

CROSSOVER CHILDREN

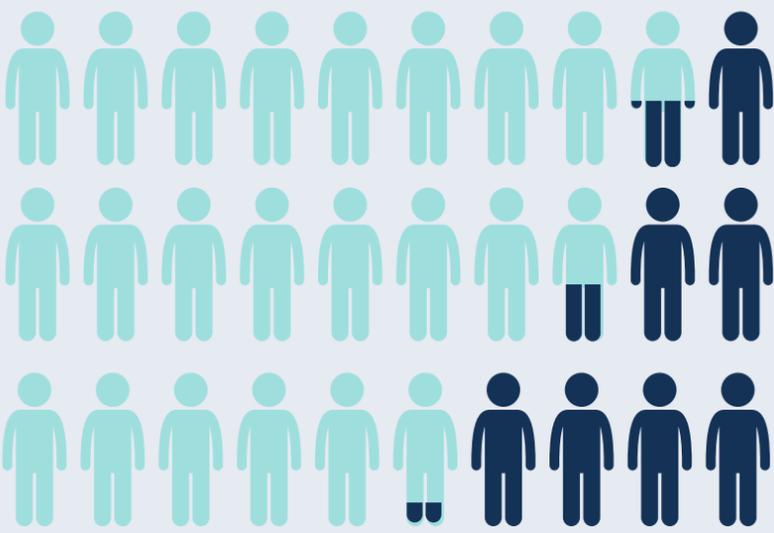
Some children involved with child safety services are over-represented in the youth justice system.

These are the 'crossover children'.

About 10% of children with a child safety file also had a youth justice file.



These are the crossover children

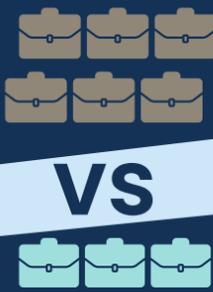


Crossover children make up 15% of children with a youth justice file

And they account for 24% of TLA youth justice files

Crossover children make up 41% of children under 14 charged

Crossover children first charged under 14 had 6 case files on average, compared to only 3 files for non-crossover children

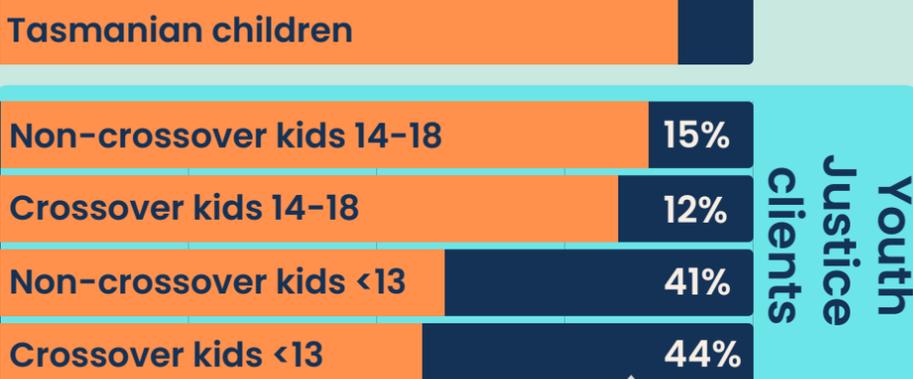


Stealing is the most common primary offence for children under 14 when first charged

The challenges are even greater for Aboriginal children and for girls, who appear disproportionately in the justice system

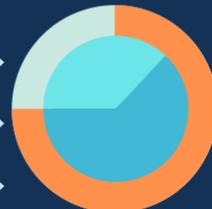
While around 10% of Tasmanian children identify as Aboriginal or Torres Strait Islander, 12% of all TLA youth justice clients and 15% of crossover children identify as Aboriginal or Torres Strait Islander.

● Non-Aboriginal ● Aboriginal & Torres Strait Islander



Almost half (44%) the Aboriginal children who were under 14 when first charged with a criminal offence were crossover children

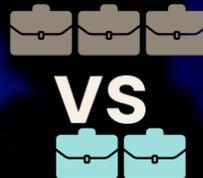
While 25% of all TLA youth justice clients are female, this jumps to 37% for crossover children



Over half of the girls under 14 (52%) when first charged were crossover children and accounted for 59% of youth justice files for girls under 14 (compared with 38% of boys under 14)



Girls who crossover had an average of 3 files compared to 2 files for other girls



By contrast, youth offending in Tasmania has been reducing steadily over the past decade.

Most children do not become involved with the youth justice system. Those who do generally have a limited involvement.

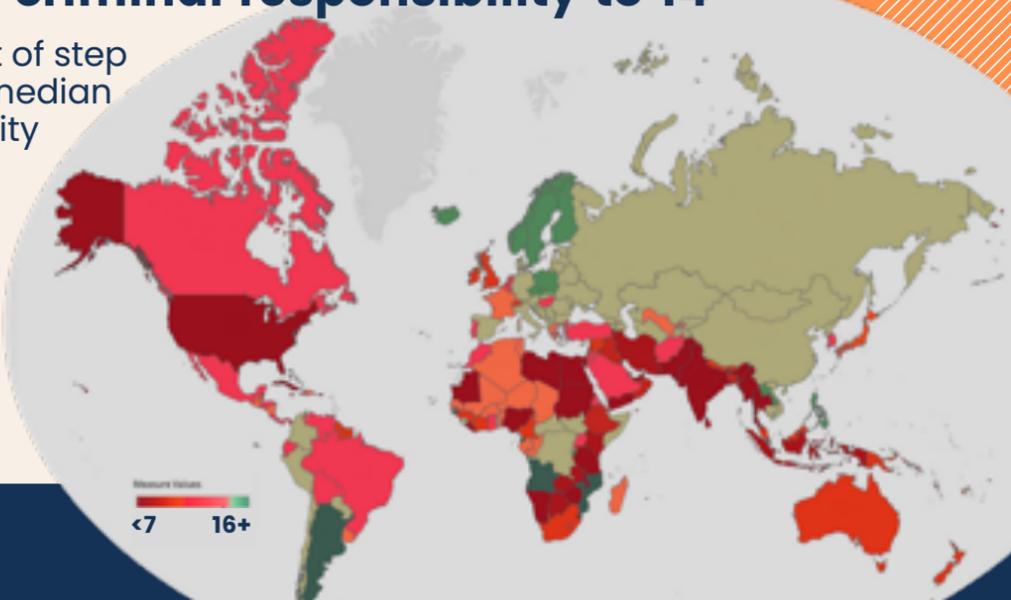
CHILDREN FIRST

6 steps to improve outcomes for young people and the community:

1 Raising the age of criminal responsibility to 14

Australia is increasingly out of step with world standards. The median age for criminal responsibility in 86 countries is 14 years.

Raising the age of criminal responsibility to 14 would reduce young offending and reduce costs on the community.



2 Increased use of diversion

More diversionary programs are needed across the state to help children access social support with the intention of keeping them out of the youth justice system.

Where children are formally charged, police and courts must have easy access to universally available diversion programs.

3 Police called as a last resort

Police are often called to deal with the behaviour of children living in out-of-home care. This is not the case for children living with family in their own home.

Setting protocols between police and carers on when to call police have been proven to work in other Australian jurisdictions and overseas. Introducing similar frameworks in Tasmania would reduce the number and frequency of children entering the criminal justice system.

This would also ensure children in out-of-home care do not receive harsher treatment simply due to their living circumstances.

4 Legislative recognition of a trauma informed approach that aims to reduce involvement in the criminal justice system

The Tasmanian Youth Justice Act (the YJA) commenced over 20 years ago. We now understand the link between trauma and reoffending and how this particularly impacts Aboriginal children.

Introducing an Aboriginal Youth Justice Court would be a positive step toward reducing the number of Aboriginal children in the system. Involving Elders in sentencing in other jurisdictions has been shown to be an effective way to reduce and delay reoffending.

5 Bail support

A person charged with a criminal offence may be released with or without bail conditions. If police oppose the release, the question of bail is decided by a court. But this does not provide solutions for the child, nor straight-forward access to finances, services or supervision.

Tasmania should fund a bail support program to aid children with access to accommodation funds and coordination. These systems already exist around Australia.

6 Introduce a 'Lawyer in School' program

Too many young people do not know their rights or how to access support services. Legal issues for young people can be compounded if their experience with police has been negative, or if the issue is not dealt with early.

Common issues that young people raise with school lawyers include family violence, bullying, fines, criminal charges, respectful relationships and employment issues. School lawyers can work with other services to address students' needs, empowering them to stay out of the criminal justice system.

Justice Reinvestment is smart on crime.

Diverting resources from the justice system's more expensive functions – courts, police, community supervision – to social supports and diversionary programs is cost effective and leads to better outcomes for children and the community.

Recognising these young people as children first not only improves the lives of children and makes the community safer.