

# YOUTH PAROLE BOARD

Annual Report 2020–21





# **YOUTH PAROLE BOARD**

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Where the term 'Aboriginal' is used it refers to both Aboriginal and Torres Strait Islander people. Indigenous is retained when it is part of the title of a report, program or quotation.

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# LETTER TO THE MINISTER

The Hon. Natalie Hutchins  
Minister for Youth Justice  
Level 26, 121 Exhibition Street  
MELBOURNE 3000

Dear Minister

In accordance with the requirements of section 452 of the *Children, Youth and Families Act 2005*, I submit this report on the operations of the Youth Parole Board for the period 1 July 2020 to 30 June 2021 for presentation to Parliament.

The report contains information about:

- the operation and activities of the Board and of Youth Parole officers during the 12-month period
- the number of persons released on parole by the Board
- the number of persons returned to a Youth Justice centre or Youth Residential centre on cancellation of parole.

Yours sincerely



**Her Honour Judge Claire Quin**  
Chairperson Youth Parole Board

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# CHAIRPERSON'S MESSAGE



## Introduction

My second year as the Chairperson, the Youth Board saw the appointment of two new alternate chairpersons and a new alternative department member. The new professional development program provided informative monthly sessions to build on the knowledge base and skills of the Board members. Operations continued as normal, albeit under constantly changing COVID-19 restrictions.

Finally, 76 young people completed their parole orders during the reporting period successfully. Building on their studies in Parkville College, some of these young people returned to school or enrolled in a TAFE course. Some have found new careers and others have slotted back into their old job. All these young people were ably supported on their parole journey by a dedicated assembly of case managers, youth workers and clinicians, in addition to friends and family.

## Two new Alternate Chairpersons and a new Alternative Departmental Member

It gives me great pleasure to introduce the two new alternate chairpersons who joined the Board during the year, Mr Paul Grant and Judge Scott Johns. I greatly appreciated the legislative change which has allowed the appointment of more than one alternate chair to the Board.

Mr Paul Grant started with the Board in the middle of the 2020 lockdown, in July. Paul has been able to draw on his extensive experience as a criminal barrister, Magistrate and County Court judge, but more significantly as the President of the Children's Court, in understanding the workings of the Board and youth justice. Paul was instrumental in, and the driving force behind, the establishment of the Koori Court in both the Children's Court jurisdiction and County Court in Melbourne and other regional areas. He has received two Aboriginal Community Justice Awards in 2002 and 2006. I have greatly appreciated his level of support and clear capacity to grasp the complexities of decision-making of the Board. This was unsurprising given Paul's long involvement with youth justice, experience in the criminal law, connection with and understanding of Aboriginal justice issues.

Judge Scott Johns was appointed recently to the Board in April 2021. He has approached the position with great enthusiasm and interest. I am very confident that he will make an outstanding alternate chair. Scott has a background as a criminal barrister and was appointed Silk in 2017, then commenced serving as a County Court judge in 2018. Prior to that he worked as a solicitor advocate for the Office of Public Prosecutions, Victoria Legal Aid and the North Australian Aboriginal Legal Aid Service. He is similarly well equipped to deal with the workload and issues that arise in his role on the Board.

I look forward to working with Paul and Scott. They have both provided me with great support, and a forum for advice in respect of some of the more difficult issues that arise in my role at the Board. They are of invaluable assistance in making important decisions regarding the operations of the Board and planning for its future.

I also welcome Michelle Wood as the new Alternate departmental member of the Board. Michelle is currently the Executive Director, West Area in the Department of Justice and Community Safety. She has held numerous senior positions in the department and currently leads and participates in a range of processes across government, and with the service sector, to address the needs of complex and vulnerable young people who are involved with youth justice. Her skills, expertise and her knowledge of the department and government will be invaluable for the Board. I wish her predecessor Gavin Green farewell and success in his new role.



## Meetings

All meetings of the Board were held, either in-person and/or on a digital platform, according to schedule and ensuring that all eligible young people were considered for parole. It also allowed the Board to monitor the progress of all those on parole in the community.

As I indicated in the last report, the optimal scenario for our meetings is to allow for face-to-face engagement with our young people. I greatly appreciate the steps taken by custodial staff to enable this to occur in accordance with COVID-19 restrictions. Hopefully we will soon be able to revert to always conducting in-person meetings with young people and their families at both Parkville and Malmsbury Youth Justice Precincts in the near future allowing a more meaningful and personal engagement.

The newly developed professional development program featured experts from a range of fields relevant to the work of the Board. The monthly sessions have been informative and helped the Board Members gain a more informed understanding of the workings of risk assessments, the MARAM family violence framework, working with young people with a disability and the role of NDIS, the African Australian communities and programs offered by Caraniche and Orygen.

## Success on the parole journey

Tables 2 and 4 below show how the numbers of parole orders are down from last year and the rate of cancellations orders is higher than previous years. Approximately 80 per cent of the cancellations were due to non-compliance with parole conditions. This illustrates how the Board closely monitors the progress of all young people on parole and works with every young person and their care team to support them during their parole journey. If things go awry however, and the young person persistently fails to comply with conditions of the parole order, the Board will not hesitate to cancel their order.

To gain a better understanding of this increase in the rate of cancellations, the Board examined a sample of parole orders from the reporting period. This exercise showed that success on parole order was characterised by young people having a structured day program, activities of interest, settled accommodation, social connection to appropriate adults, and meaningful engagement in rehabilitation programs. It also illustrated how the issuing of formal warnings can be effective in refocusing the young people and boosting motivation to comply with the conditions of their parole order.

The Board recognise that most young people on parole have multifaceted needs and face numerous challenges in their journey to desisting from a crime lifestyle and developing resilience to cope with life's many travails. Last year, these challenges were further compounded by COVID-19 related restrictions and their resultant impact on young people's capacity to engaging in activities, employment, and school. In reviewing the parole journey of many young people, the Board has found the following five foundations lay the stable groundwork for a young person to complete their parole and hopefully see them move on to live a productive life:

### 1. Essentials

All young people who leave custody need appropriate and stable accommodation and enough money for food and rent.

### 2. Relationships

Like all young people who need support in a transition stage of their lives, those on parole benefit from having a significant relationship with a trusted adult(s). The move from the highly supported and social environments of a custodial unit to living alone in the community is often very difficult for young people leaving custody. Those young people with pro-social adults who are genuinely interested in their wellbeing and who check in on them, seem to do better than those who live alone.



### **3. Personal growth**

In building self-agency and confidence, young people who engage in (pro-social) community activities which are interesting and stimulating seem to do better on parole. As most young people had disengaged from school before entering custody, there are only a few who are lucky enough to return to school upon leaving custody. Ideally, young people on parole should be engaged in their preferred courses, programs or work rather than being slotted into a course purely to be eligible for parole.

To make the most of this opportunity of serving their sentence in the community, and to build upon classroom achievements in custody, young people who are on parole will often need additional support and guidance including:

- Help in building relationships with teachers – this can be done through temporary leaves to the schools or TAFE and/or having teachers engaging with the young person when in custody
- Become familiar with the TAFE, program, or workplace – again this can be done through temporary leaves and through teachers conducting ‘in-reach’ sessions into the centres
- Developing positive study and workplace routines – including getting there on time, having necessary equipment, and following instructions
- Checking in – having someone ask how their day went and offering mentoring support and advice.

In this context, I have been buoyed by the recent efforts of staff with transition planning and re-introduction, (COVID-19 restrictions permitting), of day or temporary leaves giving young people an opportunity to “test the waters” or have a taste of what their program will be about and the expectations around it.

### **4. Resilience**

As they approach parole, it is important for young people to develop problem-solving skills which will provide them with the on-going capability to handle the vicissitudes of life and the inevitable setbacks, without resorting to offending and or excessive indulgence in alcohol and drugs.

The range of life skills includes being able to self-regulate emotions when engaging with services and authorities for example, Police and Centrelink. It also includes knowing how to seek support from mainstream services such as the GP, counsellors and mental health services and preparing for contingencies by saving money and budgeting.

### **5. Sense of self**

The Board has noticed that the young people who are nearing the end of a successful parole period, appear more positive in their outlook and have a greater sense of value and self-importance. They are no longer blaming others and circumstances and take responsibility for their past actions and have more control over their future. This emerging maturity is nourished by affirmation from friends, employees, and significant others in the community.

Assistance with the development of these foundations for successful completion of parole should be explored and developed.

## Youth Justice Community Support Service (YJCSS)

Parole can be onerous for young people leaving custody, especially those with complex needs and who don't have a strong network of family and friends. The Board recognises the work of the YJCSS workers who provide practical and emotional support to young people on their parole journey. These workers complement Youth Justice's statutory role, by working in-situ with the young person in their accommodation, helping them with life skills like cooking and budgeting, supporting them to get to school, work or important appointments and engaging in pro-social activities such as sport. They work when the young people need them, often after business hours in the evening and on weekends.

## Accommodation

Kids Under Cover is a welcome new accommodation option for young people leaving custody on parole. This initiative sees bungalows erected in the back yard of the family home to alleviate overcrowding and provide much needed space and graduated independence.

Securing appropriate accommodation remains a challenge for young people leaving custody on parole. Setting young people up in transitional units or houses, supported by workers, has its limitations. The Board has found that young people tend to thrive when placed with other pro-social adults/family, rather than by themselves. Like others their age, they benefit from appropriate social interaction and continued proper guidance to help them adhere to the conditions of a parole plan that provides for offence specific treatment, and/or drug and alcohol counselling.

## Mental Health

The Board notes the significant opportunity that the implementation of the recommendations from the Royal Commission into Victoria's Mental Health System present to improve support and treatment for young people on parole. In particular, the development of a new state-wide forensic youth mental health system will specifically support young people in youth justice who have complex mental health needs and will be an essential reform to improve access to treatment for young people on parole. The Board welcomes the Victorian Government's significant investment in youth mental health and wellbeing in 2021-22 State Budget, particularly the reform and expansion of youth area mental health and wellbeing services across Victoria, including extended and after-hours support; specialist beds in Youth Prevention and Recovery Care (YPARC) units across the State; expansion of mobile outreach teams which provide support to young people with multiple and complex needs; and funding to expand the custodial Forensic Youth Mental Health Service at the Parkville and Malmsbury Youth Justice Precincts.

The annual Youth Justice survey of young people in custody (published later in this report) shows that just over 46 per cent of the 135 males and 10 females who are detained on sentence and remand on 11 June 2021 presented with mental health difficulties. Given this high prevalence, the Board made a submission to the Royal Commission into Victoria's Mental Health System. The submission sought: the continued expansion of custodial mental health services; significant improvements in the custodial environment for young people with mental health needs; and for additional specialist beds in the community. It remains a challenge to find suitable intensive mental health beds for very unwell young people in the community in a timely way.

The Board also drew attention to the need and related service gaps for those young people with moderate to high levels of psychological distress, often known as the 'missing middle'. The Board has found that a number of young people on parole do not meet the threshold for area mental health services but are too complex for community organisations. They are often unable to find a service who will stay involved with them for long periods due to their chaotic presentation, forensic histories, and sporadic attendance. As a result, these services may close the referrals and leave the young person with outstanding mental health needs. In that context, the Board thus used its submission to advocate for protected pathways from the services in custody to equivalent supportive mental health services in the community.

The Board has also observed that young people with mental health needs become quickly frustrated by wait times, office-based engagement and confusing service pathways. They will often disengage, and without treatment their symptoms and behaviours may deteriorate. The Board has advocated for a more flexible and integrated approach to address their mental health needs including assessment, moderate to intensive treatment options, and psychiatric support to young people. There should be appropriate liaison with general practitioners who provide oversight of medication and risk and delivered by well-trained clinicians who understand the forensic youth population and configure service delivery accordingly. For example, scheduling timely appointments and providing an outreach component.

The Board recognises that there are a small number of services that are meeting some of this need, such as NEAMI YFlex (Youth Severe Mental Health Service) and YETI (Youth Empowered Towards Independence) in North Melbourne. These services are restricted by catchment boundaries. Recognising the transience of young people on parole, the Board would like to see these types of services available across the State.

Finally, the Board recognises the highly skilled work of the Orygen, the custodial workers, the respective Area Mental Health Services, regional case managers and the surrounding care team in how they successfully organised the transition of a small number of young men with serious mental health issues from secure mental health beds to appropriate supported accommodation in the community. This work required strong collaboration, careful planning and the input from well-trained skilled workers. Its success was premised on everyone in that team having a comprehensive knowledge of the young person's multi-faceted needs and establishing a trusting working relationship with that young person.



Mishell Warner – Secretary, Youth Parole Board, Her Honour Judge Quin – Chairperson, Youth Parole Board, Murray Robinson – General Manager, Youth Parole Board

## Declining numbers in custody

Table 9 in the report shows that the numbers of young people on sentence in custody continues the recent drop in numbers, particularly those sentenced in the Magistrate and higher Courts. As a result of the reduced numbers, those young people who are on sentence and eligible for parole, tend to be those with complex needs, particularly those with mental health issues, violent behaviours and more entrenched criminal attitudes.

In that context, each parole order presents with considerable challenges and risks. The Board thus is reliant on the expert advice and work from the case managers, community services, Orygen and Caraniche in planning and supervising the parole for each of these young people. This teamwork coupled with strong case management and Board oversight ensures that the risks are managed, and compliance issues addressed in a timely manner.

This issue of remand numbers was identified by the previous Chairperson in his last report in 2018-19. His Honour pointed out that the high numbers of young people on remand heightening the risk of problems in management and rehabilitation within the centres. It is unsettling having an uncertain future and to compound this anxiety, remand units can be less ordered as there is often new young people arriving with all their adjustment issues. He attributed this growth to lengthening court delays and a lack of well-resourced and structured bail support programs including safe and appropriately monitored accommodation. These issues remain, and additionally the structure of and application of the bail legislation to various serious offences, all contribute to the increased number on remand.

The Board has found that young people will often settle quickly when they are provided with the certainty of a sentence and they begin to identify goals, start rehabilitation programs and work towards their parole. Prolonged remand periods, however, will truncate this preparation period and make it less likely that they have done the necessary rehabilitation work before being eligible for parole. This may unnecessarily delay their parole. Days on remand will usually be recognised and reduce their time on sentence, but not in custody. This reduced time on sentence has the unintended consequence of providing less time to undertake rehabilitation and treatment programs before becoming eligible for parole or sentences expiring without steps towards rehabilitation being commenced. I am encouraged by recently developed more innovative approaches relating to programs addressing anti-social behaviour for young people on remand. Reduction of the numbers on remand and continued attempts to positively engage those on remand should be a priority for the reasons outlined, though that is not an easy task.

## Acknowledgements

The Board was ably supported by the General Manager Murray Robinson, the Secretary, Mishell Warner and the Secretariat of Alyssa Moore and Valentina Spasevski and, more recently, Stuart Burnet and Alyssa Fava. I wish Esther Lin all the best in her new role and thank her for her hard work in supporting the Board. Each of them continued to quickly adapt to the ever-changing landscape and ensured that members were provided with accurate information, and reports in a timely manner.

Finally, I wish to express my sincere thanks to all who have worked in the youth justice system both in the community and in custody. They play a critical role in helping young people find their interests and formulate achievable goals. Their commitment and skilled work provide the basis of a trusting relationship with an adult and engenders confidence in a young person that they can succeed both on parole and in the community. COVID-19 has continued to challenge the effective delivery of services to our young people, and you have used your initiative and commitment to the well-being, rehabilitation, support and development of young people within the criminal justice system in a professional manner.

I thank you for your good and important work.

## BOARD MEMBERS



### **Chairperson, Her Honour Judge Claire Quin**

Her Honour is Judge of the County Court of Victoria. She was appointed as alternate chairperson on 1 January 2018 and appointed as chairperson on 1 July 2019.



### **Alternate Chairperson, Mr Paul Grant**

Mr Grant was appointed a Magistrate in August 1988, after 10 years working as a barrister and solicitor. He was the State Coordinating Magistrate from 2001 to 2003, and a Deputy Chief Magistrate and the Supervising Magistrate for Koori Courts from 2003 until his appointment as a Judge of the County Court in April 2006. On 1 May 2006, he was also appointed President of the Children's Court of Victoria. In May 2013 he completed his assignment at the Children's Court and returned to the County Court. He was the Judge in Charge of the County Koori Court from March 2016 until his retirement in 2019. He was appointed an alternate Chairperson of the Youth Parole Board from 1 July 2020.



### **Alternate Chairperson, Judge Scott Johns**

His Honour Judge Johns was appointed as alternative Chairperson of the Youth Parole Board on 6 April 2021. He is a Judge of the County Court and was appointed in August 2018. Prior to this, he was a barrister at the Victorian Bar, specialising in criminal law. Judge Johns was appointed Silk in November 2017. Judge Johns previously worked for Victoria Legal Aid and a solicitor advocate at the North Australian Aboriginal Legal Aid Service. Judge Johns was admitted to practice as a barrister and solicitor of the Supreme Court of Victoria in 1992.





### **Community member, Ms Helen Dimopoulos**

Helen Dimopoulos held management roles at BAYSA/Barwon Youth (now part of the new Barwon Child, Youth and Family) for 18 years and was responsible for a range of youth services including mentoring, drug and alcohol support, education and community support programs. With expertise as a Youth Justice worker, she has also been involved in developing and implementing programs across regional and rural Victoria with a focus on pre- and post-release support, early intervention, crime prevention and Youth Justice group conferencing. She has been a member of regional and state-wide committees focusing on community safety, education, drug and alcohol and homelessness services.



### **Community member, Ms Katie Dietrich**

Katie Dietrich is the Senior Psychologist and Community Services Manager at Caraniche. As a registered Psychologist with AHPRA, she has spent over a decade working with young people on youth justice orders in the community and custody. In addition to her clinical work, Katie trains Community Correctional Officers, court staff and AOD (Alcohol and Other Drugs) clinicians. Katie is the co-developer and implementer of the Adolescent Violence Intervention Program and is seen as an expert in working with high risk young people.



### **Alternate community member, Ms Carmel Guerra OAM**

Carmel Guerra is the founder and Chief Executive Officer of the Centre for Multicultural Youth, the first and largest organisation in Australia to work exclusively with migrant and refugee young people. Carmel has advocated for young people of refugee and migrant backgrounds for over 30 years and she has a longstanding involvement in youth justice and policing issues. Carmel sits on numerous Boards and Committees including the Victorian Police Commissioner's Human Rights Strategic Advisory Committee, the SBS Community Advisory Committee and is Chairperson of the Multicultural Youth Advocacy Network (MYAN) Australia. Carmel was awarded a Medal of the Order of Australia in 2016 and the Victorian Premier's Award for Community Harmony in 2015.



### **Alternate community member, Ms Marion Hansen**

Marion Hansen is a Gamilaroi woman from Moree, NSW. Marion moved to Victoria in the early 1970s and has worked in various positions within the Aboriginal community for more than 40 years. In the early 1990's Marion was elected to the Aboriginal and Torres Strait Island Commission, serving four terms, including two terms as Victorian Commissioner. As Commissioner, Marion played an important role in the establishment of the Djirra, formerly known as the Family Violence Prevention Legal Service and Aboriginal Radio Station 3KND. She has been a member of Dandenong and District Aborigines Cooperative for over 40 years. Marion is the current chair of the Djirra and has been the Chair of the Southern Regional Aboriginal Justice Advisory Committee for a number of years. She has been a signatory to all four Aboriginal Justice Agreements. Marion has taken a

lead role in advocating for the prevention of family violence in Aboriginal communities. Marion's leadership in this area is well recognised through her representation on key state-wide forums, and other committees.



### **Departmental member, Mr Thomas Wills**

Thomas (Tom) Wills is the General Manager, Community Services, Department of Justice and Community Safety. For the past 36 years, Tom has worked in a diverse range of roles in Community Corrections. He has worked as both a case manager and senior officer, overseeing the service delivery of community-based programs and prison programs for offenders. Tom has played a pivotal role in developing innovative programs such as the Community Crime Prevention activities. Thomas Wills was awarded the 2009 Australia Day Public Service Medal.



### **Alternate Departmental member, Michelle Wood**

Michelle Wood is the Executive Director, West Area, Department of Justice and Community Safety. As a law graduate Michelle began her career working as a community corrections officer. From there she held a range of senior management roles in Corrections Victoria where she led significant improvements across the adult corrections system. In 2010, Michelle was the Project Director for the Community Correctional Services Sentencing Reform project which resulted in a significant expansion of community corrections officers, introduction of a new intensive case management model, a regionalised community work framework and expanded the nature and availability of programs to address offending behaviour. The staff support and training framework for this project received an International Corrections and Prisons Association (ICPA) award.

Since then, Michelle has held a number of Executive positions in the department including the Assistant Director - Community Correctional Services and the Regional Director of Grampians. In her current Executive Director role, Michelle is responsible for successful delivery of integrated justice services including Youth Justice; Community Correctional Services; Sheriff's Operations; Consumer Affairs; Crime Prevention; Dispute Settlement Services; Births, Deaths and Marriages; and the Regional Aboriginal Justice Advisory Committees for the West Area. Michelle currently leads and participates in a range of processes across government, and with the service sector, to address the needs of complex and vulnerable young people who are involved with youth justice.



## Welcome Mr Paul Grant

Mr Grant was appointed as the Alternate Chairperson to the Board on 30 June 2020. His appointment to the Board as a retired judge of the County Court extends his long-standing involvement with young people and Youth Justice.

As a young barrister in the early 1980s, Mr Grant frequently worked in the antiquated children's Court on Batman Avenue and then, after his appointment as a magistrate in 1988, he served a two-year assignment in the Children's Court in Queensbridge Street. That court was located next to a hotel and opposite the casino!

From 2001 to 2004 he was a member of the Victorian Child Death Review Committee. Mr Grant was the State Coordinating Magistrate from 2001 to 2003 and a Deputy Chief Magistrate and the Supervising Magistrate for Koori Courts from 2003

orders were recorded on a child's criminal record sheet and sentencing options were limited to a bond, a fine, probation or detention. There was a high rate (per head of population) of young people held in institutions such as Turana, Baltara and Winlaton.

Mr Grant welcomed the changes to the child protection and youth justice systems that came from the 1989 *Children and Young Persons Act*. As far as youth justice was concerned, the 1989 Act raised the age of criminal responsibility to 10; introduced sentencing principles relevant to young offenders and their rehabilitation; introduced a range of low level and intermediate sentencing orders that enabled more children and young people to be diverted away from detention; and made it absolutely clear that detention was a sentence of last resort. Since that time further legislative changes have generally built upon those early reforms.

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***Mr Grant believes that children and young people have the capacity to rehabilitate providing they are given the appropriate supports to do so. He takes great satisfaction in seeing young people do well on parole through participation in programs and working with support services; undertaking education, training or employment; engaging with family and loved ones; and connecting to their community.***

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until his appointment as a Judge of the County Court in April 2006. On 1 May 2006, he was also appointed President of the Children's Court of Victoria. In that same year he was the recipient of an Aboriginal Community Justice Award for *"his outstanding contribution to improving justice outcomes for the Koori community in Victoria"*. In May 2013, he completed his assignment at the Children's Court and returned to the County Court. He was the judge in charge of the County Koori Court from 2016 until his retirement in 2019.

Apart from the significant improvements in the amenity and location of the children courts over the years, Mr Grant has witnessed significant changes in the way the law deals with children and young people. When he started as a lawyer, the age of criminal responsibility was eight, child protection

Mr Grant believes that children and young people have the capacity to rehabilitate providing they are given the appropriate supports to do so. He takes great satisfaction in seeing young people do well on parole through participation in programs and working with support services; undertaking education, training or employment; engaging with family and loved ones; and connecting to their community. He takes a real interest in the lives of the young people who appear before the Board and meticulously studies reports and assessments. He is exacting in his expectations of those working with young people and believes that they should listen to young people and help them meet their aspirations and hopes. He believes that supporting young people to restructure their lives is the most effective way for them to desist from offending and keep the community safe.

Mr Grant has greatly impressed young people and their workers in the respectful way that he engages with young Aboriginal people, their families and their workers. As an example, he now holds Board meetings for Aboriginal young people in the Coorong Tongala Room in the Malmsbury Youth Justice Centre. The young people have reported feeling more comfortable in a culturally safe place. They have also responded enthusiastically to Mr Grant's request that they bring a piece of their artwork to the Board meeting to show him and other Board members.

Mr Grant finds the work on the Board emotionally and intellectually challenging but incredibly rewarding. He greatly admires the dedication and commitment of those workers who supervise and support young people as they transition from custody to the community. He acknowledges the fact that most of the young people in youth detention come from circumstances of great disadvantage. These young people need our very best interventions to help them try and rebuild their lives.

Mr Grant understands that Youth Justice is not just an issue for a government department or a community organisation or the police or the Youth Parole Board. It is an important issue for the whole community and it requires an integrated, whole of government response. One that provides appropriately generous investment in the effective delivery of appropriate supports and services to address individual problems but also, just as importantly, enhances prevention. On this latter point, Mr Grant believes that one potent strategy involves us getting the early years right. Effective intervention in the early years is one way of limiting the progression into the youth justice system that we currently see for those young people who, to quote the words of a former chair of the Board, "are the product of, and still suffer from, a damaged and unprotected childhood."



Carmel Guerra, Paul Grant, His Honour Judge Johns and Hamish Osborne

## Recognising Carmel Guerra OAM

The recent reappointment of Ms Carmel Guerra OAM to the Youth Parole Board bears testimony to her valuable contribution to the Youth Parole Board and recognises her impressive work history. Ms Guerra has over thirty years' hands-on work with young people from migrant and refugee families. This real experience and connection allows Ms Guerra to provide insightful and informed advice to the Board about the intersectional (or multifaceted) issues faced by these young people in Victoria today.

As an overlay to her extensive knowledge of young people, Ms Guerra also brings extensive governance skills and experience. She currently sits on a number of Victorian and National boards, including Chair of the Multicultural Youth Advocacy Network Australia (MYAN), the Migration Council of Australia, the SBS Community Advisory Council and the Victoria Police Human Rights Strategic Advisory committee.

Ms Guerra founded the Centre for Multicultural Youth (CMY) over 25 years ago and it now provides support to thousands of young people from migrant and refugee families. Ms Guerra was awarded an Order of Australia Medal in 2016 for her services to multicultural youth.

After graduating from University, Ms Guerra began her career as a youth worker working with young people exiting the youth justice system and supporting Vietnamese young people. In the 1990s these young people were overrepresented in the Youth Justice system. Ms Guerra recognised the importance of tapping into the evident energy and resilience of the young people and the inherent optimism and pride found in Vietnamese families. Working closely with the community and families, she was able to develop programs which supported young people to move from anti-social and criminal activities and rewrite their self-narrative to lead positive lives in the Victorian community.

Ms Guerra is proud of the work of the Board and believes that it plays a critical oversight role for young people in custody, particularly as these

young people approach the challenging period of transition from the supported structure of custody to the freedom of community. She believes that young people in custody are in a liminal stage of their life when they are trying to establish their identity. She stresses the importance of working with these young people to help them identify and fulfil their aspirations. She believes that they are more likely to be successful when they have adults in their lives who are genuinely interested in them, assist them to transition back into the community, who ask them how their day was, and who help them with basic life skills.

She acknowledges that Board membership brings a great weight of responsibility. The Victorian youth parole system is unique in its approach to assist young people exiting the youth justice system, and believes it is an honour and privilege to serve as a member. She explains how members are privy to the personal lives of young people and need to act with great integrity and veracity. The Board also has an equal responsibility to the community to ensure that these young people are ready to be effectively managed in the community. She believes that the Board's collective experience and knowledge, coupled with its diversity of skills and disciplines, allows it to carefully analyse the needs of young people on parole and address any risks they may pose to the community when on parole.



Thomas Wills, Her Honour Judge Quin and Carmel Guerra

# GENERAL MANAGER'S REPORT

In 2020–21, the Youth Parole Board considered 1,939 matters during 24 scheduled and 98 'ad hoc' meetings. From those matters, the Board issued 134 parole orders, compared to the 160 which were issued in the previous year. This decrease paralleled the continued declining trend in the number of active Youth Justice Centre Orders and Youth Residential Centre Orders issued by the courts during the year. The total number of these orders declined from 278 in 2019–20 to 252 in 2020–21. The number of remand orders has declined from 1,324 in 2019–20 to 1,080 in 2020–21.

In 2020–21, 76 young people met their commitment to the Board and completed their parole orders. During the year, the Board issued 41 warnings and cancelled 81 parole orders.

At the beginning of the reporting period, the Youth Parole Board Secretariat introduced a learning and development program for members. The program aims to enhance Board member's understanding and increase knowledge in a range of pertinent areas affecting Board decision-making. The program provides members with a monthly interactive session which is delivered by experts. The program is supported by a dedicated channel on the Microsoft Teams platform which holds recordings and research articles. This channel

also holds relevant information on department procedures, legislation and Board operations.

The Board prioritised building their working understanding of the Youth Level of Service/Level of Service Case Management Inventory–Screening Version risk assessment tool. These assessment tools are a critical component of the Risk Needs Responsivity framework which underpins the Victoria's Case Management model in working with young offenders.

The program has also helped members to improve their understanding of family violence, youth offending programs, mental illness, and disability. Respected community leaders have delivered sessions in working with African Australian young people and Aboriginal young people.

During the reporting period, the Secretariat has continued to upgrade its record-keeping and report dissemination systems. The Secretariat securely stores and distributes all information on young people and its operations on a digital system. It continues to meet its statutory obligations in providing updates on its information security activities outlined in its Protective Data Security Plan to the Office of the Victorian Information Commissioner.



Paul Grant, His Honour Judge Johns, Thomas Wills and Katie Dietrich



After a number of COVID-19 related postponements, the inaugural Dr Larry Osborne lecture was held on 12 July 2021. The annual Larry Osborne Scholarship was established in 2011 to "...encourage innovative best practice in parole planning and supervision of parolees in the community". Dr Osborne was a long-standing member of the Youth Parole Board and a general practitioner with a specialist interest in drug and alcohol and mental health issues in young people. Before his death, Dr Larry Osborne had proposed that a scholarship for youth justice workers be established to mark 50 years of the Youth Parole Board's operation.

With the restrictions on travel in 2020, the Board consulted with Dr Osborne's family and decided to replace the annual scholarship with an annual lecture.

Lisa Ward delivered the Dr Osborne lecture to the members of the Board and front-line workers from community and custodial youth justice. Lisa focused her lecture on those young people who are involved in both the child protection and the youth justice systems – often known as Crossover children. Lisa was very well qualified to deliver the inaugural lecture. Having managed Victoria's youth justice system over twenty years ago, Lisa now operates a research and consultancy business with a key focus on linking services working with the most marginalised members of our community. Lisa's career as a social worker and lawyer has traversed a range of human services including child protection, youth justice and adult corrections. Lisa has chaired the committee responsible for investigating the deaths of children known to Child Protection; was a long serving member of the Adult Parole Board and is currently Deputy Chair of the Sentencing Advisory Council of Victoria.

The audience were also lucky enough to enjoy a short performance from Luther Gabriel aka Yung Shogun. He is an emerging young rapper/MC artist who entertained the crowd with his energy, emotion and humility.

#### **Murray Robinson**

General Manager

Youth Parole Board Secretariat



Lisa Ward



Luther Gabriel

## STREAT

### STREAT's Thyme Out program at Parkville

Given that employment is a strong determinant to success on parole, the Board is featuring STREAT in this year's annual report. STREAT is one of Australia's leading social enterprises and strives for all young people to have a strong sense of inclusion and belonging, and be thriving with a healthy self, job and home. They operate a portfolio of hospitality businesses where marginalised young people gain the necessary support and skills to gain employment. For the last decade STREAT has provided over 600 young people with pathways from homelessness, detox, mental health institutions, refugee centres and the juvenile justice system into the foodservice industry.

In February 2020, they opened the STREAT café on the Parkville Youth Justice Precinct and began offering their program to young people in custody and those in transition and on parole. STREAT worked with the Department of Justice and Community Safety to develop their Thyme Out program. It aims to create more effective transitions of young people from the Malmsbury and Parkville Youth Justice Centres into STREAT's programs and/or into further employment/study.

As a Work Integration Social Enterprise (WISE), STREAT provides young people with an intensive 12-months of support in two parts:

- (i) six-months of *Learning* where young people gain over 500 hours of accredited skills, on-the-job training, life skills and personalised support, and
- (ii) six-months of *Earning* where young people gain over 700 hours of paid work and employment transition support.

Young people are offered 27 three-hour shifts in a six-week program in the STREAT Parkville café alongside STREAT's fully qualified baristas, chefs and hospitality staff. Young people undertake:

- *Work Modules* including: front of house, coffee training, service training, table service, point-of-sale sandwich service and
- *Work Readiness Modules* including: training and employment pathways, presentation and

routine, five ways to wellbeing, employability skills, job hunting and resume writing skills and an individual transition plan.

STREAT then encourages young people to apply for STREAT's two-month *Intro to Work* or six-month *Ready to Work* programs.

STREAT's feedback and evaluation of young people's success provides insight into how the programs are received and the following quotes are testament to how much the program means to them.

- 94% of young people enjoyed the STREAT Thyme out Program with trainees attending 85% of the shifts available.
- 100% of the trainees who completed the program transitioned to a STREAT program and/or other training/employment opportunities.
- 100% of trainees thought this program should continue and were grateful for it.

Actual quotes from young people who have undertaken the program:

"I became more confident in the weeks that I spent here."

"They always greeted me with a smile, they always asked me how I was coping and what I felt comfortable doing. They always worked with me."

"I think overall it's a really good course for young people and giving them the opportunity to gain skills they use in a lot of jobs like teamwork and communication."

"They treated me like one of them."

"If I needed support, they helped me."



Streat café, Collingwood

# YOUTH PAROLE BOARD OVERVIEW

The Youth Parole Board (the Board) was first established in 1961 by the *Social Welfare Act 1960* and now continues under section 442 of the *Children, Youth and Families Act 2005* (the Act).

The Board is made up of a chairperson, who is a Judge of the County Court, two community members and one member representing the Secretary of the Department of Justice and Community Safety. The chairperson and all sitting members have an alternate member who can sit in their absence. As matter of policy, one community member is an Aboriginal person. The Board members are appointed for a period of up to three years and may be re-appointed.

The Board now has two alternate chairpersons. In April 2020, the COVID-19 Omnibus (Emergency Measures) Bill 2020 expanded the eligibility for the Youth Parole Board chair and alternate chairperson to allow more flexibility and capacity to meet the growing operational requirements of the Board. The legislation provides for the appointment of a second alternate chairperson and allows chairpersons to be selected from a broader pool including retired judges, serving, reserve and retired magistrates and experienced lawyers. The *Justice Legislation Amendment (Drug Court and Other Matters) Act 2020* came into operation on 26 April 2021. This amendment to the legislation replicates and continues the modifications made by the COVID-19 Omnibus (Emergency Measures) Bill 2020.

While the Board is a statutory body and its independence is important, the Board does not and cannot operate in isolation. The Board plays an integral role in the broader Youth Justice system and seeks to operate in a way that promotes the cohesiveness of that system and collaboration across a range of services.

The Board occupies a unique and privileged position which lends itself to being able to meaningfully inform and contribute to policy discussions about parole.

## The purpose of youth parole

The purpose of youth parole is to promote public safety by supervising and supporting the transition of young people from custody back into the community and their continued rehabilitation, in a way that seeks to minimise the risk of reoffending, in terms of both frequency and seriousness.

The Youth Parole Board exercises jurisdiction over all young people sentenced by a court to a period of detention in a Youth Residential Centre or Youth Justice Centre as per sections 462 and 463 of the Act. Section 458 empowers the Youth Parole Board to release, or grant parole to, young people subject to its jurisdiction.

Youth parole allows young people on a Youth Justice Centre Order (15–20 year olds) or Youth Residential Centre Order (10–14 year olds) to serve part of a custodial sentence in the community. Case managers in regional youth justice units supervise young people on parole orders, enabling young people to receive support and assistance through rehabilitation programs and services, which aid transition from detention to the community. Section 453 of the Act stipulates that a parole officer (case manager) is, in relation to a parole order made by the Youth Parole Board, subject to the direction of the Youth Parole Board.

While on parole, the young person is still serving their sentence of detention and must formally undertake to comply with the conditions of their parole for the duration of the order. There are, for example, order conditions mandating the young person to attend rehabilitation treatment programs and/or alcohol and drug counselling.

Under section 460 of the Act, the Board may cancel the order, at any time, and require the young person to serve the whole of the parole period (including the time that they have been in the community and the time remaining on the sentence) back in detention.



In carrying out its functions, the Board

- meets with young people in detention or on parole for the purpose of granting or cancelling parole; considering requests for transfers; addressing poor behaviour and compliance with parole conditions
- receives and considers case histories, summaries of offences, outcomes of risk assessments using validated tools and reports on young people's progress in custody and on parole to assist in their decision-making
- requests and considers special reports and court documents, for example, court transcripts, victim impact statements, school reports, police summaries, psychiatric and psychological reports

## Dual track system

In Victoria, section 32 of the *Sentencing Act (1991)* provides that 18–20-year-olds convicted of 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 establishes what is commonly referred to as the “dual-track” system. The Youth Parole Board has jurisdiction over both children sentenced in the Children's Court and young people between the ages of 18 and 21 years sentenced in the adult courts to detention in a Youth Justice Centre.

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***The Board works with the young person, case manager and custodial worker to promote and encourage behaviour which is consistent with the Youth Justice Centre's expectations and rules.***

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- amends, cancels or varies conditions of parole orders
- hears from victims and/or their families, and
- makes decisions about the transfer of young people between a Youth Residential Centre and a Youth Justice Centre and between a Youth Justice Centre and prison, as per sections 464 to 477 of the Act.

The Board works with the young person, case manager and custodial worker to promote and encourage behaviour which is consistent with the Youth Justice Centre's expectations and rules. They may counsel and warn a young person who is not meeting these expectations. They will explain how their behaviour and/or non-participation in rehabilitation programs and activities may delay or even jeopardise their prospects of being granted parole. In rare circumstances, where the Board considers that the young person (aged 16 years or more) cannot be effectively managed and is threatening the good order and safe operation of the Youth Justice Centre, the Board may transfer the young person to an adult prison.

## Youth Parole Board Secretariat

The Youth Parole Board Secretariat provides administrative support to the Board. The General Manager maintains oversight of the Secretariat and is responsible for the operations and practice direction of the Secretariat. The Secretariat provides critical support to the Board to ensure it is provided with comprehensive and timely information by the Youth Justice service and key stakeholders.

The Secretary of the Youth Parole Board is the conduit between the Board, Youth Justice, community members and external stakeholders. The Secretary analyses information to ensure that critical advice is conveyed to and from the Board to facilitate decision making.



The Youth Parole Board Secretariat

# OPERATIONS AND DECISION MAKING

## Youth Parole Board decision-making

The Youth Parole Board generally sits twice each month, typically on a Monday. Usually, two boards sit concurrently. Board meetings are held at either the Parkville Youth Justice Precinct or the Malmsbury Youth Justice Precinct. Under COVID-19 restrictions, meetings have been held on an audio-visual platform. In addition to scheduled meetings, the Board also convenes ad hoc meetings. These meetings may be used to formally warn young people about improving their compliance with parole conditions or may be about unsatisfactory behaviour in custody. Ad hoc meetings may also be held to consider cancellations of parole, out of session paroles or transfers of young people to prison.

In 2020–21, the Board considered 1,939 matters during 24 scheduled and 98 ad hoc meetings.

The Board makes decisions within a framework that focuses on the long-term protection of the community through the rehabilitation of young people. Decisions are informed by a range of factors including the behaviour of the young person in custody and their engagement in evidence-based rehabilitation programs. Members consider the risk associated with supervised earlier release against the risks of reoffending if the young person is released without any supervision or support. In that context, the Board's decision-making regarding eligibility for parole takes into account the extent to which the degree of re-offending risk of earlier release on parole can be reduced through supervision and conditions on the order.

The following factors are considered by the Board in its deliberations:

- the interests of, or risk to the community posed by the young person on parole
- the interests of the young person
- comments by the sentencing court
- the age and maturity of the young person
- the capacity for parole to assist the young person's rehabilitation
- the nature and circumstances of the offences

- outstanding charges or pending court appearances
- the young person's criminal history
- compliance with any previous community-based dispositions
- risk assessments using validated tools
- family and community support networks
- access to appropriate and stable accommodation
- reports from psychologists, psychiatrists, teachers, medical practitioners and other professionals
- submissions made by victims and police informants
- submissions made by the young person, the young person's family, friends and potential employers.

Behaviour in custody and their participation in youth offending programs are important factors in the Board's considerations. They are also important factors for the young people in custody as the possibility of parole provides an incentive for young people to actively participate in such programs and to take steps to address factors that underpin their offending behaviour and attitudes.

The young person's case manager presents a parole plan to the Board which provides comprehensive information about the young person's plans for living in the community on parole, including having suitable accommodation.

The Board interviews each young person on the day they are to be released on parole to explore issues that may impact on their ability to successfully complete their parole, and to ensure they clearly understand the Board's expectations and conditions. Given the restrictions, imposed by the COVID-19 pandemic, some young people have been interviewed by the Board on an audio-visual platform.

A young person's case manager attends the interview to support the young person and take note of the advice being issued by the Board so that it may be reinforced by them during the

parole period. The Board normally welcomes family members or other support people who attend the parole interview with the young person. In COVID-19 times, however, only the case manager has presented to the Board on an audio-visual platform. Unfortunately, it has not been possible for families to attend the Board meetings given the COVID-19 restrictions. Once these restrictions are lifted, the Board will again encourage families to attend the Board meetings to support their children.

## Visitors

The Board welcomes visitors with a special interest in Youth Justice at its meetings. The Board requires all approved visitors to adhere to procedures regarding the confidentiality of Board proceedings. Visitors receive an explanation of how the Board performs its statutory responsibilities and are able to observe its operation. In COVID-19 times, only essential visitors have attended on an audio-visual platform.

Appendix 1 outlines the individuals and agencies that have visited the Board during this year.

## Strong Parole Planning

Parole is an integral stage of the rehabilitation journey of young people leaving custody in Victoria. This stage affords young people with the opportunity to spend the final stages of their sentence in the community under close supervision and with intense support. Case management provides the framework for this stage and is premised on collaborative work with the young person and the agencies involved in their lives. It features a structured process of assessment, planning, intervention and review that determines and responds to a young person's individual risks and criminogenic needs in order to reduce reoffending and improve community safety. Multi-agency collaboration is vital to coordinating key statutory and non-statutory agencies' service delivery to meet the young person's needs. This collection of professionals is known as the care team.

The parole plan articulates the fundamentals of the case management model and provides the details of the recommended services, interventions and conditions that inform the Board's decision-making and the conditions of the proposed Youth Parole Order.

Parole planning starts as soon as the young person receives their sentence. It involves detailed use of screening and risk assessment tools. The validated assessment tools identify the risk of re-offending, and specific family violence risk (victimisation/ use of violence). The parole plan informs the Board about the criminogenic needs of the young person, in addition to their developmental and welfare needs, such as disabilities, housing and mental health. The plan also describes the young person's previous compliance with supervised orders, and the circumstances involved in their current offences. In combination with their case plan and the involvement of designated interventions and rehabilitation programs, the parole plan is used to supervise and support the young person on a parole order in the community.

Before parole, case managers provide reports on the parole planning to the Board which detail how the young person is engaging and progressing in rehabilitation programs and other rehabilitation programs when in custody. The reports also provide details and assessment of any incidents or poor behaviour by the young person, either as a participant or victim.

The parole plan is used to guide the young person's reintegration and transition from custody into the community. The plan is prepared in close collaboration with the members of the young person's care team, who will all play critical roles in the young person's reintegration process and rehabilitation journey.

The parole plan lists the interventions, programs and support organised with the young person in key areas such as addressing offending behaviour and attitudes, accommodation, education/employment, alcohol and drug counselling, mental health and supervision. The aim is to support the young person as they transition back into the community and reduce the likelihood of them reoffending.

The case manager may recommend special conditions for a young person's parole order. Their intention is to target specific risk areas such as alcohol and other drug use, in order to reduce the risk of reoffending. These conditions are informed by the young person's offending history, a consideration of victim issues resulting from the offending, and/or from specialist reports indicating specific problems that are likely to interfere with the young person successfully completing the parole order.



His Honour Judge Johns and Her Honour Judge Quin

## Youth Parole Orders

### Mandatory parole conditions

Under section 458 (4) of the *Children, Youth and Families Act (2005)*, the Board is required to consider imposing the following parole conditions on orders for young people on parole:

- (a) the person must not break the law;
- (b) the person must be supervised by a parole officer;
- (c) the person must obey any lawful instructions of that parole officer;
- (d) the person must report as and when directed by that parole officer;
- (e) the person may be interviewed by that parole officer at any reasonable time and place directed by that parole officer;
- (f) the person must, within two days of changing his or her address, advise that parole officer of the change of address;
- (g) the person must not leave Victoria without the written permission of the Youth Parole Board. For young people who have committed serious offences, the Board is required under section 458A(3) of the *Children, Youth and Families Act (2005)*, to impose the above conditions and the following additional conditions on their Youth Parole Order:
  - (h) any other condition the Youth Parole Board considers necessary for the protection of any victim of an offence referred to in subsection(1)(b);
  - (i) if the Youth Parole Board considers it appropriate having regard to the circumstances of any offence referred to in subsection(1)(b), one or more of the following –
    - (i) that the person not visit particular places or areas, or only visit the places or areas at specified times;
    - (ii) that the person not contact specified persons or classes of person;
    - (iii) that the person undergo rehabilitation and treatment ordered by the Youth Parole Board;
    - (iv) that the person attend a day program specified by the Youth Parole Board.

### Special conditions

As part of the parole planning process, special parole conditions can be recommended and imposed by the Board beyond the standard conditions that attempt to address the risks and needs specific to the young person being proposed for parole.

As per Table 1, in 2020–21 there were 471 special conditions imposed on the 134 parole orders issued during the year. There can be multiple conditions placed on a parole order. A breakdown of the special conditions imposed are listed as per Table 1.

**Table 1: Special conditions imposed by the Youth Parole Board during 2020–21**

Type of condition	Number of special conditions imposed by the Board
Substance abuse counselling	65
Psychological counselling	5
Psychiatric counselling	0
General counselling	2
Forensic counselling	3
Anger management or violence prevention	0
Attend Male Adolescent Program for Positive Sexuality	3
Offence Specific counselling	58
Reside as directed	9
Attend a day program	17
No contact with an individual	85
Not to attend a geographical location	69
Abide by conditions of intervention order (IVO)	17
Motor vehicle offending program	0
Adolescent Violence Intervention Program	1
Abide by a curfew	34
Men's behaviour change program	0
Youth offending programs	19
Attend offence specific assessments and interventions	8
Other	13
That you comply with Disability Client Services	3
No contact with a co-offender	24
Mental Health treatment / counselling	18
Comply with Sex Register conditions	6
Engage in supervision	0
Not to be in possession of a firearm/weapons	1
Available for telephone supervision	11
<b>Annual Total</b>	<b>471</b>

Source: Department data extracted 13 July 2021



## Parole orders issued by the Board

On the day set for possible parole, the Board interviews the young person, explores all matters relevant to their parole, and explains and reinforces the conditions of parole. At the end of that parole hearing, the young person signs the parole order indicating that they consent to and understand the conditions of parole. During 2020–21, the Board issued 134 parole orders.

**Table 2: Parole orders issued by the Youth Parole Board**

	Number of parole orders issued by the Board			
Gender/order type	2017–18	2018–19	2019–20	2020–21
Females – youth parole order	16	14	11	5
Males – youth parole order	227	171	149	129
<b>Annual total</b>	<b>243</b>	<b>185</b>	<b>160</b>	<b>134</b>

Source: Department data extracted 13 July 2021



## Active Parole Supervision

Case managers are authorised under section 453 of the *Children, Youth and Families Act 2005* to supervise young people on parole upon their release. They are subject to the direction of the Board in relation to its parole orders but are subject to the direction of the Secretary to the Department of Justice and Community Safety in relation to their other duties and responsibilities.

Case managers are located in community-based youth justice teams across Victoria and provide supervision and support for young people approaching parole and on parole. Youth Justice Centres and community-based youth justice teams work closely together to ensure a consistent and co-ordinated response during a young person's sentence.

Parole supervision is an important component part of the case management model. Supervising young people in the community often takes place in a dynamic and complex environment. Young people's circumstances can change without notice and significantly. Case managers need to ensure that they are constantly assessing risk levels and monitoring the impact of interventions on their rehabilitation. If risk levels become heightened, they must be prepared to react swiftly and work with the Board to take decisive action such as issuing warnings and cancelling parole orders.

Parole supervision includes supporting and assisting the young person on parole to improve their connection to the community through family, accommodation, education, employment and structured recreation. It also involves direct case work through motivational interviewing and challenging offending attitudes, cognitive distortions and criminogenic beliefs. The role involves monitoring young people's behaviour in the community, assessing their engagement in work or school and rehabilitation programs, checking their compliance with the conditions of the parole order and providing reports to the Board.

Case managers are responsible for supervising and supporting young people throughout their sentences both in Youth Justice Centres and in the community. They often deal with complex issues when young people are released into the community. A considerable amount of time and effort is put into establishing appropriate plans and preparing for their transition to the community, particularly securing appropriate accommodation for young people with high needs. The Youth Justice Community Support Service works in partnership to provide practical support to most young people on parole.

During the parole period, the Youth Parole Board receives regular reports from case managers about the progress of young people. The Board may see some of the young people during their parole period to discuss emerging issues, to warn them about inadequate compliance, or to acknowledge and reinforce positive progress.

Youth Justice community case managers continue to supervise children and young people on parole orders during the COVID-19 pandemic. To mitigate the risk of transmission of COVID-19, most community-based Youth Justice supervision functions and programs are being conducted virtually using technology. Face-to-face supervision is used when risk levels and the needs of young people are concerning.

Remote supervision involves case managers working remotely and engaging and supporting young people to meet their order and address their offending with the assistance of secure technology. For young people who do not have access to such technology, Youth Justice has sourced additional secure tablet devices for distribution to them to facilitate their ongoing supervision. The Youth Justice case management model remains consistent although the mode of supervision has changed to mostly remote delivery.

## Warnings issued by the Board

The Board may warn a young person in custody or on parole, on its own initiative or on request from the Youth Justice Centre management or youth justice case manager. Warnings from the Board provide a young person with an opportunity to reflect on their behaviour and to make changes that will result in successfully completing their sentence in a Youth Justice Centre and/or on parole.

For those in custody, the Board explores their behaviour, sets expectations for improvement and warns of possible action by the Board, including refusing parole or, for young adults, possible transfer to prison.

For those on parole, the Board works with the young person and their case manager on the reasons underpinning failing comply with the conditions of parole. The Board emphasises the need to comply with conditions of parole and warns that further non-compliance can, or will, result in the cancellation of parole. Young people are provided with an opportunity to meet the Board to explain what is happening in their lives and their plans going forward. The Board always encourages them to work closely with their youth justice case manager.

**Table 3: Warnings issued by the Youth Parole Board**

Year	Warnings issued by the Board
2014–15	14
2015–16	17
2016–17	23
2017–18	29
2018–19	22
2019–20	40
2020–21	41

Source: Department data extracted 13 July 2021

## Parole Cancellation

Under section 460 of the *Children Youth and Families Act (2005)*, young people who do not comply with conditions of parole can have their parole cancelled by the Board. The Board considers noncompliance to be a serious matter and often deals with such noncompliance by cancelling parole orders.

The Board considers two types of cancellation:

- by reoffending, and
- by failing to observe conditions of the order, for example, failure to report to their case manager, failure to comply with the special conditions of the order and (more generally) failure to meaningfully engage with parole and its programs.

The cancellation of a parole order triggers a warrant for the arrest of the young person who is then returned to youth justice custody to serve the unexpired portion of their original sentence. In some cases, the Board may grant a credit for part of the unexpired sentence for the period the young person complied with their parole. In making this decision, the Board takes into account the nature of

the breach and whether the young person complied with conditions of parole.

If the Board considers it appropriate, it can again release a young person on parole after his or her parole has been cancelled.

A key consideration for the Board in deciding whether to cancel parole is the safety and protection of the community. Accordingly, the Board will cancel parole if the risks of the young person remaining on parole have come to outweigh the benefits of the young person continuing on parole.

The Board will cancel parole where it believes young people are at serious risk of harm to themselves or others and they are unable to maintain themselves in the community without risk of further offending.

### Parole cancellations for the period 2020–21

In 2020–21, the Board cancelled 81 parole orders, of which 58 per cent were related to Children's Court sentences and 42 per cent were related to Magistrates' and higher court sentences (see Table 4).

**Table 4: Parole cancellations issued by the Youth Parole Board for Children's Court, Magistrates' and higher court sentences**

Jurisdiction	Number of parole cancellations			
	2017–18	2018–19	2019–20	2020–21
Children's Court sentences	59	58	58	47
Magistrates' Court and Higher court sentences	53	35	25	34
<b>Annual total</b>	<b>112</b>	<b>93</b>	<b>83</b>	<b>81</b>

Source: Department data extracted 13 July 2021

Note: Some cancellations were for parole orders issued prior to the current reporting period.

Some parole cancellations from sentences issued in the Magistrates' and higher courts also had sentences from the Children's Court.

## Transfers

Sections 464 to 477 of the *Children, Youth and Families Act 2005* deal with the power of the Board and Adult Parole Board to transfer young people between jurisdictions. Table 5 lists the transfers issued by the Youth Parole Board in 2020–21.

**Table 5: Transfers issued by the Youth Parole Board 2020–21**

Provision	Number of transfers issued by the Board			
	2017–18	2018–19	2019–20	2020–21
Transfer from youth residential centre to Youth Justice centre (sections 464 and 465)	1	0	0	0
Transfer from Youth Justice centre to prison (section 467)*	7	1	3	6
Young person's request for transfer to prison (section 468)*	0	0	4	0
Transfer from Youth Justice centre to Youth Residential centre (section 470)	0	0	0	0
Transfer back to prison after transfer from prison to Youth Justice centre (section 473)*	0	0	0	1
Person in Youth Residential centre sentenced to detention in Youth Justice centre or imprisonment (section 474)	0	0	0	0
Person in Youth Justice centre sentenced to imprisonment (section 475)*	11	14	12	10
Person in Youth Justice centre sentenced to detention in Youth Residential centre (section 476)	0	0	0	0
Person in prison sentenced to detention in Youth Justice centre (section 477)*	0	1	0	0
<b>Annual total</b>	<b>19</b>	<b>16</b>	<b>19</b>	<b>17</b>

Source: Department data extracted 13 July 2021

Given Victoria's unique dual track system, transfers to prison can include young people aged over 18 years of age.

## Young offenders Transfer Review Group

The Youth Parole Board and the Sentence Management Division of Corrections Victoria have jointly established the Young Offenders Transfer Review Group to provide a forum to focus on young people who have been, or are likely to be, transferred between a Youth Justice Centre and prison.

The Young Offenders Transfer Review Group reviews the status of the young people who straddle both the adult and youth jurisdictions. These young people are usually 18–21 years of age and may be sentenced in either the Children's, Magistrates' or higher courts. This forum ensures that both jurisdictions maintain contemporary knowledge about these young people.

The Commissioner for Children and Young People, the Commissioner for Aboriginal Children and Young People and the Director, Office of Professional Practice and Chief Practitioner Human Services regularly join this group.

## Victim Register

The Board recognises the impact of a young person's crime when preparing the conditions of a parole order for a young person. The trauma associated with being a victim, particularly of a violent, personal or intimate offence, can be pervasive and debilitating. The Board takes the impact on victims of such offending seriously and structures parole orders to minimise trauma and enable recovery.

The Board's *Victims' Register* lists the names of young people whose offences have had a particularly adverse impact on their victims who is either known to them or likely to have any contact with them on their re-entry to the community. Based on one or all of these factors, a young person who is considered eligible for parole may be listed on this register.

The Register is intended to alert the Board of the possible need for victim conditions to be applied to a parole order to minimise the potential for a victim to be re-traumatised by a young person's reintegration into the community.

There are occasions when the victims or families of victims request to communicate with the Board directly. The Board views it as important to meet with victims or their families who make this request and endeavours, where possible, to accommodate such requests.

The Register allows the Board to apply additional conditions to the young person upon their release on parole. These conditions, in tandem with supervision from the case manager, reduce the risk of further harm to victims when young people re-enter the community.



# YOUTH JUSTICE OVERVIEW

## Characteristics of young offenders

An annual survey of 145 young people's custodial records as of 10 June 2021 was undertaken in July 2021 and was open for a 4-week period for case managers across 21 office locations in Victoria. The survey included 39 questions which provide insight into the needs of young people who are in youth justice custody. The survey gathers quantitative and qualitative data on young people in custody.

The results of an annual survey of 135 males and 10 females detained on sentence and remand at the Parkville and Malmsbury Youth Justice precincts as of 11 June 2021 are presented in Table 6. The survey questions were reviewed, and some were changed from last year.

**Table 6: Characteristics of young offenders during 2020–21**

Characteristic of young offenders	2020/21
Has never been subject to a child protection order	58.6%
Has been subject to a previous child protection order and are subject to a current child protection order	13.8%
Were previously subject to a child protection order but are not subject to a current child protection order	24.1%
Were subject to a current child protection order with no previous history of a child protection order	3.4%
Were victims of abuse, trauma or neglect	66.2%
Has experienced family violence	43.4%
Is accessing mental health support	46.9%
Had a history of self-harm or suicidal ideation	25.5%
Has an active cognitive difficulty diagnosed or documented by a professional	20.0%
Has a history of use or misuse of alcohol	66.9%
Has a history of use or misuse of drugs (illicit or prescription)	89.7%
Has a history of use or misuse of alcohol and drugs (illicit or prescription)	66.2%
Has offended while under the influence of alcohol but not drugs (illicit or prescription)	6.9%
Has offended while under the influence of drugs (illicit or prescription) but not alcohol	27.6%
Has offended while under the influence of alcohol, and while under the influence of drugs (illicit or prescription)	55.9%

## Aboriginal Young People

Under the Aboriginal Justice Agreement, the Department of Justice and Community Safety committed to close the gap in the rate of Aboriginal and non-Aboriginal young people under youth justice supervision by 2031. To be on track to meet the target, Aboriginal Justice Agreement (phase 4), *Burra Lotjpa Dunguludja* stated that the average daily number of Aboriginal children aged 10–17 years under youth justice supervision in detention and the community needed to be reduced by at least 43 young people by 2023 (a target of 89 children and young people). In 2019–20, there were 81 Aboriginal children and young people (aged 10–17) under youth justice supervision on an average day, though this progress is promising, continued work needs to be done to maintain these gains and to close the gap by 2031.

In 2020–21, 24 Aboriginal children and young people came under the jurisdiction of the Youth Parole Board, a 22.6 per cent reduction from the previous year (31 Aboriginal children and young people in 2019–20). This included young people aged 18–21 years of age who are part of the dual track system.

**Table 7: Number of Aboriginal and non-Aboriginal young people who received Youth Residential and Youth Justice Centre orders during 2020–21**

Type of order	Aboriginal	Non-Aboriginal	Number of young people
Youth Residential Centre order	2	0	2
Children's Court Youth Justice Centre order	13	89	102
Higher court Youth Justice Centre order	9	44	53
<b>Total</b>	<b>24</b>	<b>133</b>	<b>157</b>

Source: Department data extracted 13 July 2021

Additional funding of \$11.89 million is progressing the following initiatives:

- Expanding the Community-Based Aboriginal Justice Worker program to keep Aboriginal children and young people out of the youth justice system by working to their strengths
- Working with the Koorie Youth Council to improve Aboriginal young people's participation in youth justice processes, including in policy, practice and program design and implementation
- Establishing Balit Ngulu through the Victorian Aboriginal Legal Service to provide culturally appropriate legal services to Aboriginal children and young people
- Commencing case management review panels so that care and supports address the strengths, risks and needs of Aboriginal children and young people, and issues contributing to their over-representation.
- Setting up an Aboriginal Youth Justice Hub to deliver community-based services that keep young people connected to family, community, and culture.

## Custodial and Community Programs

These new investments build on the range of culturally informed programs and initiatives in community and custody for Aboriginal young people involved with Youth Justice.

All Aboriginal children and young people are allocated an Aboriginal Liaison Officer (ALO) upon admission into custody and receive cultural support throughout the duration of their custodial period. The allocation of a dedicated ALO establishes continuity of care, allowing young people to develop stronger and safer relationships. The ALO also ensures kinship ties for Aboriginal children and young people are maintained. ALOs support young people at parole hearings and provide guidance and support to the Youth Parole Board, on matters relating to Aboriginal children and young people. All Aboriginal children and young people are offered the opportunity to complete a Cultural Support Plan which is used to create and or develop a cultural identify and can often be an introduction to culture for the very first time, these cultural support plans are provided to the Youth Parole Board for consideration when making decisions.

Aboriginal young people in custody are offered cultural supports and programs, to build new, and reinforce existing cultural connections, whilst supporting cultural safety and rehabilitation. This includes the Parkville College's *Maggolee Mang* program, mentoring, a dedicated Aboriginal programs room at Malmsbury and dedicated Aboriginal gardens to use culturally safe spaces to celebrate significant dates.

In community, Aboriginal young people are supported through the Community Based Aboriginal Youth Justice Program. The Community Based Aboriginal Youth Justice Program is currently delivered through 14 funded agencies with a total of 31 EFT staff. The program was expanded in the 2020-21 budget to include an additional eight workers to support demand and provide gender specific services to Aboriginal young girls accessing the program. Thirteen of the agencies are Aboriginal Controlled Community Organisations (ACCOs) and one is a mainstream community-based agency. The program provides support to Aboriginal young people in contact with youth justice, including those on parole, by helping young

people engage in positive pro-social activities, cultural activities and supporting young people to establish and/or strengthen their connection to culture.

ALOs work in partnership with the Community Based Aboriginal Youth Justice Program worker to ensure culturally appropriate transition support is provided to Aboriginal young people exiting custody settings into community. With the consent of the young person, the ALO will contact their family and maintain communication with them throughout the young person's time in custody.

The Aboriginal Early School Leavers Program is delivered in Mildura and Northern Metro Melbourne and provides support to Aboriginal young people to re-engage with employment and education opportunities. The Aboriginal Youth Support Service is delivered by two ACCOs in Mildura and Northern Metropolitan Melbourne, this program provides preventative, early intervention and case management services for Aboriginal children and young people at risk of Youth Justice involvement, or subject to a Youth Justice Order. A mainstream Youth Support Service is available in other locations in Victoria and one of the providers includes an ACCO in the Hume area.

Additionally, the department employs five Aboriginal Intensive Support Program (AISP) workers who are responsible for the statutory case management of Aboriginal young people under Youth Justice supervision. AISP workers are identified positions and workers provide a culturally appropriate service to Aboriginal young people on orders.



Interviews in the Coorong Tongala room at Malmsbury Youth Justice Centre

# STATISTICAL SUPPLEMENT FOR THE YEAR ENDED 30 JUNE 2021

**Table 8: Releases and cancellations, 2009–10 to 2020–21**

Year ending	Releases on parole	Paroles cancelled	Paroles completed	Persons on parole at this date
30 June 2010	256	95	106	111
30 June 2011	240	80	103	136
30 June 2012	257	87	115	133
30 June 2013	231	73	112	126
30 June 2014	195	68	102	124
30 June 2015	196	71	97	112
30 June 2016	193	85	93	94
30 June 2017	201	94	74	81
30 June 2018	243	112	120	95
30 June 2019	185	93	112	75
30 June 2020	160	83	78	80*
30 June 2021	134	81	76	57

Source: Department data extracted 13 July 2021

\* The published numbers in the 2019–20 annual report have been updated to reflect the reconciliation of data and the finalisation of court proceedings.

**Table 9: Number of active Youth Justice centre and Youth Residential centre orders, 2007–08 to 2020–21**

Year	Children's Court Youth Residential Centre	Children's Court Youth Justice Centre	Magistrates' and higher courts Youth Justice Centre	Total
2007–08	24	264	387	<b>675</b>
2008–09	19	337	308	<b>664</b>
2009–10	32	358	391	<b>781</b>
2010–11	30	356	336	<b>722</b>
2011–12	13	299	371	<b>683</b>
2012–13	14	206	401	<b>621</b>
2013–14	13	193	272	<b>478</b>
2014–15	20	193	259	<b>472</b>
2015–16	18	308	243	<b>569</b>
2016–17	9	340	200	<b>549</b>
2017–18	22	405	213	<b>640</b>
2018–19	15	295	114	<b>424</b>
2019–20	5	197	76	<b>278</b>
2020–21	3	183	66	<b>252</b>

Source: Department data extracted 13 July 2021

Note: These figures include multiple orders for some individuals.

**Table 10: Parole orders issued and parole cancellations by regions during 2020–21**

Region	Parole orders issued	Parole orders cancelled
North Metropolitan	24	16
West Metropolitan	33	17
Southern Metropolitan	37	28
Eastern Metropolitan	7	3
Barwon-South West	8	5
Gippsland	8	2
Grampians	7	5
Hume	5	5
Loddon Mallee	5	0
<b>Total</b>	<b>134</b>	<b>81</b>

Source: Department data extracted 13 July 2021



Table 11: Youth Justice centre and Youth Residential centre orders issued by jurisdiction 2020–21

Court	Gender	New admission	Already on custodial sentence	Total
Children's Court: Youth Residential centre	Male	2	0	2
	Female	0	0	0
Children's Court: Youth Justice centre	Male	92	67	159
	Female	7	6	13
Magistrates' Court	Male	12	20	32
	Female	3	0	3
County Court	Male	26	5	31
	Female	1	0	1
County Court of Appeals: Youth Residential centre	Male	1	0	1
	Female	0	0	0
County Court of Appeals: Youth Justice centre	Male	5	1	6
	Female	1	0	1
Supreme Court	Male	2	0	2
	Female	1	0	1
<b>Subtotal</b>	<b>Male</b>	<b>140</b>	<b>93</b>	<b>233</b>
	<b>Female</b>	<b>13</b>	<b>6</b>	<b>19</b>
<b>Total</b>		<b>153</b>	<b>99</b>	<b>252</b>

Source: Department data extracted 13 July 2021

**Table 12: Number of sentences commenced 1 July 2010 to 30 June 2021 overseen by Youth Justice**

Type of order	10–11	11–12	12–13	13–14	14–15	15–16	16–17	17–18	18–19	19–20	20–21
Probation	1,127	957	892	811	805	676	495	537	465	358	289
Youth supervision	527	479	453	359	422	438	454	420	362	312	274
Youth attendance	115	80	66	85	78	71	94	70	58	59	49
Youth control	N/A*	N/A*	N/A*	N/A*	N/A*	N/A*	N/A*	N/A*	20	4	5
Youth Residential Centre	12	6	9	9	11	8	6	15	9	2	3
Youth Justice Centre	305	317	294	229	214	282	293	290	196	157	150
<b>Total</b>	<b>2,086</b>	<b>1,839</b>	<b>1,714</b>	<b>1,493</b>	<b>1,530</b>	<b>1,475</b>	<b>1,342</b>	<b>1,332</b>	<b>1,110</b>	<b>892</b>	<b>770</b>

Source: Department data extracted 13 July 2021

N/A\* – note that Youth control order data was only available from late 2018

**Table 13: Sentences commenced 1 July 2017 to 30 June 2021 overseen by Youth Justice (unique individuals)**

Type of order	2017–18	2018–19	2019–20	2020–21
Probation	370	335	241	200
Youth supervision	245	220	198	154
Youth attendance	38	28	29	28
Youth control	N/A*	10	2	2
Youth Residential Centre	11	3	1	1
Youth Justice Centre	297	172	141	129
Interstate custody order	0	2	0	0
<b>Total</b>	<b>961</b>	<b>770</b>	<b>612</b>	<b>514</b>

Note: Young people who received more than one order in the reporting period and/or those with multiple concurrent orders counted once only.

Where a young person received two or more orders in the reporting period, only the highest tariff order is counted.

**Table 14: Remand orders commenced 1 July 2010 to 30 June 2021**

Type of order	10–11	11–12	12–13	13–14	14–15	15–16	16–17	17–18	18–19	19–20	20–21
Youth Residential Centre remand	137	181	158	144	225	214	193	164	181	279	195
Youth Justice Centre remand	467	585	559	601	687	765	876	613	765	1045	885
<b>Total</b>	<b>604</b>	<b>766</b>	<b>717</b>	<b>745</b>	<b>912</b>	<b>979</b>	<b>1069</b>	<b>777</b>	<b>946</b>	<b>1324</b>	<b>1080</b>

Source: Department data extracted 13 July 2021

**Table 15: Remand orders commenced from 1 July 2016 to 30 June 2021 (individuals)**

Type of order	2016–17	2017–18	2018–19	2019–20	2020–21
Youth Residential Centre remand	71	68	96	113	76
Youth Justice Centre remand	433	392	429	473	392
<b>Total</b>	<b>504</b>	<b>460</b>	<b>525</b>	<b>586</b>	<b>468</b>

Source: Department data extracted 13 July 2021

Note: Young people who received more than one remand order in the reporting period are counted once only

# APPENDIX 1: VISITORS TO THE YOUTH PAROLE BOARD MEETINGS DURING 2020–21

## **Management and/or staff of:**

Aboriginal Liaison Officers  
Barwon Child, Youth & Family (Geelong)  
Barwon South West Youth Justice (Geelong, Warrnambool)  
Caraniche  
Child Protection, Department of Families Fairness and Housing  
Community Engagement Officers (Dandenong)  
Complex Psychology  
Complex Needs Unit, Department of Families Fairness and Housing  
Gippsland Region Youth Justice (Morwell)  
Grampians Region Youth Justice (Ballarat, Horsham)  
Hume Region Youth Justice (Shepparton, Wangaratta, Wodonga)  
Justice Health Loddon Mallee Region Youth Justice (Bendigo)  
Malmsbury Youth Justice Precinct  
North West Area Youth Justice (Broadmeadows, Brunswick, Fitzroy, Footscray, Preston, Sunshine, Werribee)  
Office of Chief Psychiatrist  
Orygen Youth Health (Psychiatrist)  
Parkville Youth Justice Precinct  
South East Area Youth Justice (Box Hill, Dandenong, Frankston, Ringwood)  
Victorian Aboriginal Child Care Agency (VACCA)  
Director Youth Justice Community Programs and Engagement  
Jesuit Social Services Youth Justice Community Support Services  
Youth Support Advocacy Service (Dandenong)

