



Inquiry into the impact of violence on young Australians

Submission by Youthlaw and Frontyard Services
October 2009

Introduction

Frontyard Youth Service

Frontyard Youth Services ("Frontyard") is a partnership of agencies that work together to address the physical, emotional and social needs of homeless and disadvantaged young people aged 12 to 25 years who spend time in Melbourne's CBD. Seven services are co-located: Melbourne Youth Support Service (MYSS), Centrelink, Reconnect, Young People's Health Service (YPHS), Youthlaw, Jobs Services Australia, and Family Reconciliation and Mediation Program (FRMP).

Youthlaw

Youthlaw, co-located at Frontyard, is Victoria's state-wide specialist community legal centre for young people under 25 years of age. Youthlaw works to achieve systemic responses to the legal issues facing young people, through casework, policy development, advocacy and preventative education programs, within a human rights and social justice framework.

The submission addresses each of the Inquiry's terms of reference.

Term of Reference a) perceptions of violence and community safety among young Australians

1. Perceptions of young Australian's as violent

Before exploring young Australians' experience of safety and violence, it's important to articulate and challenge broad community perceptions of young people as being violent. Young people are often perceived as troublemakers, associated with criminal or deviant behaviour, and viewed with fear or suspicion by other community members. Young people hanging out in groups are often thought to be intimidating, dangerous, disruptive and likely to cause fear by their mere presence. Somewhat ironically when you speak to young people who have been the victims of crime, abuse & racial or socio-economic discrimination they are reluctant to be in public spaces on their own, feeling safer amongst groups of friends. Young people told the National Youth Commission's *Inquiry into Youth Homelessness*, that they do not feel safe alone living on the streets and so tend to gather in groups for better protection.¹

The media is a critical component of the development and maintenance of representations of young people that feed into these fears that construct the presence of young people in public space as a danger and threat. By way of example, reported comments from

¹ NYC, *Inquiry into Youth Homelessness*, 290, http://www.nyc.net.au/files/Australias_Homeless_Youth.pdf

Victoria's Premier John Brumby, accompanying the release of 2008/9 Victoria Police crime statistics which showed a 5% rise in assaults, and 9% rise in the number of robberies involving knives, were:

"We've got kids as young as 10 or 11 who have been picked up carrying knives that they intend to use on someone. So we've got to send a message."

'Police poised for new street search powers', The Age, 9 August 2009

Relying on such reports in the daily media, it's not that fanciful to believe that Australians are living in a society where young people are out of control and youth crime is increasing. However Youthlaw reiterates the importance of bringing a balanced perspective to this community dialogue.

Victoria Police and Children's Court statistics tell us that only a small percentage of young people come to the attention of law enforcement authorities and fewer still require formal court intervention. In 2008-9:

- 9,717 young people were cautioned by police.
- 6,217 young people were charged and had had criminal charges proven in the Children's Court of Victoria. This represents less than 2% of total population aged between 10 and 17.
- in the Children's Court the most prevalent offences processed by the court were transit offences and property offences (theft and criminal damage). 75% of the young people who had charges proven by the Court received the following orders – discharged, unaccountable undertakings, accountable undertakings, good behaviour bonds or fines. This is because they committed minor offences or alternately have been involved in more serious offending but are good prospects for rehabilitation and do not require on-going support within the community.

Furthermore Victoria Police statistics for 200-9 indicate that adults are the main perpetrators of the increase of violent crimes in Victoria. The statistics show that youth crime (i.e. under 18 years) against the person (homicide, rape, robbery, assault and abduction) is down by 3.3% (following three years of increases), whereas adult crimes against the person has increased by 5.1%. Assaults committed by young people are down by 3.7%, robbery by young people is down (1.8%). Assaults committed by adults has increased (7%) – i.e. an increase of about 2,000 offenders.

Similarly the media and government seem to attribute an increase in alcohol fuelled violence to young people. It is disturbing to read, in the context of this week's media on students muck up celebrations, statistics cited by Professor Maree Teesson, from the National Drug and Alcohol Research Centre, that "one in seven deaths of young people aged 15 to 24 were alcohol related, and one in five teenagers binge drank weekly".²

However we maintain this is not just a youth issue, rather a community issue, requiring a community response. This assertion is backed up by Victoria police statistics that tell us that public order offences – behaviour in public places (which includes banning offences under the *Liquor Reform Control Act* and public drunkenness) have increased significantly, both for young people (25% increase) and adults (94.3% increase).

² "Masked attackers storm year 12 singalong", Paul Millar and Mex Cooper, The Age, October 21, 2009, <http://www.theage.com.au/national/education/masked-attackers-storm-year-12-singalong-20091020-h6y2.html>

Under the *Liquor Control Act (Vic)*, the Director of Liquor Licensing the power to make areas 'designated areas' because their entertainment precincts (Melbourne CBD, Fitzroy, South Yarra, Prahran, St Kilda, the Knox O-Zone site, Geelong, Bendigo, Traralgon, Ballarat, Warrnambool, and Frankston) have a high risk of alcohol fuelled violence.

The Victoria Police Safe Streets Taskforce has indicated that the banning notices under the *Liquor Control Act (Vic)* (1,429 were issued in 08/09) are predominately against 'people with disposable income, from the suburbs and most aren't kids'. They are largely adult men and women in their 20's and 30s.

In February 2009 Youthlaw talked to about 150 young people in the City of Frankston, immediately before it was declared a designated area under the Act. They were consulted about their thoughts regarding local council proposal to introduce police move on powers to address anti-social behaviour in the local government area. They told us:

- they feel unsafe and fearful in Frankston City particularly late at night, especially around the train station, venues and shopping centres
- drugs (using and selling) and alcohol contributes to violence on public streets, and
- there was a lack of police presence on the streets.

2. Young Australians experience of safety and violence

Almost one quarter of young people feel unsafe walking home alone in their local area at night. Young women and young people with disability are most likely to feel unsafe. In addition, about 10 per cent of young people 18–24 years feel unsafe in their homes at night.³

Young people are more likely to become victims of some violent crimes (including rape, other sexual offences and assaults) and are less likely than older victims to report a violent crime.⁴ While young people constitute 14% of Victoria's population, they represent 26% of all victims of violent crime. Specifically we know:

- Young adults are far more likely than any other age group to be victims of physical assault and represent 38% of all assault victims.
- Young people (18–24) are the *second* most likely age group to be victims of sexual assault. (25–35 year olds are slightly more likely) and young females are *twice* as likely as young males to be victims of sexual assault
- Young people (15-24) have "*the highest risk*" of any age group of being a victim of robbery.⁵
- Vulnerable & marginalised young people experience higher levels of victimisation than other young people.

Some characteristics of violence against young people include:

- male victims often do not know the perpetrator, females usually do.

³ State of Australia's Young People: A Report on the social, economic, health and family lives of young people, Social Policy Research Centre, University of New South Wales October 2009, p99.

⁴ DEECD, 2008; Johnson, 2005

⁵ ABS 2001 Census data (pop figures) & otherwise ABS 2005 Personal Safety Survey. Note the survey includes reported and not reported crimes.

75% of 18–24 year old males who were assaulted were attacked by a stranger, often in licensed premises or in the open. In contrast, over 80 per cent of women physically assaulted by a man knew their attacker, and were most likely to be attacked in their own home or that of someone else.⁶

- Assaults against school aged young people most often occur at school and almost always are perpetrated by someone known to the victim, usually a peer or friend.
- Assaults against young adults often occur in or around licensed venues (pubs, bars or nightclubs)
- Many young victims of violence including teenagers will be repeatedly victimised.
- Many young people report feeling victimised by people in positions of authority such as police, security guards, and ticket inspectors.

2.1 Young women's experience of safety and violence

The single largest demographic factor associated with feeling unsafe is gender. Women are significantly more likely to feel unsafe walking home at night in their local area and feel unsafe at home at night. Mission Australia (2008) also found that women aged 11–24 years were more concerned about physical and sexual abuse than young men. Indeed, females are more likely to be the victim of sexual crimes like rape.⁷

Findings from the report, *Visible and Vocal*⁸ produced by Youthlaw in 2008, suggest that vulnerable and marginalised young women experience high levels of victimisation and less positive experiences of reporting this abuse. Two common legal issues identified across the eight groups of young women consulted, related to being victims of violence, namely:

- (1) Safety and violence - on the streets, in institutions, at home and abusive treatment by authorities and
- (2) Family and relationship abuse - including sexual assault and domestic violence

The types of violence raised by different focus group participants, included:

Same sex attracted young women living in regional / rural Victoria

- anti-gay violence/threats
- Lack of transport –we feel unsafe on streets
- Cyber and school bullying
- Unpredictable and sometimes negative police response to complaints

Young women with a history of mental health and substance abuse issues

- Domestic violence, sexual harassment and assaults
- Not having complaints taken seriously and negative police response to complaints
- Assumed to be the perpetrator of offences.

Homeless and at risk young women in the CBD

- Violence in home & on the streets
- Sexual harassment on the street

⁶ ABS, 2008c

⁷ State of Australia's Young People: A Report on the social, economic, health and family lives of young people, Social Policy Research Centre, University of New South Wales October 2009, p99.

⁸ Visible and Vocal, Youthlaw (2008) <http://www.youthlaw.asn.au/upload/visible-and-vocal.pdf>
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- Housing issues –abuse in boarding houses, stealing of property
- Barriers to reporting abuse -won't be believed

2.2 Homeless Young people's experience of violence

A Melbourne based research project found that many young people flee violence in the home only to find themselves victims of further abuse and crime on the streets. Almost all homeless males (96%) and three-quarters of homeless females (74%) had been physically hurt since leaving home.⁹ The project found:

- Violence against homeless young women most often involves sexual assault inflicted by young men they know (often "friends").
- 76% of young homeless women and 29% of men had been sexually assaulted since leaving home.
- Violence against homeless young men most often involved physical violence perpetrated in public places by other young males.

2.3 Indigenous young people

Indigenous young people are also more likely to be a victim of violence than non-Indigenous youth¹⁰, with one third of 18 to 24 year-olds Indigenous people reporting that they had been a victim of physical or threatened violence in the previous 12 months. According to research in *State of Australia's Young People*, young Indigenous people are more likely to be the victims of assault than other young people.¹¹

2.4 Young people and police

From our observations Youthlaw is aware that many young people, especially culturally and linguistically diverse or homeless young people often feel harassed by police when coming together in public spaces. Resultantly these young people feel unsafe in their communities.

Young people who have had multiple experiences of conflict-based interactions with police may feel intimidated exposed by an increased police presence in their personal lives.

Youthlaw formerly ran an outreach clinic at the Flemington high rise estate in partnership with Flemington Kensington Legal Centre where there is a high density of Sudanese and Somalia migrants living. In the early months of 2006, numerous young people from Somalia, Sudan and Afghanistan living in the estate contacted Flemington Kensington Legal Service alleging human rights abuses by police, including non-resisted assaults, threats of violence and racist comments by police. The young people reported police stopping them while they were sitting in or moving around in public places and questioned up to 5 times a day, asking for their name, address and what they were doing. In some instances these negative police interactions with young people have lead to increased volume of criminal charges.

More recently many of the young men (mainly African) we have assisted in our outreach legal clinic at the Youth Enterprise Hub in Braybrook (in western metropolitan Melbourne) have been subject to serious mistreatment by local police. According to these young men the assaults by police are common place, and police frequently come into homes without warrants etc...The young males involved hold a very strong belief that it's racially driven. A couple of their friends were trapped and bashed by police, one young man had his tooth knocked out. Their comments include:

We've been threatened with pepper spray.

Our friend got bashed. How can we complain? 'Who would believe it?'

⁹ Adler (1990) cited in Halstead (1992)

¹⁰ ABS, 2006a

¹¹ State of Australia's Young People: A Report on the social, economic, health and family lives of young people, Social Policy Research Centre, University of New South Wales October 2009, p98.

“It’s a way of life, you get used to it after a while”.

Although homeless young people living on the street are exposed to high levels of violent crime, they are unlikely to be report these crimes to police.¹² Some of the homeless young people we are in contact with at Frontyard Youth Services report a great deal of distrust for the police they encounter on the street and at stations. Young people don’t feel a great deal of confidence in the notion of ‘police integrity’. They report feeling reluctant to report crime fearing they will not be believed and fearing retribution or even physical violence.

3. Victimisation and offending

Young people who are victimised are at high risk of victimising others in the future.¹³ A range of Victorian and overseas research tells us that where a young person is both an offender and a victim, victimisation often comes first, then criminal behaviour.¹⁴ For example sexual abuse and domestic violence are factors that contribute to offending but also significantly to substance abuse, mental health issues and suicide.¹⁵

British research suggests being a victim at age 12 is a powerful indicator of offending at age 15.¹⁶ This research has found young people feel invisible and unprotected, and they consider carrying weapons as a security measure.

Young people who engage in violent antisocial behaviour are very likely to experience violent victimisation. Two-thirds of those who engaged in high levels of antisocial behaviour at 19–20 years have experienced victimisation.¹⁷

This research builds a compelling case that responding to abuse, neglect and victimisation of young people from childhood would be a powerful and practical way of reducing youth crime and violence offences against other young people.

Term of reference b) links between illicit drug use, alcohol abuse and violence among young Australians

Others organisations such as the Australian Drug Foundation, National Drug and Alcohol Research Centre and Drug and Alcohol Research and Training Australia are far more eminently qualified to provide research and evidence addressing this term of reference.

Young people themselves report a range of problems associated with their own alcohol consumption. More than one in four young men (18–24 years) and more than one in seven young women (18–24 years) reported that their alcohol use had jeopardised their safety,

¹² NYC at p 290, http://www.nyc.net.au/files/Australias_Homeless_Youth.pdf

¹³ Lauritsen et al. 1991

¹⁴ Australian Institute of Family Studies (AIFS) and Crime Prevention Victoria(CPV)(2004) ‘Patterns and Precursors of Adolescent Antisocial Behaviour’. A similar assertion/finding is found in a number of overseas projects and studies such as Wilson, Sharp & Patterson, Young People and Crime: Findings from the 2005 Offending , Crime and Justice survey, UK (2006,), National Crime Prevention Council (US) ‘Supporting Teen Victims of Crime’

¹⁵ Australian and Overseas research and data discussed and cited in Victorian Parliamentary *Inquiry Into Strategies To Prevent High Volume Offending by Young People (August 2008)*

¹⁶ Wilson, Sharp & Patterson, Young People and Crime: Findings from the 2005 Offending , Crime and Justice survey, UK (2006).

¹⁷ Australian Institute of Family Studies (AIFS) and Crime Prevention Victoria(CPV)(2004) Patterns

and 8% of young men (18–24 years), and 2% of young women (18–24 years) reported their use of alcohol led to problems with police.¹⁸

However Youthlaw wishes to reiterate the point that both crime statistics and drug & alcohol research indicates that the issue of drug and alcohol fuelled violence is not just youth issue, but rather a whole of community issue, requiring whole of community responses.

Term of reference c) the relationship between bullying and violence on the wellbeing of young Australians

Again we refer the Committee to extensive national research about the rates of bullying, including the Australian Covert Bullying Prevalence Study¹⁹, and the impact of bullying, and strategies to address bullying, including YACVic report '*Sticks and Stones and Mobile Phones: outcomes of a forum on bullying and young people in Victoria.*'(October 2009)

Term of reference d) social & economic factors that contribute to violence by young Australians

It is difficult to isolate a single variable in the causes of violent crime by young people. Young peoples' behaviour is often influenced by their background and the social context in which they belong. There are many risk factors at the individual, family community, school and peer-group levels. In particular, our casework experience supports a theory that there is a strong inter-relationship between poverty, child neglect and youth offending, with re-offenders often being highly damaged young people. We characterise violent offending behaviours by circumstance and certain determinants such as child neglect, lack of community and family support, links to the child protection system, being disengaged from education, poverty, homelessness, and mental health issues. Typically young people re-offending are not receiving the support they require to address the issues that are behind their offending.

1. Child neglect and abuse

Australian Institute of Health and Welfare (2009a) reports that the notifications of child abuse or neglect and subsequent investigations are increasing in Australia, with Indigenous children clearly over-represented in the child protection system. Child neglect is an important contributory factor in youth offending.²⁰ Both child neglect and child abuse significantly increase the risk of juvenile involvement in crime but child neglect is more important as a cause of youth involvement in both property and violent crime than child abuse. Interestingly, however, the influence of child abuse on youth involvement in violent crime is nearly four times stronger than its influence on youth involvement in property crime.

The paper *Poverty, Parenting, Peers and Crime-Prone Neighbourhoods* examined the relationship between economic stress, child neglect/abuse and youth participation in crime by analysing 261 postcode areas in the urban areas of Sydney, Newcastle and

¹⁸ Source: ABS National 2007 National Survey of Mental Health and Wellbeing, referred to in *State of Australia's Young People*, ibid, p89

¹⁹ Available for download from <http://www.deewr.gov.au/Schooling/NationalSafeSchools/Documents/covertBullyReports/ACBPS%20chapter%201.pdf>

²⁰ See *Poverty, Parenting, Peers and Crime-Prone Neighbourhoods*, (Australian Institute of Criminology, Trends and Issues in Crime and Criminal Justice, No. 85), Don Weatherburn et al

Wollongong. For every new 1,000 neglected children, New South Wales gets 256 new youth offenders, according to research findings released today by the NSW Bureau of Crime Statistics and Research. These 256 young people, between them, will make an estimated 466 Children's Court appearances and will commit an unknown (though larger) number of crimes.

The paper discusses the effects of poverty, child-rearing and delinquency as well as the role of neighbourhoods in youth crime. Their analysis concludes that:

- postcode areas with high levels of poverty tended to have significantly higher levels of parenting deficient such as child neglect;
- there is a strong relationship between the level of child neglect/abuse in a postcode area and the level of youth participation in crime in that area;
- economic and social stress exert most of their effects on crime, at least in urban areas, by increasing the risk of child neglect
- young people rendered susceptible to involvement in crime by poor parenting are more likely to become involved in crime if they reside in "offender-prone" neighbourhoods than if they do not reside in such neighbourhoods.

The research highlights the fact that (among family factors) the most powerful predictors of youth offending are poor parental supervision of children, parental rejection of children, rejection of the parent by a child and little parent-child involvement. The review also highlights a number of parenting factors which, it says, have been found to contribute to the risk of child neglect. These include economic hardship, inadequate housing, parental substance abuse, lack of parental education and parental psychiatric disturbance, particularly depression.

A lack of appropriate support for young people making transition from state care to independent living often increases their risk engaging in criminal activity.²¹

2. Schooling and education

Research also indicates that there is a strong link between lack of engagement with education as a predictor of involvement in criminal offending by young people.²² Suspensions and expulsions have a serious impact on students and may result in disruption in education, decline in participation and academic performance, resentment of authority, and increased potential for coming into contact with the criminal justice system. This is compounded for students outside the metropolitan region where there is often little opportunity for students to access education from alternative providers.

Many young people presenting with criminal charges at Youthlaw are not engaged in education and have not finished high school. Most may have learning difficulties and struggle to cope with mainstream schooling. Many have experienced suspensions on a number of occasions and expulsion and then have not been able to find another school to take them. So they have left school. They do not have the supports in place to help them access services, and have effectively slipped through the system.

²¹ Green Paper , p 24

²² Discussion Paper "Inquiry into strategies to prevent high volume offending by Young People "(August 2008) Drugs and Crime Prevention Committee, Parliament of Victoria

Students who are suspended or expelled from schools may be 'blacklisted' and unable to find a school willing to accept them. There appear to be limited opportunities for participation in education for many young people with behavioural issues.

Terms of reference e) strategies to reduce violence and its impact among young Australians

1. Strategies to tackle bullying

In her keynote address at the YACVic forum²³ Dr Barbara Spears concluded that bullying is acknowledged as a *relationship* problem that requires *relationship* solutions. Cyber-bullying is a *social* relationship problem enacted through the rapid uptake of *social* media.

Youthlaw supports a number of preventative and educative initiatives (for parents, teachers and young people) aimed at strengthening and protecting young people against bullying, including cyber bullying. These strategies include:

- raising the awareness of young people about of personal decision-making in on-line social spaces.
- educating parents and encouraging setting of appropriate controls for their children's engagement with digital-technology, and
- supporting teachers to assist in identifying students at risk of bullying or being bullies themselves.

2. Strategies promoting safe interactions between young people and authorities

2.1 Ticket Inspectors

Survey findings referred to above confirm the need for codes of conduct for public transport operators setting out how their officers should treat young people. In Victoria, the relevant Code sets out:

*"Authorised officers must, when dealing with young people, treat them in a respectful, non-threatening and courteous manner."*²⁴

Campaign Respect, a youth driven campaign, aims to monitor and promote compliance with this code and supports young people to stand up for their rights and complain about any disrespectful or abusive treatment by Authorised Officers. This may be done in a variety of forms including electronic media (i.e. Facebook, Twitter, Youtube, and Message-Board Posts), surveys and case studies etc... This evidence will then be used in campaign advocacy work to bring about systemic social change and more respectful treatment of young people.

2.2 Police

Police should be supported to develop meaningful dialogue and accountability with young people in their local communities. Police should meet young people in situations where no stigma attaches or no implication of criminality can arise, where power imbalances can be redressed and young peoples rights can be protected.²⁵ This may be done via talks about

²³ 'Sticks and Stones and Mobile Phones: outcomes of a forum on bullying and young people in Victoria', YACVic' (October 2009)

²⁴ P10 Authorised Officers Code of Conduct

<http://www.doi.vic.gov.au/doi/internet/transport.nsf/AllDocs/2EDCD5A35EE3A806CA256DB7000BD004?OpenDocument>

²⁵ Policing the Public: The role for human rights in exploring the acceptable limits of police practice, Tamar

their role at schools, hold open days at the police station, go to community events at the invitation of young people. Another example of what this might look like is being explored in a new project “*Respect. Talking to young people like you mean it*”. Youthlaw and Frontyard Youth Services, partnering with Victoria Police, are seeking funds to develop a DVD providing homeless and at-risk young people a voice. The DVD will be a professional tool facilitating positive engagement with youth.

The *Visible and Vocal* report, referred to above, highlights the barriers to reporting and seeking help which suggests there is a great deal that needs to be done by police and a range of agencies to provide consistent, positive, non-judgemental and supportive services to young victims of crime.

3. Responses to alcohol fuelled violence

In general terms Australia needs a seismic attitudinal shift where getting drunk and violent becomes as socially unacceptable as lighting a cigarette in a restaurant, not wearing a seat belt, refusing to use a condom during casual sex or repeatedly getting sun-burnt. This would be supported by much tighter regulation of sale of alcohol, and the banning of alcohol advertising.

We appreciate such an attitudinal shift is a long term strategy and the later proposals may incur significant commercial opposition. Youthlaw’s concern is that government faced with significant pressure to be taking quick fix measures will resort to punitive law and order responses, such as police move on powers or anti social behaviour orders. Such law and order responses will overwhelmingly target marginalised young people and other cultural groups who are in public places. They will be harassed, intimidated, moved on and charged.

Move-on powers in a number of states in Australia and have not been successful in reducing crime, and have other negative impacts on young people. Research from New South Wales and Queensland²⁶ has found such powers:

1. Have resulted in unfair targeting of vulnerable and marginalised people and others frequenting public areas (e.g. homeless, mentally ill and indigenous), They are overwhelmingly issued against young people. (eg. NSW- 79% of all directives and 48% of all directions were issued to people under 17, with 16 year olds 19 times more likely to be moved on than 36 year olds, and
2. are so broad that they are open to misuse with many move-on directions issued without valid reasons . The NSW Ombudsman (1999 report) reviewing 14,455 move-on directions issued during one year concluded that around 50% of the directions were issued without a valid reason.

4. Youth crime and violence prevention strategies

We encourage the Committee and Government to take a considered, child rights based approach that acknowledges the complexities of these issues and recognises the need to address the underlying causes of youth offending, and wherever possible divert young people from the criminal justice system.

A child rights based approach requires strategies to adhere to the standards set by relevant human right standards, including:

Hopkins, Principal Solicitor, Flemington and Kensington Community Legal Centre

²⁶ See New South Wales Ombudsman, *Policing Public Safety*, 1999. and Paul Spooner, *Moving in the Wrong Direction: An Analysis of Police Move-on Powers in Queensland* (2001)

- Young people should not be discriminated against by move-on powers or other street type laws that disproportionately impact on young people
- Young people have the right to move through, remain in, gather and hang out in areas of public space.
- Children and young people under 18 should be afforded special protection with regard to their best interests. (section 17 *Charter*)
- Divert young people from criminal justice system & redirect to community support services (Article 40 CROC / The Beijing Rules)
- Participate in any proceedings and decision making related to them
- Treatment which promotes their sense of dignity and worth, and assists them to engage with the community, and takes into account their age (Article 40 CROC/ section 23 *Charter*)

Youthlaw submits that an appropriate model of youth crime and violence prevention is based within a framework of human and children's rights, and:

- i) addresses the underlying causes of youth offending and antisocial behaviour, and:
- ii) is inclusive of young people's needs, views, interests and aspirations
- iii) wherever possible divert young people from the criminal justice system.

i) Address the causes

Youthlaw supports strategies that address underlying issues behind offending. Government investment in services designed to reduce the incidence of child neglect should be an essential part of any long-term strategy for reducing the rate of initiation into crime. The goal of long term crime prevention policy should be to:

- improve the economic well-being of families, particularly those with several dependent children,
- reduce the burden of child care and increase the availability of practical support,
- reduce social isolation,
- provide greater support for young parents
- enhance parental skills in coping with the stresses of infant and child care, especially where the child has been drug exposed or suffers some form of disability.
- adequately funds a range of strategies to support young people to remain engaged at school and improve the educational achievements of young people

ii) Inclusive of young people

Young people need to be seen as part of the solution when tackling problems of violence in our community. There are a number of projects that have started up that provide excellent examples of what this can look like.

Case studies

“Step Back Think” <http://stepbackthink.org/> Step Back Think seeks to represent Melbourne's youth as a voice of unity against street violence. As a group of young people they see themselves as part of the demographic responsible for the problem of street violence and therefore they need to work to find solutions. They have initiated a peer education program in 10 secondary schools in the Eastern suburbs of Melbourne, called “No regrets”. They have another initiative that involves rating venues in terms of safety as indicated by patrons and Victoria Police statistics.

“Your City: Your Space” <http://www.yourcityspace.com.au/>

In October 2008 the City of Melbourne held a City Safety Summit, where people of all ages and walks of life talked about issues concerning city safety and possible solutions. Alcohol and drug associated violence, the availability of public transport (especially at night), and the need for safe spaces in the city were some of the big issues.

One of the big ideas to come out of the summit was setting up a city safety online forum for young people – a space where people under 25 could talk about the safety issues important to them, and solutions around city safety.

“Be the Hero”, <http://www.bethehero.com.au/>

Be the Hero! is a violence prevention program designed for use in groups of young men.

iii) *Diversionsary programs*

Youthlaw also supports strategies that provide access to cautions and diversionary programs as positive ways to reduce re-offending and young people’s contact with the criminal justice system. Research indicates that diversionary measures, such as cautions, conferencing, and diversion programs are more effective in reducing re-offending than traditional and more punitive methods of punishment. Whilst statistics show that, once convicted, young offenders are more than likely to re-offend.

Case study

Frankston Police, Mission Australia and Community Youth Assist Program is an example of an early intervention and prevention program which provides support tailored specifically to each young person, and responds to the causal factors of identified behavior/ issues in consideration of their life experiences.

The program is coordinated by the Victoria Police Youth Resource Officer (YRO) from the Frankston Region, who provides an entry point to the service system. Mission Australia provides a Youth Transition Worker that provides intensive casework management. The program has up to 25 partnering agencies that span across a wide range of youth and family issues. Young people have access to intensive support programs including housing services, mental health services, alternatives to school, drug and alcohol programs, family welfare and counselling services and employment services can help reduce antisocial behaviour, and promote social inclusion.

The program aims to enhance the health and well being of young persons and to encourage sustainable education and employment pathways. The effectiveness of the program is to be externally evaluated. However early indications indicate that of the several hundred young people assisted only very small number have reoffended.

In this regard Youthlaw recommends the Commonwealth Government to develop national standards for youth justice that require best practice around cautions and diversion, and should in turn be developed into uniform policies and legislative provisions in all states and territories that ensures suitable diversionary programs are available to all young people apprehended or charged with criminal offences.²⁷

²⁷ Australian Law Reform Commission, Report No. 84, 1997, hereafter referred to as *Seen and Heard*., paragraphs 18.9 and 18.10.

5. Multi- disciplinary and integrated service response

Youthlaw stresses the importance of a holistic wrap around support service response in lowering the risk of youth re-offending. Young people with multiple issues have greater difficulty if the help they need is fragmented or has to be accessed from more than one provider. As mentioned earlier Youthlaw is co-located at Frontyard Youth Services. Frontyard provides integrated services responding to the complex needs of young people and refers them appropriately within the partnership of co-located services. Frontyard provides free assistance with accommodation, income support, employment, education, family reconciliation, health, legal issues, and advocacy. In Youthlaw's experience it is critical that the young person is linked to appropriate support services at the earliest stage i.e. at the time of receiving a summons and rather than waiting many months for the matter to reach its court hearing date. There is a strong likelihood of re-offending pre the court hearing if not linked into support services.

Yours Sincerely

Tiffany Overall
Advocacy and Human Rights Officer
Youthlaw