

# YOUTH JUSTICE REVIEW AND STRATEGY

**Meeting needs and reducing offending**  
Executive summary – July 2017

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# Executive summary

## Background and overview

This youth justice review and strategy, commissioned by the Department of Health and Human Services (DHHS),<sup>1</sup> delivers on an Andrews Government election commitment and marks the first attempt at systematic reform of youth justice services since 2000, when A Balanced Approach was released. The Review provides an opportunity to redesign the system to create an evidence-based response to youth offending and youth crime that is reflective of the needs and attitudes of young people and the broader community.

This report details the significant challenges and issues affecting the Victorian youth justice system at the community and custodial levels, as well as issues and shortcomings of the underpinning legislative framework, governance and administration. It provides a detailed account of the current cohort of young people in youth justice and offers a set of observations and recommendations necessary to recalibrate and refocus the system on what it must do: meet the needs of young people to address their offending behaviour and stop them from further offending.

Although the task will be challenging, the Review team is encouraged by the unwavering and enduring commitment to the rehabilitation of young offenders by stakeholders. The observations and recommendations have been enriched by the valuable contributions of many.

The Review met with a cross-section of youth justice workers. Although workforce challenges are significant, the Review was heartened by the commitment of many workers, some of whom had worked in youth justice for more than two decades. The Review also encountered employees new to the system who are looking to dedicate their careers to helping young people turn their lives around.

Finally, special mention must be made of the young people involved in the Review through centre visits, focus groups, workshops and the survey, which received more than 1,000 responses. Young people have a strong desire to be directly involved in approaches to addressing youth crime. The Review team heard many distressing stories about the experiences of some young people but, more importantly, heard stories of hope and determination to improve their lives and the lives of their friends and families. Young people must be at the centre of everything the youth justice system does.

The project was sponsored by the Honorable Jenny Mikakos, Minister for Families and Children and Minister for Youth Affairs. The Secretary to DHHS appointed the independent reviewers: Penny Armytage and James Ogloff AM. The Project Advisory Group, co-chaired by the Minister and Secretary (established in September 2016), was a valuable forum and facilitated expert advice and dialogue in relation to the emerging challenges, directions and opportunities for improvement. An internal advisory group of program and policy executives also provided advice and consultation to the Review and met on two occasions.

The terms of reference of the Review included DHHS's youth justice programs and services (either provided directly or funded) relating to youth support, youth diversion and youth justice. The Review also considered key interfaces between in-scope services and programs and other programs and services within DHHS and across government, such as education, employment and policing.

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<sup>1</sup> The majority of the Review was carried out while responsibility for Youth Justice sat with DHHS. From 3 April 2017, responsibility for the youth justice portfolio moved to the Department of Justice and Regulation, which absorbs all of DHHS' youth justice responsibilities.

The objectives of the Review were to:

- create an overarching policy framework for the development of a contemporary youth justice system and accompanying service delivery model
- aim to understand the needs of cohorts of young people, and segments of young offenders, that are particularly vulnerable to exploitation and at high risk of involvement with the youth justice system
- deliver a strategy to enhance and position the department's youth support, youth diversion and youth justice services to respond to the needs of vulnerable cohorts into the future.

Several other significant pieces of work that focused on the youth justice system occurred at the same time as the Review: the Parliamentary Inquiry into Youth Justice Centres still underway; the report by the Commissioner for Children and Young People, released in March 2017, on the use of isolation, separation and lockdowns in the Victorian youth justice system; and reviews into various incidents at Parkville and Malmsbury. This Review has the widest scope, focusing on the entirety of Victoria's statutory youth justice system and picks up aspects of the other work completed.

The Review used a blended project methodology to develop the foundations for a new strategic policy framework. This included three key aspects: a review and analysis of data and documentation; a formal literature review and review of service models; and extensive stakeholder consultation and engagement.

To the extent possible, the Review addressed all aspects of the terms of reference, with two exceptions. Young people in custody were only consulted informally due to ethical considerations and constraints, so too the family members of young people involved with Youth Justice. Young people with knowledge of the youth justice system were included in workshops, and more than 1,000 young people provided their input via a youth justice survey.

It was not possible to undertake a functional or efficiency review and cost-benefit analysis at the time the Review was conducted due to the rapidly changing environment, including announcements to increase staffing, new program funding and expansion, in-sourcing of functions and the announcement of a new facility.

The report has been prepared in two parts. The first part includes the background information considered in the Review, including an introduction to the Review (Chapter 1); an overview of Victoria's youth justice system (Chapter 2); a snapshot of the delivery of youth justice services (Chapter 3); youth offending, needs and backgrounds (Chapter 4); and broader youth trends affecting youth justice (Chapter 5). Part 2 provides the analyses, observations and recommendations arising from the Review, including: system-level issues (Chapter 6); community supervision challenges (Chapter 7); custodial operating model and challenges (Chapter 8); and realigning the future system (Chapter 9).

## Part 1: Victoria's youth justice system

Victoria's youth justice system is a relatively small statewide statutory system that straddles the broader criminal justice and child welfare systems. Approximately 1,500 young people receive a new court order each year, with approximately 2,100 young offenders under Youth Justice supervision each year. Of these, approximately 1,400 are aged 10–17 years and 400 are aged 18 years or above. The total output budget for Youth Justice in 2016–17 is \$161.4 million.

The youth justice system is part of the overall criminal justice system, which is responsible for community safety. The youth justice system alone cannot deliver a safer Victoria – it must work closely with a range of stakeholders and across disciplines to address offending behaviour, meet the health and education rights of young people, and respond to their broader needs.

The youth justice system is shaped and influenced by a range of legislative instruments but primarily governed by the *Children, Youth and Families Act 2005*. International covenants, rules and laws also exist in the areas of juvenile justice and detention. The Children’s Court of Victoria has jurisdiction for most matters, with some matters covered in the higher courts.

Over time, the legislative framework for youth justice has evolved as a result of challenges in the broader child welfare and criminal justice systems. Often these changes focused on discrete challenges and issues, or were reactive to public pressure such as amendments to the *Bail Act 1977*.

The Youth Parole Board approves and supervises parole and is also responsible for transfer decisions between youth justice and adult prison.

Oversight of the system is largely carried out by independent bodies focused on the welfare of young people, providing them with a level of protection. Independent oversight bodies include: the Commission for Children and Young People (including the Commissioner for Aboriginal Children and Young People); the Victorian Ombudsman; the Victorian Equal Opportunity and Human Rights Commission; the Victorian Auditor General; and the State Coroner.

A range of other services exist to support young people involved in youth justice, including Victoria Legal Aid and the Victorian Aboriginal Legal Service for Koori young people.

## Delivery of youth justice services

Community youth justice supervision functions are delivered at 25 sites across all four DHHS divisions, while youth justice custodial services are delivered across two sites – the Parkville Youth Justice Precinct in central Melbourne and the Malmsbury Youth Justice Precinct in regional Victoria.<sup>2</sup>

Most of the state’s youth justice expenditure is focused on the acute end of the system, with little expenditure on prevention and early intervention activity. Specifically, the analysis of 2016–17 data showed that:

- the majority (58 per cent) of investment is allocated to youth justice custodial supervision
- community-based supervision accounts for 26 per cent of investment in youth justice
- one per cent of youth justice investment is allocated to two early intervention programs: the Community Based Koori Youth Justice Program and Youth Support Services
- three per cent is allocated to court-based diversion and restorative justice (this comprises the Children’s Court Pre-Plea Diversion Program and Youth Justice Group Conferencing)
- the Youth Health and Rehabilitation Service (YHaRS) constitutes five per cent of system investment and is delivered via a consortium comprising Caraniche, Youth Support and Advocacy Services and St Vincent’s Hospital Melbourne.

Another important element of service delivery is Parkville College, which is funded and administered by the Department of Education and Training. The college was established in response to criticism by the Ombudsman around the lack of education programs available to young offenders in custody. The college is funded to support students across all levels of education and offers units towards the completion of a senior secondary certificate, as well as vocational offerings.

At the time of the Review, DHHS was responsible for the statutory supervision of young people in Victoria. Governance of the youth justice system was dispersed, with various parts of the department responsible for different aspects of delivery.

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<sup>2</sup> During the Review, Grevillea Unit at Barwon Prison was added as a temporary youth justice centre following extensive damage that rendered large parts of the Parkville facility unusable.

## **Service delivery and funded service providers**

Youth justice services are delivered along a continuum from pre-plea diversion and court advice through to custody and into the community. While DHHS retained statutory responsibility for all young people in the care of the state, funded providers are contracted to deliver some services (e.g. DHHS maintained responsibility for the delivery of the Youth Justice Court Advice Service, Children's Court Youth Diversion, community and custodial youth justice and the Koori Intensive Support Program).

However, the youth justice system relies on funded service providers and Aboriginal community-controlled organisations to deliver youth support services, community-based prevention initiatives, case management and intensive support and engagement, and specialist mental health services including the Youth Justice Community Support Service, the community-based Koori Youth Justice Program, the Youth Mental Health Initiative and Youth Justice Group Conferencing.

YHaRS is a contracted consortium funded to deliver a dual function of meeting the health needs and delivering offender rehabilitation programs.

## **The youth justice workforce**

Approximately 166 FTE positions are funded across the 17 areas and four DHHS divisions, providing community-based youth justice services and practice. The community youth justice workforce is based in DHHS area offices. Staff allocation is based on a static model, with limited surge capacity to respond flexibly to fluctuating demand levels, and is not currently distributed in anticipation of demand. The model does not have formalised workforce distribution and management structures that allocate more experienced staff to more difficult cases.

Additionally, approximately 470 FTE operate across youth justice custodial services including Malmsbury, Parkville and Grevillea Youth Justice Centres. Only 0.4 per cent of youth justice positions are designated Koori positions. This is less than the one per cent average for DHHS overall. There are no identified positions for other cultural groups or other characteristics.

The community-based youth justice workforce is more stable, with comparatively low turnover and strong attendance. In comparison, the custodial workforce is less stable, with higher turnover reported. Prolonged vacancies have resulted in significant reliance on agency staff to fill the void. Agency staff are contracted through two providers: Essential Recruitment and Personnel Solutions and Bridging Works. Both agencies are responsible for vetting applicants and supplying them to the department for training prior to commencing work on shift. DHHS does not play a role in vetting these candidates prior to them commencing work.

Core training and professional development for all youth justice workers is delivered internally by DHHS. Training for community staff is generally delivered by the department's centralised training unit using staff with previous operational experience.

## **Performance, outcomes and system costs**

Although performance measurement is a critical component in effectively monitoring progress against policy goals and objectives, there has been little systematic measurement of performance of youth justice in Victoria (separate to national-level reporting via the Report on Government Services (ROGS) prepared by the Productivity Commission). The available Victorian ROGS data indicate that, when compared with other Australian jurisdictions:

- The overall number of young people involved with youth justice has plateaued.
- Once in contact with Victoria's youth justice system, the life outcomes of young people are poor and there is no change in their offending patterns.
- The over-representation of Koori young people is not being addressed.
- Victoria has the highest recorded rates of assaults in custody.

- Victoria has the most expensive youth justice system per capita, with little difference in outcomes.

## Youth offending trends

Since 2010 the number of cases receiving a sentence in the Children's Court has declined significantly, falling from 5,844 in 2010 to 3,341 in 2015. The decline has been attributed to stable societal factors such as public education systems and broad public health improvements. It also reflects proactive diversion activity during this time by police, supported by a range of community organisations and advocates. Similar reductions have been experienced elsewhere in Australia

This strong diversionary approach in Victoria has resulted in a relatively small number of young people recording an incident with police. Only a small proportion of those who come into contact with the criminal justice system progress to formal involvement with the courts and youth justice system.

In 2015–16 more than 71 per cent of Youth Justice clients were charged with crimes against the person, of whom 73 per cent had committed acts intended to cause injury as their most serious offence. The prevalence of young offenders with crimes against the person has been steadily rising over the past decade. Since 2001 the proportion of young people who committed a crime against the person (murder, assault, robbery, sexual offences, etc.) rose from 30 per cent to 50 per cent.

Judicial, law enforcement and justice sector experts identified a surge in violent offending in the past 12 months. Victoria Police, for example, noted a move away from opportunistic (typical adolescent) offending towards more sophisticated, socially networked, calculated and callous offending. Service providers and youth justice workers felt challenged by this offending and felt ill equipped to respond to or address violence.

Most young people do not get involved in crime at all and 'abstain' both as young people and as adults. Of those who do commit offences, most commit low-level crime and grow out of this behaviour. Offending peaks in mid-adolescence – between 16 and 17 years of age – before declining sharply in late adolescence and early adulthood. There are sub-categories of offending, however. The 'adolescent limited' cohort, who offend only during adolescence, require some intervention but typically do not offend as adults. A further, small proportion of adolescents will continue to offend through all life stages – the 'life course persistent' cohort.

Linked to these common trajectories and offending patterns, the Victorian Crime Statistics Agency (CSA) has found that age of onset of offending is a significant differentiator among offending trajectories. The younger a person is at the time of their first offence, the higher the chances of them becoming 'life course persistent' offenders.

The Sentencing Advisory Council released a recidivism study of young offenders. They found that more than one-third of young offenders in the 2008–09 cohort had a prior record of offending, and that 61 per cent of the cohort reoffended at some point during a six-year follow-up period. The results revealed that youth who were younger at the time of their first offending, and those who had a greater number of prior offences, had higher recidivism rates. More than 80 per cent of young offenders who served a custodial sentence and more than 75 per cent who were on a community supervision order, reoffended.

The ROGS data do not report on recidivism indicators, which present challenges in benchmarking Victoria's rates of recidivism against appropriate comparators.

## Demographics and needs of young offenders

A robust policy framework for youth justice must respond to the crimes committed by young people, along with their needs and circumstances. It is important to understand the key characteristics and circumstances of young offenders so that responses can be appropriate and proportionate. Young

people often present with multiple complicating characteristics including socioeconomic disadvantage, trauma/grief, childhood abuse and disrupted education.

A significant proportion of young offenders receive numerous other services and interventions (e.g. child protection, family, mental health, disability and homelessness services) before or during their involvement with Youth Justice. These young people also experienced challenges in education and health settings as well as in their families. Research and data shows that:

- Young people with mental health needs are significantly over-represented in justice systems.
- A significant proportion of young offenders have a disability compared with the general population.
- Substance misuse is a major issue for most Youth Justice clients.
- Young people involved with the youth justice system often have fragmented and persistently problematic contact with education services.
- Stable accommodation is a critical issue in the youth justice cohort and can exacerbate criminogenic risk factors.

Family characteristics can affect young people profoundly. Family dysfunction, for example, increases a young person's risk of offending, while strong prosocial connections with family and parents are protective factors for young people. One-third of young people surveyed for this Review identified the family as the main driver for young people engaging in serious or violent offending. Research shows that other factors linked to youth offending include poverty/socioeconomic disadvantage, parents who are offenders, Child Protection involvement and exposure to family violence.

## **Koori young people**

Globally, Indigenous people are over-represented in the justice systems of post-colonial countries. In Victoria, Koori young people are over-represented in both custodial and community order sentences. In 2015–16, 198 young people or 16 per cent of Youth Justice clients who received a new order identified as Aboriginal or Torres Strait Islander. Yet, Aboriginal and Torres Strait Islander people comprise only 0.7 per cent of the Victorian population and 1.6 per cent of the population aged 10–19 years.

The literature identified several causes for this over-representation including intergenerational trauma, broken connection to country and community, over-policing, undermining diversionary limits and exclusion from mainstream culture.

Poor health, education and employment outcomes among the Koori population are also well documented. All of these factors increase the risk of Koori young people becoming involved with Youth Justice. Koori participants in consultations for the Review emphasised the importance of creating and maintaining cultural and community connections.

## **Culturally and linguistically diverse young offenders**

In Victoria some culturally and linguistically diverse (CALD) groups are also over-represented in youth justice, particularly Maori, Pacific Islander and South Sudanese young people. This over-representation suggests a need for culturally relevant and sensitive responses to address their offending that considers challenges experienced by these young people and their communities.

While the majority of migrants and refugees do not become involved in crime, occasionally second-generation migrants get caught in a cycle of offending. In past years, Vietnamese young people became involved in offending; currently it is South Sudanese Australians. The youth justice system has not responded to this group of young people effectively. Many are returning to the system multiple

times. Youth consultations revealed that young African people feel targeted because of their skin colour and feel excluded from opportunities, which in turn drives their offending behaviour. An effective crime prevention approach must harness the strengths of the broader Sudanese community and build on the strengths of existing, albeit geographically limited, approaches.

## Broader youth trends and youth justice

Any reform to the youth justice system must be considered within a broader context. Societal forces also influence how the system needs to respond to young offenders. According to the Lancet Commission on Adolescent Health and Wellbeing, young people today face ‘unprecedented social, economic, and cultural change,’ such as: growing educational participation; global patterns of economic development and employment; technological changes and advances; changing patterns of migration and conflict; increasing urbanisation; political and religious extremism; and environmental destruction. Further, the commission noted young people need ‘health, education, family support and legal systems to keep pace with these changes’.

VicHealth and the CSIRO have identified a number of ‘megatrends’ that will affect Victorian young people over the next 20 years: the rising bar to attain employment and the impact of global competition; increased diversity; overexposure to online information; and broadened social networks.

These trends influence notions of peer groups in a socially connected and networked world and also expose vulnerable young people to potential harm. On the positive side, they provide opportunities to deliver intervention and education.

## Understanding broader attitudes and experiences of crime

Another trend that is relevant for the way Youth Justice operates and responds to offending is community perceptions of crime. There is some evidence that the community is more concerned about crime, as presented in recent publications by Deloitte (Millennial Survey) and IPSOS.

Concerns about crime nationally appear less severe. Victoria’s result may reflect the constant and high volume of media attention on violent crime by young people in the Victorian community and frequent reporting of crimes such as home burglaries, carjackings and events in Youth Justice facilities. Policymakers must be sensitive to these perceptions when considering opportunities for change.

One of the most important considerations is recognising the impact of crime on victims. Individuals and families who experience crime are directly affected and often experience material costs and psychological trauma. Collectively, society is worse off, as economic activity and productivity decreases – neighbourhoods are deemed unsafe, retail sales lag and tourism falls.

## What young people say about youth crime in Victoria

The Review included a survey of more than 1,000 Victorian young people aged 13–25 years and a series of workshops with young people involved with youth support services. The main findings from the survey are presented below:

- **Crime committed by young people** – public crimes such as vandalism and graffiti were the most common type of crime, followed by drug-related offences such as using or dealing drugs. Violent offences where strangers are injured were the least common.
- **Solutions to youth crime** – young offenders need support, but also violent offenders need to be held accountable to make them stop offending. Respondents offered a range of solutions, with some emphasising the need to address the causes of offending.

- **Responsibility and youth crime** – the youngest respondents were less likely to know the difference between legal and illegal activity. Young people believed that 18–20 year olds should be given the same support as younger people if it will help them stop offending.

The Review team also conducted workshops with young people, facilitated through community service and youth support organisations working with young people who had high levels of involvement with youth services. Participants identified a range of drivers of offending including:

- associating with the wrong crowd
- the family environment and normalised antisocial behaviour
- a lack of social connection and identity, and exclusion
- material gain and benefit
- notoriety among peers
- labelling young people
- a lack of other options – crime and incarceration are inevitable
- drugs and alcohol
- anger and violence
- social media, grooming and exploitation.

Some of these drivers affected particular groups more profoundly; for example, the sense of isolation, exclusion and labelling resonated most strongly with CALD participants. Pacific Islander young people also experienced greater levels of stereotyping across generations. For Koori young people, the normalisation of criminal activity from an early age was seen as significant. Koori young people are not offered or cannot see any alternatives to offending.

Participants also highlighted the importance of holistic services and supports to help young people stop their offending. Some believed that prison does not rehabilitate but rather reinforces offending. Others noted the importance of stable accommodation and continued engagement with education.

## What it all means for youth justice

Interactions between the complex needs of young people, the nature of their offending and the megatrends shaping and influencing their lives poses significant challenges for the youth justice system. It necessitates the need for holistic, integrated thinking to address health, mental health, disability, education and employment needs in order to reduce reoffending.

To achieve this, the youth justice system should address a young person's reasons for offending (i.e. criminogenic needs), it should link with disability, health, education, vocational and other supports that young people need, and it should address the community's concerns about youth offending.

A focus on rehabilitation will be key, structured in a way that addresses criminogenic factors that drive offending. Interventions should address particular crimes and promote prosocial behaviour, reinforce connections to family and community, recognise the needs of victims and address family dysfunction.

Interventions will need to be delivered appropriately, reflecting the cognitive abilities and communication skills of young people, and provided in a culturally safe environment (especially for Koori young people). Interventions will need to be gender-appropriate and respect how young people interact and communicate.

Interventions must take account of a young person's needs and involve family and community. Education will need to be central, so too addressing mental health and other health needs. The system will need to listen and respond to the voice of young people and pay attention to the reasons behind their offending.

With these considerations in mind, the following section describes the system-level challenges facing youth justice and specific community and custodial issues to be addressed.

## Part 2: System-level issues

The Review identified a range of system-level issues that are compromising the effective delivery of youth justice service across both community and custodial settings. The Victorian youth justice system has failed to identify and respond to emerging trends and challenges. Compared with other areas of government service delivery, the Youth Justice program is small and dispersed and, until recently, remained shielded from government and public scrutiny.

### Challenged legislative framework

The current legislation, embedded in a child welfare act, does not meet the challenges of a contemporary youth justice system. There is a need for a single, modern and responsive legislative framework for youth justice. Although the welfare needs of young people are important, the legislation inadequately deals with offending and the justice elements of the system. Moreover, the principles and objects of Youth Justice are unclear and do not reconcile or prioritise the need to reduce reoffending. Youth Justice would be strengthened by a single, clear articulation of the purpose of the statutory youth justice system and the outcomes expected from its orders.

### Lack of purpose, focus and coordination

Best practice principles highlight that effective youth justice systems are oriented to address the eight central criminogenic needs. The current youth justice operating model has lost its focus on responding to criminogenic needs and does not adopt strong risk, need and responsivity (RNR) approaches across the continuum of youth justice. The RNR principles have been developed to effectively assess and intervene with offenders, including young offenders. The approach concerns itself with individual differences in criminal behaviour, making it a particularly useful guide for both assessing the risk of recidivism and planning the nature and intensity of rehabilitation attempts.

The RNR model has identified the 'central eight' areas of criminogenic need that are most strongly related to offending across young people: antisocial thoughts and attitudes, antisocial peers and associates; history of antisocial or offending behaviour; antisocial personality patterns; problematic family circumstances; problems at school or work; problems with leisure or recreation; and substance abuse. The first four tend to most strongly relate to offending and must be the primary focus of youth justice services. Remediation of the remaining four areas is best done through coordinated efforts by mainstream services. This requires a whole-of-government response and direct responsibility by relevant agencies to complement the core functions of Youth Justice.

Across the continuum of youth justice in Victoria, there is an overemphasis on trying to respond to the extrinsic welfare and broader needs of young people, rather than the intrinsic factors for which young people are able to personally take responsibility and begin the process of change. In the RNR framework, matters such as disability, mental illness, trauma, poor engagement and poor motivation are seen as 'responsivity issues' that must be addressed to allow the young person to address the criminogenic needs. Addressing responsivity issues without directly remediating the criminogenic needs will not reduce offending. The literature shows that a sound operating framework based on the core criminogenic needs would significantly improve the outcomes by dealing directly with offending.

The RNR framework, with effective programming and case management, must commence with a robust assessment to inform the young person's level of risk, criminogenic needs, responsivity issues and required interventions. The majority of assessments done and decisions made are currently not properly informed by validated tools. There is also a lack of comprehensive assessments completed by appropriately skilled and qualified clinicians. The current approach to assessment, which is centred on the Victorian Offender Needs Indicator for Youth (VONIY) assessment tool, was developed based on rigorous consideration of the issues of risk assessment. However, the Review found that practices

were not consistently applied, and some workers highlighted the deficiencies of the VONIY, especially its weighting on prior offending as a predictor of future offending.

## **Recognising and addressing the complex needs of young people**

In the context of increased violent offending particularly, it is concerning that none of the available tools are used consistently by Youth Justice, leading to limited and possibly inaccurate understanding of offending risks and trends. Validated tools for screening and assessment could significantly improve the rigour of Youth Justice's understanding of the risks and needs of young offenders.

For very small and complex groups of clients there is precedent where requirements for appropriate levels of assessment are legislated to ensure the care planning and interventions are informed by expertise and multidisciplinary advice (e.g. the *Human Services (Complex Needs) Act 2009* that provides the legislative framework for the Multiple and Complex Needs Initiative (MACNI) for complex and high-needs clients).

A legislated approach to assessing the needs of young people in youth justice should be established, with recognition of the highly complex needs and the volatility of young people's lives and circumstances. An approach similar to MACNI for Youth Justice clients could facilitate better coordination of supports and services to people with complex support needs and deliver holistic care and prevent further escalation of need.

One of the most critical decisions informed by youth justice workers concerns bail or remand. Advice given is not usually informed by assessment. Better quality advice is required to allow sufficient time for the outcome of assessments to be finalised.

## **Priority access and coordinated care for young offenders**

There is a lack of service coordination to meet the welfare needs of young offenders, and they do not get priority access to services to meet their needs. Along with addressing criminogenic needs and addressing offending behaviour, young people involved in youth justice have a raft of other needs that must also be addressed in order for any rehabilitative efforts to take hold. Where needs are recognised, access to services can become a major barrier, especially in regional areas.

Once Youth Justice becomes involved with children who are also in the care of the Secretary to DHHS, the responsibility tends to shift to youth justice workers to address all matters pertaining to the young person. Opportunities exist for more focused investment and greater coordination for children and young people involved in Child Protection and Youth Justice.

For many young people, their families can be an essential protective factor against offending, but there is limited engagement with families or carers as part of the Youth Justice operating model.

Most young offenders abuse alcohol and drugs, yet existing services are inadequate to address the complexity of the issues. Workers, experts and stakeholders reported that drug use (particularly methamphetamine – 'ice') has changed the offending patterns of young people. They also lamented the fact that access to detox facilities is difficult at best and non-existent at worst.

A disproportionate number of young people have mental illnesses, yet services are inadequate to meet their needs. The barriers experienced by all Victorians to obtain mental healthcare are compounded for young offenders who do not have priority access to services. Practice in the community is not consistent about managing mental health referrals at intake. Practice varies between offices and depends on the informal processes set up between services and Youth Justice.

Significant system limitations also exist for adolescent mental health services. Investigations by the Drugs and Crime Prevention Committee of Parliament (2009) and Victorian Ombudsman (2010) also recognised the need for a dedicated and secure adolescent mental health unit. Custodial facilities are ill equipped to deal with the mental health needs of young people because, unlike adult prisoners, children and young people in youth justice do not have access to designated facilities. Thus, young

offenders with serious mental health issues are often held in custody, perhaps inappropriately. Youth Justice staff have few skills and limited training in this area.

Priority access to assessment and treatment should be considered for complex young offenders. The Review sees benefit in the availability of temporary assessment orders being made available to the Children's Court at the point of remand or release on bail that enables a young person to be subject to a compulsory assessment. There is also merit in considering a youth therapeutic order for court-mandated therapeutic treatment for young offenders. This has been proposed to address these deficiencies by Magistrate Bowles (2014) and the 'What can be done' Steering Committee.

Young offenders have often experienced educational disadvantage and disrupted access to education. Parkville College teachers reported that many young people have the equivalent of grade 2 education and have multiple years of disrupted education. Consultations throughout the Review identified multiple barriers to young people accessing education through mainstream public schools, and often young offenders are sent to alternative education providers.

Despite all that is known about the benefits of education and vocational pathways for young offenders, the lack of priority education in the community for young offenders results in their continued isolation and disconnection. Connection with schooling for young people leaving custody is also an important element in reintegration.

### **Responding to trauma alone will not reduce offending**

Young offenders are not just the perpetrators of crime, inflicting trauma on members of the community. They also represent a highly traumatised population, and trauma-informed care has become a pillar of the youth justice response. Initially, this concept was embedded throughout child protection and out-of-home care residential care settings and described and translated in the Best Interests Case Practice model for child protection.

Many young people are highly traumatised, and Youth Justice should do no further harm. However, the current approach to youth justice has given rise to the perception that all young offenders are victims, and Youth Justice is seeking to resolve a child's trauma so they do not reoffend. Moreover, the vast majority of young people in the community who are traumatised do not offend.

For non-clinical staff working in a non-clinical context, translating a therapeutic approach requires significant investment in training, operating structures and approaches. Understanding the impact of trauma on young offenders is important; however, trauma is insufficient in explaining offending behaviour. Its use in youth justice should be considered further.

### **Commitment to timeliness and certainty**

A contemporary youth justice system should be based on strong principles that support timely, certain and effective justice approaches. There is an opportunity to strengthen and embed the commitment to timely and certain justice for young offenders, recognising the impact of delayed consequences during childhood and adolescence.

### **Detention as an option of last resort**

The lack of clearly articulated principles as the foundation of Victoria's youth justice system is concerning. The most basic and fundamental principles expected of a youth justice system are not articulated or applied in practice. For example, depriving a child or young person of their liberty is detrimental to adolescent development, dislocates young people from any protective factors they may have, and must only be an option of last resort. No evidence shows that a custodial order reduces offending – in fact, the Sentence Advisory Council (2016) found that more than 80 per cent of young people on a custodial order reoffended, reflecting among the highest rates of recidivism of all young offenders.

The range of sentences available in Victoria, and the suite of supervision options for community supervision, is also a concern and consideration. The ad hoc approach to community supervision contributes to the use of detention in the absence of a community supervision structure that is able to provide confidence to the court that an appropriate range of activity to manage risk will be delivered. A fundamental reconsideration of community-based youth justice is required. Detention must never be used as a result of the inadequacies of community supervision.

Diverting young people away from youth justice is important. Diverting young people away from custody is critical. As young people become more involved with the justice system, they can become labelled or begin to self-identify as offenders. In addition, contact with the system may demystify the process and lessen the deterrent, leading to further breaches and more significant involvement.

### **Timely and certain justice**

Time is significant in the life of a child. The youth justice system does not effectively prioritise timely advice, assessment, resolution of sentence or delivery of rehabilitation programs. This is harmful for young people and disrupts their engagement in school, family and social connection – all factors that are important as part of their rehabilitation. The current legislation does not require appropriately swift resolution and consequences for young people, and this reduces the effectiveness of holding young people accountable through timely and well-understood consequences for their crime.

The increasing number of young people remanded in Victoria's youth justice system has challenged the system (average of 52 days, which is longer than the Australian average). Most concerning is the increase in the number of young offenders who are returning to custody on multiple periods of remand. Youth Justice has not been able to respond to the rise in remand numbers and has not established stable and effective structures that contribute to their rehabilitation.

The reluctance to address offending risk while young people are on remand is a missed opportunity to deal with the criminogenic risk; this could be supported by protections for young people regarding what is disclosed during programs and interventions that take place while the young person is on remand.

Although minimum sentences attached to specific offences are not beneficial, the impact of very short sentences that disrupt the young person's life without the benefit of rehabilitation is problematic. In his review of youth justice in the UK, Charlie Taylor proposed increasing the length of custodial sentences to promote the use of detention as a last resort, and, where detention is used, ensure it is of sufficient length to achieve its purpose (i.e. six months).

The Review holds the view that custodial sentences should be used as a last resort and for the shortest period possible to achieve the objects of rehabilitation, with sufficient length of time to deal with the criminogenic risk. Very short periods in custody have no benefit and considerable detriment.

Youth justice orders should be effective in addressing the criminogenic risk and needs of young people. Orders should be structured and purposeful to optimise rehabilitation outcomes and high levels of engagement. The Review team is of the view that community orders lack graduated and purposeful structure and fail to build in momentum. There is a lack of consistent statewide programs and activities for young offenders supervised in the community. The approach to supervision is ad hoc across the continuum of youth justice community supervision.

### **Separation of children by age**

International covenants, Victorian legislation and child development requires that children should be separated from adults. Given the range and nature of young offenders, Youth Justice must have the full continuum of infrastructure and approaches to facilitate the management and containment of even the most challenging children and young people.

The arbitrary separation of children and young people by age (younger adolescents from older adolescents) unique to Victoria's youth justice system is antiquated, misguided and has led to a detrimental effect on the very young people it has sought to benefit.

Victoria has gone to unusual lengths to separate 10–14 year olds from 15–17 year olds. Once the court has determined that a young person is criminally culpable and determines the parameters of the consequences for crime, it is the function of the youth justice system to deliver rehabilitation to address criminogenic needs and reduce the risk of future reoffending. In point of fact, the current separation of those aged 14 years and below from those aged 15 years and above leads to no discernable difference in the services delivered or benefits available to younger or older adolescents.

The classification and management of children in custody should be guided by factors including vulnerability, maturity and risk assessment, rather than an arbitrary use of age. The current age separation incorrectly assumes that age is a determinative indicator of vulnerability. Separating children based on age alone places significant constraints on the system, restricting its ability to adopt a more robust and integrated approach that could provide active and engaging Structured Days.

### **Restoring dual track to its original form and maintaining a low-security response to vulnerable 18–24 year olds**

The dual track system, unique to Victoria, was established to provide an alternative to prison for young adults aged 18–24 years. The Malmsbury Youth Justice Precinct was originally used as an open youth justice precinct, with residential units provided to accommodate young people sentenced to dual track.

The dual track system originally provided a genuine alternative to adult prison. It is important to preserve this approach and maintain a low-security model for vulnerable young adults who show good prospects for rehabilitation. The current operation of youth justice custodial precincts has undermined the benefits and destabilised the dual track group. During the Review period, dual track young offenders were progressively restricted in their movement and subject to punitive treatment inconsistent with the original intention of the dual track regime.

### **Failure to address over-representation of Aboriginal children and young people**

Aboriginal over-representation has been in the national spotlight since the 1991 tabling of the report by the Royal Commission into Aboriginal Deaths in Custody, which described the over-representation in policy and prison custody as 'grossly disproportionate'. The Victorian Aboriginal Affairs Framework 2013–18 is part of the Premier's Closing the Gap commitments and includes a focus on 'safe families and communities and equitable justice outcomes'. This commitment is delivered through the Aboriginal Justice Agreement (AJA). The AJA is 'an agreement between the Victorian Government and Koori community to work together to improve Koori justice outcomes'.

Addressing Aboriginal over-representation in youth justice has not benefited from a similar level of cooperation and collaboration. The rate of over-representation in Victoria is actually worse than many states; it has increased over the past decade such that Aboriginal youth are 14 times more likely to be subject to a youth justice order than non-Indigenous youth.

The focus on reducing over-representation in youth justice must gain greater prominence through the Aboriginal Justice Forum and translate into statewide efforts to improve outcomes that take into account the idiosyncrasies of place. A failure to address over-representation in the face of a growing youth justice-aged population risks seeing an increase in the absolute number of Aboriginal young people in youth justice. A considered statewide plan is needed.

Tailoring interventions to individual needs allows participants to engage appropriately with interventions for greatest effect. The cultural norms and practices of Koori communities require specific competencies among programs and workers if responsiveness is to be maximised.

The Children's Koori Court, available for young Koori offenders aged 10–18 years at the time of offending who have pleaded or been found guilty of a non-sexual offence, provides a strong example of a culturally effective intervention. Despite the positive outcomes identified through an evaluation of the court, the lack of access to the Koori Court places a real limitation on its potential to provide culturally appropriate responses to Koori youth.

Victoria has much to gain by finding new and innovative ways to address over-representation and the lack of culturally appropriate programs. Whole-of-continuum programs and responses are required to address the issue of over-representation from early intervention through to post-release.

## **Lack of balance**

In early 2016 there were a series of very violent offences committed by young people against members of the community. The visibility and impact of this violence rapidly generated broad concern across the community, with daily reporting of violence by youth. Youth Justice has been slow to acknowledge the severity and changing nature of youth crime. While others have provided leadership and strong contribution to the debate – the youth justice system has understated the severity of crime and not responded to the level of community concern or the seriousness of the violence committed by young offenders. There is a need to establish a structured approach to monitoring a range of data sources to inform responses and decision making.

The focus on community needs by the youth justice system is inadequate. This is demonstrated in the lack of legislated principles around consideration of community safety. There is very limited mention of offender accountability, with the primary focus being on the welfare needs of a young person. While it is important to emphasise rehabilitation and the need to help build a responsible person for the future, values relating to community safety cannot be ignored.

The lack of focus on the effectiveness of youth justice interventions indicates a lack of system accountability for addressing youth crime and making our community safer.

## **Failure to address very small numbers of the most challenging young offenders**

There are two related challenges facing the youth justice centres in Victoria. First, no high-intensity violence intervention residential program exists for young offenders who have committed violent offences and pose a high risk of violent reoffending. Second, existing youth justice centres have been unable to manage the challenging and violent behaviour of difficult young people.

To control and remediate violent behaviour in youth justice centres, it is necessary to have a secure unit in which intensive rehabilitation can be provided to improve the outcomes of young people and to help maintain the good order of the centres.

As a result of both the high risk of violent reoffending that some young offenders in custody pose, and the volatile and aggressive behaviour in which some young people engage while in custody, these young people require a higher level of intervention than is presently available. Group or individual programs delivered in mainstream living units is not sufficient to meet the level of risk and need these groups of young offenders pose.

Harsher treatment and greater deprivation will not help solve this problem; rather, intensive intervention with highly skilled professional and Youth Justice staff working together in a highly structured environment can have some benefit.

## **Lack of consideration of victims of youth crime and restorative justice**

There is evidence of the effectiveness of restorative justice processes, particularly around reducing reoffending as well as supporting positive reconciliation, including some level of victim empathy. Despite this, there are limited restorative justice opportunities throughout the entire youth justice continuum. Current restorative justice options are limited to the front end of the system; however, there are minimal legislated principles around restorative justice throughout. There is greater opportunity to incorporate restorative justice processes, including with more serious offences.

The potential of restorative justice opportunities remain unrealised, particularly when considering the role of victims and community satisfaction in the justice process. The lack of restorative justice elements in the operating framework limits the opportunity for victim and community involvement, further highlighting the limited focus on community safety and the role of the community more broadly.

## **Lack of balance across the continuum of youth justice**

The system is not balanced and focuses too heavily on the tertiary end, neglecting early intervention and step-down and transition support. Both are critical to break the cycle of offending from the first contact with Youth Justice.

The current light-touch approach for high-risk offenders early in a young person's offending trajectory may be negating the potential benefits of a separate youth justice response and thwarting attempts at early intervention and diversion away from potentially more frequent and serious offending.

Targeting more resources for the youngest offenders is critical. Recidivism data show that young people with multiple offences are likely to be younger at their first sentence. Examples of promising early intervention approaches – such as Youth on Track in New South Wales – provide useful guidance for Victoria.

## **Step-down and transition support**

Youth Justice does not currently invest in the necessary level of step-down and transition support required to prevent reoffending. The period immediately after release from custody requires significant adjustment, and the risk of the re-emergence of criminogenic drivers is heightened.

Education and employment are key to preventing future offending. Education and employment provide necessary daily structure and exposure to prosocial environments and peers. However, engagement in education for young offenders will often require additional support, given lower than average cognitive functioning for many young offenders.

Post-sentence accommodation is also critical. Unstable housing, homelessness and family violence severely limit the capacity for meaningful offence interventions to take place. In such an environment, young people are less likely to remain engaged in education and employment and risk breaching the requirements of their orders.

## **Programs to address offending**

There is a remarkable lack of offending programs to deal with offending in custodial and community settings. This is particularly disconcerting given the purported role of youth justice orders in facilitating rehabilitation. Community-based staff appear to be highly risk-averse and reluctant to run programs, while some noted the dearth of programs available. The programs that do exist are implemented on an ad hoc basis and tend to be location-specific. A similar picture emerged in custody, despite YHaRS being contracted to deliver offender programs in custody. No young person participated in the Adolescent Violent Intervention Program (AVIP) in 2016, despite the fact that more than 70 per cent of young people who received a youth justice order in that year had previously been convicted for crimes intended to cause harm.

The lack of participation suggests that the availability of programs is not the only problem; rather, youth justice workers are not empowered, or feel unable, to run programs due to other pressures and demands (e.g. meeting the welfare needs of young people), directions from above or a lack of appropriate locations and/or facilities.

Group programs are also severely lacking, providing little opportunity for young people to moderate and change behaviour with peers.

Youth justice workers also expressed frustration at the lack of evidence-based tools to deal with aggressive and violent behaviour. AVIP shows promise, with young offenders at moderate risk for violent offending, and should be considered for broader application. For higher risk offenders, the lack of programs is more pronounced, and creative approaches such as adapting the successful Problem Behaviour Program, which is currently only used with adults, are required.

The lack of developmentally appropriate programs and interventions for young people in custody and, therefore, poor rehabilitation outcomes, are driven primarily by the current arbitrary separation of young people based on age. Interventions, instead, should be determined by an understanding of the unique cognitive, emotional and developmental stages of a young person and take account of any specific needs. For example, programs may need to be modified to address the needs of young offenders with disabilities to ensure they understand.

The design and delivery of programs must also be shaped by the specific cultural requirements of young offenders, particularly those of over-represented groups such as Koori, Pacific Islanders/Maori and those of African heritage. There is still surprisingly very little expertise regarding how to work with Indigenous offenders in a culturally appropriate manner. Furthermore, community-inclusive initiatives and employing workers from various cultural backgrounds have the potential to build community capacity and support for at-risk young people.

### **Approach to youth engagement and behaviour management**

The youth justice system does not have a clear youth engagement approach to provide staff with a framework and model of working. During consultations the Review team was impressed by a number of approaches to youth engagement. One example was the Jesuit Social Services Our Way of Working Framework. A youth engagement framework for youth justice workers may provide useful guidance in working with complex young people.

Observations made by the Review during visits and consultations reveal a lack of an effective and consistent approach to the issue of behaviour management. Staff feel disempowered and appear to lack the confidence to get young people to comply with instructions. In custodial facilities, a culture of appeasement and caution has emerged, and there appears to be a high degree of tolerance for poor behaviour, an uneven application of the rules and an inability to refer to a well-understood and embedded framework when circumstances deteriorate.

Youth justice workers would benefit from expert advice, assistance and support to better deal with inappropriate behaviour. Young people must be aware of and respect set boundaries, and staff must be supported to enforce such boundaries. When this is achieved, disruption will be minimised, good order restored and effectiveness of rehabilitative efforts maximised.

### **Lack of system leadership and rigour**

Correctional systems – both youth and adult – are inherently complex to design and run. Effective operation must begin with a strong leader with substantive expertise – often a Commissioner or dedicated Deputy Secretary – accountable to a very senior public servant, who is in turn accountable to a government minister.

In contrast, during the time Youth Justice was housed in DHHS, governance structures for the youth justice system were not calibrated to support effective system oversight and a strong connection between strategic planning and operational imperatives. Without a leader to provide whole-of-system direction and leadership of a strategic plan, youth justice system oversight becomes dispersed and fragmented.

### **System oversight and interface with contemporary evidence and multidisciplinary expertise**

Victoria's youth justice system has not benefited from developing close associations with experts. It has not relied on contemporary evidence, and has not tapped into the strong academic research in this state. This disconnect has eroded Victoria's historic position as a leader in the area of youth justice. Other jurisdictions, such as New South Wales, have specialist advisory bodies in place, designed to strengthen relationships, to provide advice and guidance on evidence-based interventions, programs and services and to monitor trends and advise on responses.

Victoria must create formal and enduring structures to exploit expertise and drive improvements in youth justice. This will require a joint commitment between government and academia to reinvigorate discussion and debate around the efficacy of the youth justice response.

### **Outcomes measurement**

Youth justice system accountability has been weak, driven in large part by patchy measurement of what is important. The system does not have a way to measure the effectiveness – or ineffectiveness – of its approach. Without strong governance structures, a strategic plan or outcomes measurement framework, system accountability for what it does or does not achieve is compromised.

Some reviews have noted that DHHS has been unable to demonstrate whether the services it delivers are effective in reducing youth offending or successfully achieving rehabilitation. Others have been more critical, determining that the youth justice system has not achieved its aims.

### **Efficacy of programs and interventions across the service system**

The Victorian youth justice system currently employs a narrow range of programs and interventions, with an over-reliance on unstructured one-on-one counselling and interventions by psychologists. Where programs do exist – for example, CHART, AVIP and the Male Adolescent Program for Positive Sexuality (MAPPS) – their efficacy has not been properly evaluated and tested. Moreover, CHART and AVIP are not operated systematically.

Available programs and interventions should include core offence-related programs so that youth justice workers can address criminogenic risk and needs, along with offence-specific programs to meet particular offending (e.g. violent offending, motor vehicle offending). A modular approach to program delivery may also strengthen their efficacy and impact. Young people moving between settings could undertake modules of the programs both in custody and the community, thereby leading to better program participation and completion.

Special provisions for young people on remand may also lead to more effective intervention with this growing cohort. The provisions would include legal amendments to ensure incriminating information shared during sessions cannot be used as evidence.

In the push towards the use of evidence-based approaches, accreditation standards should be used in youth justice to evaluate programs and interventions against practices that have been proven effective elsewhere. There are now well-established accreditation criteria from the UK and Canada, which are also used in Australian justice services.

It is also important to support Youth Justice staff to enhance their understanding of programs. All offender rehabilitation programs provided by Youth Justice should be accredited when this is feasible

to do so based on the number of participants completing the programs and the time that has elapsed since they were completed.

## **Lack of clinical and specialist support for operational staff**

Compared with Child Protection, very little clinical practice and supervision support is available to youth justice workers on how interventions need to be tailored/changed. This is having a negative impact on the ability of the system to respond to the changing needs of the complex client cohort.

## **System-level planning**

Youth justice in Victoria has not benefited from regular, robust and considered planning at a strategic level. Although acknowledged in the DHHS strategic plan, youth justice has been given inadequate attention in light of the high-risk environment in which it operates and the significant challenges that impact on its day-to-day operation. In the absence of a robust strategic plan, major investments and key improvements in the system in recent years have occurred in a somewhat ad hoc manner.

Regular demand forecasting is an essential element and starting point for system-level planning. Youth Justice has historically used the Walker methodology to inform demand projections for custodial youth justice. There has not been any equivalent process for understanding demand and trends in community youth justice. This has contributed to a lack of statewide equity in resource distribution and a lack of system agility to respond to emerging areas of demand.

Victoria's youth justice system has not engaged in appropriate contingency planning to support an immediate and appropriate response in the event of large-scale system breakdown or loss of capacity across either custody or community. This can be seen in the recent responses to critical incidents in custodial centres.

Victoria's youth justice system does not have a comprehensive, strategically oriented approach to workforce planning. This lack of a strategic focus has limited the ability of the youth justice system to respond when significant pressures emerge from time to time. The youth justice system would benefit from a more comprehensive and structured approach to learning and development as a means to both attract and retain staff, potentially exploiting ever-increasing flexible training options.

## **Performance management and delivery of public value**

Youth Justice has a responsibility to deliver public value by rehabilitating young offenders and improving community safety. To achieve this, the system must measure itself against a set of key performance indicators and commit to a culture of continuous learning. Any additional investment in youth justice would be difficult to justify under current performance levels as many young people leave the youth justice system worse off than when they entered it.

Good data is the cornerstone of performance measurement and, too often, the Review uncovered gaps in data and information. This must be addressed.

## **Facilities and infrastructure**

Facilities and infrastructure form a critical component of the youth justice response and should provide a range of options to house offenders, provide options for a range of young offenders and support the transition of offenders back into the community. Australian and international best practice in facility design and operation share common features such as high-security entry points, security assessment/classification and accommodation with varying levels of security.

The current custodial centres are not operating as originally intended and have suffered from poor asset planning and management. Multiple reviews into incidents have pointed to deficiencies, particularly at Parkville; however, the response has usually resulted in reactive, ad hoc upgrades.

The review recommends the following configuration of custodial facilities in Victoria:

- **Parkville** – The Review strongly advocates for the retention of the Parkville site, given its central location, proximity to specialist services, proximity to the CBD and access to public transportation. Parkville is also well positioned to provide a centralised assessment point, house the proposed Intensive Intervention Unit to support high-risk violent males and serve as a transition facility, akin to the Judy Lazarus Centre within Corrections Victoria.
- **Malmsbury** – The Malmsbury site is recommended to be recalibrated to once again support settled young men who have been sentenced, including those on dual track orders. The open site would function as a low-security institution where young men can learn valuable life skills. The longer term viability of the secure side will need to be assessed once Wyndham comes on line.
- **Wyndham** – The greenfield site at Wyndham offers the youth justice system an opportunity to be bold and innovative in the management of offenders. It should provide options for offenders with a range of classification and needs, including those on remand.

Facilities must meet the needs of all young offenders, including women, and be designed to support young people in feeling safe, secure and calm. Facilities must offer the full suite of amenities appropriate to address the physical, mental and developmental needs of adolescents. This is currently lacking in Victorian custodial facilities.

### **Current design of community locations**

In the community, youth justice locations are spread across all four DHHS divisions. Facilities are not purpose-built, are collocated with other services – such as Child Protection and Housing – and often far from other relevant services. The Review believes that the current approach to ‘tacking on’ youth justice facilities needs to be reconsidered and better matched to levels of demand. Facilities must also allow for the delivery of programs, including group programs.

### **Technology**

The use of technology must also support key strategic priorities. The use of technology in youth justice is limited. Technology has the potential to: improve the operation of a facility; provide workers with access to information, tools and resources; provide young people with a means to sign up to programs; and deliver education and skills, including in IT.

### **Community supervision challenges**

Although many of the system issues discussed thus far pertain to community supervision, there were a number of matters arising in the Review that were particularly relevant to the community. Strong and effective community-based interventions are fundamental to enable youth justice systems to genuinely use detention as a last resort.

Fortunately, community-based youth justice rests on strong foundations. The vast majority of workers are committed, passionate and dedicated to the young people under their supervision, and hold a significant degree of care for young people. Victoria has implemented community-based initiatives, such as the Koori Youth Justice Program, and throughout consultations with youth justice workers the Review team found pockets of intuitive, creative and positive practice.

Historically, Victoria was at the forefront nationally in developing innovative programs and interventions in youth justice, as witnessed by the introduction of CHART. In some areas, Victoria has maintained momentum, with innovative practice in community-based early interventions such as the abovementioned Koori Youth Justice Program. However, practices are variable and, in many cases, ad hoc. During consultations, community youth justice workers lamented the absence of tools, programs and resources to engage young people in purposeful activity to address their offending. Their attention has instead been diverted to managing crises and responding to welfare needs.

The size of the youth justice program relative to other service areas of DHHS, coupled with fragmented leadership and direction, has resulted in a lack of policy, program or practice leadership.

Although community youth justice caseloads are typically smaller than Child Protection, youth justice workers reported that administrative workloads are eroding their time spent with young people. Furthermore, small client numbers dispersed across an expansive geography limits the availability of programs and services, resulting in workers spending time transporting young people to and from appointments. This is compounded by an imbalance between client numbers and workers in some regions and an ever-present risk of significant fluctuation in numbers of young offenders.

There is very low investment in community-based early intervention and support, representing a missed opportunity to intervene. Approaches to diversion are limited and ad hoc and provide little focus on addressing criminogenic needs. In addition, Victoria's youth justice system does not leverage restorative justice programs to the extent that the Review would have expected to see, despite evidence of its effectiveness in reducing reoffending and establishing victim empathy.

A further challenge hindering the effectiveness of community youth justice is the lack of reliable and robust assessment information about a young person's criminogenic risk. Workers have access to VONIY assessment tool to conduct such assessments, but many raised concerns about its appropriateness and usefulness. Instead, workers are making assessments based on their own judgement, raising questions about the reliability and validity of the information.

Assessment information influences court decisions and must be robust. However, the Review heard of instances where this was not the case due to poor assessments and a lack of information. In such circumstances, bail justices and judges are making important decisions based on incomplete information. This lack of a structured approach is also present in the way young people are supervised in the community. Structured and purposeful supervision is the foundation of community-based rehabilitation, yet in Victoria there is a lack of practice leadership and a clearly articulated approach to achieve effective engagement and deal with offending risk.

Community youth justice supervision has evolved into a case management model where youth justice workers refer complex cases to psychologists and other services in the absence of suitable programs. A full array of options for youth justice workers is missing, and once available approaches, such as community work, are no longer deemed appropriate or viable. Supervision has become overly focused on one-on-one meetings, and the use of available supervision tools has fallen.

A potentially positive aspect of community supervision orders is the inclusion by the court of special conditions that compel the young person to complete certain activities. Activities that provide an opportunity for young offenders to 'make good' and undertake restitution for crime contribute positively to the community and should be employed.

Some young people, however, do breach their orders and, at times, engage in inappropriate behaviour. Unfortunately, Victoria's youth justice workers are not guided by a contemporary behaviour management framework that equips them to engage with very disaffected and complex young offenders. The current process of managing compliance with orders and issuing breaches is very administrative, resulting, in some instances, in delayed or no consequences for poor behaviour, further entrenching and exacerbating poor behaviour.

Community supervision is further challenged by a lack of options for dealing with serious and volatile offenders in the community. Without such options, custodial sentences become the only option available to the judiciary to manage risk. Where other jurisdictions apply more intensive and rigorous models of supervision – such as the Intensive Supervision and Surveillance Program (ISSP) in the UK – intensive orders in Victoria are usually compliance-based. They are not informed by screening and assessment, are limited to activity in business hours and do not follow an RNR approach. Indeed, the responsivity principle is poorly adhered to in general across community programs. As a result, interventions are not matched to the capabilities of young people, thereby jeopardising their efficacy.

Across community supervision, the Review encountered sporadic engagement with the families of young offenders. Family is considered a primary protective and resilience factor yet community youth justice has no standard practice for, or approach to, working with families. To address this, the use of multi-systemic therapy should be explored.

Family engagement for all young offenders is important. For Koori and CALD young people, engagement with young people and families in a culturally sensitive and responsive way is essential. Koori young people in particular are disproportionately disadvantaged across the criminal justice system, including youth justice. To address this, the development of more culturally appropriate and responsive programs and approaches, building on the significant strengths of the Koori community in Victoria, must be pursued. For Koori young people, connections to culture and community provide essential protective factors that are critical for rehabilitation, and elders must be involved throughout.

A significant proportion of young offenders on supervision orders currently are, or have previously been, involved with Child Protection. Unfortunately, current approaches to information sharing and service integration for these young people are ad hoc at best and non-existent at worst, despite the existence of a protocol between the two. For young people on both child protection and youth justice orders, addressing their welfare needs must be balanced with the need to respond to their offending behaviour. However, in some instances, youth justice workers are the ones responsible for both.

This lack of role clarity between Child Protection and Youth Justice can also be witnessed between the community and custodial workforces. The Review uncovered instances of blurred accountability over who has responsibility for young people in youth justice along the full continuum – from bail, through to remand, custody and parole. In particular, there is confusion as to the role community youth justice workers should play for a young person while they are in custody.

Matters are further complicated by the prevalence of divergent structures and approaches to the management of community youth justice across Victoria and the absence of senior roles across the board. Community youth justice teams vary in structure and staff numbers across regions. Where some regions have designated specialist teams, others do not. Consultations revealed that youth justice lacks dedicated operational leadership above the team leader level, which creates tension and reduces the capacity of youth justice services to be directed as a single entity.

Improving role clarity and refining structures will improve community youth justice supervision. A more sophisticated approach to the use of technology also has the potential to lift levels of engagement and improve the overall efficiency and effectiveness of community supervision. Applications and programs now exist to assist with education, cognitive behaviour therapy, the acquisition of life skills and decision making. In addition, establishing relationships with community and regional youth hubs could provide the space necessary to run offender programs and provide more flexible service delivery.

The challenges for community youth justice are significant but not insurmountable. The strong bedrock of dedicated and passionate workers will be crucial in increasing the effectiveness of community youth justice supervision. However, workers must be supported in their role. Support includes dedicated and focused leadership; clear goals and objectives; aligned training and development opportunities; consistent structures; and access to evidence-based programs, tools and supports to address offending behaviour. Community supervision needs to be supported by modern and sophisticated technology and facilities that are conducive to effective program delivery for individuals and groups alike. Some of this could be achieved through partnerships with other service providers and potentially alleviate the challenges posed by small numbers and geographic dispersal.

## **Custodial operating model and challenges**

The vast majority of young people under supervision are on community-based orders. However, some of the most difficult, volatile and troubled young people are remanded or sentenced to custody.

Therefore, the successful functioning of Victoria's custodial facilities is a key component in the effective rehabilitation of young people who are in contact with the criminal justice system.

The Review looked at custodial models in other jurisdictions and identified that successful operating models share a set of common features: clear operating philosophy; rigorous assessment and classification of young people; high levels of safety and security; a structured day; a skilled and capable workforce; and a clear approach to behaviour management.

After assessing Victoria's performance against the best practice elements identified above, the Reviewers were unable to identify any elements of the operating model that are functioning optimally.

Furthermore, the Review stresses that the recent critical incidents that have plagued the custodial system are symptomatic of the wider issues that have affected the system for an extended period of time and noted in multiple reviews (more than 30) since the Victorian Ombudsman investigated conditions at the Melbourne Youth Justice Precinct in 2010. Recent incidents have compounded these problems; they are not the catalyst.

As with their community-based counterparts, we were impressed with the commitment, fortitude and ingenuity of many custodial youth justice workers. The Review occurred over a period characterised as the most tumultuous in the history of our youth justice services. Nonetheless, many staff members continue to go to work and, in the face of considerable challenges, try to improve the lives of the young people in their charge. At the same time, sadly, we saw a range of practices that were ineffective, inconsistent and, rarely, unprofessional and inappropriate.

The operating model for Victoria's youth justice services lacks clarity and has devolved to a point that is untenable. The development of a clear operating philosophy with core principles or values is urgently needed. The philosophy would serve to create a shared vision and integrated services delivery across all services providers, including YHaRS, Parkville College and G4S.

There is no consistent approach to assessing new admissions to custodial centres on the basis of their status, risks and vulnerabilities. Instead, the placement of young people is determined by arbitrary criteria based largely on age. It is essential for Victoria to develop a classification system and assign a security rating for each young person. Victoria should also establish a sentence classification and management function and make classification information transparent.

The Review recognises the significant impact of recent riots at Parkville. However, moving away from age as the dominant factor in placement decisions will help alleviate the highly restrictive movement controls currently stifling custodial operations and severely hampering the effective delivery of education and other services and reducing access to recreation and free time outside the units.

Although highly restrictive regimens are detrimental to effective operation, regimens that provide a safe and secure custodial environment are very important. Security is a necessary precondition to the care and rehabilitation of offenders; however, current systems are unable to consistently ensure the safety and wellbeing of staff and young people. This is due in large part to ineffective relational security, poor intelligence and infrastructure that compromises the static security of custodial centres. Procedural security is also lacking, with poor record keeping and storing of tools and equipment.

The existence of a properly structured day, consistently and fairly applied across all facilities, is a vital ingredient in strengthening rehabilitation and providing young people with clear expectations around behaviour, routines and participation in programs and activities. This was found to be highly inconsistent across custodial centres. A clear, well-articulated Structured Day is required, with a balance between education, health, recreation and rehabilitation services. To implement a Structured Day, the current movement controls and restrictions will need to be dramatically reduced.

Rehabilitation programs are an essential part of a Structured Day, yet the Review team found a lack of programs to address offending risk. No offence-specific group programs were being delivered in custody, which is concerning given the prevalence of certain serious offence types including violent

and motor vehicle offending. The exception to this is serious sex offenders. Where programs do exist, their design and delivery does not account sufficiently for offender complexity including their cultural background and gender. In addition, the importance of teaching life skills such as parenting skills cannot be understated, as well as skills in independent living.

To enable all of this, a highly skilled and competent workforce is paramount. Custodial staff perform highly complex roles in often very challenging circumstances, yet their effectiveness has been hampered by the absence of an overarching workforce plan or strategy. As a result, human resource management, recruitment and training has been ad hoc. This is despite workforce issues being prominent in a number of reviews over recent years.

After comparing the custodial workforce in Victoria against best practice models, the Review identified a number of areas for improvement. Staff classification, roles and responsibilities for youth justice workers are insufficiently focused on safety and security. A key worker role should be introduced. Appropriate deployment of staff should include the conversion of casual staff to permanent roles and the cessation in the use of agency staff in all youth justice custodial precincts. Training and professional development should be fully refreshed to enhance the focus on dealing with problem behaviours, and training should be outsourced to an external provider. Workforce attrition is increasing and should be managed through: the collection and analysis of data; careful planning to maintain a pipeline of potential recruits; and engaging local communities. Staff morale and culture reveal a high level of staff dissatisfaction, which should be addressed through: a robust program of staff town halls; information sharing and interaction between staffing levels; and by establishing protocols for debriefing following major incidents. Finally, the occupational health and safety regime in youth justice requires immediate review and OHS documents, policies and procedures should be updated.

Behaviour management is a critical role of youth justice staff. However, some staff do not model appropriate behaviour, while others do not feel confident in carrying out their role. Youth justice custodial staff are not comfortable in responding appropriately to negative behaviours from young people. They do not appear to have a robust understanding of the critical security implications of their role. In many instances, poor behaviour from young people is tolerated, and staff do not take steps to address swearing, property damage (including graffiti and 'scratching') or inappropriate leisure activities such as gambling. This Review maintains significant concerns about the interactions between young people and custodial staff.

Responding appropriately to situations is of critical importance. More effective behaviour management can also come from an appropriate rewards and sanctions model that regulates behaviour. The current model in operation at Parkville and Malmsbury focuses on consequences and sanctions, sometimes for entire groups rather than incentivising good behaviour through a structured approach.

The Promoting Positive Behaviours model current operating in the Grevillea Unit provides a good starting point for the development of a system-wide behaviour management model. Under such a model, staff would have access to: an incentives-based regime; a rewards and consequences model; and behaviour management plans. A specific training package would be developed for staff to ensure effective implementation and operation.

In the Victorian youth justice system, poor behaviour has all too often resulted in the use of isolation, separation and lockdowns. These approaches to behaviour management are overused in Victorian custodial facilities, influenced in large part by the abovementioned lack of confidence or willingness to address bad behaviour before it escalates. The Review shares the Commission for Children and Young People's strong concerns about the current use of isolation and separation across custodial facilities, and the use of lockdowns is strongly linked to staff shortages and the need to maintain appropriate ratios.

Overall, the Review recommends a shared approach to behaviour management across all custodial facilities and among all service providers.

Even with such an approach, critical incidents will emerge from time to time. When they arise, staff must be clear on how to respond. The current approach to incident response and management is unclear. Practice guidelines do not provide appropriate guidance, are convoluted, and do not appear to be routinely followed by staff. There is no established, graduated response to incidents, meaning they are more likely to escalate. The Review thus advocates for establishing an incident response group, in line with the Security and Emergency Services Group model that Corrections Victoria uses.

Youth justice staff must also have access to a graduated set of tools and response mechanisms to appropriately respond to escalating behaviour and contain incidents, including access to OC spray, batons and restraint belts, and proactive contingency planning must be in place. In the aftermath of an incident, a systematic approach to debriefing with staff and young people should also occur.

The Review has chosen to make special reference to young women in custody; their very small numbers means they are subject to an inequitable regimen compared with their male counterparts. Young women do not have access to the same programs or opportunities as young men and may be subject to an overly restrictive regimen as part of keeping them separated from their male counterparts. The Review believes that specific efforts to ensure equal access to programs are required and that a standalone operating model for women should be developed.

All young people are disadvantaged in the aftermath of a major incident. Unfortunately, the nature, frequency and duration of the recent spate of incidents is unprecedented. These incidents are symptomatic of the issue explored above, and their onset has further exacerbated issues and created an ever-more restrictive regimen for young people in custody. Under greater restriction, the risk of another incident increases, placing the system in a state of hypervigilance. Furthermore, additional compounding factors outside of the remit of the operating model are deepening the severity of the issues. These factors include the following:

- **Rising remand numbers** – the number of young people on remand has risen drastically and young people on remand tend to be less settled and more volatile than their sentenced counterparts and can affect stability of centre operation.
- **Short sentence lengths** – young people are increasingly ‘cycling’ through the youth justice system. Given the short nature of sentences, young people do not settle into centres, and there is often insufficient time to engage them in education, provide them with appropriate offence-specific treatment, or arrange a smooth transition to the community.
- **Rostering systems** – there is no whole-of-system approach to rostering and leave management. There is no single source of truth about which staff member has worked, or is rostered to work, a given shift. Roles and responsibilities around the rostering process are unclear, and decisions about roster schedules are made each day, often at a unit level, based on who is available. This has negative consequences for the operating model and Structured Day.

Considerable effort and willingness to change is needed to break the cycle of challenges plaguing Victoria’s youth justice custodial system. Doing so will require bold and innovative leadership for youth justice custodial facilities to once again become focused on rehabilitating young people. Custodial facilities must not inflict harm on young people. Instead it is imperative that young people are taught important skills and lessons that will prepare them for life back in their communities. To do this, youth justice workers must be trained and skilled in maintaining good order in facilities and in creating a safe and secure environment that is conducive to rehabilitation.

This is a system in crisis. This Review is an opportunity for the youth justice custodial system to be bold and innovative in addressing its challenges. The system can, and should, undertake significant

structural and cultural reform during the upcoming machinery of government change, making it the leading youth justice system in Australia, and informing best practice across the world.

## Realigning the future system

Victoria's youth justice system is operating in a dynamic and constantly changing environment and is tasked with the care of some of the state's most vulnerable young people.

At the time this report was being completed, the youth justice system was transferred from DHHS to the Department of Justice and Regulation (DOJR). While we take no position on the most appropriate department in which youth justice should be administered, the early organisational and structural changes that have begun show promise – although there is a long road ahead that will, doubtless, be marked by challenges. Nonetheless, we have witnessed some settling of the system towards the end of the Review period.

The Reviewers are optimistic about the future of youth justice in Victoria. There are exceptionally resilient people working in and around the service system who are dedicated to bringing about the necessary changes and who can work to address the many challenges highlighted in this report.

Ultimately, change will require a commitment to sustained improvement, strong leadership and a willingness to confront head-on the limitations of some current interventions, as well as law reform and resources.

# Recommendations

## Chapter 5: Broader youth trends and youth justice

Section	No.	Recommendation
<b>5.4: What it all means for youth justice</b>	5.1	<p>Establish a Youth Advisory Group to provide insights and advice to the head of Youth Justice including:</p> <ul style="list-style-type: none"> <li>• reviewing systems data, trends and outcomes</li> <li>• identifying areas of reform and systems improvement</li> <li>• testing policy and legislative reform directions</li> <li>• advising on funding and budget prioritisation across the continuum of the youth justice system.</li> </ul>

## Chapter 6: System-level issues

Section	No.	Recommendation
<b>6.1: Challenged legislative framework</b>	6.1	<p>Establish a contemporary legislative framework for youth justice and create a standalone Act, separate to the <i>Children, Youth and Families Act 2005</i>.</p> <p>In the new Act:</p> <ul style="list-style-type: none"> <li>• provide a clear statement of the purpose, role and principles for Youth Justice</li> <li>• affirm the commitment to do no further harm to Youth Justice clients</li> <li>• maintain custody as an option of last resort</li> <li>• better balance the consideration of offending behaviour and welfare needs</li> <li>• address the rise in remand and the tyranny of short sentences</li> <li>• ensure protections and transparency, including clearly framed obligations regarding the safety and wellbeing of young offenders.</li> </ul> <p>In developing the Act, consideration should be given to the appropriate balance to be struck between highly prescriptive legislation and broad principles supported by standards to be found in subordinate instruments, with appropriate review powers being assigned to a review body such as the Commissioner for Children and Young People.</p>
<b>6.2: Lack of purpose, focus and coordination</b>	6.2	Explore the appropriateness of incorporating Youth Justice client information into the DOJR E-Justice software application to manage information flow about accused persons across the criminal justice system.
	6.3	Make it a requirement for the Youth Justice client files on CRIS, or on any new electronic records system, to include information

Section	No.	Recommendation
		on the nature, circumstances and details of a young person's offending.
	6.4	<p>Develop a five- to 10-year strategic plan for Youth Justice.</p> <p>Develop a principles-based policy statement and framework for Victoria's youth justice system that focuses on addressing criminogenic needs.</p> <p>Establish accountability for outcomes for young offenders within an appropriately authorised government body, such as the Children's Services Coordination Board, acknowledging that the criminal justice system alone is not sufficient to respond to children who offend and that health, education and other services have a crucial role in addressing issues that give rise to youth offending.</p>
	6.5	<p>Amend the Youth Justice service output performance measures contained within Budget Paper No. 3 (BP3) and reported to the Public Accounts and Estimates Committee of Parliament. Measures should relate to the development of both a CSP and a Youth Supervision and Management Plan (YSMP) including:</p> <ul style="list-style-type: none"> <li>• Complement the existing target of the development of a CSP within six weeks of the commencement of the order, with an additional requirement to complete a YSMP. This plan should focus on addressing offending risk and needs and order completion and should also be completed within six weeks.</li> <li>• Support the CSP by mandating a multi-agency care conference to agree on a care plan focused on the broader health and wellbeing needs of young offenders.</li> </ul>
	6.6	<p>Establish effective screening, risk and needs assessment and triage.</p> <ul style="list-style-type: none"> <li>• Ensure all new and re-presenting young offenders have a screen and assessment that is updated at key transition points (e.g. preparation for parole).</li> <li>• Court advice in relation to bail or remand suitability, offender management and supervision, and parole suitability should be informed by the screen and assessment.</li> <li>• Replace the VONIY with the YLS/CMI (children) and LS/CMI (young adults).</li> <li>• Ensure the SAVRY is completed for children charged with crimes against the person and the HCR-20 is used for young adults.</li> <li>• Ensure relevant and validated risk assessment measures are used for youth charged with other serious offence types (e.g. sexual offending).</li> </ul>

Section	No.	Recommendation
		<ul style="list-style-type: none"> <li>Establish teams of clinically trained staff with the experience to undertake SAVRY assessments for all violent offenders, and other relevant assessments.</li> <li>Enhance staff training and professional development to ensure staff are familiar with and able to appropriately administer screening and assessment tools.</li> </ul>
	6.7	Promote a proactive approach to MACNI referrals and management. Establish a MACNI Youth Justice Advocate position or function within Justice Health to coordinate referrals of young offenders to MACNI.
	6.8	<p>The new Youth Justice Act should include a provision for an interim/temporary assessment order to allow for timely comprehensive assessment to inform decisions regarding bail, remand and sentence.</p> <p>The time allowed for the assessment needs to be strictly limited (e.g. three weeks if the young person is remanded into custody and four weeks if they are bailed to the community). The order would have the purpose of requiring the young person's attendance for an assessment and ensuring that the youth justice worker and any clinician required to undertake the assessment does so in a timely manner.</p>
	6.9	Strengthen the focus on identifying and intervening with young people to address their mental health needs in custody and supporting referral to mental health services in the community.
	6.10	<p>Utilise the CSP to confirm the accountability that mainstream service providers have in meeting health and wellbeing needs.</p> <p>Allow youth justice workers to primarily focus on supervision planning and order management and the achievement of offender rehabilitation.</p>
	6.11	<p>To facilitate improved information sharing between Child Protection and Youth Justice, DHHS and DOJR must establish an information-sharing protocol that takes account of the <i>Victorian Protective Data Security Standards 2016</i>.</p> <p>The existing Protocol between Child Protection and Youth Justice should be examined for its suitability as an instrument to guide operations across the two departments to ensure young offenders who are simultaneously subject to orders by both Child Protection and Youth Justice receive coordinated care.</p> <p>A positive presumption should be established whereby key information is shared in a manner that allows both services to acquit their duty of care, with a lead worker role agreed between</p>

Section	No.	Recommendation
		the two services on a case-by-case basis. This must also include the funded out-of-home care provider where applicable.
	6.12	<p>Youth Justice should develop a strategy for engaging with the families of those young offenders who can benefit from increased contact and support from their families.</p> <p>Options need to be identified for providing young offenders and their families with support, through Child Protection or other relevant support agencies, to help them work towards developing stability and supporting the young offender in a prosocial manner.</p>
	6.13	<p>Urgently establish youth justice frameworks for mental health and disability to embed a systems approach to identifying and meeting the needs of young offenders.</p> <p>As part of multi-agency care planning, promote and establish priority access to:</p> <ul style="list-style-type: none"> <li>• family services</li> <li>• adolescent family violence programs</li> <li>• alcohol and drug rehabilitation and detoxification services</li> <li>• disability services</li> <li>• mental health services.</li> </ul>
	6.14	<p>Plan for the establishment of a youth forensic mental health precinct within the master planning of the Thomas Embling Hospital, drawing on the experience of the Forensic Hospital in New South Wales, which has such a unit.</p> <p>Explore the feasibility of establishing a community mental health clinic for young offenders that would be operated cooperatively between Orygen Youth Services and Forensicare. Such a clinic operated successfully on a pilot basis.</p>
	6.15	<p>As part of multi-agency case planning, establish a priority objective that links young offenders to education/skills training and employment.</p> <p>DOJR should work with the Department of Education to establish a strategy for working with public schools to provide education to young offenders on bail or community orders.</p> <p>Increased attention is required to develop skills training and preparation for employment for young offenders in custody and those in the community.</p>
	6.16	Establish an Expert Advisory Group to advise Justice Health on the extent to which a trauma-informed approach should continue

Section	No.	Recommendation
		to play a substantial role in the management of young offenders in the community and in custody.
<b>6.3: Commitment to timeliness, certainty and effective interventions</b>	6.17	In the new Youth Justice Act, include a clear statement that enshrines the principle of ‘detention as an option of last resort’.
	6.18	The Sentencing Advisory Council should be given a reference to consider the most effective approach for achieving timely justice for young offenders. This should include an examination of the drivers of delayed justice and include recommendations to address them.
	6.19	Youth Justice should offer rehabilitation programs to addresses criminogenic risk and interventions that are suitable for young people on remand.
	6.20	The new Youth Justice Act should provide young offenders with protections that prohibit the use of disclosures made during rehabilitation and interventions on remand as evidence of guilt at trial.
	6.21	The Attorney General should give the Sentencing Advisory Council a reference to consider whether a meaningful period of time in which to address offending behaviour in detention would be facilitated by a predetermined minimum custodial sentence of three to six months.
	6.22	Establish an Expert Advisory Group to determine how to structure graduated youth justice orders that consider adolescent development as a means to better targeting and optimising activity and progress through orders.  Include parameters for graduated youth justice orders in the Youth Justice Act.
<b>6.4: Separation of children by age</b>	6.23	In the new Youth Justice Act, confirm the principle that children aged 10–17 years in custody should be separated from adults.
	6.24	Urgently remove from legislation the requirement to separate 10–14 year olds from 15–17 year olds. Do not include this separation in the new Youth Justice Act. Rather, introduce an assessment and classification system that is better able to ensure the vulnerabilities and needs of young people are properly identified and addressed.
	6.25	Dual Track is maintained as a low-security custodial option for young adults:

Section	No.	Recommendation
		<ul style="list-style-type: none"> <li>Section 32(1) of the <i>Sentencing Act 1991</i> should be amended to add criteria requiring that courts consider the extent to which a young person will pose a risk of harm to others or will be disruptive to the good order of the youth justice centre while serving their sentence.</li> <li>If a young person who has been sentenced to a youth justice centre order engages in behaviour that poses an unacceptable risk of serious harm to others or is repeatedly disruptive to the good order of the centre, clear provisions need to be in place that provide for the transfer of the young person to a prison.</li> </ul>
<b>6.5: Failure to address over-representation of Aboriginal children and young people</b>	6.26	<p>Establish a dedicated Young Offenders Strategy within the Aboriginal Justice Agreement to address the over-representation of Koori young people in youth justice.</p> <p>The strategy should look at the development of an evidence-based diversion framework to support a consistent diversion program statewide.</p> <p>Consideration should be given to the development of a youth-specific bail diversion program for Koori young people, equivalent to Wulgungoo Ngalu Learning Place.</p>
	6.27	<p>Resource the Commissioner for Aboriginal Children and Young People to undertake the equivalent of a Taskforce 1000 project for every Koori young person involved in youth justice.</p>
	6.28	<p>To further assist in reducing Aboriginal over-representation in youth justice:</p> <ul style="list-style-type: none"> <li>Increase funding levels for Aboriginal community-controlled organisations to expand the community-based Koori Youth Justice Program for early intervention and the Koori Intensive Support Program to support the supervision of Koori young people on community orders.</li> <li>Establish a Youth Justice Community Support Service, similar to that run by Jesuit Social Services and other providers, but to be delivered by Aboriginal community-controlled organisations for intensive case management for those assessed as high risk by the VONIY (or equivalent) and support services for Koori young people on community supervision orders.</li> </ul>
<b>6.6: Lack of balance</b>	6.29	<p>Establish a Research Partnerships Platform and work with the CSA and other agencies to equip Youth Justice with visibility of trends and changes as they emerge including:</p>

Section	No.	Recommendation
		<ul style="list-style-type: none"> <li>• frequent monitoring, analysis and reporting on whole-of-system area-based and statewide data</li> <li>• trends on demographics, crime types, types of orders, breach and completion rates and multiple orders</li> <li>• identifying emerging risks and gaps in the youth justice response</li> <li>• informing resource allocation to respond to demand surge and fluctuation</li> <li>• identifying areas for further research, including longitudinal outcomes research</li> <li>• publication of budget allocation across the continuum of youth justice</li> <li>• publication of non-identifying data, trends and challenges.</li> </ul>
	6.30	<p>In the new Youth Justice Act, include provisions that evenly and effectively balance community safety and offender rehabilitation. It should also clearly articulate the expected outcomes of supervision orders to mitigate and reduce risk of harm to the community.</p>
	6.31	<p>Design, build and operate a humane and therapeutic intensive intervention unit to:</p> <ul style="list-style-type: none"> <li>• enhance the capacity to control the behaviour of the select group of young offenders in custody who cause harm in the institutions</li> <li>• provide intensive intervention to reduce the level of risk of violent offending among those who are at greatest risk to engage in such behaviour upon release from custody.</li> </ul>
	6.32	<p>Embed appropriate elements of the Victims Charter in the youth justice system's response. Include the use of victim impact statements for all crimes against the person.</p>
	6.33	<p>Expand the use of restorative justice programs to address offender and victim needs, including restitution, group conferencing and family group conferencing, across the continuum of youth justice (including, during and after community-based and custodial orders).</p> <p>For Koori young people, work with elders and community groups to identify areas where restorative justice could be used to address common issues, such as restoring family relationships, to enable young people to be released from custody back to the family home.</p>

Section	No.	Recommendation
	6.34	Restore and support the availability of appropriate community work as a key form of restitution for young offenders aged 16 years and above.
	6.35	Explore the feasibility of establishing in Victoria the equivalent of the Youth On Track initiative currently operating in New South Wales.
	6.36	<p>Design, implement and evaluate a suite of offender programs that are modularised such that they can be delivered in a group or individually with offenders who are in the community, on remand or sentenced to detention.</p> <p>Work with academic partners and others including VicRoads, the TAC and Victoria Police to design and validate a series of motor vehicle offender programs targeting the range of motor vehicle offence types (including culpable driving, unlicensed driving, hoon driving and carjacking) for delivery in both community and custodial settings.</p>
	6.37	<p>The Changing Habits and Reaching Targets (CHART) program, currently used by youth justice workers, should be evaluated to ensure it contributes to reduced levels of reoffending among youth offenders.</p> <p>Pending the outcome of the evaluation, promote and require the use of CHART with all moderate to high-risk offenders, either as individuals or in groups, as the base level of intervention and structured engagement with young offenders.</p>
	6.38	Deliver AVIP to all young offenders charged with crimes against the person who have been found to present a moderate to high level of risk for reoffending violently.
	6.39	All existing offending rehabilitation programs must be validated to determine the extent to which they are effective in reducing offending. They should then be revised, if necessary, to increase their efficacy.
	6.40	Wherever possible, offender rehabilitation programs should include group approaches as well as individual methods. Young offenders, in particular, experience difficulty managing their behaviour while with other youth; as such, group programs can be effective for developing skills in programs.
	6.41	Establish programs and capability to address high-risk violent offending:

Section	No.	Recommendation
		<ul style="list-style-type: none"> <li>• Develop a youth problem-behaviour program to address the offending issues of high-risk youth who exhibit problem behaviours associated with offending.</li> <li>• Ensure all programs (including intervention programs) take into account the specific responsivity issues of young offenders (e.g. lack of motivation, disability, mental illness).</li> </ul> <p>Develop and deliver youth violence programs for high-risk young people.</p>
	6.42	<p>Improve the ability of Youth Justice to meet the specific needs and requirements of young people with a disability. This includes:</p> <ul style="list-style-type: none"> <li>• urgently establishing a Youth Justice Disability Framework to embed a systems approach to identifying and meeting the needs of young people with a disability, including language, communication disorders, intellectual disability and cognitive impairments, including in the design and delivery of programs</li> <li>• strengthening the focus on identifying and intervening with young people to meet their disability needs in custody, and supporting access to the NDIS and referral to disability services in the community</li> <li>• ensuring all offender rehabilitation programs are adjusted to enable the participation of young people with disabilities</li> <li>• increasing disability assessment through creating disability support worker positions to identify and advocate for young offenders with disabilities.</li> </ul>
	6.43	<p>DOJR and the Centre for Multi-Cultural Youth should work together with other relevant agencies to:</p> <ul style="list-style-type: none"> <li>• sponsor the development of a strategy to reduce the over-representation of CALD young people, initially focused on Maori, Pacific Islander, South Sudanese and other newly arrived migrants</li> <li>• promote the delivery of programs in a culturally safe and effective way through engagement and advice from community leaders and elders from cultural groups that are over-represented in youth justice.</li> </ul>
	6.44	<p>Establish system-wide transition and support approaches drawing on the multi-agency care planning model for young people exiting custody including:</p> <ul style="list-style-type: none"> <li>• family connection</li> <li>• education and employment pathways</li> </ul>

Section	No.	Recommendation
		<ul style="list-style-type: none"> <li>supported accommodation.</li> </ul>
	6.45	<p>Establish a Youth Engagement Framework to provide a framework for youth justice workers to guide their approach to working with complex young people.</p> <p>This work should be informed by the expertise and advice of the expert advisory group, including experts in adolescent development and youth offending.</p>
	6.46	<p>Promote a strong focus on proactive behaviour management through a Youth Justice Behaviour Management Framework to inform consistent responses to challenging and unacceptable behaviours by young offenders on community and custodial orders.</p> <p>This should be supported by staff capability training and development focused on professional boundaries, prosocial modelling, healthy and effective use of authority, and creating conditions for compliance.</p> <p><i>A custody specific framework will need to be developed; see Chapter 8 observations and recommendations.</i></p>
<b>6.7: Lack of systems leadership and rigour</b>	6.47	<p>Establish a statutory head of the youth justice system, with a unified governance framework and an expert advisory panel, drawing on the strengths of the NSW Youth Justice Advisory Committee model.</p>
	6.48	<p>Develop a transparent outcomes and performance framework that promotes whole-of-system accountability for the outcomes of young people and the community.</p>
	6.49	<p>Establish a Research Partnerships Collaboration to promote and enable frequent consideration of Youth Justice program data by multidisciplinary experts including:</p> <ul style="list-style-type: none"> <li>research grants to develop evidence-based offending programs</li> <li>oversight of the program accreditation process for youth offending programs</li> <li>systemic evaluation and outcomes measurement</li> <li>a longitudinal study on the impact and efficacy of youth justice supervision in reducing offending risk over a lifetime</li> <li>a symposium program to test and explore innovative approaches to enhance whole-of-system efficacy.</li> </ul>

Section	No.	Recommendation
	6.50	Establish an accreditation process for youth offending programs and transition towards use of accredited and evidence-based offending programs statewide.
	6.51	<p>Establish a structure for clinical oversight and expert advice for youth justice proportionate to the complexity and needs of young offenders. This should include clinically qualified and experienced experts in adolescent health and offending to provide secondary consultation to frontline workers.</p> <p>Consideration should be given to establishing these positions within Justice Health, drawing on the Principle Practitioner model provided through the Office of Professional Practice for Child Protection.</p>
<b>6.8: System-level planning</b>	6.52	<p>Utilising the machinery of government change as a catalyst, engage in robust and considered strategic planning for the future of the youth justice system, with a vision for the next three, five and 10 years.</p> <p>The strategic plan should be publicly available and distributed among young people, their families and staff. The current Corrections Victoria Strategic Plan provides a useful guiding framework.</p>
	6.53	<p>Establish a strategy for demand management including:</p> <ul style="list-style-type: none"> <li>• a timetable of forecast modelling for community, custodial youth justice, parole and transition support to inform budget, service planning and staff allocation</li> <li>• testing the projected forecasts with experts and stakeholders to inform policy, program and service directions</li> <li>• testing the projected forecasts with the Youth Advisory Group to gain insights regarding drivers and to inform policy, program and service directions.</li> </ul>
	6.54	Develop a detailed contingency plan for Youth Justice to equip the system for crisis that will provide for human containment of young offenders and continued delivery of offender rehabilitation programs and services to meet their needs.
	6.55	<p>Invest in the development of a workforce plan, leveraging off the strategic vision outlined in the Youth Justice Strategic Plan. The workforce plan should cascade down into community and custody-specific sub-plans.</p> <p>Investigate the possibility of delivering vocational qualifications as part of on-the-job training for custodial workers.</p>

Section	No.	Recommendation
	6.56	Develop a new performance measurement framework for the Victorian youth justice system to better support the 'measurement of what matters'.
	6.57	Consolidate responsibility for the management of data related to the youth justice system into one individual officer under the Youth Justice umbrella within DOJR.
	6.58	As a priority, investigate the most effective way to engage key academics and research bodies as partners in the recalibration of the youth justice system as outlined in this review. The agreed approach should include a commitment to regular engagement, open communication and continuous improvement of Youth Justice.
	6.59	Commit to the long-term aspiration to build a separate, purpose-built facility to house young female offenders and undertake a feasibility study utilising the Department of Treasury and Finance High Risk, High Value investment logic framework.
	6.60	Enshrine the practice of offenders re-entering the community from the least restrictive environment available.
	6.61	As part of broader strategic planning, develop a comprehensive asset planning and asset management approach that considers future forecasting and expected demand.
	6.62	Undertake a master planning exercise to consider the feasibility to recalibrate the future system configuration of the custodial centres in line with Figure 6-38.
	6.63	Enshrine the practice of moving young people through the custodial system on a graduated model to support their re-entry to the community from the least secure appropriate accommodation.
	6.64	Engage a design expert to conduct a review of youth justice custodial centres, with the view to providing advice on 'quick wins' and longer term options to improve the openness, amenity and contemporaneous nature of all sites.
	6.65	Conduct further analysis regarding the average ratio over time of young people on community orders and staff in each community location, with the view to recalibrating the allocations to better meet demand.
	6.66	Engage an expert to conduct a review of youth justice community offices and settings, with the view to providing advice on 'quick

Section	No.	Recommendation
		wins' and longer term options to improve the openness and contemporaneous nature of all locations.  Consider alternate options for program space in community locations to supplement those available inside departmental offices – for example, libraries, local schools, public meeting areas, council youth hubs and sport and recreation facilities.
	6.67	As part of broader strategic planning, develop a technology plan for the next three, five and 10 years, with the view to ensuring Youth Justice is able to appropriately leverage the opportunities presented by technology during service delivery.

## Chapter 7: Community supervision challenges

Section	No.	Recommendation
<b>7.1: Key strengths of community youth justice</b>		No specific recommendations
<b>7.2: Understanding the current state</b>		No specific recommendations
<b>7.3: Lack of policy, program or practice leadership</b>	7.1	Establish strong focus and investment that is attached to the full continuum of community-based interventions, with dedicated focus on: <ul style="list-style-type: none"> <li>• early intervention</li> <li>• assessment and advice</li> <li>• community supervision</li> <li>• transitions and support.</li> </ul>
	7.2	Develop a Community Youth Justice Action Plan that will guide the implementation of the recommendations contained in this report. The action plan would: <ul style="list-style-type: none"> <li>• accompany any broader strategic planning processes</li> <li>• be informed by independent program evaluations across the continuum of community-based responses</li> <li>• institute a regular cycle of programmatic evaluations</li> <li>• include a set of service delivery and broader outcomes, indicators and performance measures across the continuum of community youth justice</li> </ul>

Section	No.	Recommendation
		<ul style="list-style-type: none"> <li>• be shaped by community direction and consultation.</li> </ul>
<b>7.4: Low demand and dispersed geographic delivery</b>	7.3	Establish centralised program delivery methods using the full suite of technology and support to enable participation and attendance (such as transport), with consideration of residential-based programs and alternative methods to deliver rehabilitation programs and interventions.
<b>7.5: Limited investment in community-based early intervention and support</b>	7.4	In partnership with the Department of Education and Training, develop a pilot program that will seek to respond to pre-offending at-risk youth who have been either suspended or expelled from school for threatening or violent behaviours. This pilot would provide useful input for the design of a Youth On Track style program in Victoria (see Recommendation 6.35).
	7.5	<p>Address the specific challenges presented by children in out-of-home care who are offending by establishing a taskforce to respond to, and decriminalise, the challenging behaviour and offending of children in out-of-home care and residential care.</p> <p>The taskforce should work to design an early intervention program with police, Commission for Children and Young People commissioners and out-of-home care service delivery partners.</p>
<b>7.6: Lack of focus on restorative justice programs</b>		No specific recommendations
<b>7.7: Supervision of young offenders in the community</b>	7.6	All young people are to have a risk, needs and responsivity assessment at their first contact with the statutory youth justice system to inform engagement plans.
	7.7	Based on a risk, needs and responsivity assessment, target youth justice responses to those who are at higher levels of risk of offending and divert those who pose a lower risk away from statutory youth justice system services. The youth justice system should provide intervention packages and enhanced responses to young people identified as high risk of offending.
	7.8	<p>Apply Strategic Training Initiative and Community Supervision (STICS) to guide a structured and more focused approach to community supervision and case management.</p> <p>Enhance the Youth Justice Community Support Service to deliver extended activities and community programs.</p>

Section	No.	Recommendation
	7.9	Consider innovative ways to maximise engagement of young people in group and prosocial activities as part of order completion. This should include making this a condition of orders and parole.
	7.10	Establish a Youth Justice Mentoring Program for young offenders, particularly targeting those who do not have pro-social adults or peers.
	7.11	Pilot a multi-systemic therapy approach for at-risk families, primarily focusing on Youth Justice clients with parents and siblings involved in the criminal justice system.
<b>7.8: Lack of culturally responsive programs</b>		No specific recommendations
<b>7.9: Responding to complex needs of young people and persistent crises</b>	7.12	<p>Affirm that there are dual objectives for community supervision:</p> <ul style="list-style-type: none"> <li>• completion of the order of the court</li> <li>• reducing offending.</li> </ul> <p>Develop a risk management framework to inform:</p> <ul style="list-style-type: none"> <li>• decisions for community supervision and parole</li> <li>• case management intensity</li> <li>• referral to Youth Justice Community Support Services</li> <li>• breaches of bail, supervision orders and parole.</li> </ul>
<b>7.10: Poor service integration and information sharing</b>	7.13	<p>Apply the YLS/CMI (children) LSI/CMI (young adults) to assess risk, needs and responsivity to inform:</p> <ul style="list-style-type: none"> <li>• induction and structure of supervision</li> <li>• the need for a multi-agency approach and coordinated action for complex clients to rehabilitate, repair and enhance life outcomes for young people.</li> </ul> <p>Use the risk, needs and responsivity assessment to ensure referrals by community youth justice workers to community-based psychologists are targeted, approved and clearly evidenced and justified.</p> <p>Expand the role of Youth Justice Community Support Services in responding to the most high-risk and complex cases.</p> <p>Target supervision of the highest risk and most complex cases by allocating the most senior staff to supervise more complex cases to deliver monitoring and case management interventions.</p>

Section	No.	Recommendation
		<p>Establish youth justice planning priority links to support employment and education placement and attainment based on assessed need.</p> <p>Connect with family violence programs for young victims and perpetrators of violence in the home.</p>
<b>7.11: Complexity of dual statutory functions for young people in Child Protection and Youth Justice</b>		No specific recommendations
<b>7.12: Accountability across the continuum of youth justice (bail, remand, custody and parole)</b>		
<b>7.13: Community workforce</b>		
<b>7.14: Infrastructure, technology and youth spaces</b>	7.14	Include in the Community Youth Justice Actions Plan a well-considered approach to the increased use of technology in the delivery of Youth Justice supervision. This may include the use of technology in monitoring the attendance of young people as well as for the delivery of educational and life skills programs.

## Chapter 8: Custodial operating model and challenges

Section	No.	Recommendation
<b>8.1: Best practice in the delivery of youth justice custodial services</b>		No specific recommendations

Section	No.	Recommendation
<b>8.2.1: Operating philosophy and integrated system operation</b>	8.1	<p>Urgently develop a clearly defined operating philosophy to guide system operation, to be embedded in the Youth Justice Strategic Plan and:</p> <ul style="list-style-type: none"> <li>• ensure all people working in or around youth justice centres, irrespective of roles, have an understanding of the operating philosophy</li> <li>• establish an effective governance structure, led by the Executive Director, Operations, for the custodial centres that brings all service partners together to support integrated service delivery (this governance structured will have responsibility for ensuring the effective implementation and monitoring of the operating philosophy)</li> <li>• ensure the consistent operating philosophy is reflected in the practice manuals for both community and custody</li> <li>• ensure all other relevant documents are updated, including training materials for new staff</li> <li>• inform young people, their families and visitors of the operating philosophy of custodial centres and ensure material is displayed prominently in each facility.</li> </ul>
	8.2	<p>Develop initiatives to unify, foster goodwill and develop strong working relationships between Youth Justice and service delivery partners at the strategic, management and operational levels.</p>
<b>8.2.2: Assessment and classification of young people</b>		<p>See below for recommendations relevant for 8.2.2 and 8.2.3.</p>
<b>8.2.3: Placement of young people and system configuration</b>	8.3	<p>Develop a classification system for custodial supervision that takes into account a range of factors including the status, risk and needs of the young person.</p> <p>Assign a security rating for each young person based on this assessment and any available intelligence, which then informs their placement in accommodation.</p> <p>Establish a sentence classification and management function to oversee implementation of the system and to regularly review each young person's classification.</p> <p>Ensure that information about the classification of young people is transparent and made available to young people, their families, staff and stakeholders.</p>

Section	No.	Recommendation
	8.4	<p>Introduce a classification system for accommodation units and assign young people to these units accordingly, on the assumption that each facility has the capacity to accommodate all classification levels.</p> <p>Operational management should be empowered to make decisions about the level of movement and mixing of young people across the precinct.</p> <p>Promote a system whereby young people are incentivised to progress through the classification levels.</p> <p>Wherever possible, exit young people into the community from the least restrictive environment.</p>
	8.5	<p>The sentence and classification function should make decisions about the appropriate placement of young people in the context of available intelligence and the security and good order of the custodial system.</p> <p>The sentence and classification function should take responsibility for developing a system to identify young people who need to be placed in protective regimes.</p> <p>The sentence and classification function should oversee the separation of young people.</p> <p>Maximise the use of more flexible accommodation types for the young people most in need (i.e. Koori young people in buddy cells).</p>
<b>8.2.4: Safety and security of the precincts</b>	8.6	<p>Assign responsibility to the Manager, Infrastructure Projects and Security:</p> <ul style="list-style-type: none"> <li>• to develop a security plan and specify the training requirements for all custodial staff</li> <li>• establish an effective intelligence system for the custodial youth justice system that is linked to the Victorian law enforcement intelligence network.</li> </ul>
	8.7	<p>The Manager, Infrastructure Projects and Security should address the findings of Neil Comrie's security reviews and ensure issues are remediated immediately.</p>
	8.8	<p>Develop an asset investment and infrastructure plan to address identified weaknesses at all sites, considering budget, timeframes, roles and responsibilities.</p> <p>Engage experts in custodial infrastructure to undertake an assessment of the construction of key aspects of the environment (e.g. officer stations, dark and small day rooms) and the value of</p>

Section	No.	Recommendation
		<p>introducing technology solutions, with the view to making immediate improvements wherever possible.</p> <p>Investigate opportunities to better leverage technology to support static and dynamic security across the precincts.</p>
	8.9	<p>Immediately take steps to repair damage to all infrastructure that is currently housing young people.</p> <p>Implement routine cleaning practices to ensure surfaces are cleaned and prepared as soon as possible after they are damaged.</p> <p>Investigate opportunities for young people to engage in cleaning and maintenance of their units as part of the Structured Day.</p> <p>Investigate mechanisms for introducing an incentives-based regime that rewards young people for the maintenance of their room and, collectively, for their unit.</p>
	8.10	<p>The Manager, Infrastructure Projects and Security should:</p> <ul style="list-style-type: none"> <li>• develop appropriate policies, procedures and training relevant to equipment management, searches, patrols and barrier controls</li> <li>• maintain a risk register</li> <li>• oversee a program of infrastructure audits and unannounced inspections.</li> </ul>
<b>8.2.5: The Structured Day</b>	8.11	<p>Develop a clear, well-articulated Structured Day for each precinct, agreed by YHaRS and Parkville College, with a focus on maximising engagement and on consistency across precincts as much as possible.</p> <p>The Structured Day should provide a clear balance between education, health, rehabilitation services, life skill programs, and structured recreational time, including at least two hours outdoors (including time spent in communal areas such as ovals, gymnasium and pools). It should:</p> <ul style="list-style-type: none"> <li>• maximise daily out-of-bedroom hours</li> <li>• provide constructive engagement across the week</li> <li>• incentivise participation and engagement across the week for all activities</li> <li>• provide activities that focus on life skills</li> <li>• reward positive behaviour</li> <li>• facilitate access to family and community through a generous visits program.</li> </ul>

Section	No.	Recommendation
		Expand opportunities for young people to participate in work programs in the centres (e.g. gardening/maintenance duties and learning new skills), linking participation to allowances and other incentives under the behaviour management model.
	8.12	<p>Undertake an urgent review of internal movement control systems and the introduction of a graduated system based on the classification of young people and their units.</p> <p>Explore the introduction of technology solutions that facilitate movement across the precincts in accordance with approved privilege level and access arrangements.</p> <p>The system should lead to increased freedom of internal movement in the facilities, contingent with a young person's progress and behaviour.</p> <p>Restrict the use of handcuffs to those escorts/movements that are warranted based on the risk profile of the young person.</p>
	8.13	Urgently develop new movement control policies, practices and procedures and incentivise young people's autonomous movement across the centres.
<b>8.2.6: Available programs</b>	8.14	<p>Immediately investigate lack of provision of group programs, developing a new approach to selecting appropriate participants.</p> <p>Ensure that offending rehabilitation programs are given priority.</p> <p>Take immediate steps to determine appropriate program space for the delivery of group programs across all sites.</p> <p>Source or develop new programs to target serious violent offenders and those with motor vehicle offences.</p> <p>When individual interventions are employed, they should be based on evidence-based principles and programs, with a focus on offending rehabilitation.</p> <p>Where possible, it is important to separate individual interventions aimed at providing psychological care versus offender rehabilitation. Blending these purposes in intervention leads to client confusion and ethical complexity for clinical staff.</p>
	8.15	<p>Commission a review into the availability, delivery and flexibility and scalability of current programs delivered in custodial settings, with the view to identifying and implementing appropriate programs to meet the young offender's criminogenic needs.</p> <p>Develop a new approach to the provision of programs to young women, ensuring they are not disadvantaged in accessing core programs due to the small size of their cohort.</p>

Section	No.	Recommendation
	8.16	<p>Undertake an immediate review of the community transition and leave programs, with the view of updating them to support better engagement with services to prepare young people for transition back to the community.</p> <p>Develop strategies, including programs, designed to develop life skills among the sentenced offender cohort, with consideration for:</p> <ul style="list-style-type: none"> <li>• access to government services (e.g. Centrelink, Medicare, disability services)</li> <li>• access to financial services (e.g. bank accounts, debit cards)</li> <li>• access to telecommunications (e.g. mobile phones)</li> <li>• access to health and rehabilitation services in the community</li> <li>• appropriate and structured use of technology</li> <li>• self-care skills such as hygiene, cooking and cleaning.</li> </ul>
	8.17	<p>A culture of active program participation should be enshrined in the ethos of the youth justice centres, with a presumption that all young offenders are engaged in programs unless they are sick or in isolation/separation in line with an agreed management plan.</p> <p>The Structured Day must include allocated time for programs.</p> <p>Program participation and completion should be made key performance indicators for custodial centres.</p>
<b>8.2.7: The custodial workforce</b>	8.18	<p>Develop a custody-specific workforce plan in the overall Youth Justice Workforce Management Strategy that includes a:</p> <ul style="list-style-type: none"> <li>• training and development strategy</li> <li>• recruitment and retention strategy</li> <li>• workforce engagement strategy.</li> </ul>
	8.19	<p>Immediately provide training to custodial staff to reinforce the need to maintain the good order and safety of the centres and to instil a culture that is security-focused. Training is required to increase the tactical awareness of all staff members.</p> <p>Immediately review and revise position descriptions to ensure they appropriately reflect the roles and duties of youth justice custodial workers.</p>
	8.20	<p>Recalibrate the roster structure to remove the distinction between day staff and night staff, rotating all staff through both day and night shifts.</p>

Section	No.	Recommendation
	8.21	<p>Develop an effective incident response framework that clarifies the roles, responsibilities and duties of all staff members. The framework could draw upon and adapt elements of the Security and Emergency Services Group (SESG) model utilised by Corrections Victoria.</p> <p>To the extent that existing SESG staff are employed to assist in the management of youth justice units or centres, staff must be trained to understand the developmental limitations and needs of young offenders. They must be sensitive to the degree of abuse and trauma many of the young offenders have experienced so as to not unnecessarily retraumatise them.</p>
	8.22	<p>Remove the SERT classification and reconfigure roles and responsibilities across staff classifications as per Figures 8-11 and 8-12, including relevant updates to position descriptions. This is to occur in concert with additional training and upskilling for all custodial staff.</p> <p>Refresh operational governance structures in line with new staff classifications, including the provision of clarity around roles and responsibilities in the event of a major incident.</p>
	8.23	<p>Take immediate steps to convert more casual staff to permanent ongoing positions.</p> <p>As part of the workforce plan, develop a comprehensive strategy to recruit, appropriately train and retain more permanent ongoing staff for custodial precincts.</p>
	8.24	<p>Immediately cease use of agency staff in all youth justice custodial precincts. If agency staff are required in the immediate term, renegotiate contracts to allow for performance management and reporting.</p>
	8.25	<p>Undertake a mapping exercise of the desired competencies for the future youth justice custodial workforce, taking into account forecast trends for the future offender cohort.</p> <p>Refresh the pre-service training portfolio in line with the mapping exercise, ensuring the development of new and enhanced models on dealing with challenging behaviours and use of force.</p> <p>Develop a short-term training portfolio for all operational staff who have undergone the prior pre-service training, with a focus on managing difficult behaviours and use of force.</p> <p>Outsource provision of training to an external provider.</p> <p>Cease advertisement and delivery of the Diploma in Secure Services until such a time as the system is re-established.</p>

Section	No.	Recommendation
	8.26	Refresh training portfolio and guidance material for staff members on the importance of professional boundaries.
	8.27	<p>Immediately commence collecting robust datasets to inform retention and attrition data for the custodial workforce.</p> <p>Develop a clear view of the current FTE profile against the attrition rate and map the shortfall, considering location-based recruitment strategies to engage local communities on the benefits of full-time youth justice custodial work.</p> <p>Develop policies and procedures that clearly articulate roles and responsibilities for the maintenance of the youth justice custodial recruitment pipeline to ensure attrition is balanced by steady and responsible recruitment that reflects the ebbs and flows of the workforce.</p> <p>Develop clear policies and procedures to transition young people between key workers where their key worker resigns.</p> <p>Undertake consultation with staff to better understand motivations for staying or leaving the workforce, and put in place relevant strategies to improve retention as a result.</p>
	8.28	<p>Instigate a robust program of staff town halls to improve the interaction between operational staff and senior leadership.</p> <p>Develop a new staff engagement plan for the next 12 months, with the view of bringing staff 'on the journey' through the transformation period associated with the MOG change.</p> <p>Consider new avenues for operational staff to interact with the Executive (e.g. senior leadership work days on the floor).</p> <p>Establish protocols for expert debriefs of staff following major incidents, and consider the ability of the system to bring in a full-time psychologist to support and provide guidance to custodial staff.</p>
8.29	<p>Undertake an immediate review of the youth justice system's OHS regime, using legislative requirements as a baseline indicator and best practice as an aspirational point.</p> <p>Review and update all OHS documents, policies and procedures in line with the OHS review.</p> <p>Undertake further investigation into OHS data, including rates of incidents, WorkCover claims and WorkSafe incidents, and map trends over time.</p>	

Section	No.	Recommendation
		Take proactive steps to engage the CPSU and WorkSafe on identified OHS issues in a commitment to resolving them collaboratively.
<b>8.2.8: Behaviour management</b>	8.30	<p>As part of a refreshed training package, ensure staff receive further training in responding to difficult behaviours and diffusing challenging situations, being very clear on the required adherence to the VPS Code of Conduct.</p> <p>Issue practice direction to all staff on what is considered poor behaviour and the expected response should staff encounter it.</p>
	8.31	Take immediate steps to remove all graffiti and damage across the sites, requiring young people to assist where the damage has been caused by them.
	8.32	<p>Consult with young people on the success of the Grevillea PPB model, with the view to making amendments where necessary to ensure it incorporates appropriate deterrents and incentives, and roll this out across the custodial system.</p> <p>Enshrine the presumption of positive behaviour as the baseline expectation, removing the tendency towards a punitive or negative behaviour management regime.</p> <p>Take immediate steps to update the available rewards and sanctions to ensure they are operationally viable and not going to cause issues between staff and young people.</p>
	8.33	<p>Immediately review documentation, practice and delegations around isolation, separation and lockdown, with the view to providing greater clarity on the expectations placed on staff should any of these be levied and to reduce the number of young people placed on isolation, separation or lockdown regimes.</p> <p>Enshrine the requirement that isolation never be used as punishment in all practice guidelines and documentation.</p>
	8.34	Take immediate steps to ensure all isolation and separation rooms have adequate access to all baseline facilities, particularly hygiene.
	8.35	<p>Develop a shared MOU with all service providers that outlines the expectations placed on their staff with respect to behaviour management.</p> <p>Ensure all service provider staff are provided an opportunity to attend behaviour management training.</p>

Section	No.	Recommendation
<b>8.2.9: Incident response and management</b>	8.36	<p>Review and refresh incident management protocols and guidelines within the practice manual to reconfirm roles and responsibilities, line management and key officers in the event of a major incident.</p> <p>Clarify the role of the new SESG-equivalent emergency response group to support incident management.</p> <p>Review and refresh protocols with Victoria Police and Barwon Prison in the event of a major incident.</p>
	8.37	<p>Amend legislation as required to support the use of additional response mechanisms such as OC spray, batons and restraint belts.</p> <p>Provide additional training to staff on the appropriate use of force options in responding to challenging incidents.</p> <p>Ensure the use of force is justified under the circumstances and is carefully documented and reviewed.</p>
	8.38	<p>Develop robust recovery plans for each unit, each precinct and the system as a whole should there be a major incident that results in further loss of capacity.</p> <p>Develop a clear structure around responsibilities for implementing recovery plans and contingency planning.</p>
	8.39	<p>Engage a suitably qualified incident debrief specialist on retainer who is available to support staff in the immediate aftermath of any future incident.</p> <p>Develop robust protocols around the expected response to each incident with respect to the debrief of staff and young people.</p> <p>Enshrine the principle of active learning from incidents by incorporating the findings from each debrief into updates to policies and procedures.</p>
<b>8.2.10: Young women in custody</b>	8.40	<p>Enshrine the principle that young women will have equal access to all services, irrespective of their gender or the small size of their cohort, in all practice guidelines and associated material.</p> <p>Conduct a review into the functioning of the women's unit, with the view to developing a standalone operating model to support their access to all education, health and rehabilitation services.</p> <p>Engage an expert to provide advice on best practice provision of youth justice custodial services to young women.</p>

Section	No.	Recommendation
<b>8.3: Compounding factors and the vicious cycle of challenges</b>	8.41	<p>Develop a suite of offending behaviour programs that are non-offence specific and appropriate for delivery to offenders on remand.</p> <p>Make amendments to the Structured Day as necessary for remand clients to ensure they are continually engaged in purposeful activity that supports their transition to sentence or the community.</p>
	8.42	<p>Immediately cease to house all young people on a CMIA order in youth justice facilities, and commence a process to determine appropriate alternate accommodation for young people currently on those orders in Youth Justice care.</p>
	8.43	<p>Consolidate roles and responsibilities for the management of custodial rosters across the system within the roster manager function, removing unit managers from the rostering process.</p> <p>Clarify and issue amended policies on leave management, with responsibility for the approval of leave sitting with the roster manager.</p> <p>Clarify and redevelop policies and procedures for timesheets and payroll as necessary, in close consultation with the payroll department.</p>
	8.44	<p>Refresh the roster profile by standardising the shift profile across all units and all sites, making all shifts 12 hours and improving coverage in the early mornings and late evenings.</p>