

## Failure in Youth Justice: Linking to their Reality with Technology



### 2018 Indigenous Youth & Juvenile Justice Conference

The failure of youth justice is best expressed by the above image after the November Don Dale riot. It illustrates the disempowerment of the consumer, short-term intervention exacerbating a problem, lack of oversight, and the divide between what the public expects and the reality.

This conference provides an opportunity for participants to discuss and develop partnerships with those youth, empowering this demonised group. Developing partnerships with government can help overcome unjust discrimination, with policy directions to police, but only if youth are also involved.

The implementation of justice reinvestment schemes can significantly reduce the use and high financial and social costs of detention centers.

Real opportunities for engagement are ignored, access to family, community and trusted services are blocked. Youth with energy and hope are frustrated rather than stimulated with positive alternatives. Unnecessary isolation must end, phones and computers with peer mentor support must be normalized.

#### Engagement

We suggest that acknowledgement of those living together in custody, as a community in its own right is essential. They have a common experience and common background. Engagement with them as part of the solution is the first part of change. Listening to them, allowing them to do and direct their own research is basic. Expression of their concerns allows them to take more control of their lives, as a community and individually. Surveys by them, videos and music are all part of their entitlement to expression and we need to encourage that. They should have representatives here and engage by audio visual link.

Justice Action has continually raised this issue of involvement, yet it has been ignored, as the youth sector doesn't recognize the authority of the consumers. It is easier to take control, try to dictate terms for change, and to blame the individual child for failure. But motivation to change theory says it clearly: no change happens without the process of engagement and adoption of the ideas by the consumer.

The failures of the current system can be directly attributed to the lack of the voice of juvenile offenders in discussions concerning their diversion, incarceration and rehabilitation. People talk about them and never with them. With the stated aim of the juvenile justice system being to rehabilitate offenders and with individual empowerment being linked to rehabilitation, this lack of consumer voice is dishonest. The money is spent for others in the industry and not for them.

## Failure

Juvenile justice is an area of immense failure, expense and national concern. The rate of reoffending is twice as high as adult offenders. <sup>1</sup>Nationally, 794 young people are in detention on average per day. <sup>2</sup>It costs an average of \$1,391 per child per day federally - over \$½million a year.

Considering that it costs taxpayers so much, the current failures of the juvenile justice system are unacceptable. The overrepresentation of minority groups further demonstrates the inadequacy of the current system, as Indigenous youths are 25 times more likely to end up in a detention centre. <sup>3</sup>

## Computers in cells

While all jurisdictions socially mention the importance of education for youth offenders in detention, no jurisdiction has implemented computers in cells that would allow it to electively happen. But it is much more than that. It lessens the social isolation using modern technology. Education is mandatory and teens are digital natives. It replaces passive TV watching. It gives them access to family, peers, external authorities, and counseling in a safe efficient way.

The lack of access to technology for juveniles in detention centers has been said to be a "significant shortfall" in relation to prisoner education. <sup>4</sup>Furthermore, "more use needs to be made of diagnostically detailed individual learning plans linked to rehabilitation plans." <sup>5</sup>

Counseling using computers in cells allow the detainees to 1) properly use the up to eighteen hours a day they spend in bored isolation; 2) external providers of therapies generate greater trust and choice; 3) stability of service providers through the detention and after release; 4) some empowerment and self-management; 5) research indicates that online is actually more effective than face to face counseling; and it is 6) relatively cheap.

The ACT adult system has had computers in cells with access to the internet through a safe server for the past nine years.

The aim of the juvenile detention is supposed to be the rehabilitation of the juvenile offenders. <sup>6</sup>A key part of this rehabilitation is education, <sup>7</sup> which can be facilitated by the provision of computers into the cells of prisoners. Education of youth offenders also works to reduce rates of recidivism. <sup>8</sup> It is now commonplace that most educational courses require access to a computer and this provides a significant barrier to education for detainees. <sup>9</sup>

Our proposal is that providing detainees with computers in their cells would allow them easy access to education, counselling, legal resources and communication with family members and will decrease rates of recidivism. <sup>10</sup> Access to computers is the "natural tool in relation to expanding access to various educational options outside prisons." <sup>11</sup> A safe server system costs only \$230,000 for installation in a large prison.

## Mentoring

The restorative justice approach, which focuses on empowering youth offenders, is essential. Linked to that is peer mentoring, which allows offenders to develop a beneficial relationship with someone who has a similar background and experiences to them. <sup>12</sup> Role models and employment of young people who have transcended their problems is key.

The [Women's Justice Network](#) mentoring scheme has a success rate of 93% of women not returning to prison. The mentors would provide juvenile justice detainees with support and guidance, working within the system and outside. <sup>13</sup> This support empowers the individual to take control of their own rehabilitation by providing them with a positive and realistic expectation of what they could achieve.



Trades Hall, Suite 204,  
4 Goulburn Street,  
Sydney NSW 2000, Australia

Tel: 02 9283 0123

Fax: 02 9283 0112

Email: [ja@justiceaction.org.au](mailto:ja@justiceaction.org.au)

[www.justiceaction.org.au](http://www.justiceaction.org.au)

<sup>1</sup> Australian Institute of Criminology, *Juvenile Offenders* (2007) <[http://www.aic.gov.au/publications/crimes/juvenile\\_offenders.html](http://www.aic.gov.au/publications/crimes/juvenile_offenders.html)>.

<sup>2</sup> Ibid.

<sup>3</sup> Australian Institute of Health and Welfare, *Youth Justice in Australia: 2015-16* (March 2017) <<http://www.aihw.gov.au/Workbox/Downloadfiles/au04467191605>>.

<sup>4</sup> Ziv Debit and Jillian Debit, *Development of an Executive Services Delivery Model for Victoria's Youth Justice Custodial Clients* (15 July 2014).

<[http://www.education.vic.gov.au/Documents/about/publications/youth\\_justice/youth\\_justice\\_delivery\\_model\\_development%20for%20custodial\\_clients%20in%20Victoria%20July%202014.pdf](http://www.education.vic.gov.au/Documents/about/publications/youth_justice/youth_justice_delivery_model_development%20for%20custodial_clients%20in%20Victoria%20July%202014.pdf)>. 4

<sup>5</sup> Ibid.

<sup>6</sup> Australian Law Reform Commission, *Seen and Heard: Priority for Children in the Legal Process* (1987) Report 84, [20-22].

<sup>7</sup> Report for the Minister for Juvenile Justice, *Review of Custodial Practice in Juvenile Justice* (2010) <[http://www.juvenilejustice.nsw.gov.au/Documents/Juvenile\\_Justice%20Custodial%20Practice%20Review%20FINAL.pdf](http://www.juvenilejustice.nsw.gov.au/Documents/Juvenile_Justice%20Custodial%20Practice%20Review%20FINAL.pdf)>.

<sup>8</sup> NDTC, *Fact Sheet: Juvenile Justice Education* (2011) <<http://www.ncjrt.ed.dellinquent.org/rt.nsf/default?files/160factsheet.pdf>>.

<sup>9</sup> Justice Action, *Computers in Cells* (2012) <<http://www.justiceaction.org.au/images/JusticeActionComputersInCells.pdf>>, 1.

<sup>10</sup> Ibid. ii.

<sup>11</sup> NCVER, *Vocational Education and Training for Adult Prisoners and Offenders in Australia: Research Reading* (2005), 20.

<sup>12</sup> Justice Action, *Investing in Youth* (2011) <<http://www.justiceaction.org.au/images/Youth%20Forum%20Working%20Report.pdf>>, 7.

<sup>13</sup> Ibid. 8.