



South Australian
Commissioner
for Children and
Young People
2020

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Making Change in Youth Justice

A User's Guide to building a better
South Australian youth justice system

PROJECT REPORT NO. 12 | MARCH 2020

Acknowledgements

Thank you to the children and young people who shared their experiences, insights and suggestions with me in relation to their interaction with South Australia's youth justice system and for this project.

Thank you to the Australian Red Cross – SA Division who approached the complexities of engaging with young people and their barriers to participation in the project, with such commitment and practical support.

Throughout this report we have used unedited issues and responses from the young people who participated, ensuring their ideas and concerns are faithfully communicated to those who have the capacity to consider them and implement positive change.

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Commissioner's Foreword



Since commencing as Commissioner for Children and Young People in 2017, South Australian children and young people who are in contact with the youth justice system, have raised issues and concerns with me. They have expressed these concerns during consultation sessions, focus groups, and indirectly through adult advocates.

Advocates are well aware of the issues that affect children and young people in contact with the youth justice system, including the social determinants of offending. They know the pathways into the system, the lack of therapeutic interventions, the criminalising of childhood, and the significant over representation of Aboriginal young people.

Very little of the formal reporting on these issues reflects the voices, views and opinions of young people involved within the system. Even fewer directly include the views of young people with lived experience, utilising this 'insider knowledge' to influence how justice systems might be improved to deliver better outcomes for South Australian children and young people.

A key focus of my strategic agenda is to 'prioritise the development and wellbeing of those doing it tough'. I am committed to working with young people who have had direct contact with the youth justice system, to identify issues that affect them most, and to use their insights to inform government and decision makers who can drive system change.

In 2019, I developed a partnership with the Australian Red Cross to support a group of young people aged between 14 - 21 years with a lived experience of the youth justice system.

The aim of the partnership was to trial a 'proof of concept' project that placed these young people front and centre, advising on system change. Many of those involved had experienced significant periods of detention as juveniles and young adults, and were well placed to share their views on what worked and what didn't.

All participants had faced considerable challenges throughout their lives. Few had ever been given an opportunity to have their views heard. Nor had they been asked for ideas about ways to improve the youth justice system, or have input into decisions being made about them.

Young people said that because of the circumstances that led to their offending behaviour they had been 'written off'. They felt

adults had assumed they had nothing to contribute of any value, and that their rights didn't matter as much as other people's.

As well as providing invaluable advice on issues affecting young people in the justice system, the proof of concept project was designed to simultaneously facilitate the personal leadership development of the young people involved.

In accepting the invitation to share their personal insights, the young people understood they would be helping to bring about change to the system that would improve outcomes for themselves and other young people like them.

I have seen the power of young people collectively coming up with solutions to complex issues they face. Young people who have had experience with the youth justice system are the experts in their own lives. I knew they would provide a unique perspective. Their input could lead to positive changes being made to legislation, policies and systems that will have a greater likelihood of improving outcomes for children and young people who come into contact with the youth justice system.



Helen Connolly

Commissioner for Children and Young People

Why it Matters

In my interactions with children and young people, I often hear that opportunities to express their views, to be heard and to be involved in solution focussed conversations are important to them.

When young people are able to participate in designing solutions to problems they see, they feel empowered to make a difference. This becomes a motivating and inspiring experience that fosters greater participation in and respect for the community in which they live.

Young people describe this empowerment as providing them with 'hope for things to change'. For this to occur they need to be supported to develop self-confidence and the skills needed to feel comfortable about becoming involved in making change in meaningful ways.

To effectively hear the voices of young people with lived experience of the youth justice system, a process that could foster their meaningful engagement and participation needed to be designed.

There are often challenges in supporting young people to have their right to participate upheld. Throughout the youth justice project the young people participating continued to live transient and at times challenging lives, characterised by family conflict, personal mental health concerns, homelessness and financial difficulties.

Having a partner organisation involved that was able to support participants through referrals to mental health services, housing organisations, and mentoring services, was as important as providing support for them to complete Centrelink applications or access food parcels. These practical supports proved essential in allowing participants to overcome real and present barriers, so they could continue their participation in the project.

The outcomes of this project were significant; both at an individual level and at the group level. A significant body of new knowledge, including recommendations from young people to improve South Australia's youth justice system, has been gathered.

What matters, is that these recommendations are considered and where possible implemented by those who have the authority to make change. If they are, the lives of those South Australian children and young people who are interacting with the youth justice system will improve in ways they themselves have told us it needs to.



International Laws Relating to Youth Justice and Participation

International Laws

To ensure that children and young people's rights are upheld in our youth justice system, South Australia has an obligation to meet standards set under International Law. The best interests of the child or young person must always be front and centre.

Article 12 of the United Nations Convention on the Rights of the Child (UNCRC) states that children have the right to participate in relation to decisions that affect their lives. This right encompasses the right to 'express freely views on matters affecting them, with these views given due weight in accordance with the age and maturity of the child'.

Further to Article 12 above, children who are affected by judicial and administrative proceedings have the right to be given 'the opportunity to be heard in any judicial and administrative proceedings affecting them'.

Article 40 of the UNCRC further strengthens children's rights in juvenile justice proceedings, including the right not to be discriminated against, the right to an interpreter (if they do not understand proceedings) and the right to privacy. More importantly Article 40 imposes on State parties, obligations that include

setting a minimum age (in-line with the recommendations of the UN Committee on the Rights of the Child) establishing a specialised court, laws and procedures that are specifically designed to meet children and young people's needs, and which take into account their developmental capacity. It also includes use of alternative methods to ensure they are kept out of 'institutional care'.

General comments 12 and 24 provide further guidance and explicitly state that 'the right to be heard is fundamental to a fair trial'. Article 24 further states that if a child has been accused of an offence they have the 'right to be heard directly and not only through a representative or an appropriate body at all stages of the process.' For this to occur, children should be informed about the youth justice process and their rights, not just the charges that have been laid against them.

In General Comment 12 the Committee also notes that every judicial procedure should be both 'accessible and child appropriate'. 'Children's views in the entire process should be heard through talk or dialogue, and the child should be properly informed about the outcome of the hearing and the extent to which their views have played a role in decision making'.

All the aforementioned recommendations are reinforced by the growing body of developmental psychological theory and research into the backgrounds and into the developmental capacity of children and young people involved with the youth justice system. A history of trauma and neglect coupled with disabilities, language disorders and communication difficulties impacts on a young person's capacity to understand and engage in the youth justice process. In order for the

rights of these young people to be upheld, the system must respond in a more developmentally appropriate manner.

Young people playing a larger part in proceedings provides many positive outcomes. Research has shown that active participation in decision making processes may help children and young people understand and accept the final decision made in relation to their offence. This in turn makes it easier for the child or young person to act on any 'orders' they are required to follow. Another study revealed that 'limiting the autonomy of children has a consequence of a self-fulfilling cycle of learned helplessness, which results in behaviour becoming worse. Conversely, children who learn to participate in decision-making that impacts on them, see and experience their skills in reasoning develop, leading to their gaining confidence in expressing their point of view'.

State Laws Relating to Youth Justice and Participation

South Australia

To support creation of child safe environments, South Australia has established a Child Safe Environments, Principles of Good Practice Guide.

Background

This comprehensive guide has been in place since 2012. It will soon be superseded by the National Principles for Child Safe Organisations. These national principles, developed in response to the recommendations made in the Royal Commission into Institutional Responses to Sexual Abuse, were endorsed by the Prime Minister and all state and territory First Ministers in February 2019.

The development and implementation of these principles will be led by the National Office for Child Safety. When fully implemented in South Australia, court authorities, police and other agencies in the youth justice system, will be required to comply with the principles, and to implement specific policies and procedures to ensure children and young people's protection and participation is upheld.

Principles

The national principles will underpin the operational elements of youth justice, including court practices in relation to children and young people. This means that the views of children and young people must be sought in decisions affecting them. Many of the recommendations in this project relate to the conditions young people have identified as either inhibiting or supporting their direct participation.

The project undertaken by the Commissioner for Children and Young People demonstrates that it is not only possible to engage those young people who have been system users in designing improvements, but that this has been invaluable in ensuring future operational processes are meaningful and effective. It also improves the likelihood of these improvements being implemented by community partners.

The Commissioner for Children and Young People
and project participants therefore recommend:

1

Those in positions of authority consider the actions contained in this report within the context of the new National Child Safety Principles.

5

Time spent waiting in court cells be used more productively, with young people given access to information and activities that can help them remain calm, while managing what is usually a stressful situation.

2

Youth Court establish an advisory process for those who have been directly involved in the youth justice system.

6

Prior to entering the court room, young people be told who is present and what the role of each person present is.

3

Review the current system of bail to ensure conditions set are realistic and goal orientated, and that they meet individual needs and circumstances. Bail conditions should provide support for young people to help prevent them from re-offending.

7

Court rooms be arranged in ways that are less intimidating to young people and which do not reinforce a view that the young person is inferior to all others in the room.

4

Young people have the opportunity to provide information to Police and the Court confidentially. This will help to ensure conditions are suited to individual circumstances.

8

Courts consider what they can do to create environments that support young people to have a genuine opportunity to comment, respond, and express themselves in the Court environment, answering questions without fear of intimidation.

The Project Participants

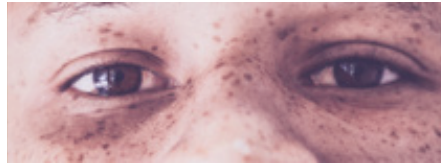


Nakita
Female, 16

'I am originally from Perth and I enjoy going on walks along the beach front. I am passionate about taking care of my little kitten. At the moment I am working towards becoming a nurse.

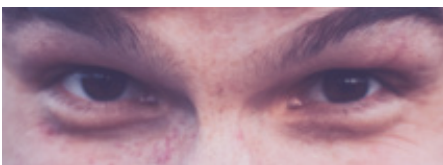
I have lived experience in youth justice and joined because seeing my friends being treated poorly motivated me to make a change. What I like about MCYJ is team work and the food.

The most important thing to me about MCYJ is that one day we'll be able to help others in the future. My hope for this action plan is [that] it's successful.'



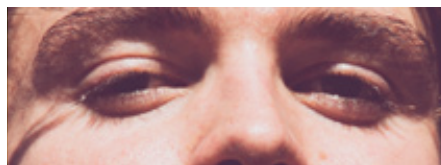
Chris
Male, 18

'I am from Adelaide and I enjoy Rapping and Football. At the moment I am working towards going to TAFE to study building my own house. I have lived experience in youth justice and I joined because it's good support. What I like about MCYJ is they help with whatever they can help with.'



Swaggy G
Male, 20

'I am from Adelaide, I enjoy playing football and making music. I am passionate about aiming for my goals. I have lived experience in youth justice and I joined because I want to help young people to stay out of trouble.'



Nathan
Male, 16

'At the moment I am working towards finding a decent job and making my family proud. I have lived experience in youth justice and I joined because I don't want people my age to go through the same things I have. My hope for this action plan is to make the youth justice system safe and fair.'



Matthew

Male, 20

'I am from Adelaide. I am passionate about trying to use my own youth justice experience to prevent others making the same mistakes.

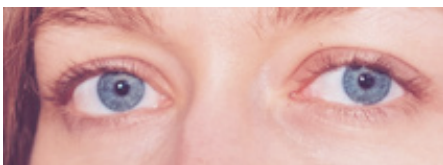
I enjoy spending time with my friends and family, laughing. At the moment I am working towards getting myself a job and to start getting fitter and stronger.

I have lived experience in Youth Justice and I joined because I'm looking to use my knowledge in Youth Justice to change how young people are treated in the system.

What I like about MCYJ is that I have an opportunity to have a say in the changes to the youth justice system.

The most important thing to me about MCYJ is everyone being equally involved and interested in change.

My hope for this action plan is to see some results and to see MCYJ continue to try and make a difference.'

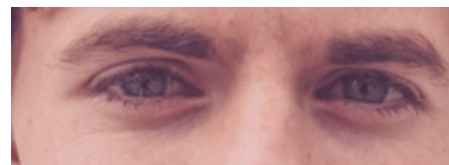


Amelia

Female, 20

'I am from Adelaide and I enjoy cooking. At the moment I am working towards becoming a youth worker.

What I like about MCYJ is we give youth a voice. My hope for this action plan is to keep youth safe and help them to not reoffend.'



Sam

Male, 17

'I am passionate about playing rugby. What I like about MCYJ is the people - it's a good environment. My hope for this action plan is to make a change.'

The Approach

There have been few opportunities for young people with experience of the youth justice system to be involved in a ‘whole of system’ approach to problem identification and exploration, and advocacy.

The project’s overall goal was to do just that; take a system problem solving approach with young people to develop an advocacy plan to build a better system. This plan would be based on the priorities made by the young people, who had direct contact with the youth justice system.

This involved providing an opportunity for these young people to develop their own set of recommendations, whilst simultaneously providing them with support and leadership skills development, along with advisory and advocacy knowledge.

The support and leadership component was delivered by the Australian Red Cross. It was designed to enable participants to feel confident joining a group. It was also designed to enable them to learn new skills while being part of a project that was very different to anything they had previously experienced.

The advisory and advocacy component involved identifying and prioritising issues in the youth justice system that these young people believe need to change.

The project’s ‘terms of engagement’ – established at the outset – involved participants knowing that competing views could be explored in confidential, respectful and solution-focussed ways.

The priority actions were systematically identified by the participants. This included defining who the young people considered are the key stakeholders and what their motivations are, as well as which changes were needed over the short and longer term.

Throughout the project participants developed a commitment to being members of their group, forming the shared identity of ‘MCYJ’ (Making Change in Youth Justice).

The MCYJ group is looking at further involvement in advocacy work, including identifying a set of skills they wish to develop to assist the Commissioner in advocating for the changes they wish to see.

Outcomes participants achieved in the advocacy sessions included:

- developing ‘a map’ of the SA youth justice system
- identifying the various processes involved and agreeing upon a definition of the ‘youth justice system’
- agreeing upon a definition of the ‘youth justice system’
- developing an understanding of the similarities and differences of each participant’s experiences
- engaging in solution focussed discussions
- creating a list of priorities and agreeing to the development of an advocacy plan
- applying a strategic advocacy checklist to the priority issues
- identifying the difference between issues that were important personally and those that were achievable which may have a collective impact
- identifying the values of various stakeholders and demonstrating empathy with each
- gaining new insights into the complexities of making change happen
- developing appreciation for the importance of managing information and delivering it in the right way to the appropriate people.

The Process

The complexities of engaging with young people were carefully considered. Particularly the barriers to participation they face, such as transport, confidence, motivation and suspicion of the process and its value to them.

Project partners Australian Red Cross took an assertive outreach approach to engaging with the participants. This involved regular reminders, follow ups, transport and any other support they required. There were also incentives built into the program, including thank you vouchers and meals that were selected and shared by the group each week. Participants confirmed that these efforts were crucial to successfully engaging them. They felt supported to continue with their participation and encouraged to make thoughtful contributions to the group.

The venue was 'young person friendly'. It was reasonably centrally located and participants said they felt comfortable in the space. By creating connection, trust and a sense of ownership through the various activities undertaken, participants began to identify themselves as being part of a team that had a clear goal and shared responsibilities.

Maximising support and providing safe, comfortable, engaging activities to build skills and confidence, enabled participants to engage with the advisory and advocacy process they were involved in. They were also able to identify and unpack a range of issues, learning how to develop solutions as they did so.

The process increased skills, while developing a capacity for big picture thinking. It also encouraged development of empathy for decision makers, prioritising of resources, patience and collaborative teamwork, while also providing insight into how complex systems work.

A process that is deliberative, sequential and mentally challenging is also time consuming. The intensive nature of the approach meant that active facilitation was required to keep participants engaged throughout. Development of the transferable skills was key to empowering young people's ongoing participation in the project.

Participant Learnings

All participants reported that they learnt about advocacy and problem solving. They also said they were able to empathise more with decision makers such as judges and lawyers, whose perspectives, motivations and competing interests they now better understood.

Through mentoring and encouragement, participants were shown how to respectfully place expectations of each other, understand fairness and equity, set shared tasks, work autonomously, and develop teamwork skills.

Through resilience building techniques and exercises, participants learnt how to cope with stress and respond to difficult situations. This led to enhanced self-awareness and emotional literacy, an increased capacity for optimism, and an understanding of individual strengths.

Participants learnt that being able to understand that the needs and feelings of others, as well as each individual's unique way of thinking, are important life skills. This underpinned a number of the activities, and led to an understanding of the motivations of key stakeholders who negotiate and try to influence outcomes for others.

Participants were introduced to the structured problem solving approach; defining the problem, describing the current situation, and establishing possible causes. This approach taught participants how to break down large complex problems into a series of smaller more manageable issues. It proved especially effective for the group because it encouraged participants to talk about issues they had experienced that were both stressful and potentially triggering.

Participants were also introduced to the concept of setting SMART goals (ie goals defined as Specific, Measurable, Achievable, Realistic and Timely). The SMART approach helped to prioritise the issues they had identified individually and collectively, whilst also helping participants give their advocacy 'plan' a clear sense of direction and framing.

Building a Better System

The engagement process presented a steep learning curve for the majority of participants. Whilst participants were keen to share their personal experiences and give their opinions, their initial expectation was that the Commissioner would develop the advocacy strategy on her own, at a later date.

By stepping participants through a process of system mapping, problem identification, solution generation, and action planning, insightful issues were generated and prioritised for action in group sessions.

This meant participants had the time and a reason to evaluate the elements that make up the system, enabling them to identify the areas they felt could be easily changed. They were pragmatic and realistic in their approach.

They considered how the youth justice system had developed, its value to the community, and its long term benefits, including

understanding how a society best operates within a system rather than outside it.

This helped to reinforce the usefulness of rules, rule makers and rule enforcers, as stabilising, rather than controlling elements.

A number of the improvements the participants suggested, related to issues they believed could be easily remedied. Some of these are symbolic while others are outcome focussed, actively engaging young people in their implementation. Others need to be implemented through leadership and cultural behavioural change, but without requiring large financial and/or legislative change.

Below are the actions that young people identified as having the greatest potential to make a significant difference to the youth justice system if implemented:

1 Improving hygiene standards in police watch-house cells

A better system would address the issue of hygiene in the police watch-house cells and take a preventative approach to ensuring the health and wellbeing of young people was a priority.

The first point of contact young people have with the youth justice system is with police.

Participants were concerned about the cleanliness of the police watch-house cells. They believed that due to the high volume of users, cleaning of cells between users was not being done.

They had many stories of infections and situations they faced, where in their opinion, the state of the police watch-house cells presented a public health risk to themselves and others who were being held in them.

2 Reducing waits in court cells

A better system would understand the impact that anxiety, stress and isolation has on the behaviour of young people. It would also make information, support and activities available to young people while they are being held in court cells, thereby helping to reduce their stress levels before being brought into the court room.

Participants spoke about many hours waiting in court cells only to then be in court for less than five minutes and have a matter adjourned. They described how they might spend all day in a court cell for an afternoon hearing. They said that waiting alone in a court cell for many hours has a detrimental impact on their mental health. It can also impact on their attitude once they are taken into the court room, causing their emotions to be heightened and their capacity to be calm significantly challenged.

Participants said that waiting in the court cell is an opportune time to be given information about the court process, including a verbal overview of what might take place. They also suggested they could be given information about community resources and supports that are available to help them not to re-offend. Access to stress relieving activities and specially trained youth support workers would also help.

3 Adopting ‘youth friendly’ court room practices

A better system would consider how to make a court room less intimidating to young people, facilitating procedures that encourage them to engage with those in the room by taking a more problem solving and restorative approach. This might include sitting around a table, or connecting with the magistrate in ways that are more youth friendly.

Participants had a number of concerns with the court room in which hearings are held. These concerns included that they are not given any information on what a court room looks like.

They also believe the physical layout of court rooms is quite intimidating. They describe ‘being in the dock’ as being on public display and public shaming. This impacts on their ability to think clearly, manage emotions and respond in ways that will positively impact outcomes. This inability to take in what is happening has the potential to minimise their compliance due to being fearful of what is happening.

4 Allowing young people to have a say

A better system would create a process that supports young people to have genuine opportunities to comment, respond, express their views and answer questions relevant to their situation without fear of being embarrassed or shamed.

When young people enter the court-room, there is no explanation of who the various people in the court room are, nor is there an overview of their roles. They describe this experience as overwhelming, impacting on their capacity to participate in the process from the outset.

Young people need information made available to them in ways they can process and easily understand. This includes both verbal and written information provided in a timely manner.

They said that ‘everyone else was well versed in the process, and had time to prepare what they were going to say’. By contrast young people felt they were ‘put on the spot’ and were ‘not given enough time to gather their thoughts’ or have an opportunity to ‘present themselves to the judge in a way that felt reasonable’.

5 Setting supportive bail conditions

A better system would use bail conditions as a way of supporting young people not to re-offend by setting individualised, achievable conditions.

Participants believe that the way both police and the court impose bail conditions is problematic. They see these as applying a one size fits all approach that fails to take into account individual circumstances. This produces unnecessary breaches that place pressure on all parts of the system.

Participants believe their right to a review for bail by a magistrate is generally not explained to them, and when it is they are not able to speak directly to the magistrate about their situation.

They believe a better approach would be to include Individualised bail conditions informed by the young person's situation and determined in discussion with the magistrate. These conditions would be designed to suit individual circumstances and include capacity to participate in community activities that promote reintegration and rehabilitation of these young people back into the community.

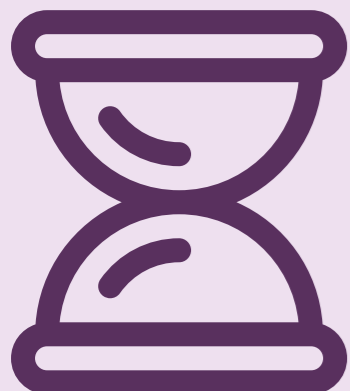
6 Making minimal use of fines

A better system would review the use of fines looking at the low income levels of young people who come into contact with the youth justice system, so that they are not placed under unnecessary, or further financial pressure. For some young people being fined means they cannot afford to eat or to buy credit for a mobile phone that would otherwise enable them to retain vital communication lines with important people in their lives.

Participants expressed concern about the use of fines, particularly those that were issued for obscure offences. They also believe fines are not universally or consistently applied, and had concerns about how high the fines were/are in relation to the typical levels of income available to young people.



SA YOUTH JUSTICE IMPROVEMENT PLAN



What young people told us about waiting in court cells

Testimonials	Issues with current situation	Suggested Improvements	Who can make the change	Improved outcomes through	How can the change be made
<p><i>'Especially frustrating if your matter is adjourned in five minutes.'</i></p> <p><i>'If your matter is going to be adjourned, you should be heard first.'</i></p> <p><i>'Young people should not be sent to court to sit in the cells in the morning if their matter is not listed until the afternoon.'</i></p> <p><i>'It creates tensions, anxiety and a feeling about the system and process that later impacts on responses and can affect compliance.'</i></p>	<p>Long waits in court cells can have a significant detrimental impact on the mental health of young people who are usually already stressed about coming into contact with the youth justice system.</p> <p>Being held for long periods in court cells can impact on a young person's ability to take in information or respond well in the court room situation, including diminishing capacity to manage emotions well throughout the process.</p> <p>There is very little information about what the process within and beyond the court is like, including possibilities such as bail and the Adelaide Youth Training Centre.</p>	<p>While waiting for long periods in court cells, young people could be given access to information that explains what is going to happen in the courtroom.</p> <p>This can help to alleviate their anxiety, reduce stress levels and better manage their emotions and behaviours.</p> <p>For example stress balls, reading material, drawing equipment, homework stations, games, fidgets and phones could be provided.</p> <p>A Youth Worker who can speak to young people while they wait in the court cell could also be made available.</p> <p>The youth worker could:</p> <ul style="list-style-type: none"> – provide information on community support, financial support, activities and recreation; – assist those unable to read or who are feeling too anxious to take information in; – answer questions about the court process. 	<ul style="list-style-type: none"> – Judge – Sheriff's Officers – The Courts (CAA) – Youth workers / mentors-supporting agencies 	<p>Increased ability to take in information being provided during a hearing.</p> <p>Reduced stress and anxiety levels during the court process.</p> <p>Increased ability to engage in court process.</p> <p>Increased likelihood of better behaviour during the court process, which may impact positively on the court outcomes.</p>	<p>Seek input from mental health experts on the negative impact attending court can have on young people.</p> <p>Ask young people to explain 'what happens in your head when you are in this difficult situation'.</p> <p>Combine and distribute this content via video or a set of fact sheets aimed specifically at court attendees where young people's cases are regularly heard.</p>



What young people told us about being in court

Testimonials	Issues with current situation	Suggested Improvements	Who can make the change	Improved outcomes through	How can the change be made
<p><i>'Having the Judge sit up high, looking down on young people makes them feel inferior and intimidated.'</i></p> <p><i>'Being brought in and put in the dock- it's like putting you on display. It impacts your ability to think clearly, respond well or manage emotions.'</i></p> <p><i>'Feeling intimidated, off guard, or that you are not worth anything impacts on your ability to take in what is being said and what young people are being asked to do which may later impact on their compliance.'</i></p> <p><i>'When courts do give them an opportunity to speak, they are put on the spot. Public speaking is stressful. No time is given for them to get their words together and it is overwhelming.'</i></p> <p><i>'Everyone else has time to prepare what they are going to say to the judge.'</i></p> <p><i>'Young people could be given a few minutes to prepare what they are going to say.'</i></p>	<p>Too many people in the court room with no explanation by anyone of who they are or why they're there.</p> <p>This is overwhelming, distracting and intimidating.</p> <p>It impacts on what information a young person can take in and how they respond.</p> <p>It can affect behaviour and attitude.</p> <p>Young people can come across as aggressive or rude rather than just confused and stressed</p> <p>It amplifies the young person's lack of control over the situation they find themselves in.</p>	<p>Establish whether the proceedings could occur in a small room, at a round table, with comfy chairs, where everyone is on the same level.</p> <p>Ensure the only people allowed into the court room actually have a role to play.</p> <p>Mutually respectful interactions could be encouraged as standard court room protocols, eg. Judge shakes hand of young person to demonstrate respect and professionalism.</p> <p>Young people could be given more time to calm their nerves and formulate their responses.</p>	<ul style="list-style-type: none"> - Judge - Sheriff's Officers - The Courts (CAA) - Youth workers and mentors and their supporting agencies - Prosecutor - DAS - Youth Justice 	<p>Young people able to exercise their rights to be informed and engaged</p> <p>Young people improving their compliance, reoffending less and turn their lives around more often.</p> <p>More efficient court process.</p> <p>Less chance of uncooperative behaviour.</p>	<p>Gather and present data via written and verbal presentations.</p> <p>Collect evidence supporting young people who spend less time waiting in court cells.</p> <p>Present findings to Youth Court Judges and staff.</p> <p>Write Letter to Chief Justice and AGD asking them to consider recommendations.</p>



What young people told us about **bail conditions**

Testimonials	Issues with current situation	Suggested Improvements	Who can make the change	Improved outcomes through	How can the change be made
<p><i>'Bail conditions should support young people to prevent further offending.'</i></p> <p><i>'Bail conditions need to be realistic and goal orientated.'</i></p> <p><i>'Bail conditions need to suit individual needs and circumstances.'</i></p> <p><i>'Young people should be given the opportunity to provide Police and the Court information confidentially to ensure conditions are suited to their individual situation.'</i></p>	<p>A one size fits all approach does not work.</p> <p>Court conditions that set young people up against their friends sets them up to fail. Friendships are often the most supportive relationships in a young person's life - this is especially important for those who do not have supportive families.</p> <p>Courts often do not know the situation a young person is in. Placing someone on curfew with their family - could actually be placing them in real danger.</p> <p>There needs to be more options other than counselling and testing provided to young offenders.</p>	<p>Set conditions that match the crime.</p> <p>Set conditions suited to individual circumstances.</p> <p>Make non-association conditions less strict - and don't impose them against family members.</p> <p>Young people need to have a say about family contact - and be able to provide information about relationships they have.</p> <p>Young people need an opportunity to devise their own 'bail conditions plan'.</p>	<ul style="list-style-type: none"> - SAPOL, Arresting Officers - Bail Sergeant - Courts Administration Authority - Youth Justice 	<p>Young people could design their own bail conditions plan and present this to the court for approval.</p> <p>If a young person designs their own bail conditions plan and breaches it, they are accountable to themselves rather than the court or any other authority.</p> <p>Police can do more important work other than follow up on young people breaching their bail conditions.</p>	<p>Young people with youth justice experience speak with Police and Judges to explain the impact bail conditions can have and how they can be counterproductive and sometimes make things much worse.</p>



Next Steps

The youth justice project has had a positive impact on both participants and facilitators. We have asked young people what will make their contact with the youth justice system in South Australia better and they have told us. Now it's time for us to take the action required, and with continued input from young people, make the improvements proposed.

Ultimately it is implementation of their suggestions that will empower young people to have confidence in those who work in and for the youth justice system. This includes a commitment to rehabilitation of young people and their access to a better quality of life outside the youth justice system to prevent re-offending.

Young people who participated in the project believed system change was possible and that their involvement in this project had the potential to lead to their recommendations being considered. This was a significant motivating factor that drove their continued involvement with support from the project partners.

The improvements the young participants have proposed, outlined in the South Australian Youth Justice Improvement Plan on pages 22 to 29, do not appear to be beyond the scope of what's possible. Rather they show a reasonable expectation that such modifications can be made without disruption to proceedings or with any significant time or cost involved.

If we are to meet our international obligations under the United Nations Conventions on the Rights of the Child our next step is to work closely with key influencers and decision makers responsible for implementing improvements to the youth justice system.

I therefore look forward to working with key influencers, decision makers and staff working in South Australia's youth justice system to progress the recommendations contained in this report. I am keen to discuss ways of working together to dramatically improve young people's direct experiences of the youth justice system in the shortest possible timeframes.

I choose to take the optimistic view that some, if not all the recommendations contained in this report, if implemented, will bring about positive change that will not only benefit young people coming into contact with the youth justice system, but all who work in delivery of youth justice services across South Australia.

Personal Leadership Skills Development Session Plan

Sessions	Purpose	Outcome
Introductory Session	Established initial connection and commitment to the program.	Gained a deeper understanding of program expectations and structure.
Mapping the system	Exposed participants to exercises that support them to identify how they are feeling as the session begins and how this changes throughout.	Enhanced self-awareness and emotional literacy.
Identifying the issues	Undertook exercises to assist with aligning values and strengthen connections between group members.	Increased an individual's capacity for optimism.
Further identifying the issues	Exercises to strengthen connections and trust between group members through learning and being mindful.	Improved social skills and confidence. Enhanced mental alertness and self-regulation.
Prioritising the issues	Exercises help participants to identify individual strengths, how they use them and new ways to use them in different areas of their lives.	Empowered participants. Supported the recognition that everyone has something to contribute.
Introducing strategic advocacy checklist	Session focussed on progressing the advocacy plan, responding to participant's feedback on the proposal for an ongoing role.	Evaluated and planned a future session.
Applying the strategic advocacy checklist	Session focussed on finalising the advocacy plan and confirming plans for celebration and graduation event.	Participants listened to the plan devised to move forward.

Advocacy Skills

Development Session Plan

Sessions	Purpose	Outcome
Introductory Session	Provided participants overview of CCYP, project intention and participants role.	Participants were able to decide whether they were interested in participating and determine whether they could commit to the long term nature of the program.
Mapping the system	Developed a map of the youth justice system to allow the group to start exploring the issues within the system.	<p>Participants developed 'a map' of the youth justice system.</p> <p>Participants identified the various domains and processes.</p> <p>Agreed and accepted this as a definition of the 'youth justice system'.</p>
Identifying the issues	<p>Used the map to identify the issues. Participants explored their different views and experiences of the various domains and processes.</p> <p>Participants provided examples and described the impact.</p>	Participants developed an understanding of the similarities and differences of a participant's experiences.
Further identifying the issues	<p>Further identified and discussed all the issues for each domain on the map.</p> <p>Start identifying solutions.</p>	Participants accepted the importance of moving towards solution focussed discussions to achieve change. Starting to understand that remaining focussed on all of the issues stalls progress.
Prioritising the issues	<p>Participants learnt about designing a plan that is specific and achievable.</p> <p>Participants were asked to select priorities from all of the issues that were identified.</p> <p>They were asked to select the most important issue (for them) and an issue they thought was achievable.</p>	Participants identified the difference between issues most important to them 'personally' and those that could be addressed 'easily' and have a collective impact. A list of priorities was created and the group agreed to develop an advocacy plan.
Introducing strategic advocacy checklist	Participants developed an understanding of how change is achieved. They learnt to think about who has influence over the specific domains in youth justice that they want to see change. They learnt that by understanding what people care about the more likely they are to influence them to get on board.	<p>A strategic advocacy checklist was applied to the priority issues one at a time.</p> <p>Participants were able to identify the values of stakeholders, empathetically.</p>
Applying the strategic advocacy checklist	<p>Participants used the strategic advocacy checklist to develop a plan for the priority issues that had been identified by the group.</p> <p>The group have identified key stakeholders, developed recommendations and come up with various methods of presenting, influencing and advocating.</p>	Gained new insights into the complexities of making change happen. Developed appreciation for the importance of how important the right information for the right people delivered in the right way was.

Endnotes

- 1 Article 12 (1) of the UNCRC
- 2 Article 12 (2) of the UNCRC
- 3 Rap, S (2013), *The participation of juvenile defendants in the youth court: A comparative study of juvenile justice procedures in Europe*. ISBN 978 90 8555 084 6
- 4 General Comment No. 12, para 34
- 5 Rap, S (2013), *op. cit*
- 6 *ibid*

Who are we?

South Australia's Commissioner for Children and Young People has a mandate under the *Children and Young People (Oversight and Advocacy Bodies) Act 2016* to advocate for the rights, interests and wellbeing of all children and young people in South Australia. It is also the Commissioner's role to ensure that the State, at all levels of government, fulfils its international obligations under the United Nations Convention on the Rights of the Child (UNCRC).





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