

House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs

Inquiry into the high level of involvement of Indigenous juveniles and young adults in the criminal justice system

Submission of the Youth Justice Aboriginal Advisory Committee (YJAAC) -
Families SA Youth Justice Directorate of May 2010.

Kurna Welcome: *"We would like to acknowledge this land that we meet on today is the traditional lands for the Kurna people and that we respect their spiritual relationship with their country. We also acknowledge the Kurna people as the custodians of the greater Adelaide region and that their cultural and heritage beliefs are still as important to the living Kurna people today."*

YJAAC welcomes the opportunity to make a submission to the Committee

YJAAC Members present:

- Lesley Wanganeen (Chair)
- Cheryl Axleby
- Michael Wanganeen
- Sharen Letton
- Tony Minniecon
- Shane Tongerie
- Lesley Wilson

Committee Background

The YJAAC was initially established in 2005 and reviewed in 2009. As is Culturally responsive the committee's membership reflects both the Cultural diversity of its Youth Justice clientele and an integrated service approach.

The committee aims:

- To provide a quality Cultural advisory mechanism that supports Families SA's capacity to deliver culturally competent services to ATSI children and young people involved in youth justice.
- To identify strategies to enhance ATSI community participation,
- To identify strategies to increase ATSI employment across youth justice.
- To develop strategies that aim to reduce the incarceration rates of ATSI children and young people in youth justice.
- To identify systemic barriers that contributes to gaps in service delivery to ATSI children and young people in youth justice.

The committee endeavours to stimulate greater discussion through its membership and across all stakeholders to create effective partnerships between both Government and non-Government sectors. Further the committee aims to provide advice to the Youth Justice Directorate that emphasises current and future trends and service gaps that contribute to the overrepresentation of Aboriginal and Torres Strait Islander (ATSI) youth in the justice system.

(YJAAC Briefing paper and Terms of Reference attached)

In this submission the YJAAC committee aims to provide a brief overview of historical intergenerational impacts, current service provision and more importantly identify potential sustainable action/solutions as it relates to the House of Representatives, Standing Committee on Aboriginal and Torres Strait Islander Affairs – Terms of Reference.

It is well documented that historical dispossession, Government policies and practises continue to impact Aboriginal people's capacity to establish a sustainable position in today's society. The effects are evident in all current social indicators including health, unemployment, education, housing, substance abuse, violence etc. The continued neglect of these areas will result in the continued overrepresentation of ATSI young people cycling through the youth justice and correctional systems at a significant cost to both the Aboriginal and broader community.

ATSI communities and families typically experience multi layers of social, cultural and economic disadvantage and in particular social alienation. Critical to the debate is the maintenance of social inclusion (this supports reduction of crime) is the capacity of a community to withstand the social stresses which flow from unemployment, low income, poor housing, health and educational disadvantage.

It is further acknowledged that over representation of ATSI peoples in the justice system has significantly increased. A snapshot of this issue was highlighted on the National agenda through the Royal Commission into Aboriginal Deaths In Custody. This clearly demonstrates that past and current initiatives developed by the Government have had limited success in decreasing the over-representation of ATSI peoples as intergenerational disadvantage remains an outstanding issue. Diversionary programs such as Police Drug Diversion initiative and Youth CARDS are not being appropriately utilised to divert the young people from the juvenile justice system.

Young people are treated in a punitive aspect and the current focus in the youth justice system is on criminogenic factors, but are exclusive of the cultural and intergenerational factors that impact on ATSI peoples. The cost per annum that relates to the incarceration of young people within training centres is \$200,000 per person. Based on this figure, the annual cost for 36 persons (Cavan Training Centre South Australia) equals \$7.2 million. Indications are that detention rates for ATSI youth will only get higher if a different approach (rehabilitative initiatives) is not adopted.

Youth Justice Reforms in SA – focus on case management of young people whilst on orders – however, there is no holistic approach to looking at cultural, health and family factors and rehabilitative programs that assist young persons to make better choices in their lives.

Equally the debate that dominates this issue is largely dogmatic and remains adverse to the cultural expertise particularly where this advice does not qualify pre- existing prejudices.

The continued escalation of ATSI young people in the justice system in itself has detrimental effects as these young people become accustomed to an institutional way of living. Increased anxiety and depressive disorders associated with long term incarceration lead to gang formation, recidivist offending as these young people disengage from society, their community and family. Relationships are formed based on the commonality of the wide range of issues these young people face through their disconnection from family due to living with poverty and often subjected to experiencing various forms of abuse.

The marginalisation of specific groups of young people, their families and communities and the criminalisation by the mainstream criminal justice system reflects significant inequalities and the continuation of an oppressive people.

It is important to note that ATSI peoples are further disadvantaged by the current funding formula based on population across all streams. This has a significant impact on the ability to adequately addressing over representation of the ATSI population.

To support an environment where ATSI young people can successfully develop social norms and behaviours that would support their successful transition back into communities would require political intervention and goodwill, cooperation of SAPOL, Government and non-Government agencies cultural reforms across the justice and health areas and responsible media coverage.

For these young people their life experiences are formed on loss of identity and place, lack of role models, disengaged from positive social norms, poverty, negative community perceptions and no hope for the future.

Equally this leads to an over reliance on alcohol and other substances that present as symptoms of deeper issues. Intergenerational effects of alcohol and substance abuse are of particular concern with the mental health and cognitive ability of these young people (an area not well researched).

To adequately address each young person's reliance on these substances one must consider the underlying issues and the cultural complexities of these young people. Alcohol, drug and other substance abuse are key elements to offending behaviours. To adequately address a holistic service response inclusive of building individual resilience, family and community support structures are required.

Specialist training, cultural awareness/competencies (not widely implemented and should be mandatory) adequate resources must be applied. An example of this is that the Cultural Inclusion Framework for South Australia has yet to be fully implemented across all agencies within Government. Significant stakeholders include Health, Child and Adolescent Mental Health Service (CAMHS), Cultural consultants, Drug and Alcohol Service South Australia (DASSA), Youth Justice, Aboriginal Legal Rights Movement (ALRM) and Metropolitan Aboriginal Youth and Family Services (MAYFS) and Department of Children's Services (DECS) etc. Partnerships of this quality are required to identify and manage a through care approach that support these young people successfully re-integrate back into the community.

It is important to acknowledge that on release many services do not have the capacity to provide through care support to young people transitioning from secure care.

Critical to the successful reintegration and maintenance of ATSI young people is the provision of Aboriginal mentors both within a custodial setting and on their reintegration into community. To support ATSI young people at risk of entering the youth justice system, mentoring is a key initiative. Mentoring provides these young people with resilience and guidance to develop social norms and behaviours that lead to positive social engagement. Equally mentors support ATSI young people manage the social stresses associated with life back in the community.

The MAYFS Panyappi mentoring program originally funded through Commonwealth Attorney Generals Department and received funding of approximately \$400,000 per annum and received a National Crime Prevention Award. This program became an ongoing initiative under State Government and the funding of this program was significantly reduced to \$190,000 per annum which has significantly reduced the capacity of the program to employ Aboriginal Mentors.

Education is crucial component in reducing the risk of ATSI young people entering the youth justice system. Department of Education and Children's Services (DECS) in SA has many Cultural initiatives including regional Aboriginal voice forums made up informally of parents and students, Aboriginal student mentoring support and Aboriginal Inclusion Officers, and student tutoring.

DECS newly developed 'Turn around team' and Families SA Taikurtinna Maltorendi and Kanggarendi family strengthening programs is aimed at working holistically with young people and their families. Partnership discussions in the Northern Adelaide metropolitan region have commenced between DECS, Families SA and Health to enhance the service response to children.

Vital to supporting high risk young ATSI people, DECS have collected regional data that identifies families within regions who continually disengage from education. Whilst all these initiatives support Aboriginal education generally, they are not specific to our youth justice clientele. For many of these young people the disengagement from school has commenced at a very early age. Many have gaps in learning and poor numeracy and literacy skills that require specialised education programs.

Transitioning from education to employment is a critical element in reducing offending of ATSI young people. The challenge remains to re-engage these young people when back in the community and how current initiatives can be expanded and inclusive of a complex client group many who are excluded for learning, behaviour and management issues.

Examples of effective strategies include:

- School based programs incorporating work experience opportunities for young people within Aboriginal and non Aboriginal agencies.
- School based new Apprenticeships and Traineeships
- Development of initiatives to break the cycle of intergenerational unemployment.
- DECS opportunities for school based learning (VET) and linking to SACE.
- Use of Section 40 – to allow work experience opportunities prior to release.
- Work About Centres – Northern region and Port Augusta – prepare young people for the work force.
- Marni Waiendi model
- Innovative Community Action Networks (ICAN)
- Flexible Learning Options (FLO)

However best practice programs that support diversion of ATSI young people from juvenile detention centres and crime are limited. These programs include; Metropolitan Aboriginal Youth and Family Services, Kumangka, and newly developing program 'The Journey Home' CAMHS. Whilst these programs offer therapeutic and behavioural outcomes the demand remains greater than the agency resources. Many piloted programs are defunded despite demonstrating successful outcomes for ATSI peoples.

A whole of Government response is fundamental to supporting reduction in the overrepresentation of ATSI youth in custody. Equally an integrative agency approach inclusive of ATSI participation at regional levels will support early intervention responses.

ATSI families/young people are identified at an early stage within the Welfare systems. Many of these families and young people are not provided with adequate early intervention strategies/supports to decrease escalation into the Justice System. Many young people are identified as having Child Protection issues from a young age. This leaves young people traumatised through their experiences.

A sustainable investment of adequate resources is required to support family and community capacity at localised levels.

Recommendations:

To close the gap on social, cultural and economic disadvantage across Aboriginal communities, including education, health and the over representation of ATSI Juveniles in the justice system, the Youth Justice Aboriginal Advisory Committee recommends the following:

- Mandatory Cultural Competency Training across all sectors
- ATSI specific focus programs developed within Training Centres targeted to individual learning/cognitive capacity and linking to learning plans when transitioned back into community.
- Development of 1-1 tutorial support within Schooling for ATSI young people in Training Centres
- Increasing capacity for through-care programs to support young ATSI people transitioning from Training Centres back into the community
- Establishment of a healing and rehabilitation centre
- Establishment of a specific drug and alcohol & substance abuse place for ATSI youth as diversion program
- Regional youth justice committees
- Adequate funding and expansion of current Culturally responsive intervention programs for young offenders and youth at risk
- The use of section 40 to support ATSI young peoples transition to education, employment and community
- Holistic early intervention/diversion programs that address and support the complex needs within families (e.g. MAYFS Taikurtinna Maltorendi Program)
- Prioritising the employment of Aboriginal Mentors (one to one support for young people and family mentors)
- Interagency Cultural forums supported by Government and non-Government agencies
- ATSI Family Practitioner/s to maintain the family connection whilst young people are in custody
- The further establishment of specialist schools and/or programs to address the numeracy and literacy deficiencies and complex needs of ATSI young people (e.g. MAYFS Tirkandi Program @ Warriappendi School)
- Supported accommodation inclusive of wrap around services to transition ATSI young people from secure care to community.
- Review of SAPOL's diversionary powers relating to ATSI young people
- Review of SAPOL's community intervention practices
- Increased Aboriginal employment across the justice portfolio
- Improved intervention for younger ATSI children prior to entering the justice system
- ATSI young people are prepared to transition from Cavan to independent living housing – not always back to home or unsafe environments
- Commonwealth and State funding for ATSI initiatives to be monitored against service agreements
- Mandatory Culturally appropriate Psychological and Health Assessments specific to ATSI young people's
- Early intervention program development for 8-12 year olds
- Youth Justice Aboriginal Advisory Committee to have input into policy, practice and funding relating to ATSI youth justice issues