Victoria's youth justice crisis has been building for decades

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The Age

The crisis in Victoria's juvenile justice system has unfolded slowly like the frog boiling in a pot. It has been a long time coming and in the past six months has boiled over. The public is understandably burning about it and the government is being scalded.

It was only a decade or so ago that Victoria was regarded as the leader in juvenile justice. Its programs were effective, it had a low and sensible sentencing culture, an effective dual track sentencing approach and youth crime recidivism was on the slide.

Victoria juvenile justice led national directions in victim conferencing and youth koori courts. Magistrates of the Childrens Court criminal division were effusive in their praise of the Victorian Juvenile Justice system. So what happened? How did we get to this awful mess?

There are several explanations. First, there was a cavalier approach to public service staffing cuts several years ago that saw decades of experience leaked out the door. In the operation cauldron of the Department of Human Services, those cuts crippled the crucial advisory and policy arms to ministers on such issues.

Second, governments over the last decade of both persuasion started looking the other way on remand levels, despite the rising trends and were unmoved on the repeated requests from the bureaucrats for bail and judicial resources to match this rising demand. Simultaneously bail judges seemingly were giving scant regard to crowded conditions at Parkville and continued to remand on whim. The court system then became clogged and there were not enough resources for juvenile justice cases to be heard speedily. The result? Frustrated young people on remand waiting too long for court cases with no other options of effective community supervision alternatives on offer.

Third, despite the Juvenile Justice Program's national reputation, it did not adapt to the changing profile of youth offenders that police were encountering. The changing demographics of offenders – age, ethnic origin, circumstance – are no more difficult or challenging than past trends. But different groups need different solutions and the program has been caught napping on this.

Fourthly, there is an increasingly shrill press in today's look-at-me media environment. And the journalists and editors know that any state government is politically sensitive to law and order campaigns. They pour petrol on the fires of community fear, regardless of the
consequence that may result from such pressure.

Fifth is the largely overlooked issue of the unprecedented prevalence of ice, which fuels impulsive violent acts. I hear the call "don't blame the drug" but look where our other "aggro drug", alcohol, puts a lot of people – in jail. Drug experts now talk about wanting back the old days of heroin usage, which never produced this level of sociopathic behaviour.

Sixth, and perhaps this is the most important point on detention centre riots, is the breakdown in the all-important relationship between young people and the youth officers inside. Over many years, difficult young offenders would say to me how highly they thought of individual staff members. They would say things like "Mr Such-and-such was good to me" or "Mr Such-and-such told me a few things". I don't hear today's offenders speaking about staff in these terms. The relationship that held it all together between a young person and their detention has broken down and, incredibly, there is now a youth engagement culture crisis in the system. The young people affected want a better system. The rioters are giving us this message. Like all youth, when in trouble or stressed they act out. But with this acting out they are sending a message.

It may not be sent in an appropriate way or coherently put but it is a message all the same. They do not respect the current system. And they have some cause to have this opinion.

The unprecedented period of riots and breakouts over the last six months has been a slow train coming and the public need to understand it will take time to leave. Change needs to happen, and from the inside. The Department of Health and Human Services' Juvenile Justice Program has to be given more policy priority. For too long it has been the poor cousin to child protection issues. While child protection policy dominates the Juvenile Justice program has languished. The program doesn't need transferring to some correctional program area as has been suggested, it needs to be prioritised and resourced by its parent department attracting the best thinkers and the best reformers.

Calls for the Minister's head are also not the solution in this instance. She has a track record in reforming child protection and the first minister in many decades to reducing the difficult and problem-plagued residential care by 30 per cent. She has the mindset to reform the juvenile justice system, but she needs support from Cabinet and a better-resourced department. In all the calls over the last few weeks sending juvenile justice to the Corrections Department would be a disaster, none more so than the young people caught up in this crisis, and an abandonment of the special responsibility we have for young people who are not all the imagined drug-addled violent criminals that we may think they are.

The current review under way by former Corrections commissioner Penny Armitage and renowned forensic psychiatrist Frank Ogloff is a smart move by the government and offers a way forward out of this. We should all wait for this before jerking the knee.

Paul McDonald was the former executive director of the Children Youth and Family Division of the Department of Human Services, which included the responsibilities for the Victorian Juvenile Justice and Child Protection System. He is the CEO of Anglicare Victoria.

Comments

Amanda: A very sensible look at the real issues here! Of course relationships are at the heart of success in the juvenile just system, just as they are in schools. Many young offenders are from difficult backgrounds, where family relationships have broken down or were non-existent. They need to have a relationship of trust and respect with those trying to educate
and reform them, or look after em on a daily basis. A basic human need. Without these relationships, young people have no connection to society and no ability to function normally. The more thuggish and punitive the "carers" become, the more thuggish and aggressive the behaviour of the young people. We need people in the system - and there are probably some overworked individuals who are trying hard - who genuinely care and have the training to see this difficult through.