



#JusticeSolutions Tour

Expanding the conversation

August 2017



**Jesuit
Social Services**
Building a Just Society

40
years

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We acknowledge the Traditional Custodians of all the lands on which Jesuit Social Services operates and pay respect to their Elders past and present. We express our gratitude for their love and care of the land and all life.

Who we are

Jesuit Social Services works to build a just society by advocating for social change and promoting the health and wellbeing of disadvantaged people, families, and communities.

Jesuit Social Services works where the need is greatest and where it has the capacity, experience and skills to make the most difference. Jesuit Social Services values all persons and seeks to engage with them in a respectful way that acknowledges their experiences and skills and gives them the opportunity to harness their full potential.

We do this by working directly to address disadvantage and by influencing hearts and minds for social change. We strengthen and build respectful, constructive relationships for:

- **effective services** – by partnering with people most in need and those who support them to address disadvantage
- **education** – by providing access to life-long learning and development
- **capacity building** – by refining and evaluating our practice and sharing and partnering for greater impact
- **advocacy** – by building awareness of injustice and advocating for social change based on grounded experience and research
- **leadership development** – by partnering across sectors to build expertise and commitment for justice.

The promotion of **education, lifelong learning and capacity building** is fundamental to all our activity. We believe this is the most effective means of helping people to reach their potential and exercise their full citizenship. This, in turn, strengthens the broader community.

Our service delivery and advocacy focuses on the following key areas:

- **justice and crime prevention** – people involved with the justice system
- **mental health and wellbeing** – people with multiple and complex needs and those affected by suicide, trauma and complex bereavement
- **settlement and community building** – recently arrived immigrants and refugees and disadvantaged communities
- **education, training and employment** – people with barriers to sustainable employment.

Research, advocacy and policy are coordinated across all programs and major interest areas of Jesuit Social Services. Our advocacy is grounded in the knowledge, expertise and experiences of program staff and participants as well as academic research and evidence. We seek to influence policies, practices, legislation and budget investment to positively influence participants' lives and improve approaches to address long term social challenges. We do this by working collaboratively with the community sector to build coalitions and alliances around key issues and building strong relationships with key decision-makers and the community.

Our Learning and Practice Development Unit builds the capacity of our services through staff development, training and evaluation as well as articulating and disseminating information on best practice approaches to intervening with participants across our programs.

Introduction

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.

The over-representation of Aboriginal and Torres Strait Islander peoples in the criminal justice system is a national disgrace. More than two decades ago the report of the Royal Commission into Aboriginal Deaths in Custody was tabled in the Federal Parliament. It prompted cries of shame and promises to do better, however little has improved and many areas have gone backwards.

Rarely a day goes by without news of youth offending being splashed across the front page of papers around Australia. Public concern is reaching a crescendo, while politicians seek to outdo each other with their promises to crack down on crime and punish the perpetrators. Yet these indignant cries are based on a false reality. While it is true there is a small group of young people committing repeat serious – often violent – offences, youth crime is not rising, but falling.

The fact is, of course, that most young people do not commit crimes. 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 keeping 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 **Victoria**, the tabloid media is feeding into genuine anxiety in the community about safety by promoting images and stories of young ‘thugs’ and ‘gangs’ terrorising people on the streets and in their homes. The Victorian Government and Opposition are united in their reliance on a ‘tough on crime’ rhetoric increasingly adopting a punitive approach towards young people who offend. We have seen young people being detained unlawfully within an adult prison with reports of assaults at the hands of prison guards; and new legislation to toughen sentencing is being presented to Parliament.

In **Western Australia**, a report on management practices at the Banksia Hill Detention Centre detailed high levels of self-harm and the excessive use of flash bangs and chemical agents. The report cited an example of a young girl being left for days in an observation cell soaked in her own urine.

Allegations of abuse at the Cleveland Youth Detention Centre in **Queensland** prompted an independent review into Queensland’s youth detention centres with reports of hog-tying, assaults, misuse of isolation and the use of dogs to intimidate and instil fear in young people.

In the **ACT**, recent claims suggest that violence and abuse have troubled the Bimberi Youth Detention Centre – a human rights compliant youth justice centre¹ – for years. Frontline staff, detainees and government officials have spoken of abuse and humiliation, organised fights and alcohol and drugs being supplied within the facility.

In the **Northern Territory**, the flow-on effect of the Four Corners exposé on severe abuse at Don Dale Youth Detention Centre and the subsequent *Royal Commission into the Protection and Detention of Children* has seen the recently elected Labor Government announce a range of youth justice initiatives focused on the prevention of offending, and diversion from the justice system. The final findings of the Royal Commission will be a landmark moment for youth justice policy in Australia. Meanwhile, anxiety around youth crime and community safety continues to be an issue in the Northern Territory. At the very least, the Northern Territory’s experience provides a cautionary tale of failed justice and acts as a prompt to reflect on the core principles of our justice system and how they are best achieved.

The troubling abuses in Australia's youth detention facilities are symptomatic of a youth justice system in crisis across the country - one that is increasingly shifting from rehabilitation towards punishment, and from reasoned, informed and evidence-based practices to reactionary, politically populist interventions. Jesuit Social Services continues to call for calm in any decision-making, and to advocate for evidence-based approaches that maximise chances of rehabilitation and, ultimately, a safe community.

In order to inform the discussions around youth justice in Australia, Jesuit Social Services decided to look outside our borders for potential solutions. With the financial assistance of a long term supporter, some of the senior leaders of our organisation undertook an international #JusticeSolutions study tour, taking in parts of Norway, Germany, Spain, the United Kingdom and the United States. Our Chairman Patricia Faulkner AO and Executive Director (Advocacy and Strategic Communications) Catherine Neville visited the US; while our CEO Julie Edwards and Executive Director (Programs) Sally Parnell travelled to Europe.

During the #JusticeSolutions tour, Jesuit Social Services visited detention facilities and diversion programs and talked with their managers and staff. We also met with senior justice personnel, non-profit service providers, academics and youth justice advocates.

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 programs 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 hear the voices of young people, and the voices of their families, to truly understand what is driving their behaviour and ensure that those issues and needs are addressed.

The people and organisations we met with and learnt from urged us to consider that hasty and uninformed policy can derail a youth justice system, setting it off course for many years.

Now, as much as ever, it is important that organisations like Jesuit Social Services – with a history of working with young people and expertise developed through experience – maintain a strong voice about the future of our youth justice system. The #JusticeSolutions tour has given us new perspectives in some areas and confirmed our views in others. This report provides an overview of key themes that arose frequently during the tour and explores how they might be incorporated in Australian youth justice systems, from prevention and diversion through to detention and reintegration.

Now is the time for our political 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 system. 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.

In this document, we outline our vision for youth justice in Australia, and the steps we must take to realise it. Jesuit Social Services stands ready to contribute to the debate and to work with politicians and policy makers, sector peers and our youth and broader community to shape a justice system that helps us build a safer and fairer environment for all.

#JusticeSolutions Tour: An overview

In planning the #JusticeSolutions tour, we looked to include countries with diverse systems and experiences. We were particularly interested in jurisdictions with low recidivism rates (such as Missouri and Norway), and those that focus on preventing young people from coming into contact with the justice system in the first place.

The US, despite its high imprisonment rates, was of interest because of the internationally-recognised Missouri Model, whose continuum of care includes juvenile court diversion programs, community care with wrap-around services, and community-based residential programs. We were also keen to visit the US because of insights from Professor Vincent Schiraldi (Senior Research Fellow at the Criminal Justice Policy and Management Program at Harvard Kennedy School), who presented at Jesuit Social Services' 2017 National Justice Symposium. Professor Schiraldi warned that the US had learned the hard way that a 'tough on crime' approach backfires².

The US leg of the tour ran from 7th to 24th June 2017. The European leg began in Germany on 13th June and finished in Spain on 30th June 2017. A full itinerary is attached to this report at Appendix A, while further detail about specific facilities and meetings is included in Appendix B. An overview of the justice context in the countries visited forms Appendix C.



WHERE WE WENT



United States



Missouri

Washington
D.C.

New York

Seattle

Missouri Division of Youth Services

Annie E. Casey Foundation

American Civil Liberties Union

Youth First

The Sentencing Project

Public Welfare Foundation

Justice Policy Institute

Georgetown Center for Juvenile Justice Reform

Children's Defense Fund NY

Citizens' Committee for Children

Center for Community Alternatives

NYC Administration for Children's Services

NY Mayor's Office of Criminal Justice

NYC Department of Probation

Center for Court Innovation

Vera Institute of Justice

Diagrama USA

Europe



Germany

Norway

United
Kingdom

Spain



Neustrelitz Youth Justice Facility

Hameln Youth Justice Facility

Oslo Probation Office

Oslo Mediation Service

Unit for Youth, Eidsvoll

Halden Prison

Correctional Service of Norway Staff Academy

Prison Reform Trust

Centre for Justice Innovation

Campus Educational Trust

Diagrama Spain

Caveats and limitations

Local contextual factors (such as legislative environment, established practice, public perception and expectations, geography and demographic variations) influence any youth justice system and its interventions. As such, a proven approach in one country may not be suited to another. We remained mindful of this throughout the study tour. Nevertheless, there were opportunities to learn and reflect, to consider *elements* of other systems that may translate productively or be adapted effectively into the Australian context. The #JusticeSolutions tour also provided an opportunity to reflect on those parts of our system that are performing well by international standards.

The international approaches observed are not perfect – our colleagues openly discussed limitations of their systems and areas for improvement. Nor are they, universally, better than some Australian practices. There were areas that caused us concern (for example, the continued high youth detention rates in the US, albeit lower than they have been in the past). Equally, there are parts of Australian systems of which we should be proud – for example Victoria’s strong record on diversion and innovation in areas such as group conferencing which is gaining traction and showing positive outcomes throughout Australia.

It is important to acknowledge from the outset that the #JusticeSolutions tour did not seek to achieve comprehensive knowledge of the intricacies of each system or each country’s justice landscape - an outcome that simply would not have been possible within the short time frame. Instead we had the opportunity to have ‘glimpses’ into various youth justice systems, to have informed discussions with international peers, and to gain insights that we wish to share with Australian colleagues, decision-makers and the broader community. In doing so we seek to stimulate discussion and expand the conversation around what kind of youth justice system we want in Australia and how we might achieve that vision. We sampled only a couple of state jurisdictions in Germany and the US, and language challenges in Norway and Spain meant we were often not in a position to independently research the data and information shared with us. Accordingly, this report is observational in nature, noting those aspects and lessons which stood out for us and how they could fit within or be adapted for Australian jurisdictions.

Our observations are supported where possible by evidence and anecdotes, but a further limitation we faced related to being able to make fair statistical comparisons (see Appendix C for more information about this). Direct comparisons were not always possible for a number of reasons, including differing system structures (e.g. in Norway, children under the age of 15 are dealt with by the child welfare department not the justice system) and different ways of presenting statistics (e.g. the time over which recidivism is measured or the age groups covered). Instead, we have painted a general picture of outcomes, sometimes supported by commentary from academic experts and justice staff, from which some conclusions may be drawn.

Despite the limitations, however, we believe there is compelling information available regarding diversion and recidivism rates in the countries we visited, as well as persuasive first-hand commentary from our international colleagues, that means the themes outlined in this report deserve serious consideration.

Our #JusticeSolutions tour took place in the wake of a series of violent incidents in youth detention centres across Australia, perpetrated by both staff and young people, at a time when offending by young people was receiving significant public, political and professional attention, and when a number of youth justice reviews were taking place. The building of a new detention facility at Cherry Creek, Victoria (at a cost of \$288 million), had been announced by the Victorian government; a review of Victoria’s youth justice system by former Corrections Commissioner Penny Armytage and Swinburne University’s Professor James Ogloff was underway; and the *Royal Commission into the Protection and*

Detention of Children in the Northern Territory had made interim findings but not yet released a final report and recommendations.

As this report goes to print the Victorian *Youth Justice Review and Strategy: meeting needs and reducing offending* (the report by Penny Armytage and Professor James Ogloff) has just been released. This Review outlines a number of criticisms of Victoria's youth justice system and makes a number of recommendations. These resonate strongly with the themes outlined in this report. It is anticipated that the final report from the *Royal Commission into the Protection and Detention of Children in the Northern Territory* will be released at the end of September 2017, and the Victorian *Parliamentary Inquiry into the Youth Justice System* is due to deliver its report in February 2018. It is hoped that the #JusticeSolutions report, when read together with these landmark documents, can help bring to life what reforms might look like and encourage readers to expand the conversation regarding how Australian youth justice systems might evolve and improve.

KEY THEMES

The sections below explore some of the key themes and principles that underpinned the justice systems we observed. We believe these are equally important to prioritise in Australia.

A clear vision

A good youth justice system must have a clear vision. It seems an obvious place to start, but it became very clear that successful youth justice systems have a clear vision and well-articulated purpose. Those we witnessed articulated the purpose – for those caught up in the youth justice system – as rehabilitation (also termed re-socialisation or re-education) in order to reduce recidivism rates, avoid future victims, reduce the cost to the community of criminal behaviour and promote a safe community.

The Missouri Model and the European systems we observed had a concrete goal of rehabilitation of young people and every action, program or initiative could be linked back to that goal. This clarity of purpose not only helped ensure consistency within the systems, it set the frame for the attributes and qualifications of the staff required and gave justice personnel a context within which to work, influencing their interactions with young people, their understanding of their own role and their motivation to achieve positive outcomes. A clear vision, then, cascades throughout the system.

The values of the Norwegian Correctional Service are ‘Openness, Respect, Professionalism and Commitment’, while the role of the Service is “to ensure a proper execution of remand and prison sentences, with due regard to the security of all citizens and attempts to prevent recidivism by enabling the offenders, through their own initiatives, to change their criminal behaviour.”³

A number of principles run through every part of the Norwegian system and these were regularly cited to us by staff at all levels. It is clear the principles are front of mind and guide all those working in corrections. Of particular note was the “principle of normality”, which holds that:

- **the punishment is the restriction of liberty**; no other rights have been removed by the sentencing court. Therefore the sentenced offender has all the same rights as all others who live in Norway.
- **no-one shall serve their sentence under stricter circumstances than necessary** for the security of the community. Therefore offenders shall be placed in the lowest possible security regime.
- during the serving of a sentence, **life inside will resemble life outside** as much as possible.

While accepting that the principle of normality may be impacted by security and infrastructure needs, Norwegian Corrections emphasises that “the basic principle is there, and deviation from it will need to be based on argumentation. **You need a reason to deny a sentenced offender his rights, not to grant them.**”

Underlying the Norwegian approach is a strong belief that for the rehabilitative purposes of the system to be achieved, a person must be prepared for reintegration into the community. This means working with them to address underlying issues, avoiding institutionalisation, modelling respectful relationships and maintaining connection with family and support networks as much as possible. The clear vision of rehabilitation underpins the Norwegian Correctional System.

In Germany, too, we saw clarity of vision. Germany, like Australia, administers justice on a state-by-state basis and the #JusticeSolutions tour took us to two different states: Mecklenburg-Vorpommern, north of Berlin, where we visited the youth detention centre in Neustrelitz; and Lower Saxony, where

we visited the youth detention centre in Hameln, a short distance from Hannover. The leadership at both centres confirmed that all efforts go to reintegration or re-socialisation of young people living there, with staged options for transitioning to community and an emphasis on education and living skills.

A strong theme that emerged during our discussions in Neustrelitz was that a good youth justice system is based on a comprehensive, integrated approach. Germany's youth courts have their own judges and prosecutors, probation workers, social workers and public service staff, all of whom have a shared philosophy and approach.

Neustrelitz Prison

This facility includes separate areas for 14 to 18 year olds and 19 to 25 year olds and offers social therapy (including an on-site farm), workshops and vocational training and a unit for young women and their children.

Staff reported that the use of physical restraint, lockdown and isolation is extremely rare (possibly used twice a year), with the focus always on treating any event as an opportunity to build understanding and skills for life. Education is prioritised. Staff also reported that they **do not have incidents of young person on staff violence and no experience of young people acting up in a group** (none in the last five years or beyond), let alone rioting.

The German system is built on a solid legislative framework, a strong philosophy that prioritises education, rehabilitation and resettlement, and an investment in personnel that ensures a consistency of sufficiently well-qualified and experienced staff who have the skills and orientation to deliver this approach. This is in contrast to systems across Australia, which are characterised by staff shortages and a lack of appropriately-qualified staff - a contributing factor to recent riots within facilities.

A strong social infrastructure

In Norway, there is a low recidivism rate of 20 per cent^{4 i} across the justice system (compared with a 36 to 57 per cent range in Australian jurisdictions⁵). On inquiring how this has been achieved, the point was made that Norway has a strong social infrastructure – including good, free public health and education systems. It is important to note this as, after all, Jesuit Social Services is not in the business of ensuring that we have strong corrections systems, rather we are concerned with 'building a just society' where everyone gets the opportunity to flourish. Critical to achieving this is tackling the underlying drivers of crime (i.e. in areas of local and entrenched disadvantage), preventing crime happening in the first place, diverting people from the criminal justice system wherever possible and intervening strongly to re-socialise, educate and address offending behaviour for those who end up in the criminal justice system (including those in prison).

The people we met with in Germany highlighted both the comprehensive crime prevention measures implemented over a decade or more within schools and relatively high rates of employment as factors contributing to the reduction in crime rates. Even when violent crimes were increasing in the early 1990's, post-reunification, Germany maintained a moderate (compared with a 'tough on crime') approach and invested in crime prevention and social integration. This appears to have paid off.

ⁱ The adult rate includes all those in the justice system above the age of 15. A separate figure for 15-17 year olds was not available.

As in Australia, international colleagues report similar links between child protection and the youth justice system. In the US, for example, up to 30 per cent of young people aged ten or older in the care of child welfare are subsequently arrested.⁶ The strong case for early intervention was reinforced throughout our study tour.

In New York, we learned of a \$9 million 'housing first' pilot program offering permanent housing and support services to a small group of people who had been cycling in and out of prison at great cost to taxpayers⁷. The program is premised both on a desire to create a safer community and to contain costs – housing costs are far less than the costs of incarceration and further crime. While the program is not specifically aimed at young people, the impact will be felt by many children from families who are struggling and is another example of making sound investments to address the underlying factors contributing to criminogenic behaviour.

These international experiences confirm what we already know through our research over 15 years into locational disadvantage (*Dropping off the Edge*) – that is, for a healthy and safe community, effective responses must involve cooperation between government and departmental portfolios, integrated community initiatives and coordination between different levels of government in order that action is taken to prevent young people coming into contact with the justice system in the first place. This means investing in areas such as education, mental health and community cohesion. It is our view that this would deliver far better outcomes than simply relying on youth incarceration as a means to create community safety.

Prevention and diversion - detention as a last resort

In Germany, Norway and Spain the general philosophy underlying the youth justice system is to divert young offenders from the justice system wherever possible. Even in the US, known for its high imprisonment rates, youth imprisonment rates have been decreasing. In 2010, the youth incarceration rate reached a new 35-year low, with almost every state confining a smaller share of its youth population than a decade earlier.⁸ This decline has not led to a surge in juvenile crime. On the contrary, crime has fallen sharply even as juvenile justice systems have locked up fewer young people.

Nevertheless, US youth detention rates, when taken at the national level, are a disgrace. On any given day, there are over 50,000 children locked up in US juvenile facilities.ⁱⁱ Most states continue to use a 'training school' model, confining children in remote, prison-like facilities cut off from their families and communities. Spending on youth incarceration continues to stretch local and state budgets and divert resources from other critical public needs, including education. For 33 US states and jurisdictions the cost per year of incarcerating each young person is \$100,000 or more, and for each young person they incarcerate they continue to generate outcomes that result in even greater costs.

If we are outraged by the high numbers of young people in detention in the US, we should acknowledge what led to these outcomes – increasingly punitive responses to young people. The US took a path that we, in many ways, are paving for ourselves.

While it appears the US is gradually accepting the benefits of reducing imprisonment of young people, European jurisdictions are leading the way. Norway has just a handful of offenders aged under 18 years in prison.ⁱⁱⁱ Many countries use the expression that 'prison is only used as a last resort', but in Norway we saw that in practice – Norway has a total incarceration rate (across the age range) of just 74 per 100,000,⁹ significantly lower than Australia's adult rate of 215 per 100,000.¹⁰

ⁱⁱ A further 6,000 youth are incarcerated in adult prisons and jails.

ⁱⁱⁱ Currently there are five people under the age of 18 who are in prison in Norway

In Norway, there is a clear recognition that any period of incarceration is harmful and must be the option of last resort. Most young people are dealt with in the community – through Youth Punishment (a youth conference administered by the Konfliktretet), Probation or Youth Follow Up. More than 70 municipalities have been trialling family group conferencing (based on the Australian/New Zealand practice), with positive results for both victims and perpetrators. The Youth Follow Up intervention allows a young person to avoid custody or other consequences by signing a contract agreeing with their parents on the one hand and the police and/or municipality on the other, to carry out specific activities such as compensation for the harm done in addition to continuing education, work and, as appropriate, drug abuse treatment.

“Norway emphasizes that public safety should not be defined by the number of people in high-security cells but by the rate of criminal recidivism”

Report by human rights organization Dui Hua, 2012

As Winterdyk et al (2016) observe:

The Nordic model is more aligned with a crime prevention approach rather than a crime control model when it comes to handling “wayward” youth. Hence, all formal interventions are supportive in nature....With a few exceptions for the extremely violent (for example, homicide), government policy mandates that no one under the age of 18 should be imprisoned, but rather directed to and treated at one of the two child welfare institutions.¹¹

In Germany, too, authorities are seeking to find ‘off ramps’ from the road to incarceration^{iv}. In 2013, 71 per cent of cases were dropped or dismissed by the prosecutor/judge because of the pettiness of the offence or because educational measures had been taken by others (parents, school) or because reparation or mediation had been agreed^v. Where a case proceeds to sentencing, Germany has an extensive range of options used to avoid incarceration, with only two per cent given unconditional youth prison sentences^{vi}. Non-custodial sentences range from simple warnings and reprimands, periods of community service, educational directives, social training courses etc. up to probation (termed ‘suspended youth prison sentences’, which are combined with the supervision of the probation service).¹² According to Professor Frieder Dünkel, a respected youth justice academic based at the University of Greifswald whom we met with in Neustrelitz, the recidivism statistics indicate that the alternative sanctions are linked with lower recidivism rates and lower cost. “Given that there is no worse outcome if applying alternative sanctions, they should have priority as they are cost-saving compared to prison,” he noted. “There is also the argument of proportionality. If non-custodial measures are not worse in preventing reoffending, they should be given priority as they are less intrusive and therefore more ‘proportional’ in the sense we use this concept.”

German community orders include community service orders (most common) and, less frequently, special educational care orders and social training courses.¹³ Special educational orders involve a social worker acting as a mentor to a juvenile offender for six to twelve months. As the social worker has no more than 10 to 15 cases, the care order provides more intensive oversight than supervision by a probation officer, who may have 70 cases or more. The social training course involves regular group meetings a couple of times a week (often in combination with intensive week-end arrangements) and

^{iv} Where offending occurs, they prioritise keeping young people close to home and engaged with education and treatment. See Dünkel F., & Heinz, W. (2017).Germany. In S.H. Decker & N Marteache (Eds.), *International Handbook of Juvenile Justice*, 2nd edition. A later section in this report (see Resocialisation) describes some of the German initiatives in this field.

^v See Dünkel F., & Heinz, W. (2017).Germany. In S.H. Decker & N Marteache (Eds.), *International Handbook of Juvenile Justice*, 2nd ed, p.312.

^{vi} See Dünkel F., & Heinz, W. (2017).Germany. In S.H. Decker & N Marteache (Eds.), *International Handbook of Juvenile Justice*, 2nd ed, p.313.

aims to improve social competence and skills that are required in personal, social and work life. The meetings, which usually run over a period up to six months, address both day-to-day living skills and positive recreational pursuits, for example encouraging involvement in sporting or other positive leisure activities.

In the UK, which has faced many of the same challenges as Australia in relation to ageing facilities, overcrowding and subsequent unrest in its youth detention centres, we learned of an innovative scheme aimed at avoiding incarceration of young people. Under a compact between the Department of Education, the Ministry of Justice and the Youth Justice Board, it is proposed to establish a school for young people involved in the justice system. The initiative would give Magistrates an alternative to custodial sentences, with stronger rehabilitative prospects. The proposed *Campus Educational Trust* is scheduled to open the first campus in 2020. This initiative has grown out of a recognised gap, with the Youth Court judiciary wanting to have a sentencing option that keeps young people out of prison, yet ensures education integrated with wrap-around support. The school would also have sufficient monitoring and safety measures to ensure sanctions are complied with. As Magistrate David Chesterton (and Vice Chairman of the Trust) put it:

Having a safe, structured, community based solution would give me options. It isn't going to be right for some young offenders. But, for those who are only being sent to prison because of the lack of alternatives, it could make the difference between a life of crime, and a life well lived. These kids have been let down all their lives. We need to give them a chance.¹⁴

Key features of Campus Educational Trust

- Key features of *The Campus Model* are:
 - a school that runs 365 days per year, with a longer day 9am-7pm to ensure young people's time is fully occupied
 - an open campus with security to keep young people attending safe (e.g. from youth gangs)
 - referred only by Youth Court Magistrates.
- This sentencing option is aimed to sit at the apex, above the highest community sanction, and be the final option before detention.
- It has tight eligibility criteria, with the judiciary acting as the gatekeepers to access the 40 places. Young people will be aged between 14-17.5 years.
- While accommodation is not part of the Campus model it is seen as a critical factor to address.
- Key observations:
 - the intentionality of occupying young people 365 days - which takes care of high risk offending times of evening and weekend
 - the length of time a young person might be sentenced to the Campus would allow completion of schooling levels.

Jesuit Social Services welcomes this innovation, and is keen to explore how this might be adapted to the Australian context.

The views espoused by people we met overseas confirm our position that detention must be used only as a last resort. To do otherwise risks unnecessarily entrenching criminogenic behavior, ignores the age of the young person and the fact the brain continues to develop and mature well into the 20's and will ultimately result in unnecessary cost burdens to the community.

The importance of relationship and modelling respect

Successful programs and facilities visited in the US, Germany, Norway and Spain all prioritised building relationships. There was a clear understanding that re-socialisation is more likely where a

young person maintains a sense of hope about the future and is treated as a community member, not just as an offender. It also acknowledges that the more staff know and care about a young person, the better-placed they are to anticipate and deal with behavioural problems and to help a young person turn their life around. No one saw this as a ‘soft’ approach. Rather, it was understood that providing and expecting consistent, respectful relationships that ‘educate’ young people requires rigour, commitment and effort from both staff and young people.

In Norway, every person in prison (whether adult or child) is appointed a ‘contact officer’. The contact officer builds a strong relationship with the person and acts as a mentor. A key part of the contact officer’s role is to prepare people for reintegration into the community and to link them with post-release services. A contact officer is assigned a maximum of three people to oversee, and both staff and prisoners told us that the relationship is important in achieving the ultimate goal of reintegrating successfully into the community.

As noted earlier in this report, the Norwegian system regards the deprivation of liberty as the punishment – beyond that, everything is focused on rehabilitation; and the less institutionalised a person becomes, the greater the prospects of this. The justice system in Norway benefits from operating in a context where the media is not fixated with highlighting youth justice issues and where the public, generally, is not focused on these matters.^{vii} This allows the justice system to prioritise the delivery of evidence-based, best practice interventions without constant interference, which ultimately results in reduced recidivism and a safer community.

“Our experience is that when you let prisoners keep as many rights as possible in the restrained context of a prison – and when they are treated with dignity – they gradually adopt the attitude of ordinary citizens. There are, of course, I must admit, exceptions to this”¹⁵

The concept of ‘dynamic security’ is integral to successful justice systems we encountered. This means that security is ensured through relationship, not fixtures and infrastructure. Professor Dünkel explained that this philosophical underpinning is given expression in legislation. The importance of a good culture that prioritises relationship was highlighted throughout our discussions with Neustrelitz staff, and we saw respectful interactions between staff and young people as we moved around the facility.



Image - credit: Jugendanstalt Neustrelitz

^{vii} The high profile case of 32-year-old Anders Breivik, the far-right terrorist who committed the 2011 terrorist attacks, killing 77 people, did put crime on the public agenda. This is the exception rather than the rule.

'Love and boundaries' lie at the heart of Diagrama's model in Spain - which could be termed 'firm but fair'. This principle was consistently referred to and was apparent at each of the centres we visited. Diagrama staff invest significant effort in modelling respect in their treatment of young people. Staff expressed their view that the young people, for whatever reason, had made bad choices; but they believed they could learn to choose a better path. We witnessed respectful and warm interactions between young people and staff, as well as amongst the young people themselves. Staff and young people share meals and leisure times, and staff take every opportunity to 'educate' young people in respectful, pro-social behaviour. Interactions were warm and boundaries between 'educators' (staff responsible for day to day care) and children were natural and genuine, with staff appearing to take a 'parental' rather than policing role.

The Diagrama Model

Diagrama is the largest provider of Youth Re-educational Centres in Spain, running 38 separate centres across Spain (the majority). We visited six of them.

The Foundation has been recognised for resounding success through the delivery of their custodial model.

Most centres have a gender mix and closed, semi-open and open sections. The centres are prison-like in many respects – simple structures, safety and security integral to the model, with consistent internal design features and often built in rural surrounds. Young people are generally housed in separate units with no more than 12 residents in each, while a centre might house 60—80 young people in total.

The staff ratio is generally two social educators (university educated) to 12 children. One security person is present in the unit at all times; their presence is subtle, but they are a central part of the unit team.

What was striking about the six centres we visited was the consistency of the model of practice, and the stability and experience of staff teams. Most staff we interacted with have been connected to Diagrama for a minimum of eight years, many for 20 years or more.

Success is predicated on building a strong relationship between the staff member and the child. By taking the time to get to know the children, staff are better placed to address the underlying causes of their offending.

Relationships are key to reducing violence. At no centre could staff recall any young people assaulting a staff member and they said there were only a couple of incidents per year related to young people assaulting young people.

Strong assessment processes

Linked with the relationship-building outlined earlier in this report was recognition of the importance of assessing each child and his/her individual needs.

In Spain, each Diagrama educational centre has what is termed a 'technical team', made up of teachers, psychologists and social workers, who are responsible for the development and delivery of individualised plans for each child. These plans are tailored to a young person's offending behaviour – e.g. anger management; family mediation; deradicalisation; family violence. The interventions are a mix of one-on-one counselling, follow-up after an emotional outburst (seen as normal teenage behaviour) and group work.

Acknowledgement of the benefit of strong assessment processes was also evident in Germany. In Hameln, when young people are incarcerated, there is a four week period of thorough assessment where a plan for their time in custody is developed, covering their education and training needs, their social needs and addressing offending behaviour through specific interventions as required.

In New York, too, we observed provision for intensive multidisciplinary assessment and the preparation of individualised plans for young offenders. The average stay of a young person in an assessment facility is 28 days. In that time they will be assessed by educators, doctors, dentists, psychiatrists and alcohol and drug specialists. The plan that is developed aims to ensure that the child can re-enter family and community at the end of the sentence in good health.

Winterdyk et al (2016) "Reflections on Norway's Juvenile Justice Model":

"There is little evidence that more punitive custodial sentences have any significant individual or general deterrent effects. There is, though, increasing research that suggests that a more comprehensive approach to assessing the particular needs profile of youth at high risk for serious offending generally, and particularly at the earliest developmental stages, and then providing the corresponding validated intervention/treatment programme resources, substantially decreased the likelihood of serious and violent offending in later developmental stages (Corrado et al 2015)"

Children first, not offenders

Recognising the limits of responsibility of children, the fact that their brains are still developing, and the likely permanent harm of early contact with the justice system, European countries have a higher age of criminal responsibility than Australia. In Germany, the age of criminal responsibility is 14 and very few young people aged under 18 end up in custody (the rate is estimated to be around 16 per 100,000). Norway does not have a separate youth justice system – those below 15 years of age are handled by child welfare authorities, while those 15 years and older are dealt with in the same justice system as adults, although special facilities for detained young people aged under 18 years were recently created. There are now two youth facilities each capable of housing four people (total of 8) ^{viii}.

Centres we visited had a clear focus on identifying children's needs and how these could be addressed in order to maximise chances of stopping criminogenic behaviour.

At the Hameln youth justice facility in Germany, for example, a secure unit of 15 beds was available for young people with threatening, violent or dangerous behaviours – the aim is to move young people from this unit back in with a mixed, more well-functioning group over a six week period. Hameln also run a geographically separate campus for up to 70 low-risk young people who are transitioning back to community (with no fences, akin to student accommodation). There is an emphasis on accompanying the young people, encouraging them and building independence – staff are coaches and mentors. This campus has strong links with the assessment and diagnostic team who monitor the transition to community. Young people are engaged in either work or education.

In Missouri, we visited a number of centres including the Sierra-Osage Treatment Facility in Poplar Bluff. Here we observed a touching gesture that highlighted both the young age of the people residing there and the long-term focus on eventual reintegration, as well as an effort to involve the local community in rehabilitation efforts ^{ix}. On each of the beds was a brightly coloured quilt hand-made by

^{viii} Before this, young people were housed in the same facilities as adults, which can be problematic.

^{ix} Each site also has a Community Liaison Centre. Typically, DYS engages with the local police, schools (one site is on a college campus, another opposite a high school) and neighbours.

local women for every new girl at Sierra-Orsage. The girl then embroiders her own name onto it and takes it home at discharge. The message that accompanies this gesture is that the young people belong to the local community and are cared for by community members.

We also visited a number of programs focussed on responding to family violence in the home and the needs of children and families in this context. Further information about this can be found at Appendix F.



Image - Cafeteria: Missouri moderate care facility, South East Region, Missouri

The Missouri Model

From the early 1980's, Missouri began closing down mass institutions and replacing them with small facilities with therapeutic approaches.

Three years after discharge, 70 per cent of young people have avoided further involvement with the justice system

By contrast, in Australia 74 per cent of young people who leave detention return to involvement with youth justice within 12 months.

Missouri's youth detention facilities are small, home-like and based in local communities. The approach is therapeutic and developmental rather than correctional.

Education is mandatory every weekday, every week of the year and young people are given age-appropriate tasks. There is a strong focus on qualifications, and graduation ceremonies are held regularly.

Focus on re-socialisation and the importance of education

A common element in the European facilities we visited was a focus on re-socialisation, often from the very beginning of a sentence. In Norway, for example, the 'normality' principle (referred to earlier in this report) facilitates better reintegration into the community post release - with the goal to reduce recidivism.

Punishment is understood to be the loss of freedom and, apart from this, prisoners are deemed to have the same rights as any other member of the community [Jesuit Social Services blog, 2017]

Norwegian staff explained to us that whilst their role must focus on ensuring a safe environment in detention, the emphasis of the contact officer role is geared toward links with post-release services and preparing people for reintegration into community.

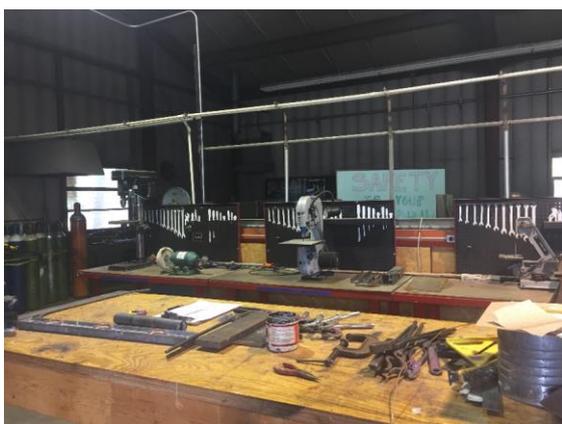
As Jesuit Social Services CEO Julie Edwards noted in one blogpost about the Norwegian justice system as a whole:

The aim is to reduce the harmful effects of loss of liberty as far as possible, with security being no stricter than necessary. For example, for those with a sentence of two years or less, they will be sent to a low security prison – they could walk out of such a facility, the doors to their rooms (not ‘cells’) aren’t locked, they have unsupervised visits, take responsibility for various aspects of their lives (e.g. getting themselves up on time), and have varying degrees of opportunity to move outside the prison for particular purposes (sometimes with staff, sometimes without).

Another Norwegian principle is ‘importing’ staff from the broader community to deliver as many functions as possible (such as education and health services). This reinforces the notion that prisoners are citizens with the same rights as others in the community and therefore the same institutions that deliver education and health services in the community come to the prison to deliver those services there.

In the US we saw how re-socialisation was achieved by maintaining a community connection whilst young people were housed in a youth justice facility. At the Girardot Centre for Youth and Families in Missouri, children spent time volunteering in the community. For example, after a recent flood in the South East region, the boys helped with sandbagging in order to engender community connections and a sense of self-worth.

At the Sears Youth Centre, a Moderate Care Program for boys, we were met on arrival by the centre manager and five boys, who are considered leaders at the centre.



Images – Workshop and herb garden: Missouri moderate care facility, South East Region, Missouri

The boys introduced themselves and shook our hands. At this time and throughout the rest of our visits, we were struck by their social skills. It was evident throughout our visit that there was a strong emphasis on developing these skills. This aligns with their operating approach that social emotional competence is an essential component of learning, healthy development and navigating life.

Education is a key component of the program along with vocational and practical living skills, with attendance mandatory every weekday, and young people involved in age-appropriate activities. Classes were small (e.g. 12 students) with a qualified teacher and assistant. There is a strong focus on qualifications, with students' achievements marked at graduation ceremonies.

Many of the centres in Missouri developed robust links between young people and the local community (e.g. young people doing community tasks, community members visiting the centres, and community members raising funds to buy clothes for the young people).

The Missouri model is effective. Twelve months after discharge, just 12.3 per cent of young people have returned to any form of justice supervision, compared with 74 per cent in Australia and 44.7 per cent (of young people aged 10–16 at time of release) in Victoria. Three years after discharge, 70 per cent of young people dealt with in the Missouri Model have avoided further involvement with the justice system.



Recidivism sources: Missouri – DYS Annual report; UK - https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/495708/youth-justice-statistics-2014-to-2015.pdf pg. 65; Australia - <http://www.aihw.gov.au/publication-detail/?id=60129559797&tab=2>

Note – Missouri's low recidivism rate captures a broader group of young people in their youth justice system, including those who are in a range of institutional settings.

At Diagrama in Spain, children participate in five hours of school or vocational education each day. Diagrama's definition of education embraces skills for life, including developing respectful interactions with others, responsibility for own behaviour and resolving conflict, as well as the practical skills of caring for their rooms, personal hygiene and house chores.

Each Diagrama unit has a system of rewards and privileges, which encourages young people to progress through a five-staged model from induction through to autonomy. The objective of day, weekend and longer periods of leave is part of the re-socialisation process.

At Hameln Youth Justice Facility in Germany, young people enter via the Assessment and Diagnostic Centre, where they participate in an intensive four to six-week period of assessment and testing,

focused on developing a plan to reduce each individual's unique criminogenic risk factors (they draw on the Risk-Need-Responsivity principles).

From there, young people are assigned to a differentiated eight-bed unit, depending on their individual criminogenic profile and needs (e.g. degree of vulnerability or self-confidence; level of motivation to change; alcohol and drug use; mental health or psychiatric needs).

In Germany the focus on reintegration back into the community starts six months prior to release (12 months in adult prisons), with probation staff working closely with the young person and prison staff to ensure a smooth transition.

Hamel Youth Justice Facility

This facility has a comprehensive focus on trade-based qualifications, with a clear line of sight to employment. Many young people leave prison with a good chance of a job in the trade they have been trained in.

Participation in school or vocational education while in prison is compulsory, and social learning/modelling of pro-social behaviour is embedded in the principles of the prison's operations.

At the heart of this model is a strong diagnostic and planning methodology. All efforts go to reintegration or re-socialisation of young people, with staged options for transitioning to community using a combination of leave (from short accompanied periods to full days), part-time work or part-time education in community, and a young person progressively spending increasing time in the community prior to release.

There are a number of challenges to successful reintegration and we found our overseas peers were grappling with some of the same challenges that we face in Australia. Our German colleagues, for example, said their system would be further strengthened by enhanced accommodation options in the community upon release and lower caseloads for probation staff.

Small, community-based settings

Throughout our visits we often heard about the need to listen to the voices of young people, the benefits of community/family connection and including families and communities as part of the solution (both from a program/support perspective, and to effectively advocate for system reform).

Small, community-based settings are critical in achieving such impressive results for the Missouri Model. The state's youth detention facilities typically house 20 to 30 young people, are home-like and based in local communities. There are no fences and if doors are locked it is to keep people out rather than the young people in. The young people are supervised at all times and, consistent with our observations above on good practice, there is a strong emphasis on relationship. The approach is therapeutic and developmental rather than correctional.

The Missouri Model was very inspiring, and we believe there is opportunity to import many of its elements into youth justice systems here in Australia. The Missouri Model demonstrates what a humane and effective youth detention system could look like: a system with an emphasis on holding young people accountable but also supporting them to develop their social skills and engage with their education so they can have a brighter future, and where the whole community sees benefit.



Images – Volleyball court and outside, Missouri moderate care facility, South East Region, Missouri

In New York there is also wide support for detaining young people 'close to home' to maximise their ability to reintegrate with family, school and community. Intensive support is available to enable young people to catch up and improve their education, and graduation ceremonies are commonplace within facilities. Health professionals – including dentists, doctors, psychiatrists, and alcohol and drug specialists – are regularly on site and, commonly, they are members of staff. Practical support (such as housing and job search assistance) is offered to families to maximise the prospects of successfully reuniting with the young person on release.

At Diagrama in Spain, each centre is relatively small – around 60-80 beds – and within them the children are in separate units of no more than 12 people. The principle of being close to home is clearly seen in practice, with 38 small centres spread around the country rather than there being one or two large facilities. Family members are encouraged to visit at any time.

The Campus Educational Trust discussed earlier in this report will also operate on the principle that being 'close to home' is important to ensure connections to family and community are maintained. The Campus will also ensure links to wider community connections on transition (e.g. housing, mental health and personal support).

Australia's expansive size may mean it is not always possible to detain young people close to home, but it is important that efforts are made to maintain family and community connection. Recent examples – such as temporarily transferring children from Alice Springs to Darwin youth facilities, locating the new Victorian youth prison on the outskirts of Melbourne at a distance from family and social support services, and the consolidation of young people in Western Australia in one facility – are examples of poor practice in Australia in relation to the principle of keeping children connected with family and community.

The Norwegian justice system goes to significant lengths to ensure families remain connected to the person in prison. This is particularly reflected in the treatment of women prisoners^x. Incarcerated mothers are allowed extra time per week to talk with their children on the phone and also benefit from additional visiting hours. Their children are permitted to stay with them overnight in a special flat designed for the purpose on the prison premises. At Bredtveit Prison, for example, the two-bedroom apartment has a small backyard, a living room, a dining room, a kitchen and a small play area. Disciplinary reactions never include suspension of contact with inmate's children.

^x Women who are pregnant or have young children may be able to serve sentences outside prison under paragraph 12 of Norway's Execution of Sentences Act. The provision states that people can serve all or a part of their sentences in institutions other than prisons where it is necessary to improve their ability to function socially and lawfully or where other special circumstances exist.

In Seattle, a variety of services are co-located at the Juvenile Court Centre, including staff who assess the needs of and risks posed by children, probation officers, those who run the detention/remand centre, the staff who deliver the therapeutic interventions to divert children from prosecution and incarceration, prosecutors and judicial officers. These people and services share a common goal of returning every child to his or her family as quickly as possible.

Seattle's Chief Prosecutor is critical of the traditional adversarial Court processes, believing they do more harm than good. The collaboration between all these parties seems to produce a culture of determination to heal the children, their families and the community. This collaboration is mirrored in an ongoing campaign in Seattle to campaign against the building of a new youth detention facility. Campaigning community members would rather see the money spent on community strengthening that would allow children to be supported and healed within their families, avoiding the harm that is done through removing children, and particularly the disproportionate burden of harm borne by minority groups.

Workforce capability

Securing well-qualified and experienced staff is critical to implementing the vision, purpose and principles described in this report; low staff turnover also enhances a system's ability to deliver positive outcomes. Overall, we observed a very different understanding and approach to the essential role staff play in delivering an effective system, and this is reflected by the level of staff training offered and expected.

In Norway, the training undertaken by correctional staff is currently a minimum of two years, and plans are in place to extend this to a three year Bachelor degree in the very near future. The course involves both academic and on the job (i.e. within prison) components. Entrants are screened for life experience and positive, humanistic attitudes. Unusually, course participants are paid to undertake the training – they are the only paid students in the Norway system. This provides an incentive for people to embark on this career path, which is sought after, and entry is competitive. The status of this profession is respected in the community.

A big part of prison officer training was described as equipping new staff with capacity to focus on engagement and building relationships with people.

Ullersmo Youth Unit, Eidsvoll

- The unit is a high security facility for four people - it is part of the Ullersmo Prison, but the youth unit is the only facility at this site, the main prison being many kilometres away.
- The surrounding hills are visible through the transparent fence.
- The four young people in Ullersmo Youth Unit had committed very serious crimes.
- At the youth unit there is a high ratio of staff to young people. Half the staff are social workers, half are prison officers – and the latter are well qualified with two years training in areas including ethics, human rights, multicultural competence, psychology, sociology, criminology, law, social work, moral philosophy, re-integration and security.

The current Director of the youth prison in Hameln in Germany has a background in psychology (as did the previous Director). The focus on treatment and planning has been consistently built up over many years. Again, staff skills and qualifications are of a high standard, with a mix of social workers, psychologists, trade teachers and prison guards. We witnessed positive and respectful interactions, a climate of respect and an integrated approach to individual treatment plans. Strong links (akin to a co-case management/care team approach) with probation services is also part of their model.

Staff who were training young people in various trades estimate that they spend 50 per cent of their time encouraging a climate of positive interaction between the 14 young people in the workshop and 50 per cent of their time focusing on developing specific trade skills.

In Missouri the investment in staffing was also clear. In contrast to Australia, where our youth detention centres have been experiencing staff shortages and staff are not well qualified, the Missouri staff are youth specialists (not corrections officers) and there is a high ratio of staff to young people, with experienced group leaders supervising teams.

At the Department of Probation in New York we were told of strong investment in qualified staff (staff are generally expected to have at least a Bachelor degree and 2 years' practical experience, or a Masters degree and 6 months' experience). The Deputy Commissioner described a model characterised by: a strengths-based approach; assessments, individualised plans and wrap around services; connection to community; mentors for children and young people; parent coaches; and community engagement^{xi}.

Vulnerable groups

There is a place for incarceration in society, but there is no doubt that vulnerable and marginalised people are most likely to end up incarcerated. The more disadvantaged a person is (whether it be in relation to educational achievements, health, mental health, family violence or trauma), the more likely the person is to enter the justice system.

As is widely acknowledged, Aboriginal and Torres Strait Islander peoples are highly overrepresented in the Australian prison population. Aboriginal and Torres Strait Islander prisoners represent 28 per cent of the total full-time adult prisoner population, whilst accounting for approximately 2 per cent of the total Australian population aged 18 years and over¹⁶. In the youth justice system, Aboriginal and Torres Strait Islander are also substantially over-represented – despite accounting for less than 6 per cent of young people aged 10–17 in Australia, nearly half (48 per cent) of young people aged 10–17 under youth justice supervision on an average day in 2015–16 were Indigenous¹⁷.

Similarly, in the US, African-Americans are overrepresented in both child welfare and juvenile justice populations compared with the general population (46 per cent and 38 per cent compared with 17 per cent respectively).

One of the measures being used in the US to address this overrepresentation is the adoption of 'Racial Equity Tools', which we were introduced to during meetings with Seattle University and the City of Seattle.

Racial Equity Tools provide a structure for institutionalising the consideration of racial equity and involve assessing (in several ways and at several stages) racial elements of any new proposals (see Appendix E, which contains an outline of a Racial Equity Tool). The tools are designed to integrate explicit consideration of racial equity in decisions, including policies, practices, programs and budgets. The tool is both a product and a process. Use of a Racial Equity Tool can help to develop strategies and actions that reduce racial inequities and improve outcomes for all groups.

The tools recognise that many current inequities in our society are sustained by historical legacies, structures and systems that repeat patterns of exclusion. Without intentional intervention, institutions and structures will continue to perpetuate racial inequities. Seattle's support for Racial Equity Tools

^{xi} The probation service has stakeholder groups made up of community members, including faith-based organisations, officials, business and hospital staff

acknowledges that Government has the ability to implement policy change at multiple levels and across multiple sectors to drive larger systemic change.

A Racial Equity Tool^{xii}:

- proactively seeks to eliminate racial inequities and advance equity
- identifies clear goals, objectives and measurable outcomes
- engages community in decision-making processes
- identifies who will benefit or be burdened by a given decision, examines potential unintended consequences of a decision, and develops strategies to advance racial equity and mitigate unintended negative consequences
- develops mechanisms for successful implementation and evaluation of impact.

The tool can be used at multiple levels to increase impact and effectiveness, such as:

- **government staff:** the routine use of a Racial Equity Tool by staff provides the opportunity to integrate racial equity across the breadth, meaning all governmental functions, and depth, meaning across hierarchy.
- **elected officials:** elected officials have the opportunity to use a Racial Equity Tool to set broad priorities, bringing consistency between values and practice.
- **community organisations:** community based organisations can ask questions of government about use of Racial Equity Tools to ensure accountability. In addition, community based organisations can use a similar or aligned Racial Equity Tool within their own organisations to also advance racial equity.

Racial Equity Tools promote data and evidence-based policy decisions that also target specific geographic areas, critical if we are to address locational, entrenched disadvantage. They promote targeting our responses to the most vulnerable members of society and they encourage governments to recognise the unintended consequences of their decisions and to partner with disproportionately affected communities to achieve long-term positive change.

Racial Equity Tools may be useful in the Australian context, particularly for addressing the over-representation of Aboriginal and Torres Strait peoples in the criminal justice system. Jesuit Social Services believes the unacceptable over-representation of Aboriginal and Torres Strait Islander peoples in the adult and youth justice systems needs to be at the forefront of every debate and decision. There is a need for widespread agreement that any policy, practice or legislative change that has the potential to adversely affect Aboriginal and Torres Strait Islander peoples be thoroughly assessed and reviewed. Racial Equity Tools are a promising mechanism to begin addressing this issue, and also stand to bring benefit to new and emerging CALD communities that may be over-represented in the justice system.

The current proposal in Victoria to build a new youth justice centre is one example of a decision that can benefit from being assessed against a Racial Equity Tool.

Evidence-based policy: Lessons in advocacy and reform

Jesuit Social Services' approach is to 'do' and to 'influence' in pursuit of a more just society. Our 'doing' is reflected in our 40 years of building relationships and our practical experience working with

^{xii} Two examples of Racial Equity Tools can be found at:

http://www.seattle.gov/Documents/Departments/RSJI/RacialEquityToolkit_FINAL_August2012.pdf and http://racialequityalliance.org/wp-content/uploads/2015/10/GARE-Racial_Equity_Toolkit.pdf

marginalised people, including those involved with the criminal justice system. This has been accompanied by our efforts in ‘influencing’ – based on our learnings from our program work and our policy and research efforts.

Searching for effective, humane and evidence-based policies, practice and legislation is critical, and on our #JusticeSolutions tour we met with several academics, policy think tanks, advocacy groups, government agencies and not-for-profit organisations (especially in London and the US) to exchange findings and insights.

It was interesting to note the international trend, also evident in Australia, of a decrease in youth offending over the past five years or more.¹⁸ In many countries, this has resulted in facilities being closed, saving public money and enabling investment in further crime prevention, diversion and community alternatives (in contrast to the extremely expensive option of building and maintaining prisons).

It is widely recognised that relying on imprisonment, especially of young people, to keep the community safe is bad policy on a number of counts. The research is clear that this approach:

- does not turn around the lives of the young people concerned whose developing brains are still able to be positively influenced if effort is made to achieve this
- makes the community less safe
- soaks up resources that should be directed to public health, education and housing.

New York City is on the pathway to reform. This is well overdue, given the long history of unnecessary incarceration of the poor and excluded, particularly people of colour. This reform is being driven by a broad coalition of practitioners, researchers, advocates, clinicians, not-for-profits and philanthropically funded research institutes that compile persuasive data on the impact of varying approaches to juvenile justice. Interestingly, this reform has been supported by diverse groups ranging from fiscal conservatives to right-wing faith communities who, for different reasons, are united in their desire for reform.

Campaigning by New York City organisations has promoted significant investment in diverting young people from further penetration into the system and the development of well-articulated practice models with the goal of re-socialisation of the young offender, not punishment. Staff are trained in implementing these models and some facilities engage practice auditors or coaches to ensure that these models are rolled out correctly. There is an increasing acceptance that there needs to be a focus on re-socialisation, based on evidence that the brain of a young offender is still developing and that changed behaviour is possible.

The notion of ‘fairness’ was raised frequently in New York, especially in the context of the over-representation in detention of poor people and people of colour. The Mayor has made a public commitment to close the prison on Rikers Island (New York’s largest jail with a daily population of around 10,000, around 85 per cent of whom have not yet been convicted) within 10 years. In order to achieve this, the Mayor’s vision includes targeting a number of areas: decreasing criminal case processing delays; increasing diversion; and trying to make criminal justice seen as a public health concern.

New York City politicians seem driven by a political imperative to redress the harm that is done through the incarceration of young people, particularly people of colour.

In Baltimore, we met with staff from the Annie E Casey Foundation, a philanthropic organisation which aims to advance child welfare and juvenile justice across the USA. They spoke about:

- the importance of establishing a clear and shared understanding of the purpose of detention – that youth detention is always a last resort and never simply a punitive response, and that any effective youth detention system must have an overall mission and vision focused on rehabilitation.
- the importance of a cohesive and strategic vision to drive innovation, change and reform. In their case, this has resulted in the closure of youth prisons, while promoting new operating models for youth justice practice.
- harnessing the voices of young people and their families as advocates to express their lived experience, challenges and aspirations (The Sentencing Project in Washington DC reinforced the message that “the most effective advocacy is through the kids themselves”).
- the fact that justice and crime are no longer election issues in the US and haven’t been since the 1990’s.

Washington Incarceration Stops Here (WISH)

WISH is a grassroots group dedicated to opposing prisons, criminalization and immigration enforcement. WISH started in April 2012 as a group of people who want to stop King County’s plans to spend \$210 million dollars to build a new youth jail and court buildings in the Central District of Seattle.

WISH believes that punishment based strategies have failed and is working to move the region in a new direction—toward meeting everyone’s needs for housing, education, healthcare, food and justice, and stopping the cycle of poverty, criminalization and violence.

The points of unity they are organising around include:

- people should be able to make decisions about their own lives
- nobody should be poor
- nobody should be in jail or behind bars
- police are dangerous to our communities
- we can keep each other safe.

In London we renewed our contact with the Prison Reform Trust, where we learnt the UK is experiencing some similar problems and political dynamics as in Australia.

Our experience during the #JusticeSolutions study tour reinforced our view that there exists, to varying degrees across Australia, an unfortunate combination of the media fuelling a climate of fear about youth offending and politicians demonstrating their ‘tough on crime’ credentials – this approach has been widely discredited as ineffective, costly and making our community less safe, and stands in stark contrast to those jurisdictions where more successful youth justice systems are operating.

A number of international colleagues commented how poor policy can derail the justice system, setting it off course for many years. It is crucial that politicians of all persuasion in Australia, in determining the shape of our justice system, act with reference to evidence of what works, rather than reference to what they believe is community sentiment and to parts of the media intent on whipping up fear and anger in the community.

The way forward

Fundamentally, our goal must be crime prevention – addressing the underlying causes of crime by intervening in the web of disadvantage that impacts on individuals, families and communities. We must recognise that most young people do not offend. For those young people who do come into contact with the criminal justice system we need to commit to rehabilitation as the primary purpose of the youth justice system.

Jesuit Social Services' **vision** for the youth justice system is to enable young people who offend (or are at risk of offending) to lead healthy, productive and crime-free lives.

If we imagine the youth justice system as a maze that entraps vulnerable young people – all too easy to enter but so difficult to escape – we propose to redesign the maze so that the pathways in are narrowed and the pathways out are clear. To achieve this, our **purpose** must be rehabilitation. This means addressing underlying causes of offending and the offending behaviour itself, all with a focus on education and re-socialisation.

With 40 years' experience seeking solutions and working with young people intersecting with the justice system, as well as their families and communities, Jesuit Social Services calls on governments and key stakeholders across Australia to adopt and put into action the following **key principles** for good youth justice systems described throughout this report:

- Relationship-based models
- Focus on early intervention and diversion
- Listening to the voices of young people and their families
- Developmentally appropriate approaches to children and young people
- Recognising the importance of culture and country for Aboriginal and Torres Strait Islander peoples
- Connection to families, communities and culture
- Thorough assessment and planning
- Addressing offending behaviour
- Addressing mental health, substance abuse and other health and wellbeing needs
- Strong framework of support and accountability
- Restorative justice approaches
- Education focus that builds practical and social skills for re-socialisation
- Incarceration as a last resort.

If children and young people are incarcerated, we must:

- Adopt a relationship-based model across every aspect of operations
- Offer small community-based settings (prioritising normality, and ongoing engagement with family and community)
- Facilitate connection with family, community and culture
- Prioritise education and skills for life
- Address offending behaviour
- Address mental health, substance abuse and other health and wellbeing needs
- Focus on re-socialisation, transition and re-integration to the community
- Keep remandees separate from sentenced offenders
- Engage and support staff who have appropriate personal attributes, qualifications and experience to build relationships of trust and deliver on the re-socialisation goal.

And to achieve all this we need:

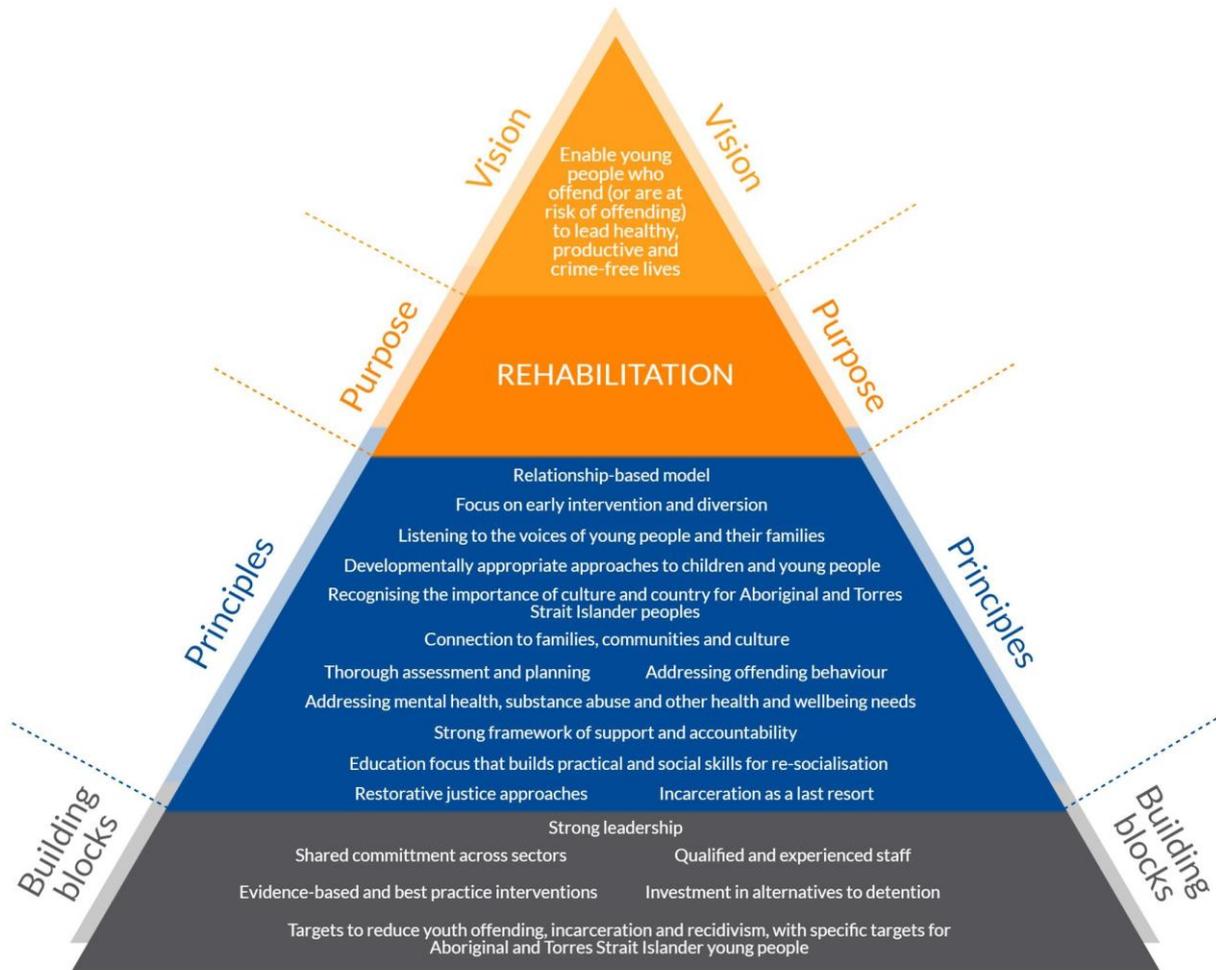
- Strong leadership
- Shared commitment across sectors
- Evidence-based and best practice interventions
- Investment in alternatives to detention
- Qualified and experienced staff
- Targets to reduce youth offending, incarceration and recidivism, with specific targets for Aboriginal and Torres Strait Islander young people.

We are now faced with the challenge of deciding what kind of communities we want to live in. If we build prisons we will fill prisons – this is not only expensive but it is also unsustainable. Instead of building prisons we should be closing them and investing in alternatives. We must set targets to reduce youth offending, incarceration and recidivism, with a specific focus on Aboriginal and Torres Strait Islander young people. We should not accept a growing youth prison population as a given. We have seen in other parts of the world that a short-sighted and non evidence-based approach will only see more young people trapped in the maze of the youth justice system, ultimately creating more victims.

Justice policy is complex. For it to succeed it must operate in an environment that can stand firm against political and populist pressures. We challenge governments to show strong leadership and innovate rather than regress, so that Australia may become a place where people from around the world come seeking solutions from us.

We call on governments to commit now to developing new youth justice strategies based on the evidence of what works, so that tomorrow we can begin building a truly just Australia.

A model for youth justice



Detention

- Adopt a relationship-based model across every aspect of operations
- Dynamic security
- Offer small community-based settings (prioritising normality, and ongoing engagement with family and community)
- Facilitate connection with family, community and culture
- Prioritise education and skills for life
- Address offending behaviour
- Address mental health, substance abuse and other health and wellbeing needs
- Focus on re-socialisation, transition and re-integration to the community
- Keep remandees separate from sentenced offenders
- Engage and support staff who have appropriate personal attributes, qualifications and experience to build relationships of trust and deliver on the re-socialisation goal

Appendix A: #JusticeSolutions itinerary

Date	City	State	Meeting with
8 & 9 June	St Louis / Poplar Bluff	Missouri	Division of Youth Services, Missouri – including a tour of the Sears Youth Center for boys, Sierra-Osage Treatment Center for girls, New Madrid Bend Youth Center for boys, and the Girardot Center for Youth and Families.
12 June	Baltimore	Maryland	Annie E. Casey Foundation
13 June	Washington D.C.	Washington D.C.	The Sentencing project
13 June	Washington D.C.	Washington D.C.	American Civil Liberties Union
13 June	Washington D.C.	Washington D.C.	Youth First
14 June	Washington D.C.	Washington D.C.	Justice Policy Institute
14 June	Washington D.C.	Washington D.C.	Georgetown University, Center for Juvenile Justice Reform
14 June	Washington D.C.	Washington D.C.	Public Welfare Foundation
15 June	New York	New York	Vincent Schiraldi
15 June	New York	New York	NYC Probation Services
16 June	New York	New York	Gladys Carrion formerly of NYC Administration for Children's Services
16 June	New York	New York	Children's Defense Fund
16 June	New York	New York	Citizens' Committee for Children
16 June	New York	New York	Centre for Community Alternatives
19 June	New York	New York	Mayor's Office of Criminal Justice
19 June	New York	New York	NYC Administration for Children's Services – including a tour of Crossroads Juvenile Centre in Brooklyn, as well as a Close to Home site.
20 June	New York	New York	Sarah Zarba, Vera Institute
20 June	New York	New York	Centre for Court Innovation
20 June	New York	New York	Vera Institute
21 June & 22 June	Seattle	Washington	Step Up and FIRS programs
22 June	Seattle	Washington	Department of Adult and Juvenile Detention
22 June	Seattle	Washington	Seattle University and Seattle Office for Civil Rights
23 June	Olympia	Washington	Diagrama USA

Date	City	Country	Meeting with
15 June	Neustrelitz	Germany	Neustrelitz Youth Detention Facility staff and Department of Criminology, University of Greifswald
16 June	Hameln	Germany	Hameln Youth Detention Facility staff including Prison Governor and Prison Department of the Ministry of Justice of Lower Saxony
19 June	Eidsvoll	Norway	Eidsvoll Youth Detention Centre staff
19 June	Oslo	Norway	Norwegian Mediation Service
19 June	Oslo	Norway	Oslo/Akershus Probation Office
20 June	Halden	Norway	Halden Adult Prison staff, including Prison Governor
21 June	Oslo	Norway	University College of Norwegian Correctional Services
22 June	London	United Kingdom	Prison Reform Trust
22 June	London	United Kingdom	Circles UK
22 June	London	United Kingdom	The Great Project
22 June	London	United Kingdom	Circles South East
22 June	London	United Kingdom	Respond UK
23 June	London	United Kingdom	Campus Educational Trust
23 June	London	United Kingdom	Centre for Justice Innovation Unit
26 – 28 June	Alicante and Murcia	Spain	Diagrama facilities in/around Alicante and Murcia

Appendix B: Who we met with

United States

Missouri Division of Youth Services

State agency charged with care and treatment of young people committed to custody by one of 45 Missouri juvenile courts. Facilities range from day treatment centres and group homes to residential centres with higher levels of security.

Annie E. Casey Foundation

Philanthropic organisation focused on strengthening families and building stronger communities. The Foundation seeks to eliminate the inappropriate use of secure confinement and out-of-home placement.

American Civil Liberties Union

The ACLU is a nationwide organisation with more than two million members, activists and supporters that runs the ACLU National Prison Project, dedicated to ensuring US prisons, jails and other detention facilities comply with the Constitution, domestic law and international human rights principles.

Youth First

National advocacy campaign to end the incarceration of young people by closing youth prisons and investing in community-based alternatives. Youth First recently produced a report, *Breaking Down the Walls*, highlighting work to achieve this in six states.

The Sentencing Project

Works for a fair, effective criminal justice system by promoting reforms to sentencing policy and advocating for alternatives to prison. Work includes the publication of ground-breaking research, aggressive media campaigns and strategic advocacy for policy reform.

Public Welfare Foundation

Offers multi-year and general support grants to make significant difference and improve lives through policy and system reform. The Foundation's Youth Justice Program has a focus on supporting groups that aim to end the criminalisation and incarceration of young people of colour.

Justice Policy Institute

Dedicated to reducing the use of incarceration and the justice system by promoting fair and effective policies. Key areas of current research include the role of trauma in justice involvement for young people, states' progress in reducing prison populations, and racial disparities in justice systems.

Georgetown Centre for Juvenile Justice Reform

Based at Georgetown University, the Centre supports and educates leaders across systems of care to advance a balanced, multi-system approach to improving outcomes for, and promoting the positive development of, youth at risk of juvenile justice involvement.

Children's Defense Fund New York

Advocates and provides a voice for children, in particular poor children, children of colour and children with disabilities. Children's Defense Fund New York combines research, public education, policy development, community organising and advocacy.

New York City Administration for Children's Services

Manages and funds services including detention and placement, intensive community-based alternatives to detention for young people and support services for families. The Administration for Children's Services also provides child welfare, early care and education services.

New York City Mayor's Office of Criminal Justice

Work spans three key areas: reducing incarceration, promoting fairness, and improving public safety. In partnership with the State Court System, district attorneys' offices, the NYPD, and the Department of Probation and Correction, the Office is involved in piloting and rolling out programming aimed at eliminating incarceration of young people aged under 21, providing treatment and support for young people with convictions for drug and prostitution offences

New York City Department of Probation

Helps build stronger and safer communities by working with and supervising people on probation, fostering positive change in decision-making and behaviour and expanding opportunities to link people with education, employment, health services and civic participation.

Centre for Court Innovation

Projects include community-based violence prevention projects, alternatives to incarceration, re-entry initiatives and court-based programs that seek to promote positive individual and family change. The Centre was founded as a public/private partnership between the New York State Unified Court System and the Fund for the City of New York.

Vera Institute of Justice

Works with Governments and civil leaders to improve justice systems in over 40 states across the US, and is engaged in research, advocacy and piloting solutions around raising the age of juvenile justice and ending the incarceration of young girls in New York City.

King County – Seattle

The Step-Up and Family Intervention and Restorative Services (FIRS) programs operate in King County, Seattle. Step-Up was developed in response to adolescent domestic violence towards parents and siblings, and FIRS allows parents to access an array of social services in response to child or teen violence without formally pressing charges.

Seattle University

Seattle University's Youth Advocacy Clinic allows students to engage in various forms of advocacy including the representation of youth accused as juvenile or status offenders. Students work with attorneys from public defence law firm The Defender Association and under the supervision of Clinic faculty.

TeamChild

Drawing on its legal expertise and community partnership, TeamChild breaks down barriers to community services in order to overcome the root causes of a young person's involvement in the juvenile justice system.

Treehouse

Helps 7,000 young people in foster care each year through programs that help them succeed in school, fulfil key material needs and provide important childhood experiences. The organisation strives to create a world where every child that has experienced foster care has the support to become productive members of the community.

Diagrama USA

Founded in 2007, Diagrama USA's goal is the promotion and development of centres, programmes and research aimed at preventing the social and psychological difficulties involving disadvantaged groups, as well as treating, training and integrating people at risk of social exclusion.

Europe

Neustrelitz Youth Justice Facility (Germany)

Opened in 2001, replacing an earlier facility from 1805, Neustrelitz Prison can accommodate up to 282 people. The 150 young men and women at this facility are almost all aged between 19 and 25, with 14 to 18 year olds kept separately. The facility offers social therapy, vocational training and a unit for young women and their children.

Hameln Youth Facility (Hameln Jugendanstalt) (Germany)

Accommodation houses contain residential areas of seven or eight young people. Activities include a soccer pitch, athletic track, beach volleyball field and streetball court. On arrival young people undergo comprehensive diagnosis to help form an individual education and support plan with referral to education, work, support and other programs.

Ministry of Justice – Lower Saxony (Germany)

The Ministry of Justice, as the state's supreme judicial authority, is responsible for all courts, prosecuting authorities and penal institutions in Lower Saxony. Lower Saxony's penal system employs 3,900 people and is responsible for 6,500 prisoners in 14 institutions. The system aims to strike the right balance between public safety and former prisoners' reintegration into society.

Norwegian Correctional Services (Norway)

Governed by the Norwegian Ministry of Justice and Public Security, the Correctional Services is responsible for the implementation of detention. The service operates under several key principles including that punishment is the restriction of liberty and that during the serving of a sentence, life inside will resemble life outside as much as possible.

University College of Norwegian Correctional Service (Norway)

Resource centre for employees of the Correctional Services in Norway. The College's main assignment is educating prison officers and workshop staff. It also has its own research department and offers further education and courses aimed at employees in the correctional services.

Eidsvoll - Ullersmo Prison (Norway)

Eidsvoll (Ullersmo Youth Unit East) is a subdivision of Ullersmo Prison and houses four young people aged 15 – 18. The unit has 33 staff - half are prison officers, while the other half are social workers – as well as an interdisciplinary team with a psychologist, child welfare counsellor/coordinator and educational adviser.

Halden Prison (Norway)

Halden Prison was established in 2010 with a focus on rehabilitation. Among other activities, sports and music are available to the prisoners, who interact with the unarmed staff to create a sense of community. The prison was designed as a middle-ground between hard and soft punishment. There are no conventional security devices, such as barbed tape, electric fences or towers.

Centre for Justice Innovation (UK)

Works to reform the justice system through research, policy and practice development. The Centre aims to build a justice system that feels fair, holds people accountable, and addresses the underlying problems which bring people into contact with it. The two key areas of work are youth diversion and better youth courts.

Prison Reform Trust (UK)

Independent UK charity working to create a just, humane and effective penal system by inquiring into workings of the system, informing prisoners, staff and the wider public and influencing Parliament, Government and officials towards reform.

Diagrama Foundation (Spain)

Responsible for running the majority of Spain's juvenile justice facilities - currently 38. Children are always children (not inmates), the facility is a place for children to be nurtured, educated and rehabilitated, staff are educators. Children are detained as close as possible to their family to maintain close connection.

Appendix C: Youth justice overviews by country/jurisdiction

Data and statistics

Comparing justice related statistics across international jurisdictions is notoriously difficult due to differences in legal frameworks, as well as standards of reporting and monitoring. Below, we detail these differences to ensure a clear and transparent picture of justice system performance is presented in this report.

Age ranges of youth justice

The youth justice system in **Australia** deals with young people aged 10 – 17. In states such as **Victoria** and **NSW**, young people aged 18 – 21 are also able to be held in the youth justice system in certain circumstances.

In the **United Kingdom**, young people aged 10 – 17 are dealt with in the youth justice system. There is provision for young people below the age of 21, under certain circumstances, to be dealt with in youth justice.

In the **United States** the age range for youth justice systems differs state-to-state, but in **Missouri** (which we refer to frequently throughout this report) young people under the age of 17 are dealt with in the youth justice system. There is also provision for young people up to the age of 21 to be dealt with in the youth justice system in certain circumstances.

In **Germany**, young people aged 15 – 17 are dealt with in the youth justice system. Below this age support is provided through welfare services. Additionally, Germany also implements a dual-track system that allows young people up to the age of 25 to be dealt with through the youth justice system.

In **Norway** there is no statutory youth justice system. Anyone aged 15 and over is dealt with in the broader justice system. Similar to Germany, those below the age of 15 are supported through welfare services.

In **Spain**, young people aged 14 – 17 are dealt with in the youth justice system. Below this age they are supported through welfare services, and above this age they are dealt with in the adult justice system.

Age of criminal responsibility: international comparison

AUS	UK	USA*	GER	SPAIN	NOR
10	10	6-12	14	14	15

**Missouri is one of a number of US states that has no minimum age of criminal responsibility*

*Source: Hazel 2008, **Cross-national comparison of youth justice**, Youth Justice Board for England and Wales*

Detention rates

Australia and Victoria

- Australia youth detention rate = 34.3 per 100,000¹⁹
- Victoria youth detention rate = 18.6 per 100,000²⁰

Both of these rates are for young people aged 10 – 17 in youth detention.

United Kingdom

- Youth detention rate = 23 per 100,000²¹

This rate is for young people aged 10 – 17 in youth detention.

United States and Missouri

- United States youth detention rate = 152 per 100,000²²

This rate is for young people under the age of 18

- Missouri youth detention rate = 173 per 100,000²³

This rate is for young people under the age of 17. Through our conversations in the US, we were told that Missouri's detention rate remains quite high (despite trending down) due in part to a net-widening effect that an effective and robust network of secure custodial settings produces.

Germany

- Youth detention rate = 68.2 per 100,000²⁴

In Germany the youth justice system covers young people aged 15 – 25 in youth detention (i.e. it covers a larger age range than any other jurisdiction listed here).

Norway

- Adult detention rate = 74 per 100,000²⁵

Due to young people aged 15 and over being managed through Norway's adult justice system, there is no specific youth detention rate. The above rate is for people aged 15 and over.

Spain

- Youth detention rate = 2 per 100,000²⁶

Due to Spain's youth justice age range, the above rate is for young people aged 14 – 17, and thus represents a significantly smaller age range than any other jurisdiction listed here.

Recidivism

Australia – 74 per cent of young people exiting detention return to supervision within 12 months.

United Kingdom – 67.1 per cent of young people exiting detention return to supervision within 12 months.

Missouri – 12.3 per cent of young people exiting secure custody return to supervision within 12 months. *This low recidivism rate, however, captures a broader group of young people in Missouri's youth justice system, including those who are in a range of institutional settings.

Germany – 66 per cent of young people exiting detention reoffend within 3 years.²⁷

As detailed above, Germany has a much larger age range for youth justice and they also measure recidivism over three years rather than 12 months. We note that Germany's recidivism rate appears to refer to reoffending rather than returning to some form of supervision.

Norway – 20 per cent of people exiting detention reoffend within 2 years.²⁸

As Norway doesn't have a specific youth justice system, to our knowledge there is no data available on recidivism for young people. Considering their adult justice system incorporates young people over the age of 15, their adult recidivism rate which is measured over two years is the best indicator of the performance of their justice system.

Spain – It is difficult to obtain reliable recidivism data for Spain’s youth justice system. As already mentioned it covers a very small age range (14 – 17 years old), and there seems to be a focus in Spain on recording reoffending based on the type of offence rather than overall rates. As a result of this, and coupled with a significant language barrier, we can’t include a definitive recidivism rate for young people in Spain, but have identified sources claiming that rates range between 5 and 34 per cent of young people reoffending after exiting detention, depending on the type of offence.²⁹

Appendix D: Observations on Adult Justice

Although the #JusticeSolutions tour focused primarily on youth justice systems, we also engaged with overseas colleagues connected with adult justice, reflecting the broad scope of Jesuit Social Services' justice work. At the Mayor's Office of Criminal Justice in New York, for example, we heard about innovative homelessness programs and strategies targeting those most at need (e.g. men who have been in jail four times and in a shelter four times in past five years), and trying to get them into secure long-term housing (i.e. Housing First program referred to earlier in this report).

A standout for us was a visit to Halden adult prison in Norway, a facility that has been labelled 'the world's most humane prison'. On entering Halden Prison, around 120km south of Oslo, we were struck immediately by the 'feeling' of the facility. Its distinctive atmosphere was no doubt influenced by numerous factors, including an attractive physical environment, a mix of both prison staff and staff from the local community, prisoners dressed in casual clothes, and relaxed interactions between people (e.g. prison officers engaging in a range of recreational pursuits with prisoners).



Image – Halden Prison. Credit: <http://www.architecturenorway.no/projects/culture/halden-prison-2009/>

Halden prisoners are not forced to participate in programs or activities – the Prison Governor said to us on a number of occasions that it is counterproductive to force people to do things and much better to motivate them. A key to this motivation is the quality of relationships; as in the youth system, each prisoner has a contact officer who builds a strong relationship with him. The contact officer will have a focus on three prisoners, each of whom reside in the small unit he works in. One young prisoner told us how important this relationship was to him – someone who looked out for him, whom he trusted and whom he could approach any time.

In Norway, there seems to be an openness to trying a range of approaches and interventions, with the goal of helping prisoners to understand themselves and others, to aspire to a better life and to grow towards that – all based on the central feature of respectful relationships. Towards the end of our visit we were introduced to one of the chaplains. We were amazed and delighted to learn that she was about to lead a 21 day silent retreat for about half a dozen prisoners, which she does annually.

Appendix E: Racial Equity Tool

The Racial Equity Tool is set of six steps and questions.³⁰

Step 1. Proposal

- What is the policy, program, practice or budget decision under consideration?
- What are the desired results and outcomes?
- What does this proposal have an ability to impact?

Step 2. Data

- What's the data? What does the data tell us?
- Will the proposal have impacts in specific geographic areas (neighborhoods, areas, or regions)? What are the racial demographics of those living in the area?
- What does population level data tell you about existing racial inequities?
- What does it tell you about root causes or factors influencing racial inequities?

Step 3. Community engagement

- How have communities been engaged?
- Are there opportunities to expand engagement?
- Who are the most affected community members who are concerned with or have experience related to this proposal? How have you involved these community members in the development of this proposal?
- What has your engagement process told you about the burdens or benefits for different groups?
- What has your engagement process told you about the factors that produce or perpetuate racial inequity related to this proposal?

Step 4. Analysis and strategies

- Who will benefit from or be burdened by your proposal?
- What are your strategies for advancing racial equity or mitigating unintended consequences?
- Given what you have learned from the data and stakeholder involvement, how will the proposal increase or decrease racial equity? Who would benefit from or be burdened by your proposal?
- What are potential unintended consequences? What are the ways in which your proposal could be modified to enhance positive impacts or reduce negative impacts?
- Are there complementary strategies that you can implement? What are ways in which existing partnerships could be strengthened to maximise impact in the community? How will you partner with stakeholders for long-term positive change?
- Are the impacts aligned with your community outcomes defined in Step #1?

Step 5. Implementation

- What is your plan for implementation?
- Is your plan: realistic? adequately funded? adequately resourced with personnel? adequately resourced with mechanisms to ensure successful implementation and enforcement? adequately resourced to ensure on-going data collection, public reporting, and community engagement?

Step 6. Accountability and communication

- How will you ensure accountability, communicate, and evaluate results?

- How will impacts be documented and evaluated? Are you achieving the anticipated outcomes? Are you having impact in the community?
- What are your messages and communication strategies that are will help advance racial equity?
- How will you continue to partner and deepen relationships with communities to make sure your work to advance racial equity is working and sustainable for the long haul?

Appendix F: Responding to family violence and the needs of children and families

In Seattle, we observed two initiatives (both focused on assisting families where adolescents were using violence against their parents and siblings) designed to keep young people connected with home as much as possible.

The **Step Up program** works with parents and children in groups to help them stop the violence, by gaining insight or learning new ways of dealing with the feelings and behaviours that contribute to the use of violence by children. Participation in the 20-week program is most often mandated through a probation order.

Family Intervention and Restorative Services (FIRS), a program that provides a placement option for children who have been arrested (but not yet charged) for violence in the home, was the second initiative that drew us to Seattle. The average placement for these children, who stay in an unlocked detention-like building, is three to four days. The aim is to work with the child to agree to a safety plan to keep the family free of violence. Once a safety plan has been successfully developed, the case does not proceed through the Courts – a decision made by the Prosecutor, in collaboration with FIRS staff.

Both Step Up and FIRS continue to be refined and evaluated. They offer ideas for interventions in this space which is sadly poorly served in Australia.

One Diagrama facility we visited in Spain (Los Pinos) was an open unit housing young people sentenced by the court for violence in the family home. During the day children attend school in the community, but must reside at the facility at night and weekends. They must also participate in individually tailored mediation sessions, with the staff member (a psychologist or other suitably qualified person) and with the victim of the offence – very often their mother. Both parents are encouraged to participate. Staff are very attuned to the often suboptimal home circumstances of each child, and why violence may have escalated.

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