

Aboriginal Peak Organisations Northern Territory

An alliance of the CLC, NLC, CAALAS, NAAJA and AMSANT

NT Royal Commission Response Background Paper

2.6 How will this change make the community safer and better for everyone?

The youth justice system in the Northern Territory is failing young people, their families, and the broader community. **The system does not reduce the rate of youth crime or address the underlying challenges for children in contact with the system that contribute to their offending.** The Royal Commission has heard evidence that the youth justice system actually makes young people angrier, tougher and more alienated from society. Young people are more likely to commit further crimes as a result. The Royal Commission heard first hand from young people that:

I don't think the detention system makes kids better. The whole time I was in detention I was worried about being assaulted by guards or other kids.

I think that most of us come out of detention – come out more angry and acting tougher than when we went in. It didn't make me want to be a better person.¹

These outcomes undermine community safety and social cohesion. They are damaging to the entire community, not just the young people concerned. **Alternatives to detention and community based options are not about being 'soft on crime.'** They are about holding young people to account, preventing crime and addressing its causes. They are based on evidence about:

- The brain development of children and young people
- How to effectively hold young people to account and the experience of other countries in doing so
- How to help young people overcome the challenges and issues that have led to them committing offences with the aim of reducing the likelihood that they continue to offend
- Working to strengthen communities, families and children to break the cycles of disadvantage that contribute to offending.

What kind of outcomes could we see with a different approach?

¹ Opening remarks of Tony McAvoy SC, Royal Commission into the Protection and Detention of Children in the Northern Territory, 13 March 2017, 911.

The Royal Commission heard evidence about different youth justice approaches being taken in places such as Canada, Scotland, New Zealand and the USA (see case studies below). Both New Zealand and Scotland have departed from traditional philosophies of youth justice and care and protection and adopted unprecedented systems which place the wellbeing of children and young people *at the centre of all decision-making* processes. All these systems are ‘solutions-focused’ rather than ‘incident oriented’ and have demonstrated success.

Achieving change of this scale takes time and calls for dedicated, sustained effort and long-term investment. It also requires extensive consultation with all stakeholders and capacity building in the community.

Scotland

- In Scotland, youth justice and care and protection matters are decided by decision makers specially trained in areas such as child development, resilience and vulnerability factors, substance misuse and the impact of trauma.
- The Children’s Hearings system is an integrated system that deals with both child protection and youth justice and holds the system to account for failing to meet the needs of young people.
- Children’s panels are made of local, specially trained panel members (rather than judges) who make binding decisions about the wellbeing of all children and young people.
- Since the system was established in the 1970s there has been a continuous fall in referrals for both offending and care and protection – from 2006/07 to 2012/13 there was a fall of 78% of referrals (Scottish Children’s Reporter Administration, 2013).

Ontario, Canada

- Transformed its youth justice system from a custody-focused system to one that offers a broad range of community-based options.
Between 2003 and 2015, youth crime dropped by 46 per cent.
- Youth detention admissions dropped significantly, from 2452 in 2003/04 to 421 in 2015/16. This has been attributed to new community-based sentencing options that allow young people to access therapeutic services and supports in the community, as well as the introduction of new legislation focussed on prevention, diversion, rehabilitation and reintegration (Evidence of Tamara Stone to the Royal Commission into the Protection and Detention of Children in the Northern Territory, 30 June 2017, 5380–5381).
- There are now over 400 community-based programs across the system and 9/10 young people receive services in the community. Community based, culturally strengthening programs were specifically targeted for Indigenous youth, many provided by Indigenous organisations.

Missouri, USA

- The Missouri Model in the US adopts a therapeutic and developmental approach in secure or non-secure accommodation, according to the seriousness of the offence.
- The model preferences smaller group homes, camps and treatment facilities instead of large institutions, and maintains safety through relationships and supervision rather than isolation and correctional hardware. Intensive youth development is provided through dedicated youth development specialists rather than correctional supervision by guards.
- The model has been said to achieve far lower recidivism than other states of the USA, whilst demonstrating an impressive safety record and positive youth outcomes within a budget far smaller than other US states who are not enjoying the same successful outcomes. (Richard A. Mendel (2010), The Missouri Model. Reinventing the practice of rehabilitating youthful offenders, Annie E. Casey Foundation, Baltimore Maryland)

New Zealand

- The Oranga Tamariki Children and Young Person’s Well-being Act 1989 places the wellbeing of young people at the centre and places the voices of families at the heart of all decision making.
- Since 2011, there has been a 38% decrease in youth crime in NZ.
- In 2017, New Zealand undertook wholesale reform of its system based on a new operating model informed by a collaborative process with children, young people, families, caregivers, victims, experts from across the system, and an extensive review of local and international research.
- The new Ministry Oranga Tamariki has created a single point of accountability for all children and young people to ensure a coherent and cohesive response to meet the needs of vulnerable children, young people and their families.
- Since 2015, the total number of child protection notifications requiring further action has reduced by 31%. At present, more than 50% of out of home care placements are with family/whanau