

## Opinion

# Youth Justice: Our Kids are Worth a Second Chance

Julie Edwards CEO

*Jesuit Social Services, 326 Church Street (PO Box 271), Richmond, Vic 3121*

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

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

In order to inform the discussions around youth justice in Australia, Jesuit Social Services decided to look outside our borders for potential solutions. In 2017, some of the senior leaders of our organisation undertook an international #JusticeSolutions study tour, taking in parts of Norway, Germany, Spain, the UK and the USA. We saw that good youth justice systems focus on early intervention and diversion, preventing young people from further contact with the justice system, using child-specific approaches and engaging families and communities. They have thorough assessment and planning processes that are supported by strong social infrastructure and well-resourced community alternatives to locking up young people. When prison is necessary, the focus is on strong education, addressing problem behaviour and underlying needs, and building social and practical skills through programmes that prepare young people for reintegration into their community. They use facilities that are small and close to the homes of detainees, with positive cultures and well-qualified staff who are trained to build relationships of trust, rather than punish.

All of this is underlined by a deep commitment to take the time to listen to young people, and their families, to truly

understand what is driving their behaviour and ensure that those issues and needs are addressed.

It is time to fix youth justice in Australia. We need our leaders to work collaboratively, constructively and in good faith with experts in the field – service providers, academics, the judiciary, police, community members, and most importantly young people, their families and communities – to develop a united vision for our youth justice systems.

We need a clearly articulated vision and purpose, interventions that will deliver agreed upon outcomes, and appropriately qualified staff to implement these in order to support and challenge young people to become their best selves and to create the sort of community we, and future generations, want to live in.

Critically, Jesuit Social Services believes that we need to be actively talking about this issue if we are really going to see change – because right now this message is not being heard by the broader community.

This is why we launched our #WorthASecondChance campaign, asking people to join with us to call for the youth justice system our community deserves.

This system will require

- strengthening the foundations of our youth justice system, and reinstating the approaches that will make our communities safer;
- investing more in the programmes proven to work, such as early intervention, local community initiatives and education;
- support of the highest quality delivered to young people in trouble to prevent further crime and improve outcomes.

---

ADDRESS FOR CORRESPONDENCE: Julie Edwards, Jesuit Social Services, 326 Church Street (PO Box 271), Richmond, Vic 3121.  
E-mail: [Julie.edwards@jss.org.au](mailto:Julie.edwards@jss.org.au)

As outlined below, there are two fundamental reforms that would make a significant difference in the lives of young people – intervening earlier to keep young people in school, and raising the age of criminal responsibility.

### Supporting Kids and Communities to Prevent Offending

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

Disengagement from school is often an early warning sign that young people are heading down the ‘wrong’ track. The Victorian Youth Parole Board Annual Report for 2016–17 found that of a snapshot of young people involved with the justice system, more than half (56%) of young people in youth detention had previously been suspended or expelled from school (Youth Parole Board, 2017).

We also know that the younger children are at the time of their first offence, the more likely they are to commit more offences in the future (Jesuit Social Services, 2013). Therefore, if we support kids at a young age, when they start to show signs of disengaging from education, we can keep the community safer by preventing future involvement in the justice system.

Victoria’s Navigator programme is an example of an initiative that has been successful in reaching out to young people at risk and re-engaging them with school, TAFE or other pathways to education and jobs.

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

We have welcomed the Victorian Government’s expansion of the program statewide in the 2018/19 budget. However, there is an opportunity to do more. Our experience of delivering the program has highlighted a need to start *even earlier* to identify and engage children at the first signs of trouble, before problems become entrenched.

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

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

### Raising the Age of Criminal Responsibility

Across Australia, primary school age children as young as 10 can be brought before the court, sentenced and incarcerated.

Capturing young children in the justice system, rather than addressing their offending behaviour and holding them

accountable in their schools and communities, starts a cycle of incarceration that is hard to break.

We know that children first detained between the ages 10 and 14 are more likely to have sustained and frequent contact with the justice system throughout their lives (Jesuit Social Services, 2018). When young people go on to more serious and repeated offending, this threatens community safety in the long term.

Our age of criminal responsibility is a breach of human rights standards (Australian Human Rights Commission, 2016) and puts Australia out of step with the rest of the world, where the median age is 14 years (Australian Institute of Health and Welfare, 2018).

Age of criminal responsibility: international comparison (taken from Hazel, 2008).

AUS	NZ	CAN	ENG	USA <sup>1</sup>	FRA	GER	SWE	NED	CHN	JPN
10	10	12	10	6-12	13	14	15	12	14	14

Child offending experts, psychologists and criminologists agree that younger children have rarely developed the social, emotional and intellectual maturity necessary for criminal responsibility before the age of 14 years. Children of the same biological age may develop the necessary cognitive capacities for criminal responsibility at vastly different rates, compromising their ability to effectively engage with the justice system (Cauffman & Steinberg, 2000). Therefore, we need to raise the age of criminal responsibility from 10 to 14 years, and put in place restorative responses that work with families, schools and communities to support – rather than punish – vulnerable children aged 10–14.

Children who come into contact with the youth justice system are likely to have faced a tough start to life, including exposure to mental illness, drug and alcohol abuse, homelessness and child abuse and neglect. Therefore, we need responses that take account of their broader family and social circumstances, work with the child to help them to understand the impact of their anti-social behaviour and equip them with the tools to take a different path.

Following the Royal Commission into youth detention, the Northern Territory Government has given in-principle support to raising the age of criminal responsibility to 12 years and a presumption against incarcerating a child younger than 14 years. We believe that all Governments across the nation should take heed of the Royal Commission’s recommendations, and go further by raising the age of criminal responsibility to 14 years and investing in alternative approaches that support vulnerable children in trouble.

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

To find out more about our campaign and access our full range of policy recommendations, please visit: [www.worthasecondchance.com.au](http://www.worthasecondchance.com.au)

## Endnote

<sup>1</sup> The age of criminal responsibility varies between US states.

## References

- Australian Human Rights Commission. (2016). *Children's rights report 2016: National Children's Commissioner*. Retrieved from [https://www.humanrights.gov.au/sites/default/files/document/publication/AHRC\\_CRR\\_2016.pdf](https://www.humanrights.gov.au/sites/default/files/document/publication/AHRC_CRR_2016.pdf)
- Australian Institute of Health and Welfare. (2018). *Young justice in Australia 2016–17*. Canberra, ACT: AIHW. Retrieved from <https://www.aihw.gov.au/getmedia/19707990-1719-4600-8fce-f0af9d61331c/aihw-juv-116.pdf.aspx?inline=true>.
- Cauffman, E., & Steinberg, L. (2000). (Im)maturity of judgment in adolescence: Why adolescents may be less culpable than adults. *Behavioral Sciences and the Law*, 18(6), 741–760.
- Hazel, N. (2008). *Cross-national comparison of youth justice*. Youth Justice Board of England and Wales. Retrieved from [http://dera.ioe.ac.uk/7996/1/Cross\\_national\\_final.pdf](http://dera.ioe.ac.uk/7996/1/Cross_national_final.pdf)
- Jesuit Social Services. (2013). *Thinking outside: Alternatives to remand for children*. Richmond, VIC: Jesuit Social Services. Retrieved from [http://jss.org.au/wp-content/uploads/2015/10/Thinking\\_Outside\\_Research\\_Report\\_-\\_Final\\_amend\\_15052013.pdf](http://jss.org.au/wp-content/uploads/2015/10/Thinking_Outside_Research_Report_-_Final_amend_15052013.pdf)
- Jesuit Social Services. (2018). *Law week – Time to treat children with a restorative justice and welfare approach*. Retrieved from <https://jss.org.au/law-week-time-to-treat-children-with-a-restorative-justice-and-welfare-approach/>
- Youth Parole Board. (2017). *Annual Report 2016–17*. Retrieved from [http://assets.justice.vic.gov.au/justice/resources/a97832fe-a43f-417f-8b49-d8136eaf90c8/youth\\_parole\\_board\\_annual\\_report\\_2016%E2%80%9317.pdf](http://assets.justice.vic.gov.au/justice/resources/a97832fe-a43f-417f-8b49-d8136eaf90c8/youth_parole_board_annual_report_2016%E2%80%9317.pdf)

□