

## MEDIA RELEASE

5 October 2018

# YOUTH JUSTICE IN AUSTRALIA

creating a better life  
for children and young  
people in care

## OFFENDERS, MISSING YOUNG PEOPLE AND VICTIMS FREQUENTLY HAVE AN OUT-OF-HOME CARE EXPERIENCE

### Release of national report

CREATE Foundation is conducting a national release of its anticipated *Youth Justice Report* on October 8th. The report is the result of extensive consultations with young people who have experience of both the care sector and police, courts and detention.

Australia's youth justice system has come under scrutiny recently, as seen by the recent *Royal Commission into the Protection and Detention of Children in the Northern Territory*. A significant number of young people who have contact with the justice system have also had an out-of-home care (OOHC) experience. This might have included foster care, residential care or kinship care.

CREATE Foundation is the national consumer body representing the voices of children and young people with an OOHC experience.

CREATE has significant concerns about the disproportionate representation of young people with an OOHC experience in the justice system and whether their needs are being appropriately met.

To gain a better understanding of the engagement and experiences of young people from OOHC in the justice system, CREATE facilitated interviews with young people with a care experience across Australia.

These young people provided important insights into how they became involved with the justice system, the treatment they received, how they were supported during interactions, the outcome of their involvement and their recommendations for improving the justice system.

### **CREATE made several key findings during this process:**

There were three distinct groups of people who had experience into this system, namely those who identified as having committed an offence, young people who had been reported missing, and victims.

Motivations to offend or to run away from a care placement were similar. These included becoming frustrated by triggers in their care environment, the need to protect themselves, and the importance of maintaining a peer group. The majority of offenders and young people who were absent from placement described experiencing intense anxiety and fear during their interactions with the police and courts, as well as feeling the police were unfairly antagonistic.

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Victims described feeling let down by the justice system. They felt that the justice system did not act as protectively as they expected, and felt powerless as because they were not being heard.

Similarities emerged across most accounts. Participants reported receiving no support during their initial interaction with police, at court, or in detention, and perceived the justice system to discriminate against young people in care. The police were perceived to lack an ability to build rapport with young people, and young people felt police personnel did not take into consideration the influence of trauma on their behaviour.

A small minority of participants however described positive interactions with the justice system. These positive perceptions resulted from police respecting the young people, which led to their feeling listened to, and appropriately supported.

CREATE has made several recommendations to heads of government departments around Australia as well as children's commissioners, guardians and peak bodies based on their findings.

**CREATE's National Policy and Advocacy Manager Tanya Raineri said today that "a key recommendation from our findings is that that all justice system workers need to adopt a trauma-informed approach going forward. This should include carefully explaining judicial processes and terminology, clearly articulating what is expected of the young person, and ensuring that justice system authorities are trained to correctly identify and respond to trauma-influenced behaviour. Our Young Consultants almost universally spoke of a need for an empathic response from all contact points during the justice process."**

Additional recommendations include the need for appropriate case planning that identifies and minimises trigger factors. Young people need to feel safe and supported in their care environment, which means connecting them to appropriate support networks and ensuring their carers have appropriate training and resources. There is also a need to clarify the roles and expectations of the child protection workers and caregivers in terms of providing emotional and practical assistance when the young person has contact with the justice system.

Finally, there is a need for a concerted effort by the sector to combat the stigma associated with being in OOHC. This may involve increased public education and awareness, and increased promotion of positive images of young people in OOHC. Targeted approaches should be utilised for the justice system to specifically combat the negative perceptions held by justice system authorities.

**For a copy of *CREATE's Youth Justice Report* please contact CREATE Foundation**  
[www.create.org.au](http://www.create.org.au)

Interview opportunities Available. Quotes for use as needed

CREATE Young Consultant Ash\* has first hand experience of the youth justice system, and articulates how important it is to have support to get back on the right track. Ash now dreams of working as a police officer to make a difference for young people like him.



*I've dealt with the police on a couple of occasions- violence, theft, running away. I'd get into a fight at school and someone would want to press charges and then my Child Safety Officer would come to the school and talk to their parents. Sometimes I'd get in a bad mood and trash the classroom. I'd do silly things because I was frustrated and didn't know how to handle my emotions. I had no one taking the time to ask what was going on, they were just telling me what not to do but not asking how to help me.*

*The biggest issue is that we're all angry... No one understands us. Unless they've been in our position they don't understand. We do what we can to get by. We're just another number, we're just another statistic, an individual they don't really want to help... caseworkers can't help because they have 40 other cases and carers can't because they've got three or four foster kids or kids of their own who also need help. Young people don't have that one person they can go to and say; 'Hey! I need help!'*

*No one had the time to ask why I was angry. They always said 'you can't do that, you can't get into fights.' They told me what I couldn't do, but didn't tell me what else to do. Until one day a youth worker came out to my school after I lost my cool real bad and bashed someone. They sat me down, and asked 'Why?' I didn't know what to say. No one had asked me that before. They took five minutes to listen me, get to know me... He asked me what I wanted to do with my life. He said 'you're the only one who can help you achieve your goals.' He spoke to me as a person, not just as another case. After this I started studying harder, getting better grades, caring more about doing better with my life. That's all it takes for every kid. To take that five minutes, sit down with them and be there to listen.*

**\*For further comment from CREATE's National Policy and Advocacy Manager Tanya Raineri and/or a young person like Ash with experience of the youth justice system and the care sector please call Andrea Doney 0402050418 or [andrea@admarcoms.com.au](mailto:andrea@admarcoms.com.au)**

#### **Key statistics on the care sector in Australia:**

- 47,915 children were in out-of-home care across Australia at 30 June 2017
- Young people in out-of-home care are 19 times more likely to be under a youth justice order than the general population
- 35% of young people experience homelessness within the first year of leaving care
- 46% of boys with care experience have had contact with the juvenile justice system
- 29% of young people who have experienced out-of-home are unemployed
- 36% of children and young people are split from their brothers and sisters in care
- 35% of young people in care have 5 or more caseworkers during their time in care
- 67% of young people in care are not aware of leaving care plans

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