Youth Justice in Victoria

The Department of Human Services is responsible for the statutory supervision of young people in the criminal justice system. The department’s Youth Justice service provides programs and resources to assist these young people to develop the knowledge, skills and attitudes to manage their lives effectively without further offending. Through supervision, offending related programs and linkages to appropriate support services, Youth Justice promotes opportunities for rehabilitation and contributes to the reduction of crime in the community.

Objectives

The Youth Justice service objectives are to:

- where appropriate, support diversion of young people charged with an offence from the criminal justice system
- minimise the likelihood of reoffending and further progression into the criminal justice system through supervision that challenges offending behaviours and related attitudes and promotes pro-social behaviours
- work with other services to strengthen community-based options for young people enabling an integrated approach to the provision of support that extends beyond the court order
- engender public support and confidence in the Youth Justice service.

Legislation

The Children, Youth and Families Act 2005 (CYFA) is the principal legislation for the Youth Justice service. The CYFA provides the framework for Youth Justice, Child Protection and Family Services together with the constitution for the Children’s Court of Victoria, as a specialist court dealing with matters relating to children.

In addition to the CYFA, other legislation relevant to the operation of Youth Justice includes:

- Sentencing Act 1991
- Crimes Act 1958
- Bail Act 1977
- Sex Offenders Registration Act 2004
- Family Violence Protection Act 2008

Structure

The Youth Justice service comprises:

- Youth Justice and Disability Forensic Unit – undertakes review, design and development of specialised statutory services.
- Youth Justice Teams – area based state-wide service providing supervision to young people on statutory orders residing in the community.
- Youth Justice Senior Practice Advisers – provide specialist expertise and support to Youth Justice Teams.
- Youth Justice Custodial Services – responsible for the operation and management of youth justice centres:
  - Parkville Youth Residential Centre
  - Melbourne Youth Justice Centre
  - Malmsbury Youth Justice Centre
- Community Service Organisations - delivering services to young people involved with the criminal justice system.

Young people involved with youth justice

Like all adolescents, young people involved with youth justice face developmental changes and challenges associated with this life stage, covering physical, cognitive, psychological and social changes. However in contrast to most adolescents, they often present with complex needs associated with:

- socio-economic disadvantage
- childhood abuse and neglect
- exposure to family criminal behaviour
- substance abuse and/or mental illness
- poor school performance
- lack of family and social supports, and
- homelessness.
Youth Justice intervention

Youth Justice in Victoria is guided by policy to divert young people from entering or progressing further into the criminal justice system, to provide better rehabilitation of high risk offenders, and to deliver pre-release, transition and post-release support programs to reduce their risk of re-offending.

Pre-sentencing

The Central After Hours Assessment and Bail Placement Service (CAHABPS) is a state-wide after hours service that aims to maintain young people who have offended in their community, where assessed as appropriate. Providing a single point of contact for police when they are considering remanding a young person, CAHABPS, with a young person’s agreement, assesses their suitability for bail and provides advice to the Bail Justice.

The Youth Justice Court Advice Service (YJCAS) provides information to the children’s and adult courts on a range of community-based options including diversion, bail, and community support services. YJCAS undertakes suitability assessments for Bail Supervision, Youth Justice Group Conferencing, and Youth Justice Centre orders.

In the Children’s Court, the Intensive Bail Supervision Program can provide case management and support to young people aged 10–18 years who are at immediate risk of remand. The adult courts can request that Youth Justice provide Bail Supervision and progress reports for young adults aged 18 – 20 where diversion from a more intensive adult justice outcome is possible.

At the request of the Court, sentencing can be deferred for up to four months for Youth Justice to provide a Pre-Sentence Report. During this period Youth Justice will assess factors contributing to the young person’s offending and, where appropriate, refer to support services. The report provides the Court with information about the young person and usually includes a recommendation regarding sentencing.

When considering a Probation or Youth Supervision Order the Children’s Court can order a Youth Justice Group Conference (YJGC). Based on restorative justice principles, the YJGC brings together the young person and their family, the victim/s and the police to raise the young person’s understanding of the impact of their offending.

Post-sentencing

The Court can impose a community based sentence requiring a young person to accept supervision from Youth Justice on a Probation, Youth Supervision or Youth Attendance Order.

A Youth Attendance Order requires the young person to undertake community work.

Young people convicted of serious offences can be sentenced to be detained in a youth residential centre on a Youth Residential Centre Order (10 – 14 year olds) or youth justice centre on a Youth Justice Centre Order (15 – 20 year olds).

Koori Youth Justice program

Young Aboriginal people involved with or at risk of entering the criminal justice system can access culturally appropriate support and advocacy through Koori Cultural Support workers and Koori Intensive Support practitioners based in or integrated with Youth Justice teams.

Dual track system

Section 32 of the Sentencing Act 1991 legislates that some 18 to 20 year olds convicted of serious offences can be detained in a youth justice centre instead of an adult prison if the court believes the young person has reasonable prospects for rehabilitation, or is particularly impressionable, immature or likely to be subjected to undesirable influences in an adult prison. This is commonly referred to as the ‘dual track’ system.

Post-release and transition

The Youth Parole Board is an independent statutory authority that makes decisions balancing the rehabilitative needs of young people to serve part of their custodial sentence in the community on a supervised Youth Parole Order, with the protection and safety of the community. Youth Justice supervises parolees, assisting them to re-integrate into the community and engage in programs to minimise their risk of re-offending.

The Youth Justice Community Support Service (YJCSS) is undertaken in partnership with community service organisations across Victoria. YJCSS provides young people involved with Youth Justice with access to case management, support and accommodation to improve their social connectedness, economic participation, and transition to independence. YJCSS can remain involved beyond statutory supervision, which is limited to the length of the Court order.