

DIRECTIONS FOR THE FUTURE

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Panel Discussion: Lynn Atkinson, David Dingala, Jackie Oakley, Stephen Vose, Laurie Myers, Mike Martin

Closing Comments: David Biles

EARLY IN THE CONFERENCE A DEBATE EMERGED AROUND THE themes of detention as a last resort versus the effective use of detention as a rehabilitative tool. In the final panel, most speakers re-emphasised their positions in relation to one or other side of the debate. Nevertheless, despite the different perspectives, some coherent themes and a future agenda with some common directions emerged.

Lynn Atkinson questioned whether our detention centres were self-serving. She suggested that if juvenile detention centres are to serve the needs of young people and society at large, then they need to be functionally a part of an integrated, flexible juvenile justice/juvenile corrections system. Policies to reduce the number of secure beds for youth should continue (or be set in place where no such policy exists) across the jurisdictions. If old detention centres are replaced or refurbished it is the program areas—those areas which enhance the young offender's life chances—which should receive priority and maximum resources. Detention centres ideally should be small and flexible—capable of adjusting to multiple and changing functions, including community corrections. They should also be decentralised, allowing young people—particularly Aboriginal young people—to be dealt with close to home. Lynn Atkinson emphasised the need for more and better information about young people in detention, if systems are to be responsive to current situations and needs.

David Dingbala described his home at Umbakumba and his role within his community as an elder and a community corrections officer. He argued that detaining Aboriginal young people in centres far from their communities, and without community input into the young person's sentence and program, made the situation worse for Aboriginal people in the criminal justice system. He suggested it increased the likelihood of young people getting into trouble and returning to detention, rather than the experience functioning as a deterrent. David Dingbala said his community was a strong

community; a community with a strong culture. It was from elders that an offender needed to learn, so the offence would not be repeated.

David Dingbala said that in his community there was good communication between the magistrate, the elders, the police, the Council, himself, the probation and parole officer and the people. They worked as a team and represented a good role model for other communities.

Jackie Oakley noted that several speakers had drawn attention to areas where action was needed to achieve a better, more just deal for Indigenous youth, both in and out of the juvenile justice system. She drew particular attention, however, to the lack of discussion at the conference on the relevant recommendations of the Royal Commission into Aboriginal Deaths in Custody (RCIADIC). She pointed out how the absence of discussion mirrored the lack of progress in achieving reforms since the Royal Commission, to address the scandalous over-representation of Aboriginal people in the criminal justice system.

Reflecting some of the themes introduced in the plenary sessions, Jackie Oakley emphasised the cycle of criminalisation and institutionalisation suffered by Indigenous youth from the early days of white settlement to the present. To emphasise the need for answers and urgent action on behalf of over-detained Indigenous youth, Jackie Oakley recommended re-reading the RCIADIC Report, as a reminder that reforms require processes which empower Aboriginal people. She then drew on comments from conference speakers to offer the following guide for future policy making and program development:

- deliver services and programs on a culturally appropriate basis;
- define "justice"—detention should be a new beginning if our kids have to be locked up;
- have separate but coordinated justice and welfare programs for young people and, where appropriate, their families;
- provide welfare-oriented services without attaching their provision to the commission of a criminal offence. There should be a focus on the front end of the system and a recognition that Aboriginal youth might engage in offending behaviour as a means to an end and as a way to improve the quality of their lives;
- provide services and programs which are tailored to the needs of the individual. Focus on the unique needs of Aboriginal and Torres Strait Islander youth and acknowledge that the "one size fits all" approach is inappropriate;
- provide adequate resources to ensure good programs have the best chance of working;

- explore means of engaging Aboriginal and Torres Strait Islander people and appropriate community based agencies in the delivery of programs;
- adhere to the requirements of the Standard Rules for the Administration of Juvenile Justice (the Beijing Rules), the Convention on the Rights of the Child, and the Standard Rules for the Protection of Juveniles Deprived of their Liberty;
- rediscover roles in Indigenous societies that have been eroded, which counter negative aspects of western lifestyle perpetrated through juvenile justice programs;
- allow offenders to maintain important relationships which engender respect, especially those involving significant others.

Stephen Vose emphasised the ineffectiveness of detention and the threat of detention as a deterrent to serious crime. He referred to the failure of the Western Australian *Crime (Serious and Repeat Offenders) Sentencing Act*, with its provision for a mandatory term in detention and an indefinite period in detention to follow, to highlight his argument. Stephen Vose urged influential participants to counsel governments against introducing legislation akin to the Western Australian Act and to avoid "at all costs" reducing the discretionary powers of the courts through the introduction of mandatory penalties, such as those described above

His stance was that detention "is and always must be a sentence of last resort. It is never a good option, although sometimes in a few tragic cases it is the only option. The idea of sending children to detention "for their own good" is based on false hopes about what detention can do for an inmate." He added, however, that when a child is in detention, as much as possible needs to be done to make the experience worthwhile, not only by employing keen, well trained and enthusiastic staff, but with the help of an integrated and supportive juvenile justice system, and adequate post release supports and supervision of offenders. Stephen Vose expressed his belief that the rehabilitation of young offenders could not be achieved until the underlying issues such as racism, poverty, unemployment, poor education and substance abuse were dealt with.

He concluded by saying that conference participants should speak out and inform the community about the serious problems that result from locking up children.

Laurie Myers spoke from the perspective of a detention centre practitioner. He described how the children who come to his institution at Wagga Wagga are damaged and at the end of the road: the products of everybody else's failings. He described a combination of treatment and care which the institutional regime aims to provide. With the intention of moving young people from criminal practices to rehabilitative and re-integrative behaviours, the detention centre offers education, vocational skills, recreation and leisure skills. He said young people, after passing through his detention centre, are better equipped to cope with and contribute to the outside world.

He acknowledged the need for more "dynamism" in detention centre programs in the future, and for these centres to be more responsive to the needs of the clientele, who, under present juvenile justice policies, are at the point in their offending careers where entry to the adult system becomes highly likely.

Laurie Myers said the community needs to be better informed about the limitations of detention centres in the rehabilitative process. "It is not the most appropriate method of dealing with kids." He acknowledged that the use of detention did nothing to enhance the safety and security of the non-offending community. He concluded by saying there needs to be greater community involvement in and responsibility taken for young people in the juvenile justice system.

Mike Martin agreed that it was important to inform the public about detention centres and the issues connected with their use. He said that juvenile corrections, of which he was part, for too long had been "hiding in the closet out of the public eye". Not only the public, but all those involved in the sentencing process needed to know more about the reality of detention centres: who the clients are; how likely they are to return; what programs are run for them.

Mike Martin concluded with comments about the critical issue of over-representation of Aboriginal young people in detention. He said people working to reform the situation needed to start with the same agenda of acknowledging the problem and being determined to ameliorate it.

David Biles concluded the proceedings by drawing out the important themes of the conference, noting where disparate views had started to converge, and marking out some territory for action.

First, he reiterated the need to reduce the numbers of young people held in detention, particularly in Western Australia, New South Wales and the Northern Territory, where detention rates are high. Not only are there humanitarian reasons for minimising the use of detention, a reductionist policy also makes sound economic sense. Those jurisdictions with high detention rates might have something to learn from jurisdictions with lower rates.

David Biles' second point concerned the extreme over-representation of Indigenous youth in detention and the urgent need to address the problem. He supported Jackie Oakley's advice that the RCIADIC Report deserved to be re-read. He reminded participants that the Report is a blueprint for overcoming the dispossession and disadvantage suffered by Indigenous Australians, and that the first attack on over-representation must be on a broad, national level, and a structural level. He also reiterated the need for and the right of Aboriginal people to determine and set in place culturally appropriate juvenile justice programs to address the problem of over-representation of their youth.

Third, David Biles reminded participants that much more and much better information is needed about juvenile detention in order to understand the current situation and to project what should happen in the future. A more comprehensive and sophisticated national data base is needed than is available at present.

Fourth, David Biles noted that when detention is unavoidable—the sentence of last resort—there must be a commitment to the provision of programs which are positive, constructive, culturally appropriate, safe, customised to individuals' needs, and which support the release of young offenders back to the community.

Fifth, David Biles reminded participants that the United Nations has mandates and protocols which bear directly on juvenile detention. He spoke particularly about the Standard Rules for the Administration of Juvenile Justice (the Beijing Rules), the Convention on the Rights of the Child, and the Standard Rules for the Protection of Juveniles Deprived of their Liberty. Australian practitioners should become more familiar with the protocols, study and debate them, and examine why any philosophical or practical differences between the UN ideal and Australian practice exist.

His final words were of thanks to the conference planners, and to remind all participants to keep up the struggle for better responses to crime and delinquency.