

Locking up young people might make people feel safer but it doesn't work, now or in the long term

September 3 2024, by Chris Cunneen, Fiona Allison and James C. Beaufils



Credit: CC0 Public Domain

The treatment of Australia's children and young people is back on the

national agenda.

The inquest into the death of 16-year-old Yamatji boy Cleveland Dodd in Casuarina Prison has unveiled systemic failings in the Western Australian government's management of [youth](#) justice. The former head of the Department of Justice [deemed it](#) "institutional abuse."

Late last week, another 17-year-old boy [was reported](#) to have died in WA's Banksia Hill Detention Centre.

In Queensland, the Inspector of Detention Services [recently reported](#) children and young people at Cleveland Youth Detention Centre were spending extended periods (more than 20 hours) in solitary confinement, either in their rooms or in designated separation rooms with no toilet, no [running water](#) and no furniture. Six young people were in "separation" for more than 71 consecutive days.

If there is a sense of *déjà vu*, it's because we have been here many times before. These problems have been endemic to imprisoning children and young people throughout Australia for at least the past decade and a half.

And yet, we've seen political attempts to curb youth crime by lowering the age of criminal responsibility and putting more young people behind bars. Time and evidence have shown us while these messages appeal to the public's genuine desire for safety, they don't make us any safer at all.

The politics of youth crime

The new Country Liberal Party government in the Northern Territory wants to [lower the age](#) of criminal responsibility to ten, to change bail laws and introduce boot camps.

It comes off the back of widespread [community concern](#) about law and

order during the [election campaign](#).

In the lead-up to the Queensland election, both Labor and the Coalition are racing to outdo each other to adopt more punitive law and order policies towards young people.

The Coalition launched its "adult crime, adult time" policy which would see children and young people [tried as adults](#) for serious crimes.

The state Labor government recently passed a bill which, among other changes, waters down the sentencing principle of detention as a last resort.

The Queensland Human Rights Commission [said](#) the changes will likely increase criminalization, increase the numbers of children held in youth prisons and police watch houses, and have a disproportionate impact on First Nations children.

Expectations vs. reality

Politically inspired law and order policies operate in a parallel universe to the real effects of criminalization and imprisonment.

For example, we know a low age of criminal responsibility is contrary to human rights standards, out of kilter with most countries, contrary to what we know of children's developmental stages, and entrenches children in the criminal legal system.

At the same time, it doesn't build safer communities.

Nearly [three-quarters](#) of children aged 10–13 who were sentenced to community-based supervision returned to the youth justice system within 12 months.

Although First Nations children [are overrepresented](#) throughout the youth justice system—being 23 times more likely than non-Indigenous children to be under some type of supervisory order—First Nations children are especially overrepresented among younger cohorts.

Contact with youth justice at an earlier age means children become entrenched in the criminal legal system and increases the likelihood of future imprisonment.

It also has a disproportionate impact on young children from the child protection system. In 2014–15, [three in five](#) children aged ten under youth justice supervision were also in the child protection system. There's also a failure to protect young children with mental ill-health and cognitive disability from criminalization and incarceration.

Raising the minimum age of criminal responsibility has been under consideration for several years nationally. In 2023, the Standing Council of Attorneys-General's Working Group [provided guidance](#) for lifting the minimum age.

It is an important part of the Closing the Gap strategy to reduce First Nations child incarceration rates. In wanting to lower the age, the NT Chief Minister Lia Finocchiaro is undermining the National Agreement.

In a jurisdiction where [30% of the population](#) are First Nations, lowering the age would further entrench systemic racism within the justice system.

Children behind bars

Somewhat separate to the minimum age of criminal responsibility is the use of imprisonment for children and [young people](#) (which is euphemistically referred to as "detention").

Some countries, such [as Switzerland](#), have a legislative restriction on the use of child imprisonment. The youth court can only impose "educational measures" on children aged 10–14. Prison sentences are restricted to those aged 15 and above.

In Australia, except for those jurisdictions that have raised the minimum age of criminal responsibility ([NT](#) now and [ACT from 2025](#)), children aged ten and older can be and sometimes are imprisoned.

Victoria had committed to raising the age to 14 [by 2027](#), but has [revised it down](#) to 12 in a bill before state parliament.

Tasmania has committed to [raising](#) the minimum age for the use of imprisonment to 16, from July 2029.

The negative effects of imprisonment on children have been [well documented](#), including separation, isolation, trauma, violence and disruption to schooling and employment.

But for those more concerned about community safety, [one simple statistic](#) shows the failure of child imprisonment. Some 88% of First Nations children and 79% of non-Indigenous children will be back in the youth justice system within 12 months of being released from youth detention centers.

Just last month, the Australian Human Rights Commission released [a report](#) on transforming child justice. The children's commissioner [stated](#): "Our communities will not be safer if we just keep punishing and locking up [children](#) who have complex needs caused by poverty, homelessness, disability, health and [mental health issues](#), domestic, family and sexual violence, systemic racism and intergenerational trauma."

We need to question whether the use of imprisonment is suitable for any child or young person.

At a cost of [more than \\$1 million](#) every year to lock up a child, it does not come cheaply. Meanwhile First Nations community-led responses, plus community-based services in general, lack adequate, consistent and long-term funding.

This article is republished from [The Conversation](#) under a Creative Commons license. Read the [original article](#).

Provided by The Conversation

Citation: Locking up young people might make people feel safer but it doesn't work, now or in the long term (2024, September 3) retrieved 5 September 2024 from <https://phys.org/news/2024-09-young-people-safer-doesnt-term.html>

This document is subject to copyright. Apart from any fair dealing for the purpose of private study or research, no part may be reproduced without the written permission. The content is provided for information purposes only.