RESEARCH SUMMARY DOCUMENT: UTILISING A PUBLIC HEALTH MODEL APPROACH TO RESPOND TO YOUTH VIOLENCE IN VICTORIA

HANNAH KLOSE, HONOURS CANDIDATE, FACULTY OF ARTS, MONASH UNIVERSITY, SUPERVISED BY DR. FAITH GORDON, CRIMINOLOGY, MONASH UNIVERSITY & DIRECTOR OF THE INTERNATIONAL YOUTH JUSTICE NETWORK
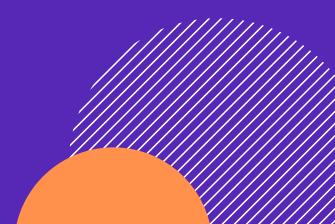
MONASH University

YJN
Youth Justice Network

TABLE OF CONTENTS

INTRODUCTION

- This study commences at an opportune time in Australia, with the 30-year anniversary since the Australian Government signed up to the United Nations Convention on the Rights of the Child (UNCRC).
- September 2019 saw the release of the new, revised General Comment in relation to child justice, calling for the age of criminal responsibility to be raised, amongst other significant recommendations (UNCRC 2019).
- 2020 is also the year of the examination of the Australian Government's progress in relation to children's rights in Australia, with the published Concluding Observations in October 2019.
- In the context of Australia's youth justice system, it has previously been acknowledged that there are serious concerns surrounding the treatment of children and young people in detention in Victoria and the Northern Territory.
- The Royal Commission's report (2017) also confirms that over the past decade, children detained in the Northern Territory have been mistreated, verbally abused, humiliated, isolated and left alone for long periods, among other serious human rights breaches.
- This report has made a number of recommendations which have prompted the government to review and amend the current youth justice policies and legislations (Fitz-Gibbon & Gordon 2018).
- Furthermore, the research explores alternatives to criminalisation and through an international comparative lens, examines the integration of a public health approach which has been successful in Scotland and is currently being promoted in the UK.
- Over the last two decades, the public health approach has been internationally recognised as an effective primary model in responding to and preventing children and young people's involvement in violence (Higgins 2014).
- Modelled on this public health approach, the launch of the Scottish Violence Reduction Unit (VRU) has triggered renewed public and policy debate to tackle serious violence throughout the rest of the United Kingdom (UK).
- Additionally, the media reporting and political references to children and young people as a social group, often draw on negative narratives and demonising constructs which subsequently manifest significant levels of fear within the community.

RESEARCH QUESTIONS

The current study provides an appropriate critical criminological theoretical lens to explore the impact of the stigmatisation and labelling of children and young people in both Australia and the UK.

Using a children's rights-based framework, the research addresses three core questions:

How are public health models responding to young people in conflict with the law elsewhere and would this approach have relevancy in Victoria?

What is the impact of stigmatisation of young people by media outlets and political discourse?

Have the recent legislative changes produced more punitive responses within the Victorian youth justice system and can we learn from elsewhere in order to ensure that children's rights approaches are prioritised and international rights obligations are met?

LITERATURE REVIEW

While there is minimal recognition and limited research of a public health model framework in Australia, this study provides a nuanced, international public health perspective which recognises the complex needs of children and young people in conflict with the law (McDowall 2018) and contributes to the ongoing discussions and debates in the area of ongoing contemporary youth justice reforms in Australia.

Media Representations of Children and Young People
- Previous literature has examined how the media's amplification of deviance has contributed to the creation of 'moral panics' and 'folk devils', with certain vulnerable groups and populations demonised in contemporary society (Young 1971; Cohen 1972; Chibnall 2013; Hall et al. 1978).
- Through the media's framing of narratives, children and young people are often cast negative identities whose 'anti-social' or offending behaviours' are regarded as 'deviant' or 'delinquent' (see Scraton 2008; Cohen 2011; Gordon 2018).
- This pessimistic representation of children and young people in the media often 'reveal more about the insecurities and fears of adults than they do about the young population which they are attempting to
- portray' (Bessant & Hil 1997, p. 4).
- Muncie (2014, p. 7) argues that the role of the media plays an integral role in the escalation of fears as well as the 'demonising' of young people. While they are ultimately feared by the public, children and young people are simultaneously pitied for their level of vulnerability and constant need for care and protection.

Statistics on the Fear of Crime in Victoria
- Previous literature has found that media outlets, more than any other source, have the most significant influence on the public's perception of crime (see Muraskin & Domash 2007; Clifford & White 2017).
- As outlined by Curiel and Bishop (2018, pp. 1-3), there is often a 'mismatch' between levels of crime and fear of becoming a victim of violent crime, which directly refers to the 'causal relationship' between relentless media content and 'subsequent public perception' (McNair 2009, pp. 21-22).

- The Crime Statistics Agency in Australia (2019, p. 4) confirms that during a 10-year period of youth offending, it was identified that youth crime had a rate of 3,088.4 incidents per 100,000 population. This highlights that youth crime rates in Australia are dropping, with a dramatic decrease of 34.9% from the year ending in March 2010 (Crime Statistics Agency 2019, p. 4).

What is the public health model?

- The public health approach is multi-disciplinary as it draws on 'co-operative efforts from diverse sectors, including health, education, social services, justice and policy' (The UK House of Commons 2018).
- Primarily focussing on the risk factors and social determinants of youth violence, this approach is premised on the understanding that risks to children's safety and wellbeing exist on a continuum, and that protecting children is everyone's responsibility (Council of Australian Governments 2009; Higgins 2014; World Health Organisation 2015).

Neurodevelopment of Children and Young People

- Since the brains of adolescents are at a critical period of development, this incomplete brain development is often linked to increased risk-taking behaviour (Dow-Edwards 2019, p. 5).
- Hence, the criminal justice system must recognise that young people do not possess the same insight, judgement or self-control and are much less likely to consider the consequences of their actions prior to committing an offence or engage in anti-social behaviour (Grover 2017, p. 6).

International Perspectives and Practices: Public Health Approaches in Scotland

- Scotland's youth justice system promotes the welfare of children and young people by successfully integrating the framework of the UNCRC.
- Further to this, the Violence Reduction Unit in Scotland (VRU), established in 2006 and delivered by the Strathclyde Police, is regarded as a highly progressive milestone in terms of adopting a public health approach to reduce violence (Peden et al. 2019, p. 38).
- Since investing in this approach over a decade ago, Scotland's homicide rate has halved between 2008 and 2018, with the number of hospital admissions related to knife crime falling by 62% (Evans 2018).
- It is with this primary focus on prevention that the VRU can effectively respond to incidents, such as knife crime, and address the risk and protective factors of violence through a multi-agency approach (Conaglen & Gallimore 2014).

International Perspectives and Practices: The Youth Violence Commission in London

- This Commission was launched in 2017 to examine the root causes of youth violence (Howell 2018). In July 2018, the Commission produced its interim policy report with recommendations to address and examine the root causes of serious youth violence in England, Scotland and Wales (The UK House of Commons 2019).
- In their report, the Commission outlined that they would like to see the British Government 'undertake a systemic review of the lessons learnt from Glasgow in Scotland' and produce a national plan for the implementation of a public health approach to youth violence, which can be adapted accordingly for each region and locality of the country (The Youth Violence Commission 2018, p. 6).

Children Experiencing the Criminal Justice System in Australia

- According to the national UNICEF Children's Report (2018), the greatest risk faced by children and young people in Australia, is experiencing abuse or neglect from parents and families at home.
- Adverse childhood experiences (ACE's) are critical in examining the risk and protective factors of children and young people in conflict with the law. ACE's are potentially traumatic events that can have long-term impacts on a child in terms of their overall health and wellbeing (Sacks, Murphy & Moore 2014).
- Additionally, the trauma and abuse experienced by children and young people in Australia's youth detention centres highlights the need to reassess and restructure the youth justice system run by governments (Blagg 2008).
- Youth detention centres at Parkville and Malmsbury in Victoria have reported serious violations of human rights against young people which has subsequently led to low-level disruptive behaviour to highly-publicised riots.

Overrepresentation of Indigenous Children in the Criminal Justice System

- The disproportionately high level of Indigenous children aged between 10 and 17 years within the criminal justice system is a major challenge which confronts the Council of Australian Government's (COAG's) commitment to 'Closing the Gap' (The House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs 2011).
- Across Australia, it is evident that Indigenous children represent almost 54 percent of the children and young people who are placed into youth detention centres (Anthony 2018).
- To reduce this rate of incarceration, the Australian government must invest in more community-based approaches to address violence and reduce arrest and imprisonment rates among Aboriginal people (Anthony 2009).
- These long-term targets include: ensuring parental and family support; providing literacy and numeracy training and assisting young people to gain or regain their driver's licence while detained (Government of Queensland 2019, p. 29).

Restorative Justice Practices

- Restorative justice practices are an alternative to the formal criminal justice system (Lynch 2010, p. 161). By definition, restorative justice focusses on the
- rehabilitation of the offender by first accepting a level of responsibility for the harm they have caused to victims (Australian Institute of Criminology 2017).
- These practices require significant involvement and cohesion within the community so that incidents of crime can be transformed into 'positive opportunities of creating new relationships' through forgiveness (Walgrave 2011, p. 133).

Shift from therapeutic to punitive – welfare to justice

- In early 2018, there was a clear and distinct 'attitudinal change' in some parts of the Victorian community, including the Victorian parliament, away from rehabilitation and transformative optimism towards more punitive responses (Legal and Social Issues Committee 2018, p. 15).
- This change is evidenced on a global scale, as it has been reported in England and Wales that those who are most heavily exposed to punishment and surveillance within the youth justice system originate from some of the most disadvantaged neighbourhoods (Goldson & Muncie 2006, p. 222).

The Rights of Children and the International Rights Instruments and Protections

- The United Nations have recently released a new general comment which outlines alternatives to formal criminalisation and the principle that custody should be used a last resort and for minimal time frame (Grover 2017; United Nations 2019, para. 11).
- The Committee have also recommended several points of action, including raising the age of criminal responsibility to at least 14 years old in all countries and jurisdictions (United Nations 2019, para. 22; UNCRC October 2019).
- While some domestic laws have been amended to reflect the principles of the UNCRC, including Victoria and the Australian Capital Territory which have their own charter of rights, the Australian government has not properly enacted legislation which directly implements the UNCRC (Fernando 2013, p. 92).

RESEARCH METHODOLOGY

This section presents a critical overview of the methods, approach and skills employed in the quantitative and qualitative research undertaken in this study, as well as the benefits and drawbacks of the methodology used. It will outline suggestions for much needed further future research in this area.

Documentary Analysis

- Many of the policy documents analysed in this research project are
- recommendations which provide a more holistic and informed understanding of the implemented legislations and how they aim to better protect the rights and address the needs of children and young people in conflict with the law.
- For the purpose of this study, a number of reports and policy documents from Australia and the UK were individually examined to understand the individual needs of children and young people in conflict with the law.
- These report inquiries and table recommendations therefore have the ability to promote a more progressive and holistic youth justice system and implement critical change within its youth justice system to support the needs and rights of children and young people (see Inquiry into Youth Justice Centres in Victoria 2018, Children's Rights Report 2017, National Framework for Protecting Australia's Children 2009-2020).

Content Analysis

- Content analysis offers researchers the opportunity to analyse descriptive and interpretive content (Graneheim & Lundman 2004) which can then be coded into several categories and common themes (Green 2008; Gordon 2018).
- Utilising a quantitative research method for this analysis, online newspaper articles published in Australia and the UK were reviewed over a six-month period between 1 February 2019 and 31 July 2019 using the NewsBank Media Database.
- The search terms were, 'public health responses youth violence', 'youth justice system', 'youth detention', 'youth violence' and 'therapeutic responses youth mental health'.

- In total, there were 2,033 online newspaper articles sourced from the UK, and 1,319 from Australia when these several key terms were searched. NewsBank was the only search engine used to obtain online newspaper articles in relation to youth violence and public health models (see table below).

Countries	Themes	Feb 2019	Mar 2019	Apr 2019	May 2019	Jun 2019	Jul 2019	Total
United Kingdom	Public Health Responses Youth Violence	3	21	49	9	6	9	**97**
	Youth Justice System	73	77	91	85	58	41	**425**
	Youth Detention	58	79	48	46	52	38	**321**
	Youth Violence	293	485	431	287	305	232	**2,033**
Australia	Therapeutic Responses Youth Mental Health	32	42	34	37	32	22	**199**
	Youth Justice System	73	83	61	128	110	65	**520**
	Youth Detention	87	95	90	154	130	92	**648**
	Youth Violence	184	225	217	303	229	161	**1,319**

Discourse Analysis

- Discourse analysis is the study of naturally occurring language in any social context (Shaw & Bailey 2009). Using this method primarily analyses the language used throughout online media coverage in both Australia and the UK and examines how stigma and social exclusion is reinforced through negative stereotyping of children and young people in conflict with the law.
- However, due to time restrictions, the media and discourse analysis was limited to online newspaper articles which only contributes to a small proportion of the media accessed, especially with the increase in electronic media (Cannon 2011).
- Hence, with a larger timescale for the project, this would enable the research to provide a more rounded understanding of how children and young people in conflict with the law are portrayed, represented and subsequently treated due to media coverage and reporting in Australia and the UK.

Semi-Structured Interviews

- During the fieldwork period, 25 semi-structured interviews were conducted with practitioners, policymakers, politicians and academics involved in the youth justice debate. All interviews were conducted during the months of June and July in 2019.
- The use of semi-structured interviews was employed by the researcher as a qualitative method (see Appendices 3, 6 and 7). Semi-structured interviews are valuable as they allow researchers to explore subjective viewpoints and to gather in-depth accounts of people's experiences (Flick 2009).
- Each interview was timed between 45 minutes to an hour and was conducted at a place and time of mutual convenience for Australian participants; and via Skype or WhatsApp for UK participants.
- The chief investigator of the research project, Dr. Faith Gordon, was able to provide contact details for most of the interviewees from the UK, including their email address and mobile phone numbers, as most of the participants are from the International Youth Justice Network.

Analysis and Presentation of Findings

- Overarching themes or ideas are crucial for the overall analysis of the data and the conclusions which can be extracted from it.
- Braun and Clarke (2013) suggest that unlike many qualitative methodologies, thematic analysis is not tied to a particular
- epistemological or theoretical perspective, which therefore makes it a very flexible method.
- Studies, such as Green's (2008), Gordon's (2018), Lynass' (2012) and many others, utilise a thematic analysis to identify
- meaningful patterns in the data which address the overall research questions.

Ethical Considerations

- This research project (MUHREC ID #19723) received approval from the Monash University Human Research Ethics Committee on 22 May 2019 prior to the commencement of data collection.
- Prior to the commencement of the interview, participants were emailed an explanatory statement which outlined the purpose and steps of the research, along with a copy of a consent form which outlined that their interview would be recorded using a digital recording device and that they would also have access to their interview transcript should they request it.
- After the interviews had been recorded on a digital recording device, only members of the research team had access to the final transcripts which was digitally stored on the Monash server and hard copies under lock and key in the Supervisor's office.

Positives and Drawbacks of Utilising the Methods

- The qualitative methods utilised in this research project are useful for collecting data which address the outline of the study and the research questions involved.
- When conducting interviews with participants from the UK, the use of Skype proves to be an invaluable tool for any project as they allow the researcher to involve participants regardless of where they are in the world (Lo Iacono, Symonds & Brown 2016).
- Lastly, it is important to consider that this methodology and collection of data does not engage with children and young people in conflict with the law directly.
- According to Drake, Fergusson and Briggs (2014, p. 23), directly interviewing youth participants and analysing accounts of their own experiences can offer critical perspectives' on the benefits and limitations of the youth justice system's current policies and practices.
- However, there are ethical complexities which not only can complicate the criminal justice system access processes (Fitz-Gibbon 2017), but it can also significantly delay the research project.

SUMMARY OF KEY FINDINGS

This section critically analyses international practitioners', policymakers' and academics' perspectives of youth involvement in violence, which as previously discussed, is often perpetrated and amplified through media coverage and political discourse.

Youth Violence

- A public health approach to violence involves identifying the risk factors and social determinants which increase or decrease the risk of youth violence (Walden & Wall 2014). Several of the interviewees typically mentioned the premise of youth violence and offending in society without being prompted by a direct question on violence.

- When reflecting on utilising a public health model approach to address youth violence, it was argued that violence should ultimately be, 'viewed as a disease that can be inoculated against and prevented if the right interventions are put in place at the right time' (ACADEM1).

- The implications of these constructions provide evidence that the public health approach is designed to prevent the, 'root causes of the violence... and address those root causes before the violence emerges' (ACADEM1).

- As stated by the same participant, this can be achieved by viewing this issue through a multi-agency lens: 'it...views violence as, not just a criminal justice issue, but a public health issue that can be reduced through problem-solving and through multi-agency approaches...' (ACADEM1).

- These comments reveal the need to identify and address the predictors of youth violence, including histories of family violence, low socioeconomic statuses and gang affiliations, before it emerges (Hawkins et al. 2000, p. 2). Additionally, specific types of violence were raised; in particular, gang violence.

- There is widespread public perception that 'youth gangs' are a major problem in Australia, specifically in Victoria (White 2004). This is reinforced by media images of groups of young people framed as 'gangs' involved in youth violence (Gordon 2018, p. 92).

- Another interviewee notably commented on the prevalence of, 'xenophobia
- towards young gangs' (LAWY1) in Victoria which has the potential to socially marginalise and exclude children and young people.
- In the UK, this correlation between violence and the construction of youth gangs was also uncovered, with one participant stating that, 'the response of the government and the media was that violence meant gangs' (SUPT1).
- Interviewees also discussed their thoughts on the effectiveness of youth detention centres in Australia. It is maintained by researchers, such as Cunneen, Goldson and Russell (2016), that youth custody should be considered as a last resort and as the international children's rights instruments outline, for the shortest possible time, under Article 37(b) of the UNCRC.
- One academic suggested that instead of incarcerating children and young people, the youth justice system in Australia, needs to be, 'providing alternatives to sentences of detention and changing the way we think about youth detention' (ACADEM8).
- Another participant referred to the inhumane conditions many young people experience when detained: 'there's still a lot of talk about young people's violence when they're locked up…one of the problems is it's such an unnatural situation that they're in … it's not surprising that they lash out' (ACADEM4).
- One participant also shone light on the incidents which occurred in a Victorian youth detention centre at the end of 2016: 'another real milestone point was the riot or disturbance inside Parkville Youth Justice Centre in November of 2016' (COMM1).
- During this time, it was reported that several detainees had climbed on the roof and caused significant damage to the Parkville youth justice precinct (O'Brien & Fitz-Gibbon 2018).
- Furthermore, it is evident that the current youth justice system in Victoria needs to take a greater look at what is being done in the UK, particularly in Scotland, to ensure that children's needs are addressed, and their marginalised voices are heard.
- Although the public health model is certainly, 'in its infancy' (ACADEM10) in England, the general theme extracted from the interviews was the need to implement more problem-solving strategies and approaches which are, 'multi-agency and…multi-faceted' (ACADEM9) and can ultimately respond to youth involvement in violence.

Media Representations

- According to Cohen (2011, pp. 2-3), the most recurrent types of 'moral panics' in the UK have been surrounding youth culture, with young people's behaviour framed by society as 'deviant' or 'delinquent'.
- The discourse in the media to describe deviant youths has altered from being considered 'wayward' to more recently labelled 'evil' (Faucher 2009).
- As stated by one participant, major turning points in the media are often responsible for establishing dismissive and negative attitudes towards children and young people: 'it will always go back to the Bulger case…the public believe that some children are evil' (CEO1).
- Several participants from the UK identified the James Bulger case, where a 2-year-old boy was brutally murdered by two 10-year-old boys, Robert Thompson and Jon Venables in February 1993.
- One academic stated that, 'The James Bulger case in the 1990s was a turning point where young people began to be viewed as potentially dangerous' (ACADEM1).
- This case prompted successive interventions which were 'tough on crime, tough on the causes of crime' (Jones & Newburn 2002) and engrained the idea into the people's mind that every child killer must be either 'a monster' or 'born bad' (Watt 1996; Green 2008).
- One Australian participant commented on language of the media, including the stereotypical labels used to demonise children and young people: 'inherently bad…thugs…violent monsters…those are all words I have seen used in the headlines about these children and young people' (COMM1).
- This finding highlights that media coverage of children and young people in conflict with the law is, 'scare mongering' and 'detract[s] from us going through with appropriate responses' (LAWY2).
- As previously outlined in this dissertation, the difference in the 'perception' and 'reality' of children and young people's involvement in crime confirms the media's pre-occupation with portraying youth as a 'threat' to society (Schissel 1997; Glover 1984; Gordon 2018).
- In discussing the actual statistics of youth crime in comparison to the media's agenda, one academic from Victoria asserted that: 'there's not a massive increase in youth crime…the media latches onto that so that there is fear mongering…' (ACADEM4).

- According to the Crime Statistics Agency in Australia, Victoria had the lowest number of violent youth incidents and rate per 100,000 in 10 years (Crime Statistics Agency 2019).
- One participant acknowledged that the key role of media outlets is to invoke fear within the misinformed public by, 'taking a very small statistic and blowing it out of proportion' (ACADEM11).
- Another interviewee also highlighted various newspapers and media outlets which have focussed on, 'car theft …and carjacking, especially in the Frankston, Carrum Downs area' (YW2).
- This finding relates to the research question around the stigmatisation of young people through the language conveyed by the Victorian media, which ultimately, 'exaggerates or overemphasises the nature of youth offending' (ACADEM8).
- A number of interviewees from the UK also acknowledged that, 'the media often are responsible for…glamorising bad behaviour between young people' (ACADEM10) and that, 'they don't necessarily want the truth … they want sensationalism' (ACADEM9).

Politicians and Political Discourse
- One Australian participant outlined that, 'in recent elections, one of the main arguments for Victoria was creating more prison beds because that'll fix our issues…' (YW1). This is a direct reference to the plans for a new youth justice system to be built in Cherry Creek in outer Melbourne, which is expected to be operational in 2021 (White et al. 2019).
- In response to this proposition, one participant asserted that, 'building a new prison in Cherry Creek is the opposite of what we really need' (ACADEM4). Hence, rather than investing in approaches which will therapeutically address the needs of children and young people, child prisons are expanding across Australia.
- Additionally, one interviewee from the UK recognised that, 'politicians have … built structures like prison … to deal with this issue' (ACADEM9). This is significant to the research as it highlights that youth custody centres are also prominent in the UK and therefore proliferates a, 'heavy, punitive harsh response to young people' (ACADEM7).

- It is evident that political discourse around children and young people in conflict with the law has a direct impact on this marginalised population in terms of how they are portrayed, represented and subsequently treated (Gordon 2018, p. 26).
- One interviewee argued that the discourse is typically, 'managed around an imagined punitive…that holds the ballot paper strings' (ACADEM7). This therefore prompts a 'right-thinking' mindset (Cohen 1972, p. 9) within a misinformed society who typically, 'want quick results' (YW3) in response to youth crime.
- According to several interviewees, the government needs to implement an, 'alternative to criminalisation', which, 'brings to the forefront the considerations of having social determinants' (ACADEM8).
- Therefore, governments must adopt a public health framework, which incorporates a, 'robust child protection system…strengthens diversion' (ACADEM12) and undermines law and order responses to youth crime (Reiner 2007, p. 327).

ACE's, Trauma and realities for young people

- Adverse Childhood Experiences (ACEs) are highly traumatic events or situations which occur during childhood and adolescence (Safeguarding Board for Northern Ireland 2018, p. 15).
- In the 25 interviews conducted with youth justice professionals from Australia and the UK, it was evident that many recognised the impact of trauma and how it can be manifested in criminal or anti-social behaviour.
- A senior lawyer based in Victoria also observed that, 'trauma and adverse experiences are only further compounded through that time in custody' (LAWY2).
- This finding is reflective of the association between criminal behaviour and the experience of trauma or maltreatment as a child or young person (Yick 2013).
- Additionally, Cashmore (2011, p. 36) highlights that the youth justice system must acknowledge and respond to their needs and trauma
- by ensuring that children and young people have access to appropriate support services.

- Furthermore, several youth justice advocates stated that the criminal justice systems in both Australia and the UK must introduce practices which are trauma-informed, respond to risk factors and are dedicated in providing support to children who have previously suffered from systemic abuse and neglect (Bush 2018, p. 74).
- According to Wall, Higgins and Hunter (2016, p. 2), Australia has a distinct lack of consistency in the language and framework for implementing trauma-informed models of care in child welfare services.
- Almost all of the responses from international participants commented on the success of a, 'trauma-informed' (ACADEM9) approach and how it has been welcomed, particularly in Scotland (Sweeney & Taggart 2018): '… adverse childhood experiences was something that was fundamental to the Scottish model being successful' (CEO4).
- While there is minimal evidence to suggest that adopting a trauma-informed approach has been successful in England, Wales and even Australia, it is clear that local agencies within these countries must adopt a more holistic approach to ensure that the young person's needs are contextualised within the trauma and adversity they have experienced (Bush 2018, p. 309).

Punitive versus Restorative justice

- As mentioned previously, the Legal and Social Issues Committee released a report in early 2018 which outlined a distinct move from a welfare to a justice approach, reflecting more punitive and 'quick-fix' responses to youth offending in Victoria (Fatouros 2016, p. 3).
- These key legislative changes, including amendments to sentencing laws and bail restrictions, was recognised by one Australian academic, who commented that: 'a law and order approach towards criminal justice has certainly led to more punitive approaches… sentencing and bail orders don't really take adequate consideration of how that impacts on children' (ACADEM8).
- The increased number of children and young people detained in Victorian youth detention centres is intimately linked to the 'recent changes in bail laws and associated practices' (McMahon 2019, p. 2).

- Within Australia, some examples of restorative justice approaches include youth conferencing and family group conferencing, which are both managed either through a diversionary youth conference directed by the prosecutor for less serious offences or through a court-ordered conference (Muir 2014, pp. 6-7).
- One participant from Victoria acknowledged that: 'we've had group conferencing in our youth justice system for quite a long time… Magistrates certainly talk about examples of group conferencing and how they've had such a significant positive impact on the young person' (COMM1).
- However, despite these claims of success across the youth justice system, several Australian interviewees also argued that, 'restorative justice has been significantly under-utilised in Victoria' (ACADEM4) and that, 'there's so much more potential for it to be used more widely in Victoria' (ACADEM7).
- Hence, based on these findings, it is evident that the Victorian government needs to apply restorative justice practices more consistently, as well maximise these vital resources in order to reduce recidivism rates amongst children and young people in conflict with the law.

Public Health Approach

- For over two decades, many child-welfare advocates and researchers have recognised the value of utilising a public health approach in response to children and young people in conflict with the law (Higgins 2014, p. 40).
- While there is limited evidence of a public health model being applied within Australia, this section will comparatively examine the perspectives of international youth justice professionals and determine if a public health approach, which is currently being advocated in Scotland, is the most appropriate model in moving forward.
- One participant based in Victoria, also confirmed that, '…a public health approach is one that looks at a more preventative, early response' (ACADEM11).
- A participant from the UK introduced the concept of a, 'risk and protective factor paradigm' (ACADEM6), which suggests why certain groups of children and young people are more or less likely to become victims of crime.

- Furthermore, in response to this finding, one academic recognised the importance of incorporating these contextual factors into youth justice policies at an international level: 'a public health model [is] one that brings to the forefront the considerations of having social determinants…that the contact around the youth justice system is the reason for young people committing offences' (ACADEM4).
- Another participant from London, acknowledged that a public health approach is, 'inclusive of all parts of society…it's the bridge between our health, our police, our social care, the community and the children…it all works together' (CEO3).
- This further supports the integration of a holistic approach which requires different governments and agencies to collaborate and co-operate together to achieve shared goals for children and young people.
- Hence, the general consensus from participants, particularly those based in the UK, was that the public health approach in Glasgow, Scotland is a significantly progressive step in reducing and preventing violent crime.

Children's Rights

- In examining significant violations of children's rights, one participant from the UK highlighted that, 'the crucial thing is to respect children's rights, including the UN Convention on the rights of the child' (CEO2).
- One Australian lawyer also recognised that, 'there is no uniformity across Australia, even though Australia is bound by the Convention on the Rights of the Child' (LAWY2).
- Another participant mentioned that the importance of human rights are often downplayed and ignored once children and young people come into conflict with the criminal justice system and that, 'children lose their universal rights in the eyes of some professionals, the system anyway, once they break the law' (ACADEM9).
- The UNCRC has observed that Victoria's youth justice system 'requires substantial reforms for it to conform to international standards' (CRC 2012; CRC October 2019).
- A report submitted by the Australian Government to the UNCRC in January 2018 did not express an intention to raise the minimum age of criminal responsibility, despite the recommendation made by the UNCRC in 2005 and 2012, that Australia should raise the age 'to an internationally acceptable level' (Law Council of Australia 2018, p. 30; CRC October 2019).

- In response to this evidence, one Australian academic commented: 'with the UN Convention on the Rights of the Child…we're signatory to that… it's just a joke that we continue to lock up children who are 10, 11, 12 years old' (ACADEM7).
- Previous research within both Australia and the UK has highlighted the need to raise the age of criminal capacity to 14 years old (O'Brien & Fitz-Gibbon 2017; McGuinness 2016).
- In order to deliver and uphold best international practice, one participant strongly asserted that, 'respecting human rights, particularly for children in conflict with the law really does require us to raise the criminal age of responsibility' (ACADEM4).
- One participant argued that to ultimately achieve this, policymakers need to, 'teach children about their human rights and you ensure that they have a voice' (ACADEM6) so that children's rights are explicitly recognised and implemented within the criminal justice system.

CONCLUSION

- Furthermore, the knowledge gained from this study will contribute to a better understanding of the policies and practices in youth justice systems across Australia and the UK and from the perspective of academics and practitioners and whether the systems are adequately responding to the needs and treatment of children and young people involved in the criminal justice system.

- While a proportion of participants within the youth justice debate felt that the application of a public health approach to youth violence would present significant challenges, it was revealed that these multi-faceted responses are critical in addressing the individuals needs and overarching rights of children and young people.

- The data analysis presented in this study has provided a foundation of recommendations for future reforms, outlining that we must continue to critique and assess the relevancy of a public health approach to prevent youth violence in order to encourage more 'child-friendly' practices at an international level.

- Hence, based on the emergence of these findings, this research has demonstrated the strong correlations existing between the social determinants of health and children and young people's involvement in violence.

- In taking this research forward, policymakers and practitioners within Australia and the UK must critically consider the voices of children and young people and ultimately integrate their views and perspectives into the legislations and criminal justice processes which affect them.

REFERENCES

Anthony, T 2009, 'Governing crime in the intervention', Law
Context: A Socio-Legal J, vol. 27, p.90.

Anthony, T 2018, 'Northern Territory's youth detention regime are
notably silent on the over-representation of Indigenous children in these
systems', SBS, viewed 3 September 2019,
https://www.sbs.com.au/news/the-feed/why-are-so-many-indigenous-kids-in-
detention-in-the-nt-in-the-first-place

Australian Human Rights Commission 2017, Children's Rights Report 2017,
viewed 4 August 2019,
https://www.humanrights.gov.au/sites/default/files/document/publication/AHR
C_CRR_2017.pdf

Australian Institute of Criminology 2017, Restorative
Justice in Australia, viewed 10 August 2019,
https://aic.gov.au/publications/rpp/rpp127/restorative-justice-australia

Bessant, J & Hil, R 1997, Youth, Crime & the
Media: Media Representation of and Reaction to Young People in Relation
to Law and Order, National Clearinghouse for Youth Studies, Hobart.

Blagg, H 2008, Crime, Aboriginality, and the Decolonisation of Justice,
Sydney, New South Wales, Australia: Hawkins Press.

Bush, M 2018, 'Addressing adversity: prioritising adversity and trauma-
informed care for children and young people in England', London: The
YoungMinds Trust.

Cannon, M 2011, Deviant youth in the news: A critical discourse analysis of
media and participant social constructions of a contemporary moral panic,
viewed 20 July 2019,
https://espace.mmu.ac.uk/576507/1/Miranda%20Cannon%20%28MMU%29
%202011.pdf

Cashmore, J 2011, 'The link between child maltreatment and adolescent offending: Systems neglect of adolescents', Family Matters, vol. 89, pp.31-41.

Chibnall, S 2013, Law-and-order news: An analysis of crime reporting in the British press, Routledge, London.

Clarke, V & Braun, V 2013, 'Teaching thematic analysis: Overcoming challenges and developing strategies for effective learning', The psychologist, vol. 26, no. 2, pp.120-123.

Clifford, K & White, R 2017, Media and crime: content, context and consequence, Oxford University Press, Australia.

Cohen, S 1972, Folk Devils andMoral Panics: The Creation of the Mods and Rockers, Routledge, London.

Cohen, S 2011, Folk devils and moral panics, Routledge, London.

Committee on the Rights of the Child (CRC) 18 September 2019, General comment No. 24 (2019) on children's rights in the child justice system, viewed 23 September 2019, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f24&Lang=en

Committee on the Rights of the Child (CRC) 28 August 2012, Concluding Observations Australia, viewed 29 September 2019, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fAUS%2fCO%2f4&Lang=en

Committee on the Rights of the Child (CRC) 30 September 2019, Concluding observations on the combined fifth and sixth periodic reports of Australia, viewed 7 October 2019, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fAUS%2fCO%2f5-6&Lang=en

Conaglen, P & Gallimore, A 2014, VIOLENCE PREVENTION: A PUBLIC HEALTH PRIORITY, viewed 15 September 2019, https://pdfs.semanticscholar.org/b2e3/7a693277e6b68961aa13bf34339c17f2a74d.pdf

Council of Australian Governments 2009, Protecting
Children is Everyone's Business: National Framework for Protecting Australia's
Children 2009–2020, viewed 10 September 2019,
https://www.dss.gov.au/sites/default/files/documents/child_protection_framework.p
df

Crime Statistics Agency 2019, Spotlight:
Youth Offending in Victoria Year Ending 31 March 2019, viewed 7 September
2019, https://www.crimestatistics.vic.gov.au/crime-statisticshistorical-crime-
datayear-ending-31-march-2019/spotlight-youth-offending-in

Cunneen, C, Goldson, B & Russell, S 2016, 'Juvenile justice, young people and
human rights in Australia', Current Issues in Criminal Justice, vol. 28, no. 2, pp.173-
189.

Curiel, R.P. & Bishop, S.R. 2018, 'Fear of crime: the impact of different distributions
of victimisation', Palgrave Communications, vol. 4, no. 1, p.46.

Dow-Edwards, D, MacMaster, F.P, Peterson, B.S, Niesink, R, Andersen, S &
Braams, B.R 2019, 'Experience during adolescence shapes brain development:
From synapses and networks to normal and pathological behavior',
Neurotoxicology and teratology, vol. 76, p.106834.

Drake, D.H Fergusson, R & Briggs, D.B 2014, 'Hearing new voices: Re-viewing
youth justice policy through practitioners' relationships with young people', Youth
Justice, vol. 14, no. 1, pp.22-39.

Evans, L 2018, Tackling knife crime in Scotland – 10 years on, viewed 28
September 2019, https://civilservice.blog.gov.uk/2018/05/24/tackling-knife-crime-in-
scotland-10-years-on/

Fatouros, H 2016, 'Is our youth justice system really broken',
paper delivered at the Castan Centre for human rights law conference, 27
July 2016, Melbourne, viewed 2 September 2019,
https://www.legalaid.vic.gov.au/about-us/news/is-our-youth-justice-system-really-
broken-helen-fatouros-speech-castan-centre-conference

Faucher, C 2009, 'Fear and loathing in the news: a
qualitative analysis of Canadian print news coverage of youthful offending in
the twentieth century', Journal of Youth Studies, vol. 12, no. 4,
pp.439-456.

Fernando, M 2013, 'Express Recognition of the UN Convention on the Rights of the Child in the Family Law Act: What Impact for Children's Participation', UNSWLJ, vol. 36, p.88.

Fitz-Gibbon, K & Gordon, F 2018, 'One year on from Royal Commission findings on
Northern Territory child detention: what has changed?'
The Conversation, viewed 23 May 2019, https://theconversation.com/one-year-on-from-royal-commission-findings-on-northern-territory-child-detention-what-has-changed-106993

Fitz-Gibbon, K 2017, 'Gaining access and managing gatekeepers: Undertaking criminological research with those 'within' the system',Liquid Criminology: Doing imaginative criminological research, pp.
17 3-187.

Flick, U 2009, An introduction to qualitative research, London: Sage.

Glover, D 1984, The Sociology of the Mass Media, Cornwall: Causeway Press Limited.

Goldson, B & Muncie, J 2006, 'Rethinking youth justice: Comparative analysis, international human rights and research evidence', Youth Justice, vol. 6, no. 2, pp.91-106.

Gordon, F 2018, Children, Young People and the Press in a Transitioning Society: Representations, Reactions and Criminalisation, Springer, London.

Graneheim, U.H & Lundman, B 2004, 'Qualitative content analysis in nursing research: concepts, procedures and measures to achieve trustworthiness', Nurse education today, vol.
24, no. 2, pp.105-112.

Green, D.A 2008, 'Suitable vehicles: Framing blame and justice when children kill a child', Crime, media, culture, vol. 4, no. 2, pp.197-220.

Grover, C 2017, 'Youth justice in Victoria: Research paper no. 2', Melbourne, Australia: Parliamentary Library and Information Service.

Hall, S Critcher, C Jefferson, T Clarke, J. & Roberts, B 1978, Policing the Crisis: Mugging, the State and Law and Order, London: Macmillan.

Hawkins, J.D, Herrenkohl, T.I, Farrington, D.P, Brewer, D, Catalano, R.F, Harachi, T.W & Cothern, L 2000, 'Predictors of youth violence', Juvenile justice bulletin, vol. 4, pp.1-10.

Higgins, D.J. 2014, 'A public health approach to enhancing safe and supportive family environments for children', Family Matters, vol. 96, p.39.

House of Commons Library December 2018, Public
Health Model to Reduce Youth Violence, viewed 20th July 2019,
https://researchbriefings.parliament.uk/ResearchBriefing/Summary/CDP-2018-0274

Howell, S 2018, Our summary of the Youth Violence Commission's Interim Report, viewed
10 September 2019, https://londonyouth.org/summary-youth-violence-
commissions-interim-
report/https://www.royalcommission.gov.au/sites/default/files/2019-01/rcnt-interim-
report.pdf

Jones, T & Newburn, T 2002, 'The transformation of policing? Understanding current trends in policing systems', The British journal of criminology, vol. 42, no. 1, pp.129-146.

Law Council of Australia 2018, Alternative Report to the United Nations Committee on the Rights of the Child, viewed 20 September,
https://www.lawcouncil.asn.au/docs/10593c18-9c01-e911-93fc-
005056be13b5/3537%20-
%20Alternative%20Report%20to%20the%20United%20Nations%20Committee%20
on%20the%20Rights%20of%20the%20Child.pdf

Legal and Social Issues Committee March 2018, Inquiry into youth justice centres in Victoria, viewed 20 March 2019:
https://www.parliament.vic.gov.au/images/stories/committees/SCLSI/Youth_Justice
_System/Reports/LSIC_Inquiry_into_Youth_Justice_Centres_report_WEB.pdf

Lo Iacono, V, Symonds, P & Brown, D.H 2016, 'Skype as a tool for qualitative research interviews', Sociological Research Online, vol. 21, no. 2, pp.1-15.

Lynass, R, Pykhtina, O & Cooper, M 2012, 'A thematic analysis of young people's experience of counselling in five secondary schools in the UK', Counselling and Psychotherapy Research, vol. 12, no. 1, pp.53-62.

Lynch, N 2010, 'Restorative justice through a children's rights lens', The International Journal of Children's Rights, vol. 18, no. 2, pp.161-183.

McDowall, J.J 2018, 'Out-of-home care in Australia: Children and young people's views after five years of National Standards', CREATE Foundation.

McGuinness 2016, The Age of Criminal Responsibility, viewed 1 September 2019, https://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-7687

McNair, B 2009, News and Journalism in the UK (Fifth Edition), London: Routledge.

Muir, R 2014, 'Everyday Justice: Mobilising the Power of Victims, Communities and Public Services to Reduce Crime', London: Institute for Public Police Research.

Muncie, J 2014. Youth and crime, London:Sage.

Muraskin, R. & Domash, S. F 2007, 'Crime and the Media: Headlines vs. Reality', New Jersey, USA: Pearson Education.

O'Brien, W & Fitz-Gibbon, K 2018, 'Can Human Rights Standards Counter Australia's Punitive Youth Justice Practices?', The International Journal of Children's Rights, vol. 26, no. 2, pp.197-227.

O'Brien, W. & Fitz-Gibbon, K 2017, 'The Minimum Age of Criminal Responsibility in Victoria (Australia): Examining Stakeholders' Views and the Need for Principled Reform', Youth justice, vol. 17, no. 2, pp.134-152.

Peden, J, Stürup-Toft, S, Bath, R, Jesurasa, A & O'Moore, É 2019, Collaborative approaches to preventing offending and re-offending in children (CAPRICORN): a resource for local health & justice system leaders to support collaborative working for children and young people with complex needs, viewed 30 September 2019, https://dera.ioe.ac.uk/33984/1/CAPRICORN_resource.pdf

Queensland Government 2019, Queensland Youth Justice Strategy 2019-2021, viewed 30 August 2019, https://www.youthjustice.qld.gov.au/resources/youthjustice/reform/strategy.pdf

Reiner, R 2007, 'Media-made Criminality: The Representation of Crime in the Mass Media', in M. Maguire, R. Morgan and R. Reiner (eds.)', The Oxford Handbook of Criminology (Fourth Edition), Oxford: Oxford University Press, pp. 302–340.

Royal Commission into the Protection and Detention of Children in the Northern Territory 2017, Interim Report 31 March 2017, viewed 30 March 2019,

Sacks, V, Murphey, D & Moore, K 2014, Adverse childhood experiences: National and state-level prevalence, viewed 12 August 2019, https://www.childtrends.org/publications/prevalence-adverse-childhood-experiences-nationally-state-race-ethnicity

Safeguarding Board for Northern Ireland 2018, Developing trauma informed practice in Northern Ireland: Health and mental health care systems, viewed 15 August 2019, https://www.safeguardingni.org/sites/default/files/sites/default/files/imce/ACEs%20Report%20A4%20Feb%202019%20Health%20and%20Mental%20Health.pdf

Schissel, B 1997, Blaming children: Youth crime, moral panics and the politics of hate, Halifax, NS: Fernwood.

Scraton, P 2008, 'The criminalisation and punishment of children and young people: Introduction', Current Issues in Criminal Justice, vol. 20, no. 1.

Shaw, S & Bailey, J 2009, 'Discourse analysis: what is it and why is it relevant to family practice?', Family practice, vol. 26, no. 5, pp.413-419.

Standing Committee on Aboriginal and Torres Strait Islander Affairs 2011, Doing Time – Time for Doing: Indigenous Youth in the Criminal Justice System, viewed 21 September 2019, http://www.aphref.aph.gov.au_house_committee_atsia_sentencing_report_fullreport.pdf

Sweeney, A & Taggart, D 2018, '(Mis) understanding trauma-informed approaches in mental health', Journal of Mental Health, vol. 27, no. 5, pp. 383-387.

The Youth Violence Commission 2018, Interim Report – July 2018, viewed 10 September 2019, http://yvcommission.com/wp-content/uploads/2018/07/Interim-Report-FINAL-version-2.pdf

UNICEF Australia 2018, The Children's Report: Australia's NGO coalition report to the United Nations Committee on the Rights of the Child, viewed 13 March 2019, https://www.napcan.org.au/wp-content/uploads/2018/12/Child-Rights-Taskforce-NGO-Coalition-Report-For-UNCRC-LR.pdf

Walden, I & Wall, L 2014, Reflecting on primary prevention of violence against women: the public health approach, viewed 22 August 2019, https://aifs.gov.au/sites/default/files/publication-documents/i19.pdf

Walgrave, L 2011, 'Investigating the potentials of restorative justice practice', Wash. UJL & Pol'y, vol. 36, p.91.

Wall, L, Higgins, D & Hunter, C 2016, 'Trauma-informed care in child/family welfare services (CFCA Paper No. 37)', Melbourne: Australian Institute of Family Studies.

Watt, S.J 1996, 'Murdering innocents: Responsibility and response', Auckland UL Rev, vol. 8, p.713.

White, J, te Riele, K, Corcoran, T, Baker, A, Moylan, P & Manan, R.A 2019, Improving educational connection for young people in custody, viewed 9 August 2019, https://www.vu.edu.au/sites/default/files/Improving-educational-connection-for-young-people-in-custody.pdf

White, R 2004, 'Police and community responses to youth gangs', Australian Institute of Criminology.

World Health Organisation 2015, Preventing youth violence: an overview of the evidence, World Health Organisation.

Yick, J 2013, 'An analysis of the association between criminal behaviour and experience of maltreatment as a child in the Northern Territory', The Australian Institute of Criminology's Australasian Conference for Child Abuse and Neglect, Melbourne, viewed 20 August 2019, pp. 10-13.

Young, J 1971, The drugtakers: The social meaning of drug use, MacGibbon and Kee.