

# The Comparative Youth Penalty Project



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## Project Newsletter May 2017

The Comparative Youth Penalty Project (CYPP) is an ARC Discovery Project led by Professor Chris Cunneen, Professor Eileen Baldry, Emeritus Professor David Brown, Melanie Schwartz and Professor Barry Goldson (University of Liverpool).

The CYPP is an international comparative study of youth punishment in Australia (focusing on NSW, Victoria, Queensland and WA) and in England and Wales. The project aims to analyse developments in the punishment of children and young people over the last 30 years. This is the first in-depth analysis of Australian youth penalty and the first comparative study of youth punishment across these jurisdictions.

The Project seeks to answer the following questions:

- What are the defining features of contemporary juvenile justice penalty?
- How has youth penalty changed since the early 1980s across the jurisdictions that are the subject of this project?
- How have changing approaches to youth penalty impacted upon particular social groups, including racial minorities, Indigenous youth, young women, and young people with mental and cognitive disabilities?
- What, if any, jurisdictional differences are to be found in discourses on community safety, the nature of childhood and youth (including child welfare and protection), the appropriateness of rehabilitation and the character of punishment practices for youth?
- How has the development of a human rights framework impacted on penal law, policy and practice as applied to youth? What impact, if any, has a children's rights framework had on differentiating youth justice from adult penal systems?

This newsletter provides stakeholders with an update on the progress of the CYPP. It also lists some of the latest news and research in the field of youth penalty. For more information please visit our [website](#) or contact CYPP Research Associate, [Sophie Russell](#).

## CYPP News

### CYPP Research and Project News

Over the next few months the CYPP team will be finalising and publishing our research findings, with the project to conclude at the end of 2017.

In April Eileen Baldry visited Victoria University to participate in a symposium on Prisoners and Human Rights. Professor Chris Cunneen visited the University of Liverpool in May and Professor Barry Goldson will be visiting the University of New South Wales in July to make progress with writing-up the project. In March Damon Briggs, the CYPP Research Assistant, had a very successful PhD viva and he is scheduled to graduate in July. Also in March, Professor Barry Goldson was conferred as a Fellow of the Academy of Social Sciences in the UK. Fellows are academics, practitioners and policymakers across the social sciences who have been recognised for the excellence and impact of their work through the use of social science for public benefit.

### Royal Commission into the Protection and Detention of Children in the Northern Territory

In 2016, Chris Cunneen and Melanie Schwartz wrote [an article](#) for the *Law Journal of NSW* on whether a royal commission is the best response to the juvenile justice crisis. In this article they argue that we already have the evidence base to address the problems inherent in juvenile detention, and what we need is the political will and leadership to implement the solutions.

The NT royal commission released its [Interim Report](#) on 31 March 2017. Dr Thalia Anthony, Associate Professor in Law at the University of Technology Sydney (UTS), wrote [an article](#) for *The Conversation* noting that the report lacked recommendations and input from the young people who gave evidence. In April, the CYPP provided a [written submission](#) to the royal commission which detailed some of the projects findings and made a number of recommendations. Chris has provided ongoing advice to the royal commission and in May Eileen travelled to Darwin to provide expert evidence.

## News (Australia & UK)

### Australia

[Prison officers assaulted at Malmsbury Juvenile Justice Centre](#), Melissa Cunningham and Cameron Houston, *The Age* 15 May 2017.

[Treating young offenders harshly serves no purpose](#), Hugh de Kretser, *Herald Sun*, 14 May 2017.

[Children held in Barwon Prison illegally, Supreme Court rules](#), Rebekah Cavanagh, *Herald Sun*, 11 May 2017.

[Lack of Indigenous justice programs a 'disgraceful honour' for NT, commission told](#), Helen Davidson, *The Guardian*, 10 May 2017.

[NT royal commission: Judge criticises widespread 'lack of expertise' in youth justice system](#), Georgia Hitch, *ABC News*, 8 May 2017.

[NT govt too hesitant to remove abused kids](#), Lucy Hughes-Jones, *Yahoo 7 News*, 8 May 2017.

[Adam Giles tells royal commission he can't recall key details of NT juvenile justice crisis](#), Helen Davidson, *The Guardian*, 28 April 2017.

[Juvenile justice system needs discretion to judge Apex and other Sudanese teenagers differently](#), John Silvester, *The Age*, 14 April 2017.

[Guards say youth detention teaches young offenders to become hardened criminals](#), Roanne Boldery, *Townsville Bulletin*, 5 April 2017.

[Australia's rate of Indigenous child removal 'unique', UN investigator says](#), Calla Wahlquist, *The Guardian*, 4 April 2017.

[Lawyers to argue holding children in Barwon adult jail breaches human rights](#), Calla Wahlquist, *The Guardian*, 3 April 2017.

[New Vic youth justice probe, legal fight](#), APP, *9 News*, 3 April 2017.

[Children in state care explain stigma, discrimination and not knowing who they are](#), Sarah Collard, *ABC News*, 1 April 2017.

[Royal commission finds juvenile justice leaves kids more damaged](#), Amos Aikman, *The Australian*, 1 April 2017.

[Indigenous youth incarceration rate is a national crisis and needs action, PM told](#), Calla Wahlquist, *The Guardian*, 31 March 2017.

[Agencies join forces to tackle young people's harmful sexual behaviour](#), Mike Waites, *The Guardian*, 31 March 2017.

[NT royal commission into youth detention: A look at what's happened so far](#), Stephanie Zillman, *ABC News*, 31 March 2017.

[Ethnic minorities 'get tougher sentences due to distrust in courts'](#), Owen Bowcott, *The Guardian*, 28 March 2017.

[Calls for change were 'ignored at highest level', says former Don Dale assistant general manager](#), *ABC News*, 28 March 2017.

[Don Dale guards bribed kids with threats of isolation, soft drink to 'fight for entertainment', former detainees tell royal commission](#), Felicity James, *ABC News*, 28 March 2017.

[Don Dale: New training for youth justice officers underway in the Northern Territory](#), Georgia Hitch, *ABC News*, 26 March 2017.

[Don Dale detainee recounts journey from Australian bush childhood to Darwin adult jail](#), Ben Millington, *ABC News*, 24 March 2017.

[Don Dale: Snapchat videos show guard asking inmates for oral sex](#), Stephanie Zillman, *ABC News*, 20 March 2017.

[Former US juvenile jails chief urges Andrews to rethink approach to teen crime](#), Farrah Tomazin, *The Age*, 18 March 2017.

[Youth detention centre upgrade needed after 20 escapes, NT inquiry told](#), Helen Davidson, *The Guardian*, 15 March 2017.

[NT royal commission told detainee put in isolated cell after hearing of mother's death](#), Helen Davidson, *The Guardian*, 14 March 2017.

[Violence and isolation used to punish young detainees, inquiry told](#), Helen Davidson, *The Guardian*, 13 March 2017.

[More than 2,200 Australians reported abuse in orphanages or children's homes](#), Christopher Knaus, *The Guardian*, 7 March 2017.

[A third of WA youth in detention have fetal alcohol spectrum disorder, according to research](#), *Perth Now*, 3 March 2017.

[Is brutal treatment of young offenders fuelling crime rates in Brazil?](#), Jo Griffin, *The Guardian*, 3 March 2017.

['It really feels like we're being punished too': how the prison system locks out visitors](#), Megan Williams, *The Guardian*, 3 March 2017.

['I learnt a lot in juvie': the Aboriginal boy who grew up in detention – video](#), *The Guardian*, 24 February 2017.

[Funding for communities, not prisons: the promise of justice reinvestment](#), Alistair Ferguson and Sarah Hopkins, *The Guardian*, 23 February 2017.

[The small town trying to shift spending from punishment to prevention](#), Marie McLnerney, *The Guardian*, 23 February 2017.

[Australia's 'inconsistent approach' to human rights could jeopardise UN seat bid, Amnesty warns](#), Calla Wahlquist, *The Guardian*, 22 February 2017.

[Keeping clear of the prison: 'I can't go back in there'](#), Calla Wahlquist, *The Guardian*, 21 February 2017.

[Indigenous incarceration: turning the tide on colonisation's cruel third act](#), Call Wahlquist, *The Guardian*, 20 February 2017.

[Indigenous incarceration rates are not an intractable problem – we have the solutions](#), Shane Duffy and Antoinette Braybrook, *The Guardian*, 20 February 2017.

[Juvenile inmate 'threatened to behead police officer' at prison in Sydney's west](#), *Yahoo7 News*, 19 February 2017.

[Northern Territory unveils measures to fix 'broken' youth justice system](#), Helen Davidson, *The Guardian*, 9 February 2017.

[Juvenile justice to face scrutiny after Australia ratifies torture treatment](#), Ben Doherty, Helen Davidson and Paul Karp, *The Guardian*, 9 February 2017.

[Inside WA's juvenile detention centres](#), Kate Campbell, *PerthNow*, 7 February 2017.

[Victoria's youth justice overhaul labelled a costly stunt](#), Rick Morton and Greg Brown, *The Australian*, 7 February 2017.

[Victorian youth justice centre deemed 'appalling' six years before riot crisis, former deputy ombudsman says](#), Loretta Florance and Jessica Longbottom, *ABC News*, 28 January 2017.

## **United Kingdom**

[Child locked in cell for more than 23 hours a day at Feltham, high court told](#), Owen Bowcott, *The Guardian*, 26 April 2017.

[Young offenders locked up for nearly 24 hours in UK prisons in breach of human rights law, report reveals](#), May Bullman, *The Independent*, 19 April 2017.

[Beyond the blade: the truth about knife crime in Britain](#), Gary Younge, *The Guardian*, 28 March 2017.

[High court to hear legal challenge over boy kept in cell 23 hours a day](#), Alan Travis, *The Guardian*, 7 March 2017.

[Youth sentencing to take child's upbringing into account](#), Owen Bowcott, *The Guardian*, 7 March 2017.

[How Eminem's music is helping young offenders break the cycle of crime](#), Juliet Rix, *The Guardian*, 1 March 2017.

[With its history, G4S should not be trusted to care for vulnerable children](#), Eric Allison and Simon Hattenstone, *The Guardian*, 20 February 2017.

## Research

**Anthony, T.** 2017 [Young people's voices are all but invisible in the Don Dale royal commission's interim report](#), *The Conversation*, 6 April 2017.

**Australian Institute of Health and Welfare.** 2017 [Youth Justice in Australia 2015 – 16](#). Australian Institute of Health and Welfare: Canberra.

**Hanham, J. and Tracey, D.** 2017 [Evolution of Mentoring Relationships Involving Young Male Offenders Transitioning from a Juvenile Justice Centre to the Community](#), *Youth Justice*, 1 - 18.

**Hill, S. A., Mitchell, P. and Leipold, A.** 2017 [Transfers of mentally disordered adolescents from custodial settings to psychiatric hospital in England and Wales 2004 – 2014](#), *The Journal of Forensic Psychiatry & Psychology*, 28(1), 1 – 9.

**Jaspers, Y., Nuytiens, A., Christiaens, J. and Dumortier, E.** 2017 [Pathways of Transferred Youth Offenders into Adulthood](#), *Youth Justice*, 1 – 18.

**McCarthy, M., Schiraldi, V., and Shark, M.** 2016 [The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model](#), *New Thinking in Community Corrections*, Harvard Kennedy School. October 2016, No. 2.

**McCausland, R. and Baldry, E.** 2017 ["I feel like I failed him by ringing the police": Criminalising disability in Australia](#), *Punishment & Society*, 1 – 20.

**McFarlane, K.** 2017 [The faulty child welfare system is the real issue behind our youth justice crisis](#), *The Conversation*, 13 February 2017.

**NSW Bureau of Crime Statistics and Research.** 2017. [New South Wales Recorded Crime Statistics 2016](#).

**NSW Bureau of Crime Statistics and Research.** 2017. [New South Wales Custody Statistics: Quarterly Update March 2017.](#)

**O'Brien, W. and Fitz-Gibbon, K.** 2017 [The Minimum Age of Criminal Responsibility in Victoria \(Australia\): Examining Stakeholders' Views and the Need for Principled Reform,](#) *Youth Justice*, 1 – 2.

**Royal Commission into the Protection and Detention in the NT** 2017 [Interim Report,](#) 31 March 2017.

**Schiraldi, V.** 2017 [Australia could alleviate its youth justice crisis by importing the right ideas from the US,](#) *The Conversation*, 24 March 2017.

**Victoria Ombudsman** 2017 [Report on youth justice facilities at the Grevillea unit of Barwon prison, Malmsbury and Parkville](#)

**Young, S., Greer, B and Church, R.** 2017 [Juvenile delinquency, welfare, justice and therapeutic interventions: a global perspective,](#) *BJPsych Bulletin*, 41(1), 21 – 29.

## Events

The 13<sup>th</sup> [Reintegration Puzzle Conference](#) will be held in Sydney from 21 – 23 June 2017. The theme for 2017 is 'Changing systems from the inside out'. This year the conference will focus on how systems work to enable people to successfully reintegrate into the community after prison and how they create additional barriers. The role people with lived experience of prison can play in changing systems will also be explored.

The [Criminal Lawyers Association of the NT](#) 16<sup>th</sup> biennial Bali conference will be held from 24 – 30 June 2017. The 2017 conference theme is 'Justice on the sniff of an oily rag'.

The 17<sup>th</sup> Annual Conference of the [European Society of Criminology](#) will take place in Cardiff, Wales, from 13 – 16 September 2017.

The [Australian Social Policy Conference](#) will be held from 25 – 27 September 2017 at the University of New South Wales, Sydney. The Australian Social Policy conference will address the most pressing challenges facing Australian policy makers, practitioners and researchers at this key juncture. It will provide a forum for leading national and international researchers and analysts from government and community social welfare sectors in Australia and internationally to present their findings and debate their implications.

The [Applied Research in Crime and Justice Conference](#) will be held on 13 – 14 2018 in Brisbane. The event is intended for both researchers and policy makers. Officers from all levels of government will have the opportunity to see how new research might assist them in developing more effective, more efficient and more equitable ways of managing crime and justice.