

Legal and Constitutional Affairs References Committee on Australia's youth justice and incarceration system

By

Richard Brooking

Dear Legal and Constitutional Affairs References Committee

My name is Richard Brooking, and I am a crime and justice system lived experience (**CJSLE**) lawyer working in the public service. I must state that I write this in a personal capacity, and it does not reflect the opinion or intention of any of my employers, whether paid or otherwise.

Background

I was involved in crime from the age of sixteen till around the age of thirty. Just before my thirtieth birthday, I was incarcerated for a period of six months with an eighteen-month parole period for four charges relating to the possession and production of dangerous drugs. I have spent the last ten years reintegrating myself back into society from a life of crime. I now have a Bachelor of Business, Master of Business (Philanthropy and Nonprofits), Bachelor of Laws (Honours); I am now an admitted lawyer and [Churchill Fellow](#) looking to "research crime and justice system lived experience programs for at-risk-youth and to inform policy" in 2025.

I write in relation *Australia's youth justice and incarceration system*, with particular reference to f) *any related matters*.

The lack of use of crime and justice system lived experience (justice-impacted people)

One way to improve a system is to elevate the voices and use the experiences of the people impacted by it. This principle is widely known, but adherence is hit and miss; this is particularly true with CJSLE.

I was part of a panel of three in the public service, and we were hiring for a position that operated between the courts and detention centres. We went through the process, and the final form came for me to complete. One of the questions was, "Do you have any relevant lived experience?" I said, "Yes, crime and justice system." The chair responded, "Sorry, this would be for something like cultural, disability, or being female. We have no policy on crime and justice system."

To me, it sounded quite odd that my experience of crime, prison, and rehabilitation was not relevant in a service where criminal rehabilitation is the goal. You would think that this experience would be cultivated, especially in that department. I am not having a go at that lady or those types of lived experiences; it just highlights the limited recognition of this type of lived experience.

Not long after the panel, a survey was conducted amongst public service employees about improvements to the public service. I explained what happened in the above scenario and offered to work with them on changing this, but I received no response.

Based on my experience, the use of CJSLE in the public sector is limited.

The benefits of CJSLE

The CJSLE community has been pivotal in my reintegration. I spent a decade and a half involved in drugs and crime. I wanted to get out of crime a long time before I was imprisoned, but I did not know how or have the confidence to engage with other areas of society. During my masters, I was introduced to the CJSLE community. Finally, the very thing I felt shame about was useful. I used my lived experience to participate in research projects, advisory committees, and many other outlets. I cannot truly explain over text how important this had been to me and being able to reintegrate meaningfully into society. Now, I mentor others who are bravely trying to use their CJSLE to reintegrate into society meaningfully. However, acceptance by society and governments has a long way to go to catch up to lived experiences like mental health, alcohol and other drugs, disability, cultural, etc..

One way that many CJSLE people want to help, is to guide youth away from crime. This is apparent as someone who talks to so many CJSLE people. This phenomenon prompted me to look into this

further, including overseas. In the USA, the use of CJSLE for youth intervention is far more developed than Australia. These CJSLE mentors are called "Credible Messengers", and they are now used by many government agencies in many states. The national consultancy called "[The Credible Messenger Mentoring Movement \(CM3\)](#)" is leading the way in setting these programs up nationally, and now operate in 12 states. The founder, [Clinton Lacey](#), held high positions in government where he implemented these CJSLE programs. He has now seen the power of what this can do and started this national consultancy.

One of the famous programs he was involved in was the Arches Transformative Mentoring Program with New York City Probation. This program combined Credible Messengers (CJSLE people) with an evidence-based curriculum. It is important to note that using Credible Messengers is not a way to replace the professional model but to enhance it, and it did. The following is taken from the [evaluation of the program](#) by the [Urban Institute](#).

'The evaluation finds that Arches participants are significantly less likely to be reconvicted of a crime. Relative to their peers, felony reconviction rates among Arches participants are 69 percent lower 12 months after beginning probation and 57 percent lower 24 months after beginning probation. This impact is driven largely by reductions among participants under age 18. The evaluation also indicates the program helps participants achieve improvement in self-perception and relationships with others.'

These numbers are too hard to ignore, and it is based on these troubled youths trusting these Credible Messengers when they go through things like Cognitive Behavioural Therapy. This is because the youths know these Credible Messengers understand them because they know how they have lived. The youths can't just write them off as "privileged" or anything like that. This is an important tool for youth intervention that is largely under-utilised in Australia and is what prompted me to apply for a Churchill Fellowship on this topic, in which I was successful. Unfortunately, I cannot provide my findings as my travel is in March 2025 (happy to in the future). However, policies around the use CJSLE need to be implemented, or at least a reasonable use should be encouraged. We need to start looking at this and developing it to come into line with the use of other types of lived experience.

Kind regards

Richard Brooking

My recommendation

I am no legislation lawyer, and there is probably someone who can draft this better, but my recommendation is simple. It proposes adding to the Bill changes to the *Youth Justice Act 1992* (Qld), being the addition of:

Schedule 1 Charter of youth justice principles

22. The youth justice system should reasonably use the lived experience of justice-impacted children and persons for decision-making and programming.

The idea is to get the executive thinking about "how can we elevate the voices of these youth for programming and decision making?" Or, "how can we use other persons with valuable experience to stop reoffending?" This [LINK](#) is a post on LinkedIn by Youth Justice (NSW) commending Joe Kwon (a rehabilitated offender) from [Confit Pathways](#) for his awards and work in their detention centres. I have not met Joe or seen the program, but I can confidently say that these kids are much more likely to desist with someone who has been down that road mentoring them.

This Bill is an opportunity for you to direct the ship even slightly in the direction of a more informed and effective Youth Justice system.

Thank you for your time.

Kind regards

Richard Brooking