



Submission to the Inquiry into the Youth Justice System in Victoria

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Victoria, 3002

The Police Association of Victoria Submission to the Inquiry into the Youth Justice System in Victoria (the Submission)

The Police Association of Victoria (the Association) is an organisation that exists to advance and represent the industrial, legal, health and safety, professional and welfare interests of its members. The Association's membership of over 15,000 is drawn exclusively from sworn Police Officers at all ranks, Protective Services Officers, Police Reservists and Police Recruits who serve in Victoria Police. Membership of the Association is voluntary. By virtue of its constitution, the Association is not affiliated with any political party.

The Inquiry into the Youth Justice System in Victoria (the Inquiry) encompasses a number of key Terms of Reference that directly impact on the safety and work of our members. In this submission we address the proposals contained within TOR 1 in relation to incidents, and TOR 5 in relation to options for keeping young people out of Youth Justice Centres.

It is the view of the Association that additional police resources are required to cover the constant workload associated with Youth Justice Centres in the relevant Police Service Areas. Further, we advocate that police have a key role to play in the diversion of young people from the criminal justice process. This role requires careful consideration of both resources and staff allocation. These views are informed and supported throughout this submission by academic research, as well as primary research that we have conducted with our members, and the Victorian community.

1. Matters relating to incidents including definitions, numbers and any changes to the reporting of incidents

The involvement of police in incidents at Youth Justice Centres impacts on the workload of an already under-resourced police force. Our members in relevant Police Service Areas report that they are taken away from their day-to-day duties on a daily basis to attend to incident investigations at Youth Justice Centres. Each attendance takes a police unit away from responding to other policing tasks. Our members report that these attendances rarely result in any pursuable outcome. Indeed, for these routine violent incidents, police must attend the centre and offer to speak with the victim who is often uncooperative. Members explain that the victim regularly refuses to speak with police, who regularly leave the centre without taking any further action. The time assigned to these tasks is considerable, and often requires police attendance multiple times each day. Police report that these incidents occur as a result of a lack in effective management of young offenders, which leads to assaults or offences being alleged or committed.

'Non-routine' or emergency incidents also have a flow on effect on police resources. Responding to these events requires intense police commitment. Local and divisional police resources are diverted from other emergency incidents as a result. Our members explain that these critical incidents often emerge in the absence of good order and secure management of these facilities. They note that large scale non-compliance or riotous behaviour by young offenders is often threatened or occurs in situations where early intervention by management is not possible.

There are further implications for police following the conclusion of an emergency event, wherein the facility needs to be restored. For instance, after the riot at the Parkville Youth Justice Centre in November 2016, a

number of young offenders were temporarily housed at the Mill Park police station.¹ Cells at Mill Park operated under the management of Department of Health and Human Services (DHHS) rather than police. No adult prisoners were accepted at Mill Park during this time as both cells and interview rooms were used to house the young offenders. As a result, normal operation for members at Mill Park and its surrounding stations was significantly encumbered. Adult offenders needing to be processed in the Mill Park area were required to be transported to Epping or Heidelberg police stations. Sergeants at Mill Park station were occupied preparing the station for the young offenders to arrive. The security risks associated with the use of the facility also increased. Once the young offenders were in custody at the station, police members were required to monitor the cameras to ensure that DHHS staff understood how to safely and securely operate the cells.

The Association publically expressed concern about this inadequate solution when it was implemented; finding that inaction or a lack in management control by DHHS had resulted in the emergency incident and thus this unnecessary misuse of police resources.² The Association is aware that, despite the presence and management of the young offenders by DHHS, police ultimately retain control and responsibility for the security of all police facilities. The use of police custodial facilities for long-term habitation is not suitable, especially in the case of young people in custody. Furthermore, the use of police facilities diminishes the capacity for police to respond to routine police matters.

Our members have relayed to us that the DHHS is suffering from an overall lack in resources at Youth Justice Centres and that staff often appear ill-equipped and underprepared to deal with conflict. Essentially, a limited number of staff are expected to manage the growing number of young people in remand facilities.³ DHHS staff are also restricted in terms of their legal capacity to engage with young offenders. Their limitations directly impact on police working in areas such as Malmsbury and Parkville, where members report being involved with DHHS incidents relating to young people almost every shift. Liaison with these facilities has almost become a permanent police responsibility that is filling a void being left by management. Police advise that they are now regularly visiting facilities to check on their good order, to oversee minor matters, and to prepare detailed response plans because of the increasing occurrence of violent incidents.

The lack of appropriate resourcing and expertise across the board must be addressed to meet the growing demand and changed behaviour in Youth Justice Centres. It is important to also recognise the need for modern facilities that have the capacity to contain violent eruptions and ensure that young offenders in custody can be secured, isolated and effectively managed without the need for police intervention.

2. Additional options for keeping young people out of Youth Justice Centres (TOR 5)

The Association suggests additional options for keeping young people out of Youth Justice Centres from the perspective of prevention and deterrence. The key focus for police should be the prevention of youth crime, as well as combating and deterring youth recidivism. These issues can be addressed through an increase in police resources and a prioritisation of proactive policing strategies.

2.1 Proactive Policing: An Overview

Proactive policing is an approach to law enforcement in which police members cultivate relationships with the public and achieve joint solutions to community problems. Some of the underlying social causes of crime can be addressed through increased levels of police engagement, cooperation and consultation with the public,

¹ Patrick Wright and Tom Nightingale, Melbourne Youth Justice Centre: Human Rights Concerns Raised Over Relocation Plan For Inmates, *The Age*, 16 Nov 2016, <http://www.abc.net.au/news/2016-11-16/concerns-about-victorian-plan-to-put-teenagers-in-adult-prisons/8029618>

² Melissa Merrett, 'Mill Park Police Station Reclassified: Adults Out And youths In After Parkville Riots,' *The Herald Sun*, 22 Nov 2016, <http://www.heraldsun.com.au/leader/north-west/mill-park-police-station-reclassified-adults-out-and-youth-in-after-parkville-riots/news-story/148f1904080bd60db851562ad60e5c47>

³ Victorian Ombudsman, *Report On Youth Justice Facilities At The Grevillea Unit of Barwon Prison, Malmsbury And Parkville*, (Victoria: Victorian Ombudsman, 2017), p.2.

including 'at-risk' youths. Our research demonstrates that proactive policing initiatives (including active police patrols) often result in an increased police presence in the community, and are widely supported by both the public and our members.⁴ This is predominantly due to the deterrent effect that an increase in police presence has within a community.

From a policing perspective, proactive roles place officers in a better position to identify and engage with at-risk youth and, ideally, divert them from the criminal justice system. Our research finds that the community agrees with many of the philosophies of proactive policing, and want officers to engage with young people and work with new and emerging communities.⁵ Police intervention and engagement with youth in particular is seen by the community as crucial. This is in terms of crime prevention, but also in generating and maintaining public respect for police and authority figures.

Relevant literature supports the benefits of early engagement between police and youth. As an adolescent, the positive or negative nature of initial contact with the justice system is crucial in influencing how youth will respond to police and the law in the future.⁶ Our members who work in proactive areas report that they witness the long-term reduction of recidivism through their increased engagement with youth within their communities.⁷ Research shows that positive contact between youth and police has an important part to play in relation to deterring criminal behaviours and reducing recidivism.⁸

Despite evidence underpinning the strong support for proactive policing from the community and our members, proactive initiatives in Victoria have reduced dramatically over the last decade. Police officers employed and trained to work in proactive roles are often seconded away to assist other under-resourced areas of Victoria Police. Our proactive members report that they are unable to effectively perform their primary role as a result and are often sacrificing community programs and youth engagement initiatives as a result.⁹

2.2 A History of Success

The Association recognises that proactive programs previously implemented throughout Victoria have had a history of great success in terms of youth/police engagement. These past programs ensured that police interacted with minority and marginalised groups within a community, built mutual trust, and respect which ultimately led to a reduction in criminal behaviours.

Funding and support for some of these early-intervention programs have either been withdrawn or heavily diminished, a key example being the Police/Schools Involvement Program which has been discontinued entirely.¹⁰ The Police/Schools Involvement Program (PSIP) has been highlighted by both the community and our members as an important and effective proactive program. PSIP was developed in 1988 to deal with the 'causes rather than the results'¹¹ of crime. Police assigned to the program acted in a preventative capacity as

⁴ The Police Association of Victoria, *Proactive Policing Survey Research Report*, October 2016 (Victorian Proactive Police were recruited to participate in a survey regarding utility of the role and resourcing, n=130); The Police Association of Victoria, *Public Focus Groups Report*, 24 June 2016, p.12 (A series of focus groups were held with n=53 community members who were representative of cross-sections of the Victorian community).

⁵ The Police Association of Victoria, *Public Focus Groups Report*, 24 June 2016, p.12.

⁶ Samantha Goodrich et al, 'Evaluation Of A Program Designed To Promote Positive Police And Youth Interactions,' *Journal of Juvenile Justice*, 3/2 (2014), p.57; Lyn Hinds, 'Building Police-Youth Relationships: The Importance of Procedural Justice,' *The National Association for Youth Justice*, 7/3 (2007), p.205.

⁷ The Police Association of Victoria, *Proactive Policing Survey Research Report*, October 2016, p.12.

⁸ Lyn Hinds, 'Building Police-Youth Relationships: The Importance of Procedural Justice,' *The National Association for Youth Justice*, 7/3 (2007), p.207; Samantha Goodrich et al, 'Evaluation Of A Program Designed To Promote Positive Police And Youth Interactions,' *Journal of Juvenile Justice*, 3/2 (2014), p.55.

⁹ The Police Association of Victoria, *Proactive Policing Survey Research Report*, October 2016, p.17.

¹⁰ Laurel Sutton, 'Police Schools Involvement Program: An Investment In Our Young People's Future,' paper given at Partnerships In Crime Prevention, Hobart, 25-27 Feb. 1998, p.5.

¹¹ Laurel Sutton, 'Police Schools Involvement Program: An Investment In Our Young People's Future,' paper given at Partnerships In Crime Prevention, Hobart, 25-27 Feb. 1998, p.5.

School Resource Officers (now Youth Resource Officers), attending school camps, events and excursions within schools.¹² The program had an excellent reputation throughout Victoria¹³ and was recognised to have a positive impact in reducing anti-social behaviours amongst school children. As one member summarised below, the PSIP promoted a stable relationship between youths and police and addressed crime prevention through education:

‘Schools are always presenting us with a situation that we can help educate regarding a specific problem [such as] cyber safety/youth crime, or even talking one on one to a student. I find the schools are very appreciative of our service and the students are always engaged and go away with a greater appreciation of not only police but of the law.’¹⁴

Most importantly, the PSIP was an effective early-intervention program that identified at-risk youth and allowed police the opportunity to divert young people to the appropriate support services. More than a decade after the PSIP was disbanded the need for early identification of at-risk youth is being advocated as an area where police and others could focus their attention to prevent gang affiliation, violent extremism and radicalisation of youth.

Despite the discontinuation of the PSIP program in 2005, our current research confirms that the public and our members are still supportive of active police involvement within schools.¹⁵ Our proactive members suggested that earlier youth engagement, ‘from kinder through to year 12,’ would be beneficial. However, it remains a ‘basic fact’¹⁶ that the level of police resources necessary to re-establish such a program do not presently exist.

When appropriately tailored to the needs of the individual youth,¹⁷ diversion programs can also be effective in reducing recidivism when compared to traditional and more reactive justice system processes.¹⁸ Overall involvement in the criminal justice system is reduced, removing the need for charges, criminal or deviant labels and removal of youth from their communities. As previously mentioned, positive or negative contact with the criminal justice system has a lasting impact on adolescents.¹⁹ Diversion programs that prevent youth connecting to the criminal justice system can positively shape how youth approach the law and police in the future.

A current example of such a program is the ‘Proactive Youth Support Program’ being considered by Victoria Police within the Southern Metro Region. Under this program, police act as mentors for at-risk youth who are undergoing sentence, on remand or recently released from the Parkville Juvenile Justice Centre. It is clear that, when provided with appropriate resources, police can have an important role to play in terms of diversion, deterrence and recidivism in youth offending.

The Police Association supports the continued use of pre-sentencing diversion programs as a means to achieve this ultimate objective. We recognise the potential for extension of this program to provide specific, tailored referrals to support young offenders that will address the underlying factors causing offending behaviours.

¹² The Police Association, ‘School resource officers fighting for survival,’ Victoria Police Association Journal, June 2005.

¹³ Laurel Sutton, ‘Police Schools Involvement Program: An Investment In Our Young People’s Future,’ paper given at Partnerships In Crime Prevention, Hobart, 25-27 Feb. 1998, p.5.

¹⁴ The Police Association of Victoria, *Proactive Policing Survey Research Report*, October 2016, p.17.

¹⁵ The Police Association of Victoria, *Proactive Policing Survey Research Report*, October 2016; The Police Association of Victoria, *Public Focus Groups Report*, 24 June 2016, p.12.

¹⁶ The Police Association of Victoria, *Member Focus Groups Report*, 5 August 2016, p.14.

¹⁷ Troy Allard et al, ‘Police Diversion of Young Offenders And Indigenous Over-Representation,’ *Trends and Issues in Crime and Criminal Justice*, 390 (2010), p.1

¹⁸ Holly Wilson and Robert Hoge, ‘The Effect Of Youth Diversion Programs On Recidivism: A Meta-Analytic Review,’ *Criminal Justice and Behaviour*, 40/5 (2013), p.497; Jennifer Wong et al, ‘Can At Risk Youth Be Diverted From Crime: A Meta-Analysis Of Restorative Diversion Programs,’ *Criminal Justice and Behaviour*, 43/10 (2016), p.1310.

¹⁹ Samantha Goodrich et al, ‘Evaluation Of A Program Designed To Promote Positive Police And Youth Interactions,’ *Journal of Juvenile Justice*, 3/2 (2014), p.57.

There exists a wealth of research which highlights the positive influence that mentoring has on at-risk youth.²⁰ The Association is supportive of and encourages community-based mentoring initiatives, but notes that this should not become a core responsibility for police officers. If the responsibility lies solely on our under-resourced police officers, there are inherent risks for the continuity of these programs which may also present significant conflicts of interest for members holding the office of constable.

In order to explore successful alternatives for keeping young people out of Youth Justice Centres, the Association notes that ongoing and specific commitments need to be made in the proactive policing sphere, that include ongoing investment in the development and maintenance of proactive, early-intervention programs.

5. Recommendations

Having regard to the above submission, the Association makes the following recommendations to the Inquiry into Youth Justice Centres in Victoria:

1. That Youth Justice Centres be appropriately resourced to ensure that they can sufficiently self-manage security incidents without the need for, or reliance on, regular police intervention. In furtherance of this objective, facilities must be designed to support the good order and management of persons in custody.
2. That the government considers the reintroduction of appropriately funded early-intervention policing initiatives to complement current police activities which are specifically designed to identify and divert at-risk youth to DHHS support services.
3. That police who currently serve in proactive roles and have youth engagement expertise, be maintained in their dedicated roles to ensure that they can continue to effectively engage with at-risk young people.

For consideration,



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²⁰ See for example Jean Rhodes and David DuBois, 'Mentoring Relationships And Programs For Youth,' *Current Directions In Psychological Science*, 17/4 (2008), Holly Wilson and Robert Hoge, 'The Effect Of Youth Diversion Programs On Recidivism: A Meta-Analytic Review,' *Criminal Justice and Behaviour*, 40/5 (2013); Troy Allard et al, *The Efficacy Of Strategies To Reduce Juvenile Offending*, (Queensland: Justice Modelling at Griffith, 2007), p.69.