, Fullam & Ogloff, Embedded Youth Outreach Program Evaluation

<sup>137</sup> Lesley McAra, & Susan McVie, 'Youth crime and justice: Key messages from the Edinburgh Study of Youth Transitions and Crime', *Criminology & Criminal Justice* 10(2), (2010), <https://doi.org/10.1177/1748895809360971>, pp.179-209, accessed 30/6/2022

<sup>138</sup> Jesuit Social Services, Thinking Outside, Alternatives to Remand for Children (Research Report) (2013), 38-41, [https://jss.org.au/wp-content/uploads/2015/10/Thinking\\_Outside\\_Research\\_Report\\_-\\_Final\\_amend\\_15052013.pdf](https://jss.org.au/wp-content/uploads/2015/10/Thinking_Outside_Research_Report_-_Final_amend_15052013.pdf), accessed



vast majority of young people who are diverted, do not reoffend.<sup>139</sup>

The option for diversion should be taken at the earliest possible opportunity, and focus on connection with community-based supports to address unmet needs. However, a 2017 report from the Auditor General found that police choose to divert less than half of the children and young people who were eligible for police diversion, despite the *Young Offenders Act 1994 (WA)*'s preference for diversion. Aboriginal young people were diverted significantly less often (35%) than their non-Aboriginal peers (58%). In addition, the report found that police did not record reasons for diversion decisions, limiting public accountability. In addition, the report found that only a small proportion of young people who were diverted received follow up services to help address their offending behaviours, missing a crucial opportunity for early intervention.<sup>140</sup> We have the opportunity to transform early interactions with police, reinforcing opportunities for diversion, preventing criminalisation, and embracing early intervention.

The *Young Offenders Act 1994 (WA)* requires that police preference diversion options for young offenders, in addition to diversion options at later stages of the criminal justice system.<sup>141</sup> Western Australia Police Force policy reinforces this position, however actual rates of diversion for young offenders remain low.<sup>142</sup> While some efforts to improve these practices seem to have been made, it is unclear if these are having an effect on overall diversion rates.

In order to improve police diversion rates, consideration should be given to strengthening the mandate for police to preference diversion for young people coming into contact with the justice system. In addition, police officers need to be better trained and supported to more consistently implement diversion strategies.<sup>143</sup> Meanwhile, it's important to improve the recording of data on outcomes of young people's interactions with police, including articulation of reasoning where diversion options are not pursued. This data should be reported on publicly for greater accountability, with data disaggregated for Aboriginal and Torres Strait Islander young people.

Diversion options themselves also need to be strengthened to ensure that they have maximum impact in addressing young people's needs and preventing future offending. This is a diverse area, that would benefit from comprehensive co-design with young

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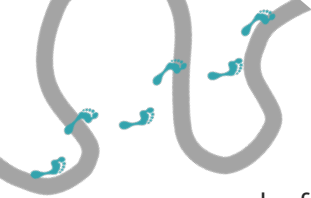
<sup>139</sup> Margaret White and Mick Gooda, *Royal Commission into the Protection and Detention of Children in the Northern Territory*, 'Final Report, Volume 1, Chapter 27', <https://www.royalcommission.gov.au/system/files/2020-09/Volume%201.pdf>, p413, accessed 3/6/2022

<sup>140</sup> White & Gooda, *Royal Commission into the Protection and Detention of Children in the Northern Territory*, p. 15-19

<sup>141</sup> *Young Offenders Act 1994 (WA)*

<sup>142</sup> Western Australian Auditor General's Report, *Diverting Young People Away From Court* pg 12

<sup>143</sup> Western Australian Auditor General's Report, *Diverting Young People Away From Court* pg 15-16



people, families, community-based services and relevant parts of the justice system. In particular, diversions should routinely make meaningful warm referrals to connect young people and their families with support services in the community. This should be based on the unique needs of the young person, identified in collaboration with them and their families – a role particularly well suited to youth workers working alongside police.

In addition, we need to ensure that there is adequate resourcing for local services to enable the increased capacity needed for this diversion work. Resourcing is needed to ensure that diversions can be efficient and responsive to the opportunity presented, ideally without waiting periods or arbitrary thresholds for service access. In particular, services need to be able to be flexible in their responses, adapting to the unique needs and circumstances of young people and families with complex needs. They should also be resourced to effectively monitor and evaluate their impact based on outcomes, to enable continual improvement of service provision and increase the effectiveness of diversion.

## Prioritising Community-Based Intensive Support and Relationship-Building Programs

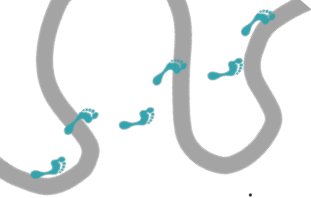
### *Our Vision*

Young people who have come into contact with the justice system have access to intensive, flexible and holistic support within the community, where they have the opportunity to develop ongoing relationships with skilled staff who can be responsive to their diverse needs and changing circumstances. This support is available to all young people who need it – including before contact with the justice system, or following minor infractions, as well as in response to more serious behaviours.

Young people with complex needs often require support which is diverse and flexible to meet their individual needs. Traditionally, such support has only been available in tertiary settings – once a young person has already had serious contact with the justice system.

However, the opportunity exists to take a more proactive approach, and provide this comprehensive support earlier on, when appropriate, as a strategy to prevent escalation into offending behaviours. Diverting young people from further police and justice engagement provides better opportunities for long-term community safety,

Community-based services that offer this intensive support are pivotal in changing young people's pathways, and providing an important point of empathetic contact with the service system, which is able to connect young people and their families to other



services as needed, and can support problem solving for more complex challenges and service barriers.

Importantly, staff who deliver community-based intensive support services have an important role as mentors and advisors to young people, who can sometimes lack similar role models in their personal lives. According to the consultation for the development of the upcoming Youth Justice Services Strategy conducted by the Youth Affairs Council of Western Australia<sup>144</sup>, relationships are central to young people's engagement with a service. Young people reported they were more likely to engage with Youth Justice Services when they formed a safe and meaningful relationship with Youth Justice Service staff members. This also resulted in better outcomes for them, with some young people feeling supported and empowered enough to obtain employment or return to education.

The importance of strong, trusting and non-judgmental relationships between staff and young people are key to the success of these services, and in particular provide the basis for warm referrals and connections to other support services that can help meet young people's needs in order to address the root causes of offending. To improve engagement, we should work to ensure positive and sustained relationships are embedded in key services for young people in contact with the justice system. This must include ensuring relationships can be maintained after release from detention and after the completion of community-based orders, where appropriate.

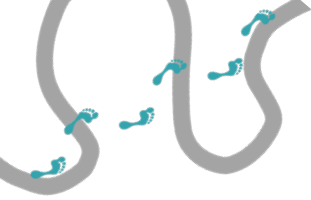
### **Case Study: Youth Engagement Program**

The Youth Engagement Program (YEP) is an Aboriginal-run program from the Aboriginal Legal Services of Western Australia, where Aboriginal diversion officers who are positive role models work intensively with clients. YEP is operated by the Aboriginal Legal Service of Western Australia in Perth and Broome and is funded by the Department of Justice. YEP provides various supports including mentoring, accommodation assistance, transport to/reminders for court and appointments (e.g. medical, counselling), program/service referrals, education enrolment / attendance, admin support (e.g. Centrelink, identification, bank accounts, resumes) and access to recreational activities. YEP positively contributes to the lives of young people by assisting them to complete the requirements of their court orders, supporting them to reengage in education, training and other prosocial activities and by providing culturally secure mentoring and practical assistance to improve their wellbeing and future prospects.

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<sup>144</sup> This document has not yet been released at the time of writing.





## Creating A Culturally-Responsive and Informed Frontline Response System

### Our Vision

Local Aboriginal communities and police units have strong partnerships in place, including agreements on what, how, and who should respond to incidents in the community. These agreements ensure that when young people and their families come to the attention of police (or others), the right person is able to respond to them and provide the best options forward. The foundation of these partnerships is truth, and both parties prioritise cultural safety and diversion at the first point of engagement for Aboriginal young people.

The Royal Commission into Aboriginal Deaths in Custody highlighted major structural issues within our frontline response system, including the particular impacts of bias within policing. The Royal Commission made a number of recommendations to address this, including for police services to take all possible steps to address racism and violence against Aboriginal people, to prioritise diversion from custody, and to increase community policing approaches that involve Aboriginal people.<sup>145</sup>

However, we are still seeing evidence of racism within our frontline responders, both within police and the social support services that interact with justice such as child protection services. Evidence has found a prevailing culture of hostility towards Aboriginal people among the Western Australia Police Force in a 2018 cultural security audit, as well as reports from former officers and community groups of widespread racial profiling.<sup>146</sup> The impact of such profiling is apparent in outcomes for young people, such as the 10% disparity in police diversions for Aboriginal young people identified by the Auditor General in 2017.<sup>147</sup>

Our consultation has found a profound distrust in the institution of policing among many Aboriginal communities, resulting from historical treatment and family experiences over many years. Recent reviews of Child Protection Services within the Department of Communities have also found a lack of cultural security, and a view of

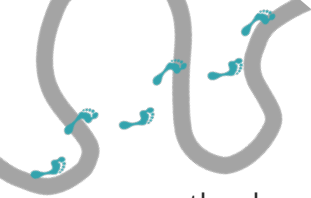
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<sup>145</sup> Johnston, Royal Commission into Aboriginal Deaths in Custody

<sup>146</sup> Juli Coffin, Gillian Kennedy, & Julie Owen, *Cultural Security Audit for WA Police*, 2018, [https://www.parliament.wa.gov.au/publications/tabledpapers.nsf/displaypaper/4012653c01bab44b86124212482583f400099cdd/\\$file/tp-2653.pdf](https://www.parliament.wa.gov.au/publications/tabledpapers.nsf/displaypaper/4012653c01bab44b86124212482583f400099cdd/$file/tp-2653.pdf), accessed 29/6/2022

Steven Trask & Evan Young, 'An internal report reveals claims of racial profiling by WA Police. This former officer is shocked but not surprised', *SBS News*, 29 March 2021, <https://www.sbs.com.au/news/article/an-internal-report-reveals-claims-of-racial-profiling-by-wa-police-this-former-officer-is-shocked-but-not-surprised/5y2ujiptj>, accessed 30/6/2022

<sup>147</sup> Western Australian Auditor General, *Diverting Young People Away From Court*



the department as unsafe for Aboriginal people and staff, connected with the extremely disproportionate rates of Aboriginal children and young people in care.<sup>148</sup> Supporting culturally responsive government was a key commitment in the Western Australian Government's 2020 Commitment to Aboriginal Youth Wellbeing<sup>149</sup>, yet is clear these frontline institutions continue to have a significant amount of work to do in rebuilding trust and providing appropriate services.

Evidence has shown workforce-focused reforms alone have little impact in reducing racial disparities within policing units. Strategies such as diversification of the workforce and training on unconscious bias often create only short-lived effects and do not translate into long-term behaviour change to reduce violence against people of colour.<sup>150</sup> While this is not evidence to discontinue these approaches, it should spur us to use additional strategies to support better frontline responses for Aboriginal young people. This should include mandatory training and awareness on *local* Aboriginal history and culture to ensure policing works within community contexts.

Community-based approaches that support alternative workers to act as frontline responders are showing great success internationally in ensuring responses where offending is first identified are appropriate and supportive. These include home-grown programs such as Olabud Doogethu, which has developed a Youth Engagement Night Outreach Officer team to engage young people through culturally-based responses, as well as international programs such as Crisis Assistance Helping Out on the Streets in the United States.<sup>151</sup>

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<sup>148</sup> Amelia Searson, 'Fears over Aboriginal child removals as report reveals 'endemic racism' in WA Department of Communities', *ABC Pilbara*, 3 Feb 2022, <https://www.abc.net.au/news/2022-02-03/fears-rates-of-aboriginal-children-removed-from-families-rising/100772704>, accessed 30 June 2022

<sup>149</sup> Government of Western Australia, *Commitment to Aboriginal Youth Wellbeing*, Government of Western Australia, 2020, retrieved from: <https://www.wa.gov.au/system/files/2020-03/Commitment%20to%20Aboriginal%20Youth%20Wellbeing.pdf>, accessed 22 June 2022.

<sup>150</sup> Robert E. Worden, et al., *The Impacts of Implicit Bias Awareness Training in the NYPD*, (2020), [https://www1.nyc.gov/assets/nypd/downloads/pdf/analysis\\_and\\_planning/impacts-of-implicit-bias-awareness-training-in-%20the-nypd.pdf](https://www1.nyc.gov/assets/nypd/downloads/pdf/analysis_and_planning/impacts-of-implicit-bias-awareness-training-in-%20the-nypd.pdf), accessed 30 June 2022

<sup>151</sup> White Bird Clinic, "What is Cahoots", *White Bird Clinic* [Website], (29 Oct 2020) <https://whitebirdclinic.org/what-is-cahoots/>, accessed 30/6/2022



## REHABILITATION-FOCUSED JUSTICE: Diversion And Supportive Responses Within Sentencing And Court Systems

Our legal and legislative responses to youth offending must be focused on creating safer communities for all West Australians – including young people themselves.

There is strong evidence that mandatory sentencing, youth detention, and our current low age of criminal responsibility does little to increase community safety or address the root causes of offending.<sup>152</sup> High rates of recidivism show our current approaches do not create the outcomes we need,<sup>153</sup> while experience has shown that these approaches are harming, rather than helping, our young people.<sup>154</sup>

We have the chance to re-design our legal and legislative responses to harness opportunities that can create meaningful, long-term change for our young people. By shifting our focus to responses that provide support to address the causes of offending, we have the opportunity to reduce recidivism and set young people up for a positive future as productive and responsible members of our wider community.

What does this look like in practice?

- **Community Justice Centres**

Community-wide issues play a strong role in influencing crime rates and offending behaviour for both young people and the general population. Community justice is an approach to justice that reconceptualises the role of justice in the community and aims to provide sustainable and holistic approaches to community crime.<sup>155</sup> Neighbourhood Justice Centres are one example of community justice approaches in play by co-locating court houses with integrated support services, and are operating in places such as

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<sup>152</sup> Australian Medical Association and Law Council of Australia, Minimum Age of Criminal Responsibility [Policy Paper] (2019), <https://www.lawcouncil.asn.au/publicassets/20fb2a76-c61f-ea11-9403-005056be13b5/AMA%20and%20LCA%20Policy%20Statement%20on%20Minimum%20Age%20of%20Criminal%20Responsibility.pdf>, 4, accessed 6 May 2022

Chris Cunneen, (2017) Arguments for Raising the Minimum Age of Criminal Responsibility, Research Report, Comparative Youth Penalty Project, (2017) University of New South Wales <http://cypp.unsw.edu.au/node/146>, accessed 9 May 2022

<sup>153</sup> Australian Institute of Health and Welfare, Young people returning to sentenced youth justice supervision 2019–20. Juvenile justice series no. 25. Cat. no. JUV 137. (2021) <https://www.aihw.gov.au/getmedia/f8f22948-4bfc-4db3-b1a5-352578757d82/aihw-juv-137.pdf.aspx?inline=true>, accessed 9 May 2022

<sup>154</sup> Office of the Inspector of Custodial Services, *2017 Inspection of Banksia Hill Detention Centre*

Office of the Inspector of Custodial Services, *Directed Review of Allegations made by Amnesty International Australia about ill-treatment at Banksia Hill Detention Centre* (2018), <https://www.oics.wa.gov.au/wp-content/uploads/2018/07/Amnesty-Review.pdf>, accessed 6 May 2022

Office of the Inspector of Custodial Services, 2021 Inspection of the Intensive Support Unit at Banksia Hill Detention Centre

<sup>155</sup> Victoria Government, 'Community justice: an introduction', *Neighbourhood Justice Centre*, Melbourne, Victoria, 2022, <https://www.neighbourhoodjustice.vic.gov.au/knowledge-centre/about-community-justice/community-justice-an-introduction>, accessed 26 June 2022



Victoria.<sup>156</sup>

- **Bail houses**

Many children arrested by police are not released or provided bail as a priority, and can spend time in custody until they are able to appear before a Magistrate in the Children's Court. Likewise, children may remain in custody on remand following their first court appearance because there is no suitable accommodation option and/or there is no responsible adult available to sign bail. In some cases, children who are under the care of the Department of Communities remain in custody because the Department decides not to sign the responsible adult undertaking. Investment in suitable accommodation options for children and young people on remand, such as bail hostels, provides an opportunity to ensure young people are in environments that are not contributing to trauma, can alleviate criminogenic effects of detention, and connect young people with supports.<sup>157</sup>

- **Restorative justice programs**

Restorative justice, which aims to address offending through conflict resolution and repairing relationships between victims and offenders, prioritises the rehabilitation of offenders and reparation of harm.<sup>158</sup> There is a growing body of evidence showing restorative justice has a positive impact on satisfaction with the justice system for both victims and offenders. Family Group Conferencing is an example of restorative justice applied for youth, originating in New Zealand and being applied in Australia.

- **Aboriginal-led decision making and justice interventions**

Aboriginal people and communities have a complex relationship with justice in modern Australia, and require solutions that centre community and cultural decision-making in justice. Many such programs exist in Australia, such as through Koori Courts and Aboriginal Family Led Decision Making processes. Evaluations of Children's Koori Courts have shown improved outcomes in recidivism and low rates of failure-to-appear or court breaches.<sup>144</sup>

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<sup>156</sup> Victoria Government, *Neighbourhood Justice Centre* [website], <https://www.neighbourhoodjustice.vic.gov.au/>, accessed 26 June 2022.

<sup>157</sup> Social Reinvestment WA, *Social Reinvestment WA: Key Reform and Policy Targets*, Social Reinvestment WA, 2017, page 12, <https://static1.squarespace.com/static/59c61e6dbebafb0293c04a54/t/5ed8821340304e5e61f71634/1591247384913/Police+and+Targets+for+Reform+SRWA+sep+2017.pdf>, accessed 27 June 2022.

<sup>158</sup> Sewak, S., et al., 'Youth restorative justice: Lessons from Australia', A Report for HAQ Centre for Child Rights, Macquarie University, 2019, <https://haqrc.org/wp-content/uploads/2019/07/restorative-justice-in-australia.pdf>, accessed 27 June 2022.



## Setting the Minimum Age of Criminal Responsibility to at Least 14 Years

### Our Vision

Western Australia enshrines in legislation that young people below the age of 14 are not criminally responsible, and invests in creating a system to support all young people and their families early and in the community. With fewer young people engaged in the criminogenic justice system, we are able to turn off the tap that entrenches young people in the system and improve community safety.

Western Australia's current age of criminal responsibility is ten years old – an age far too young, and one that has received international condemnation from the United Nations and over 30 nations, including Canada, France, and Germany.<sup>159</sup>

Internationally, the median age of criminal responsibility sits at 14, with some as high as 18 years of age.

Medical evidence is clear that under 14 years of age, children are still developing and growing their cognitive skills and processes. At this age, children's frontal cortex and abstract reasoning skills are not sufficient for them to fully comprehend the consequences of their actions, and struggle with impulse control, assessing risk, and are susceptible to peer pressure. The United Nations Committee on the Rights of the Child has recommended the age of criminal responsibility sit at a minimum of 14 years of age, considering this the barest minimum established by child development and neuroscience studies.<sup>160</sup>

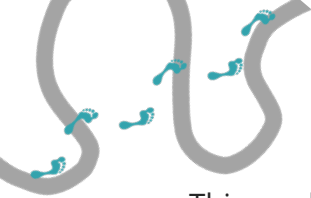
It is clear that the current age of criminal responsibility is causing harm to young children. By entering them into the justice system, we cause additional trauma to young people who are in need of supports that have been missing for years prior. Importantly, recidivism rates within our justice system show they are not working to support children as they stand – with 55% of children in Banksia Hill Detention Centre in 2019/20 having been imprisoned previously.

Raising the age of criminal responsibility is a simple legislative reform that can create lasting positive outcomes for children and young people. The reform would require amendment to s29 of the *Criminal Code (WA)* to raise the age from 10 to 14 years old.

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<sup>159</sup> Social Reinvestment WA, Raising the Minimum Age of Criminal Responsibility: A Pathway to a Brighter Future for Western Australia's most at risk children, 2021, accessed from: <https://static1.squarespace.com/static/59c61e6dbefafb0293c04a54/t/608f571338080d36721f3ab4/1620006729025/Raising+the+Minimum+Age+of+Criminal+Responsibility%3A+A+Pathway+to+a+Brighter+Future+for+Western+Australia%E2%80%99s+most+at+risk+children.pdf>,

<sup>160</sup> UN Committee on the Rights of the Child, General Comment No. 24 (2019): Children's Rights in Juvenile Justice, 82<sup>nd</sup> Session, adopted 18 September 2019, CRC/C/GC/24, <https://digitallibrary.un.org/record/3899429?ln=en>, accessed 12 May 2022



This can be underpinned by supporting the Western Australia Police Force and community frontline workers to make appropriate referrals to well-funded early intervention and family support programs mentioned earlier in this report. The Western Australia Police Force already diverts children under the age of 10 to alternatives such as the Department of Communities' child protection services, which provides precedent for how this can be expanded for children up to the age of 14.

## Ending Mandatory Sentencing

### Our Vision

By investing in diversion and therapeutic supports, magistrates and courts have a myriad of tools at their disposal to meet the diverse needs of young people across the State who enter the justice system. With mandatory sentencing abolished, magistrates are now free to be flexible in sentencing options and can utilise the right approach for the right young person, including referrals to the alternatives we have invested in.

Mandatory sentencing involves the requirement of minimum and mandatory penalties for criminal offences upon conviction, and is a policy that has continued in Western Australia over successive governments since the 1990s. Nationally, mandatory sentencing has been proven an ineffective policy,

The Australian Law Reform Commission notes that mandatory sentencing is highly unusual and has the effect of removing the usual discretion of the court to consider mitigating factors or utilise alternate sentencing options – and must rely solely on punitive measures even when they may not be an appropriate course of action.<sup>161</sup>

Mandatory sentencing negatively impacts on the outcomes of young people who enter the justice in a number of ways, including by:<sup>162</sup>

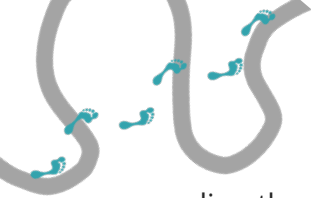
- removing the opportunity for courts to use sentencing alternatives that are more appropriate than detention;
- prohibiting courts from considering the personal circumstances and mitigating factors of each individual, which often results in harsh and disproportionate sentences; and
- preventing a therapeutic approach from being embedded into the justice system.

Mandatory sentencing also disproportionately impacts on Aboriginal people and

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<sup>161</sup> Australian Law Reform Commission, *Incarceration Rates of Aboriginal and Torres Strait Islander Peoples*, Discussion Paper No 84 (2017), <https://www.alrc.gov.au/publication/incarceration-rates-of-aboriginal-and-torres-strait-islander-peoples-dp-84>, 74-80, accessed 9 May 2022/

<sup>162</sup> The Law Society of Western Australia, *The Law Society Strongly Opposes Mandatory Sentencing* [Media Release], 18 January 2021, <https://www.lawsocietywa.asn.au/news/the-law-society-strongly-opposes-mandatory-sentencing>, accessed 9 May 2022



directly contributes to their overrepresentation in our justice system.<sup>163</sup>

By removing mandatory sentencing we can help maximise the effectiveness of alternative sentencing options by allowing judges to consider contextual and mitigating factors when determining the most appropriate outcome for children and young people.

Reform to abolish mandatory sentencing provisions for young people must be accompanied by strong community education and communication regarding the benefits of restorative and therapeutic approaches and the need for independent judicial consideration of the circumstances of each case and individual. Public sentiment does not inherently favour a punitive approach to sentencing, and research shows that the overwhelming majority of members of the public are likely to view judges' sentences as appropriate when fully informed about the circumstances of the case.<sup>164</sup> By providing the public with the evidentiary basis for restorative and therapeutic justice approaches we can ensure that public sentiment favours that model over a system which includes mandatory sentencing.

## Supporting Children, Young People and Families to Navigate the Legal System

### Our Vision

Every child, young person and their family involved in the legal system are provided with appropriate and caring support that assists them to understand the legal process and advocate for their needs. By involving young people and their families in this process, sentencing is able to take into account the wider circumstances of the young person and support more sustainable and caring outcomes.

The legal system can be a complex area for families to navigate at the best of times. For many, they are doing so during highly stressful and confronting circumstances involving the wellbeing of their children. With families facing a severe power imbalance of age, knowledge, and legal authority, there is a need to make the court system more accessible and easier to understand for families to understand. Children, young people and families have a right to understand their situations and have access to child-centred, high-quality, and culturally-secure legal assistance when they need it.

<sup>163</sup> Australian Law Reform Commission, *Incarceration Rates of Aboriginal and Torres Strait Islander Peoples*

<sup>164</sup> K Warner, J Davis, M Waler, R Bradfield & R Vermey, 'Public Judgement on Sentencing: Final results of the Tasmanian Jury Study', *Trends & Issues in Crime and Criminal Justice*, Australian Institute of Criminology, February 2011. p. 3., [https://www.aic.gov.au/publications/tandi/tandi407#:~:text=Based%20upon%20jurors'%20responses%20from,\(very%20or%20fairly\)%20appropriate](https://www.aic.gov.au/publications/tandi/tandi407#:~:text=Based%20upon%20jurors'%20responses%20from,(very%20or%20fairly)%20appropriate), accessed 29/6/2022



Our consultations have found many families and young people who have gone through the justice system struggle to understand and navigate the process without support. We have heard reports of legal terminology being used without explanation, receiving conflicting deadlines between required appearances, and not being told the significance of court appearances. The consequences of this lack of understanding are profound. This exacerbated their feelings of disempowerment, and many felt unable to advocate in their own best interests as a result.

For young people without strong family connections, this is particularly concerning. Many young people who have spoken to our member organisations have gone through the legal system without an understanding of the consequences, including how they themselves have participated. Stories of being unsure of what they were being charged with, how they were expected to behave in court, or being sent to Banksia Hill Detention Centre without realising this was a possibility were common. Related to this is the underdiagnosis of cognitive disabilities such as FASD, which is therefore not accounted for in how information is provided and behaviour is viewed and managed.

Family and peer support programs have the potential to support improved trust in the process, family-specific referrals for additional support needs, and increased self-efficacy in navigating the courts.<sup>165</sup> These services should have the family as the primary client, and provide reassurance, information about the courts, support to interact and self-advocate, and help identify external supports and facilitate referrals.

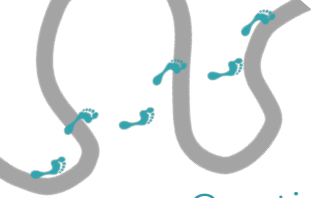
Practical solutions to improve the courts include:

- Providing interpreters for Aboriginal and Torres Strait Islander children from their cultural background
- Ensuring there are specialist Children's Court Magistrates in regional locations
- Expanding the already-existing Aboriginal liaison officers located at courts to assist with understanding the legal process
- Improved cultural awareness training for judicial officers
- Support for improved training in cultural awareness for lawyers, noting that not all lawyers representing Aboriginal children work exclusively in this area, and may have differing experience working with Aboriginal people.

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<sup>165</sup> Sarah Cusworth Walker, Asia Sarah Bishop, Karen Trayler, Ron Jaeger; Steve Gustaveson; Anne C Guthrie, 'Impact of Peer Partner Support on Self Efficacy for Justice-Involved Parents: A Controlled Study of Juvenile Justice 101'. *Journal of Child and Family Studies*, 24(2), 2013, 443-454. doi:10.1007/s10826-013-9856-5, accessed 29/6/2022





## Creating Culturally-Based Alternative Courts for Aboriginal Children and Young People

### Our Vision

By creating culturally-secure alternative sentencing options, for young people in the justice system detention is not the only option. Cultural practices are centred and upheld as valid alternatives that provide healing and planning for how to respond to offending behaviours.

Mainstream courts have a lesser impact in terms of deterrence and rehabilitation when it comes to Aboriginal and Torres Strait Islander peoples, due to often having a lack of trust and engagement, as well as being perceived as inaccessible and alienating. The history of the legal system being used to oppress and discriminate against Aboriginal people and communities is an enduring legacy. Culturally secure courts emerged to counteract these issues, and they exist in New South Wales, Queensland, South Australia, and Victoria. Good examples to highlight are the Victorian Koori Courts (including the Children's Koori Court) and the Queensland Murri Courts.

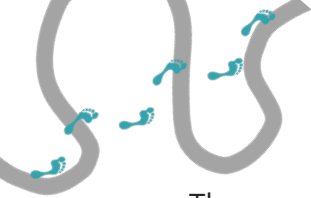
Koori Courts focus on reducing alienation and ensuring appropriate sentencing outcomes developed with community support, while presenting a more informal environment and plain language. In 2011, a Koori Court evaluation found success with engagement, inclusiveness and a less intimidating environment, with some of the factors of this success being: flexible sentencing options, meaningful participation of Elders and community in the process, and linkage to local services.<sup>166</sup> There are also dedicated Children's Koori Courts, with an environment designed to reduce perceptions of cultural alienation by young defendants. These Children's Koori Courts have shown improved outcomes in recidivism and low rates of failure-to-appear or court breaches.<sup>167</sup>

Murri Courts have similar goals to Koori Courts, while also focusing on root causes for offending and connecting the magistrates with information on cultural and personal circumstances of the defendant. In 2010, an evaluation by the Australian Institute of Criminology found success of Murri Courts in relation to improving relationships between Aboriginal and Torres Strait Islander communities and the justice system, increasing appearance rates and opportunities for defendants to be linked up with rehabilitative services.<sup>168</sup>

<sup>166</sup> Zoë Dawkins, Martyn Brookes, Katrina Middlin, and Paul Crossley, *County Koori Court: County Koori Court of Victoria, Final Evaluation Report*, 2011, <https://www.countycourt.vic.gov.au/files/documents/2018-08/ckc-evaluation-reportfinal27sep110.pdf>, accessed 15 June 2022

<sup>167</sup> Borowski, A., 'Indigenous Participation in Sentencing Young Offenders: Findings from an Evaluation of the Children's Koori Court of Victoria', *Australian and New Zealand Journal of Criminology*, vol. 43 no. 3, 2010, pp. 465-484.

<sup>168</sup> Anthony Morgan, and Erin Louis, *Evaluation of the Queensland Murri Court: Final report*, (Canberra: Australian Institute of Criminology, 2010) <https://www.aic.gov.au/sites/default/files/2021-02/tbp039.pdf>, accessed 29/6/2022



These culturally-based courts show great promise, and creation of an Aboriginal Children's Court should be explored in Western Australia. However, while these models have shown improved outcomes, it must be noted that they cannot alone change outcomes for Aboriginal communities in the face of continued inequality and disadvantage. They represent but one part of the system we must invest in to create lasting change.

## Investing in Sentencing Alternatives – Including Culturally-Based Approaches

### Our Vision

By creating culturally-secure alternative sentencing options, for young people in the justice system prison is not the only option. Cultural practices are centred and upheld as valid alternatives that provide healing and planning for how to respond to offending behaviours.

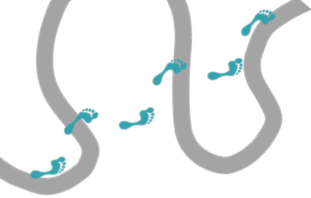
In accordance with the *Young Offenders Act 1994 (WA)*, young people should only go into detention as a last resort and this is a mandate that must be applied in practice across the court system. The treatment and consideration of any child or young person involved in the justice system before the courts should aim towards reformation and social rehabilitation, and this treatment must be appropriate to the child's age. It is also recognised that diversion should form an 'integral part' of the justice system as it applies to children.

There is a need for Western Australia to improve the availability of sentencing alternatives that are culturally-appropriate for Aboriginal and Torres Strait Islander children and young people that are community-based. A report in 2007 from the Department of Corrective Services in Western Australia noted that a lack of appropriate community-based sentencing alternatives may have contributed to 'sentence creep' in which offenders are sentenced for longer periods.<sup>169</sup>

Existing initiatives in Australia such as Circle Sentencing or Community Justice Centres can lead to improved outcomes that provide community benefits in terms of reducing crime rates, community order completion rates and recidivism rates. A great example is the Neighbourhood Justice Centre (NJC) in Victoria, which incorporates a variety of legal services including the Magistrates' Court, the Children's Court (criminal division), and more.

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<sup>169</sup> Department of Corrective Services (WA), *Report on the Effects on Rates of Imprisonment Following the Sentencing Legislation Reforms of 2003*, 2007, cited in Australian Law Reform Commission, 'Appropriateness of alternative sentencing options', Australian Law Reform Commission, <https://www.alrc.gov.au/publication/pathways-to-justice-inquiry-into-the-incarceration-rate-of-aboriginal-and-torres-strait-islander-peoples-alrc-report-133/7-community-based-sentences/appropriateness-of-alternative-sentencing-options>, accessed 16 June 2022



### Case Study: Neighbourhood Justice Centre

This NJC is an example of a place-based, community-led and culturally secure solution, providing support services and programs addressing complex issues. A review of the NJC by the Australian Institute of Criminology found:<sup>170</sup>

- a 25% lower rate of reoffending than other Magistrates' Courts
- NJC offenders were three times less likely to breach Community Corrections Orders than a state-wide sample (23.1% of high-risk offenders breach their orders compared to a state-wide average of 59.9%)
- NJC offenders demonstrate lower breach rates for intervention orders (ranging from 4.6% to 6.3% compared to 8.73%-8.77% state-wide).

### Case Study: New Zealand Examples

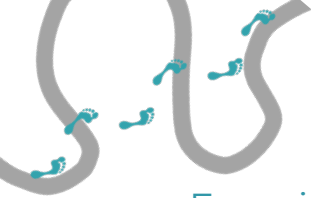
New Zealand offers examples of culturally-secure alternatives to sentencing as well (in the New Zealand context) such as through Family Group Conferencing and Rangatahi courts. Family Group Conferencing is an approach to restorative justice that was created to provide culturally appropriate justice solutions for Māori young people emulating a Whanau Hui. Family Group Conferencing is founded on three key principles:<sup>171</sup>

- The partial transfer of power from the State, principally the Courts' power, to the community.
- The Family Group Conferencing as a mechanism for producing a negotiated, community response.
- The involvement of victims as key participants, making possible a healing process for both offender and victim.

Western Australia should work to ensure community-based and culturally-secure alternative sentencing options are available state-wide, and therefore available options to be utilised wherever appropriate. This should include developing locally-relevant options, such as cultural camps, that are Aboriginal-led.

<sup>170</sup> Stuart Ross, 'Evaluation neighbourhood justice: Measuring and attributing outcomes for a community justice program', *Trends & issues in crime and criminal justice*, no. 499, Canberra, Australian Institute of Criminology, <https://www.aic.gov.au/publications/tandi/tandi499>, accessed 29/6/2022

<sup>171</sup> Oranga Tamariki, *Youth justice family group conferences* [website], <https://www.orangatamariki.govt.nz/youth-justice/family-group-conferences/>, accessed 16 June 2022



## Ensuring Diversion and Reintegration Options are Prioritised and Available in Every Community

### Our Vision

By connecting culturally secure alternative sentencing options with robust and well-funded community-based alternatives to detention, we can ensure that the diversion of children and young people from youth detention is the default approach, rather than the exception to the rule.

In order to truly shift our approach away from criminalisation, punishment and detention towards prevention, rehabilitation and healing we must ensure this is integrated throughout the entirety of children and young people's engagement with police, the courts, and detention. Where detention is deemed necessary and unavoidable, planning for support after release must be the focus from the outset and sentencing options must reflect this.

Achieving this will require we invest in the right diversion programs and alternative sentencing options to ensure they are available in every community, as well as a requirement for appropriate supports outside of detention to be prioritised.

One mechanism to ensuring this work is prioritised lies in legislative reform, particularly of the *Young Offenders Act 1994 (WA)*. The *Young Offenders Act 1994 (WA)* has only had minor amendments since it came into effect, and it has not been properly reviewed since 1998 – although a review commenced in 2016 before being put on hold.<sup>172</sup> Submissions to this review from the Aboriginal Legal Service of Western Australia<sup>173</sup> and the Commissioner for Children and Young People<sup>174</sup> provided a wide range of clear recommendations for reform to the *Young Offenders Act 1994 (WA)*, focused on ensuring the objectives of the act align with principles of diversion, that alternatives to criminal proceedings and detentions are used wherever possible, and to improve the provision of alternative supports to improve reintegration outcomes.

Prioritising diversion and reintegration should ensure there are a diverse range of alternatives to detention available for use and referral. Investing in these supports will require care to ensure there is access for children and young people across

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<sup>172</sup> Department of Corrective Services, *A Review of the Young Offenders Act 1994* [Green Paper], 2016, [https://www.correctiveservices.wa.gov.au/\\_files/youth-justice/young-people-justice-system-review-ya.pdf](https://www.correctiveservices.wa.gov.au/_files/youth-justice/young-people-justice-system-review-ya.pdf), accessed 29/6/2022

<sup>173</sup> Aboriginal Legal Service of Western Australia, *Submission to the Review of the Young Offenders Act 1994 (WA)*, Perth, WA, Aboriginal Legal Service of Western Australia, 2017.

<sup>174</sup> Commissioner for Children and Young People, *Young People in the Justice System: A Review of the Young Offenders Act 1994* [letter to Department of Corrective Services], 28 April 2017, Commissioner for Children and Young People, Perth, WA, accessed: <https://www.cyp.wa.gov.au/media/2507/submission-department-of-corrective-se-and-the-justice-system-a-review-of-the-young-offenders-act-1994-april-2017.pdf>, accessed 29/6/2022



communities. These alternatives will also meet common goals and strategies of the Western Australian government, especially around safe and stable accommodation, healthcare, wellbeing and relationships, namely as published in *WA Youth Health Policy 2018-2023* and *At-Risk Youth Strategy 2015-2018*.

There are many different models of alternatives to detention that can provide considerable value to the suite of responses for children and young people engaging in anti-social behaviour. Key examples operating at a local, national and international level which have gained considerable success in generating better outcomes for the individual and community include:

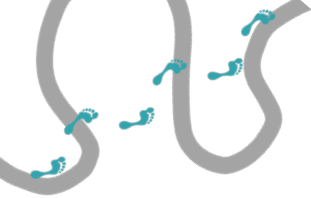
- **On-Country Camps:**
  - These initiatives prioritise taking children and young people away from a social environment where they would be at higher risk of engaging in antisocial behaviour to culturally-based camps located on country. These are generally intended to reduce offending, target substance use and at-risk behaviour, increase educational and vocational engagement, improve cultural connectedness and identity and enhance health and wellbeing.

#### Case Study: The Yiriman Project

Based in Fitzroy Crossing, the Yiriman Project<sup>175</sup> worked with Indigenous young people (15-25 years) from remote communities to connect them culturally and linguistically within Nyikina, Mangala, Walmajarri and Karajarri traditional lands and language groups, with a focus on mental health, alcohol and other drug support, and connection to culture. The Yiriman Project took young people on 'back to country' bush trips with cultural mentors and Elders. Beyond the transfer of knowledge and skills, these trips provided a safe and effective space for participants to cultivate relationships with culture, Country, and wider community.

- **Alternative education/training:**
  - These initiatives target young people who have disengaged from mainstream schools and provide them with individualised learning opportunities that enable and empower vulnerable young people to build their knowledge in areas that they are interested, and gain skills for employment and/or further education. Engagement in a safe, supportive and engaging educational environment is crucial to ensuring young people experiencing disadvantage, such as those who have neurodevelopmental or health issues, suffering from trauma and/or family or domestic violence have the support they need at a crucial point of early intervention.

<sup>175</sup> Australian Government, 'The Yiriman Project' [website], <https://www1.health.gov.au/internet/publications/publishing.nsf/Content/suicide-prevention-activities-evaluation-Appendices-appendixa-project49>, accessed 22 June 2022



### Case Study: Dismantle

Based in the Perth Metropolitan Area, Dismantle<sup>176</sup> works to support at-risk youth in overcoming socio-inherited hurdles through a youth development program that builds the skills of young people in need of support. Dismantle's BikeRescue program mentors participants to strip and rebuild two bikes, while simultaneously working with participants to identify their support needs, understand their circumstances, and assist them to address challenges. Feedback from young people involved in the program has been that the hands-on and supportive approach helps them to build skills while improving their self-confidence and creating behaviour change.

- **Community Alcohol and Other Drug treatment, support and rehabilitation**
  - These initiatives provide specialised treatment and support for young people experiencing AOD related issues, in community residential and non-residential settings. People experiencing AOD related and intersecting issues are at increased risk of exposure to unsafe situations and interactions with the police. AOD support services provide young people with trauma-informed, specialised support that is crucial in preventing further harm.

### Case Study: Drug and Alcohol Youth Service (DAYS)

Based in East Perth and delivered by Mission Australia, DAYS<sup>177</sup> provides young people and their families' access to a comprehensive range of free and confidential alcohol and other drugs services, including court diversion, residential rehabilitation and clinical psychology

<sup>176</sup> Dismantle, *BikeRescue* [website], <https://www.dismantle.org.au/bikerescue>, accessed 22 June 2022

<sup>177</sup> Mission Australia, *Drug and Alcohol Youth Service (DAYS) - Youth Withdrawal and Respite Service* [website], <https://www.missionaustralia.com.au/servicedirectory/185-alcohol-other-drugs/drug-and-alcohol-youth-service-days-youth-withdrawal-and-respite-service>, accessed 22 June 2022



## **THERAPEUTIC CARE FOCUSED ON REINTEGRATION: Therapeutic Approaches Within Secure Places Of Care As A Last Resort**

Detention for any young person must always be an option of absolute last resort, and only used when the safety of the young person or community cannot be guaranteed through more appropriate measures in the community. Working to this goal will take time, and require the right community supports to allow it to work.

However, accepting that detention will be used in some instances, it is vital that we transform detention to ensure that it is an environment that genuinely supports the wellbeing of young people. Co-design of the environment and programs can transform Banksia Hill Detention Centre from a detention centre to a secure school-like environment that provides therapeutic services. Ensuring every young person has a plan for leaving care from the moment they are sentenced can ensure young people are developing positive and supportive relationships and life skills that will stay with them once they exit the system.

What does this look like in practice?

- **Training and development opportunities for young people leaving detention**

Engagement in education or employment is a protective factor for wellbeing and associated with improved outcomes for young people. There is no doubt that youth detention can hinder education and employment, as seen through reports of sub-standard education services in Banksia Hill Detention Centre. Programs to support young people leaving detention to develop skills and participate in the economy show promise in supporting improved outcomes. Bunuru, operating in Banksia Hill Detention Centre, is a 10-week program that provides opportunities for young people with opportunities to attain a Certificate 1 in Building and Construction, or to gain recognised skills in machinery operations.<sup>178</sup>

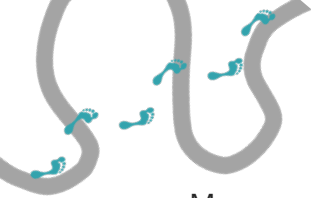
- **Community-based alternatives to detention**

Evidence clearly shows the detention environment is traumatic for children and young people and can be criminogenic. Alternatives to detention based in community allow young people to receive care and support in more appropriate environments, while maintaining connections to supports and family when these are available in regional areas.

- **Additional through-care programs (such as housing support)**

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<sup>178</sup> Social Reinvestment WA, 'Programs that Work: Existing alternatives to the justice system for young people', Social Reinvestment WA, 2021, <https://static1.squarespace.com/static/59c61e6dbefafb0293c04a54/t/615bf3ac17e47d7acf388f44/1633416111307/RTA+Case+Studies+Programs+that+Work.pdf>, accessed 27 June 2022.



Many young people exit detention into poverty or unstable housing, and with more than 50 per cent of young people returning to detention within two years, there is a clear need for improved support and continued connection to assist young people to sustain behaviour change and meet their needs. Investment in throughcare can support young people to continue to engage with supports. Programs such as Beyond Youth Justice Services provide a through-care service model for young people leaving detention with individual support to manage their orders in community, rehabilitation supervision, and developing life skills.<sup>179</sup>

However, while we have some existing programs currently operating that appear to work, these programs are constrained by limited funding, geographical area, and service access requirements imposed upon them. We need to expand these programs and approaches to ensure greater coverage and accessibility for young people in contact with the justice system.

## Transforming Detention to a Therapeutic Environment with a Focus on Rehabilitation

### *Our Vision*

By transforming Western Australia's model of detention away from traditional punitive and isolating approaches to supportive and therapeutic models of care, we can ensure that in pursuing detention as a last-resort action we strike the right balance between placing the needs of the child at the centre of our actions and a responsibility to maintain community safety.

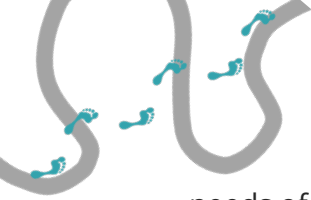
Prison is no place for children and does not provide an environment in which young people can thrive. Although we need to prevent children from entering detention, Banksia Hill Detention Centre, as WA's only youth detention centre, needs urgent attention to be transformed from its current model into one that is therapeutic, non-punitive, non-adversarial and trauma-informed – and used only as a last resort.

Evidence has repeatedly shown the environments of prison and detention are not fit for children and can cause life-long harm. Reviews from the Office of the Inspector of Custodial Services (OICS) have also consistently identified the need for the centre to have a trauma-informed model-of-care. In order to transform the environment of Banksia Hill Detention Centre, we need a model-of-care that is responsive to the unique

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<sup>179</sup> Wungening, 'Beyond Youth Justice Services' [website], Wungening Aboriginal Corporation, 2022, <https://www.wungening.com.au/beyond-youth-justice-services#:~:text=A%20consortium%20led%20by%20Centrecare,of%20rehabilitation%20and%20emotional%20wellbeing,> accessed 26 June 2022.





needs of the young people in its care,<sup>180</sup> this includes:

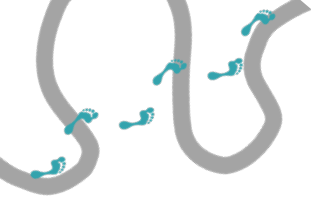
- **Ending traumatising practices that cause harm** – Children need to be protected and not exposed to experiences that are traumatising or harmful. It is therefore imperative that existing practices at Banksia Hill Detention Centre which have been found to be harmful to children are replaced with trauma informed care responses. This includes ending the use of strip searches, which the OICS has found to be distressing, humiliating and degrading experiences that cause harm to individuals,<sup>181</sup> and the use of solitary confinement, with a recent report from OICS finding that detainees in the Intensive Support Unit (ISU) at Banksia Hill Detention Centre experienced further deterioration in their behaviour and mental health, and that in many instances the human rights of children held in the ISU were being breached.<sup>182</sup>
- **Individualised support** – Children are diverse and their needs are informed by a range of factors including age, cultural background, mental and physical health and experiences of trauma. Research has consistently highlighted the diverse needs of children held at Banksia Hill Detention Centre, with many having traumatic backgrounds and complex neurological disorders. The model of care at Banksia Hill Detention Centre needs to be trauma informed, specific and culturally appropriate in order to meet these needs. This includes recognition of cultural needs, neurodiversity and cognitive impairments (such as Foetal Alcohol Spectrum Disorder), the impacts of trauma, and different age ranges.
- **Increased one-on-one support programs** – Placement in detention, even as a last resort, should focus on providing intensive, one-on-one support to young people. Individualised support is critical to ensuring needs are met and young people are supported to develop lasting, continuing care following their release. Existing programs such as Beyond Youth Justice Services provide workshops inside Banksia Hill Detention Centre. We also require supports and programs for young people on remand, who make up significant amounts of those in Banksia Hill Detention Centre.
- **Workforce support** – Transforming the model of care at Banksia Hill Detention Centre must also include adequate support and training for the workforce. Staff at Banksia Hill Detention Centre must be equipped, through appropriate training, with the skills and knowledge to provide responsive, trauma informed care. Implementation of such a model also requires adequate staffing levels that facilitate individualised care responses. Resourcing considerations should also

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<sup>180</sup> Judy Atkinson, *Trauma-informed services and trauma-specific care for Indigenous Australian children: Resource Sheet No. 21* (Produced for the Closing the Gap Clearinghouse), (Canberra: Australian Institute of Health and Welfare & Melbourne: Australian Institute of Family Studies, 2013), <https://www.aihw.gov.au/getmedia/e322914f-ac63-44f1-8c2f-4d84938fcd41/ctg-rs21.pdf.aspx>, accessed 30/6/2022

<sup>181</sup> Office of the Inspector of Custodial Services, *Strip searching practices in Western Australian Prisons*.(2019), <https://www.oics.wa.gov.au/wp-content/uploads/2019/04/Strip-Searches-Review.pdf>, accessed 29 June 2022

<sup>182</sup> Office of the Inspector of Custodial Services, 2021 Inspection of the Intensive Support Unit at Banksia Hill Detention



prioritise diversity and representation as part of providing culturally secure care that meets the cultural needs of Aboriginal young people at Banksia Hill Detention Centre.

- **Transforming environment to focus on learning and rehabilitation** – All children deserve to receive a high-quality education which provides them with a strong foundation for life. As the OICS has recommended, the education program at Banksia Hill Detention Centre must be appropriately resourced so that it can deliver an intensive education support program.<sup>183</sup> This education program is currently delivered by the Department of Justice, however has been noted by OICS to not meet community standards.<sup>184</sup> Education in Banksia Hill Detention Centre should ideally be delivered by the Department of Education, as in other states such as Victoria, and should meet or exceed the quality of education provided by the WA Government to children outside of detention.
- **Providing alternative options to detention for young people on remand** – children and young people on remand make up a sizeable population of those housed in Banksia Hill Detention Centre at any one point. Being held within detention is considered criminogenic for young people – and suggests supporting young people on remand to be provided with bail and alternative housing as a priority is a more appropriate option.<sup>185</sup> Significant work exploring alternatives to remand for children has been done<sup>186</sup>, and should be explored further to reduce the population of children and young people in detention.

Another important element of transforming the model-of-care at Banksia Hill Detention Centre is ensuring it is culturally secure, that young people can practice and access their culture in detention, and there are suitable Aboriginal staff on-site. The investment in the 2022/23 State Budget to establish an Aboriginal Services Unit is a positive first step, but more work is required to ensure cultural security is integrated into the model of care and workforce.

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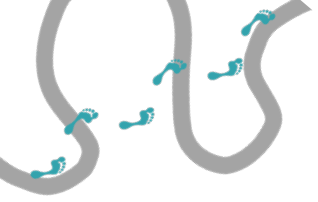
<sup>183</sup> Office of the Inspector of Custodial Services, 2020 *Inspection of Banksia Hill Detention Centre*

<sup>184</sup> Office of the Inspector of Custodial Services, 2020 *Inspection of Banksia Hill Detention Centre*

<sup>185</sup> Jesuit Social Services, *Thinking Outside, Alternatives to Remand for Children*

White & Gooda, *Royal Commission into the Protection and Detention of Children in the Northern Territory*

<sup>186</sup> White & Gooda, *Royal Commission into the Protection and Detention of Children in the Northern Territory*



## Case Study: Therapeutic Crisis Intervention

Therapeutic Crisis Intervention (TCI). TCI is a system for crisis prevention, management and de-escalation. The foundation of TCI is that the successful resolution of a young person's crisis requires an adult to respond in a caring, therapeutic and developmentally appropriate way and to help the young person foster greater self-control.<sup>187</sup>

Over time, TCI helps prevent crises from occurring, effectively manages crises, and reduces injury to clients and staff, and has been successfully implemented in at-risk youth services across WA, such as Passages Youth Engagement Hub. TCI encompasses the following key elements:

- **Organisational support & leadership** - implementing appropriate crisis prevention and management at all levels of an organisation through clear articulation in policies and procedures and support and leadership at an organisational and executive level;
- **Clinical participation** - individualised crisis management responses which are appropriate, therapeutic and developed collaboratively between the young person and team members;
- **Supervision and post-crisis response** - immediate support and debriefing to young people and staff following a crisis in a way that facilitates open dialogue and learning from those incidents;
- **Training and competency standards** - comprehensive training in crisis management, prevention and de-escalation, including ongoing best-practice and evidence-based training for all staff which is refreshed, at a minimum, on a semi-annual basis.
- **Documentation and feedback** - providing post crisis documentation and feedback to staff at all levels as a means for the organisation to review and improve upon individual organisational practice.

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<sup>187</sup> Michael Nunno, Martha Holdren and Brian Leidy, 'Evaluating and Monitoring the Impact of a Crisis Intervention System on a Residential Child Care Facility.' *Children and Youth Services Review*, 25/4 (2003), 295-315.



## Consistent Through-Care and Transition Support to Continue Connection.

### Our Vision

Young people leaving detention continue to have access to the supports they need, and the connections they established while in detention are supported to remain with them. Young people leaving detention are supported to access appropriate housing and support for their needs, such as mental health and alcohol and other drug use, and are better equipped to change behaviour and avoid further justice system involvement.

Transitions of any kind are a critical stage of a young person's life, so a young person transitioning out the youth justice system is especially vulnerable to homelessness and other poor health and wellbeing outcomes if not given adequate support. Insecure housing, family instability and homelessness are key drivers of rising youth detention populations.<sup>188</sup> Poverty and exposure to unsafe situations will inevitably leave many with no choice but to engage in criminal activity simply to be able to eat and survive. This in turn leads to more interactions with the Western Australia Police Force and justice services, and more time held in remand simply because there is no place for the young person to go on release except back into homelessness.<sup>189</sup>

Failure to provide safe and secure housing, educational and employment opportunities as well as robust support networks for young people leaving the youth justice system can lead to entrenched disadvantage, leading into homelessness, poorer health outcomes and recidivism long into adulthood. According to the Australian Institute of Health and Welfare adults who were previously under youth justice supervision are twice as likely to sleep rough than those who have not.<sup>190</sup>

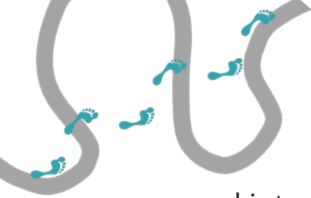
Consistent and intentional support for young people transitioning out of custody is one of the most critical components in transforming the youth justice system and reduce recidivism. Evidence shows that tailored case management approaches that empower young people to drive pathways into education, employment and independent living are the most effective at reducing recidivism. These programs should be comprehensive, targeting family, education, secure housing and the local community,

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<sup>188</sup> Chris Cunneen, Barry Goldson & Sophie Russell, 'Juvenile justice, young people and human rights in Australia', *Current Issues in Criminal Justice* 28(2), (2016), <http://classic.austlii.edu.au/au/journals/CICrimJust/2016/23.html>, accessed 30/6/2022

<sup>189</sup> Hilde Tubex, John Rynne, and Harry Blagg, H, 'Throughcare Needs of Indigenous People Leaving Prison in Western Australia and the Northern Territory', *Trends & Issues in Crime and Criminal Justice*, no. 585, (Canberra: Australian Institute of Criminology, 2020) [https://www.aic.gov.au/sites/default/files/2020-05/ti585\\_throughcare\\_needs\\_of\\_indigenous\\_people\\_leaving\\_prison-.pdf](https://www.aic.gov.au/sites/default/files/2020-05/ti585_throughcare_needs_of_indigenous_people_leaving_prison-.pdf), accessed 9 May 2022

<sup>190</sup> Australian institute of Health and Welfare, *Specialist Homelessness Services Annual Report 2020-21: Clients Exiting Custodial Arrangements*. (Canberra: AIHW, 2021), <https://www.aihw.gov.au/reports/homelessness-services/specialist-homelessness-services-annual-report/contents/clients-exiting-custodial-arrangements>, accessed 30/6/2022



and integrate mentoring to build social competence, skills development and resilience through healthy coping mechanisms. This cannot be delivered by the Department of Justice alone and will require collaboration and resourcing from other agencies such as the Department of Communities, Health, Education and Training and Workforce Development, in partnership with youth services and local communities.

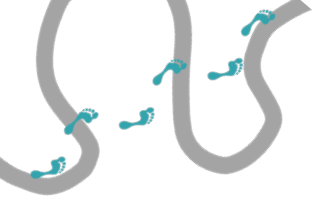
There are many examples of existing programs that have considerable success in carrying out this kind of consistent through-care and transitional support to enable young people to transition to independent living in the community, working with both young people incarcerated in Banksia Hill Detention Centre and for those who are able to be diverted from detention after interactions with the Western Australia Police Force. By ensuring approaches and programs like these are utilised as the default response for all young people who come into contact with the youth justice system in a holistic way, we can enable a fully therapeutic system that places the needs of young people at the core of the approach, improving outcomes for both the individual and the community and ultimately reducing the need for detention by eliminating recidivism breaking the cycle of disadvantage.

### **Case Study: Bunuru**

Bunuru (Youth Services) is a 10-week program run by Outcare and the Wirrpanda Foundation. The program provides young offenders aged 15 – 18 with employment and training support. Attendance at this program may be imposed as a condition of a Supervised Release Order or other community-based order. Young people involved in the program are able to attain either a Certificate I in Building and Construction, or recognised skills inclusive of machinery operations and maintenance procedure to support them to find future work. Currently, Bunuru staff also visit young people suitable for the program while they are detained in Banksia Hill Detention Centre.

### **Case Study: Hope Community Services**

Hope Community Services provide a range of youth justice services which support young people aged between 10-17 who have been engaged in the youth justice system, including bail services and a transitional accommodation program. These are focused on providing safe residential environments, recreational activities, educational programs and rehabilitation in order to meet the individual needs of young people.

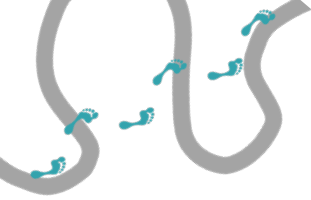


### **Case Study: Deadly Diversions Youth Support & Development Program**

Whitelion's Deadly Diversions Youth Support and Development Program improves long-term outcomes for prolific and priority offenders through ongoing, sustained case management, and diversionary activities which aim to address the causes of high-volume offending by targeting underlying social factors such as connection to culture, education, literacy, counselling, housing and parenting support.

### **Case Study: Beyond Youth Justice Services**

Beyond Youth Justice Services (Beyond YJS) is a consortium program between Centrecare and Wungening Aboriginal Corporation that provides support in the areas of rehabilitation and emotional wellbeing. Beyond YJS provides a "through care service model", which is a co-ordinated and integrated approach to case managing young people who intersect with the Department of Justice. They provide 'end to end' rehabilitation support by assisting clients to meet the requirements of court orders, obtain employment and education and develop behavioural and psycho-social skills, with the ultimate aim of minimising reoffending. This service is based in Banksia Hill Detention Centre and in the Metropolitan community area.

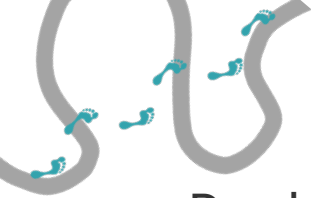


# How Can We Work Together To Achieve This Vision?

## **A Roadmap from the Sector**

The youth justice space is complex, with many stakeholders working across a range of sectors. Legislation, court processes, policy, frontline workers, and non-profit services all interact to shape the reality experienced by young people day-to-day. Reform in the space of youth justice requires an approach founded on meaningful partnerships and collaboration.

While the majority of the recommendations in this report are primarily the responsibility of the state government, many will also require buy-in from the non-profit sector to achieve transformative change, as well as collaboration with the Federal, state and territory governments across the nation.

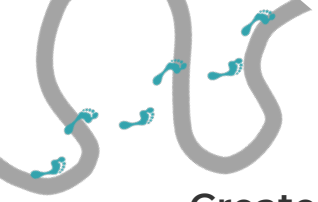


## Develop A Whole-Of-Government Vision and Strategic Approach for Young People Ending Up in The Justice System

A whole-of-government approach is required to addressing youth justice holistically and creating the structure for collaboration, connected services, and appropriate investment in services.

- 1. Develop a whole-of-government strategy for youth justice which coordinates efforts across government agencies responsible for youth justice outcomes and aligns reform work. A strategy should be developed in partnership with the Community Services Sector, Aboriginal Community Controlled Organisations, lived experience, academic experts, and community leaders. This should aim to:**
  - a. Embed justice reinvestment approaches across relevant State Government departments and agencies, including the Department of Justice, the Department of Communities, the Department of Education, Western Australia Police Force, and the Mental Health Commission.
  - b. Incorporate the development of an Aboriginal Justice Agreement in partnership with relevant Aboriginal and Torres Strait Islander organisations.
  - c. Set clear direction for investment, and outcomes-based targets to measure strategy progress.
  - d. Provide mechanisms to support Aboriginal community-owned and led programs that build the capacity of local communities to lead responses tailored to local needs.
  - e. Provide structures to enhance government agencies' collaboration with each other, non-profit organisations, and local communities to allow collaborative approaches, as collaboration is currently limited and *ad hoc*, preventing long-term initiatives.
  - f. Enable data and information-sharing between government and non-government organisations for the identification of at-risk young people, for proactive targeted support.
  - g. Develop common evaluation frameworks across government agencies that align shared outcomes for programs across the strategy, and ensure adequate resourcing for evaluation to support investment in the programs that work.
  - h. Prioritise 10 communities in greatest need of support, identified through socio-economic and justice data analysis, for immediate investment to improve community outcomes and services.
  - i. Ensure that barriers to accessing services are removed for children who need them (a no wrong door approach), and service continuity (through care) is prioritised for young people.
- 2. The WA Government take a more active role in raising awareness among the general public and community around the underlying causes of offending, and the community-based approaches that can address these**

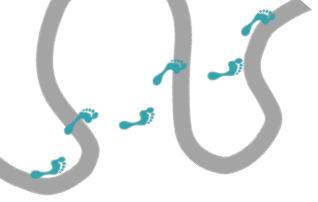




## Create Programs in Every Place, Across the Spectrum of Intervention, Investing in Struggling Areas First

Investing in supporting young people within their communities, will ensure we can strengthen their connections and help them build networks that can continue to support them over time. Flexible, holistic, and individualised approaches are key to ensuring we set young people up for success, and a bright future – and must be available across the state to all young people who need them.

3. Invest in place-based backbone mechanisms to coordinate collaboration and collective social reinvestment approaches in each community in order to improve referral pathways for young people, increase collaboration among existing services, and identify key gaps in services for future investment.
4. Address the demand for Aboriginal frontline workers to provide culturally-appropriate care for Aboriginal young people through investment in Aboriginal Community Controlled organisations, and in development and capacity building for Aboriginal and Torres Strait Islander staff.
5. Invest in additional community-based programs that promote positive wellbeing and prevent issues from developing for young people, including:
  - a. Initiatives to improve baseline wellbeing, address poverty, food security and housing security
  - b. Access to prosocial recreation activities
  - c. Early childhood development
- b. Invest in additional support programs and services for at-risk children and young people to provide support and change behaviour prior to engagement with the justice system, including:
  - a. Alternative schooling programs and training opportunities
  - b. Alcohol and other drug rehabilitation and support services
  - c. Disability services
  - d. Mental health supports
  - e. Youth mentoring
  - f. Connected case management for children, young people and families



**7. Invest in additional diversion and rehabilitation services for young people in contact with the justice system to assist them to meet their needs in the community outside of the justice system, including:**

- a. Opportunities for Western Australia Police Force Officers to refer and divert to non-profit community-based services
- b. Cultural connections and healing programs
- c. Aboriginal-led justice interventions (such as First Nations First Responders, night patrols, family led decision making, and Koori Court models)

**8. Invest in diversion and legal assistance programs and supports for children and young people, including:**

- a. Community Justice Centres
- b. Bail houses
- c. Improved accessibility and advocacy support within the courts, including additional legal support, access to cultural interpreters, and Aboriginal Liaison Officers.
- d. Restorative justice programs
- e. Aboriginal-led decision making, courts and justice interventions

**9. Invest in additional programs and supports for young people in need of care or in detention with a focus on rehabilitation and reintegration to reduce high recidivism rates, including:**

- a. Training and development opportunities to support young people leaving detention to develop skills and employment opportunities
- b. Community-based alternatives to detention (such as on-country camps)
- c. Rehabilitation programs (such as trauma informed counselling, alcohol and drug rehabilitation, therapeutic communities)
- d. Additional through-care programs, such as housing support.



## Reforming Legislative Frameworks and Systems to Transform our Justice System to Prioritise Children’s Wellbeing and Community Safety; and use Incarceration of Children Only as an Absolute Last Resort

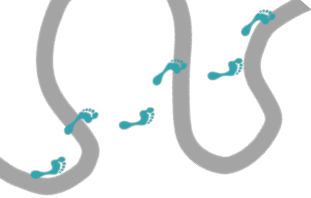
Legislative frameworks in Western Australia are currently outdated, and mandate certain approaches to youth justice issues that prevent more effective and appropriate supports and interventions from being prioritised.

We recommend the following legislative amendments and structural shifts as foundational changes to enable more effective community-based supports and policing approaches.

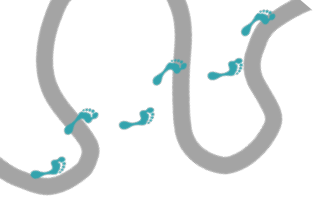
10. **Immediately commit to raise the Minimum Age of Criminal Responsibility from 10 to 14 years old as an absolute minimum, in alignment with international standards recommended by the United Nations and the Raise the Age WA campaign asks. This legislative change should:**
  - a. Replace s29 of the Criminal Code (WA) with a new s 29 that provides ‘a person under the age of 14 years is not criminally responsible for any act or omission’.
  - b. Provide that detention can only be imposed as a last resort and, for children aged 14 to 16 years, detention can only be imposed for very serious offences against a person.<sup>191</sup>
11. **Recommence a review of the Young Offenders Act 1994 (WA) following the 2016 review’s suspension. Amend the Act to reflect modern approaches to youth justice, contemporary issues in youth detention, and to enable strategies to achieve better outcomes in youth diversion, alternative sentencing, and remand.**
12. **Repeal ‘mandatory sentencing’ laws for children and young people because they unfairly and unjustly place disproportionate amounts of young people into detention, separate families, and entrench community-wide disadvantage.**
13. **Transform Western Australia’s youth detention system to address issues identified by the Office of the Inspector of Custodial Services, and provide therapeutic care. This should include a model-of-care that is child-centred, culturally safe, and empowers young people for life outside of Banksia Hill Detention Centre.**

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<sup>191</sup> Note: These offences should be contained in a Schedule and the Schedule should only include offences considered so serious as to potentially warrant the incarceration of a child.



- Improve transparency and accountability of the process of investigating complaints made about Western Australia Police Force Officers.
14. Consideration should be given to how the current process of review by the Corruption and Crime Commission and associated Parliamentary oversight can be improved. Improvements in this area are required to increase community trust in the integrity of the complaint process and improve the agency's relationship with the wider community.
15. Establish a Commissioner for Aboriginal Children and Young People to promote and advocate for the rights and interests of Aboriginal children and young people in Western Australia. The Aboriginal Commissioner for Children and Young People should have the same powers as the current Commissioner for Children and Young People including the power to hold special inquires and report to Parliament.
16. Require constant implementation of culturally safe practices designed by local Aboriginal communities, with accompanying mandatory training for all frontline staff (including Western Australia Police Force and custodial officers). This practice should support frontline workers to ensure they are engaging in appropriate practice for Aboriginal people and communities. Government agencies should be required to adhere to minimum standards to support effective implementation of this practice.
17. Invest in Aboriginal-led research on solutions and programs for Aboriginal and Torres Strait Islander young people involved in the criminal justice system that result in long-term positive outcomes and address recidivism to identify the solutions that work for Aboriginal young people and communities.



## Conclusion

At the heart of what we are proposing is a partnership between communities and government to make a change and support our young people to thrive.

Throughout this document we have explored and proposed many reforms to our current youth justice system in Western Australia. The most important learning we had in compiling this vision was finding that the solutions we need already exist.

Now is the perfect opportunity to make this vision a reality for our community. Our current system is clearly in need of reform; despite tens of millions of dollars invested into prisons and police community concern around crime in Western Australia remains high. Public and political momentum is growing: there is increasing support for the campaign to raise the age of criminal responsibility in line with medical and human rights guidelines, and increasing support of preventative strategies like justice reinvestment, that seek to address social issues before they reach crisis point.

We know what works: years of research, consultation and evidence has identified what a reformed system would look like, and there is strong evidence of various strategies and programs already being implemented in Western Australia and beyond. We currently have a unique opportunity to be a national leader in youth justice reform; to harness justice reinvestment and reform our system through investing and empowering the next generation of leaders.



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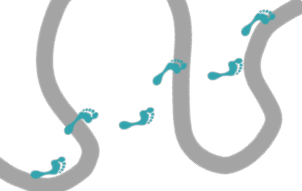


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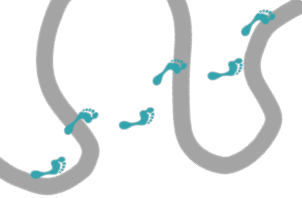




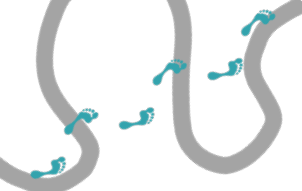
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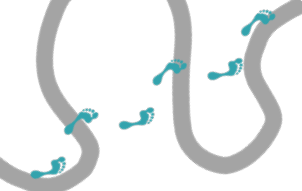
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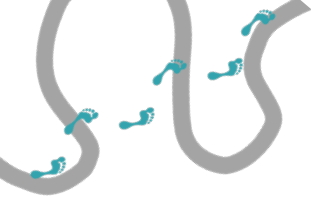
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## Blueprint Endorsements

Aboriginal Legal Service WA (ALSWA)	Justice Reform Initiative	Vinnies WA / St Vincent de Paul
Amnesty International Australia	MercyCare Australia	WA Association for Mental Health
Anglicare WA	NAIDOC Perth	WA Council of Social Services (WACOSS)
Australian Lawyers for Human Rights	Outcare Inc.	WA Justice Association (WAJA)
Bringing Them Home WA/ Yokai	Oxfam Australia	WA Network of Alcohol and other Drug Agencies (WANADA)
Centre for Human Rights Education	Palmerston	Whitelion
Centrecare	Perth Inner City Youth Service •	Wirrpanda Foundation / Waaltitj
Change the Record	Reconciliation WA	World Vision
Community Legal WA	Ruah	Wungening Aboriginal Corporation
Connect Groups WA	Save the Children Australia / 54 Reasons	Youth Affairs Council of WA (YACWA)
Kin Disability Advocacy (Formerly EDAC)	Shelter WA	Youth Involvement Council
FISH - Foundation for Indigenous Sustainable Health	Uniting Church WA	Youth Legal Service
Hello Initiative	Uniting WA	