

**Submission
No 109**

COMMUNITY SAFETY IN REGIONAL AND RURAL COMMUNITIES

Organisation: SHINE for Kids

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SHINE for Kids Submission NSW Inquiry - Community Safety in Regional and Rural Communities

Summary of Findings & Recommendations

1. Invest in systems to identify and account for children experiencing parental incarceration to link them with meaningful early-intervention services, as this is a key and tangible risk factor for youth offending
2. Invest in early-intervention services and social and emotional supports for at-risk young people to address the root causes and drivers of youth offending
3. Invest in holistic wrap-around support services for pre- and post-release support to address high rates of recidivism among young offenders

Introduction

SHINE for Kids has 40+ years of experience working with thousands of children and young people affected by the youth justice system, including young people transitioning out of custody. This cohort have complex needs and often come from backgrounds of multiple and disadvantage, including having lived in out-of-home care (OOHC), interrupted or poor school education, early contact with police, homelessness and unstable housing and having unsupported mental health/ cognitive disabilities¹ and face complex needs.

We recognise that there is already a significant body of work on addressing community safety and youth offending in urban, regional and rural NSW², including regional and rural, and this submission will only add additional information to this existing work based on our unique practice evidence and sector knowledge.

Rural Drivers of Youth Crime

SHINE for Kids current youth justice programs target predominantly urban young people, and we currently only deliver place-based programs in Kempsey (NSW). We can therefore only speak to the drivers of regional youth crime among young people that we see in Kempsey, and adjacently through our custody programs (Frank Baxter YJC & Cobham YJC) and from practice experience working with young people from regional and rural areas.

In this sense, the biggest drivers of youth crime in rural and regional areas we have seen in practice see include intergenerational poverty and socioeconomic disadvantage, parental incarceration, disconnection from community and culture, domestic and family violence / sexual violence, substance abuse issues at an early age, little or no access to positive or pro-social extracurricular activities, limited culturally relevant family services, and isolation due to larger geographical areas and remote housing. Young people who come into custody face many complex and overlapping risk

¹ McCausland and Baldry (2023) "[Who does Australia Lock Up? The Social Determinants of Justice, International Journal for Crime](#)", *Justice and Social Democracy* Vol. 12(3)

² [Social determinants of incarceration | ALRC](#); Justice Reform Initiative: [NSW Submissions \(2022-23\)](#)

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factors which influence disengagement from education and community, and are exacerbated by a lack of early-intervention supports, limited access to community services and support services, and limited opportunities for positive community engagement.

Early Intervention to Address Intergenerational Incarceration

Given our practice area of working with families involved with the criminal justice system, and acknowledging data from the latest available YPICHs survey which found that 53.6% of young people in youth justice had a parent in prison at some stage,³ with this figure much higher for Aboriginal young people (67.5%) had a parent in prison. The consequences of these issues are reflected in recent data which reveals concerning rates of school disengagement,⁴ dropout⁵, developmental delays⁶ and negative health and behavioural outcomes^{7,8} among children with a parent in prison. These statistics confirm strong criminological evidence that offending behaviour may be transmitted between generations of the same family⁹ and that the imprisonment of parents can increase the risk of their children experiencing incarceration themselves.¹⁰

In terms of a whole-of-government approach, SHINE for Kids advocate for addressing one of the key risk factors for youth crime which is parental incarceration. Research and practice-evidence repeatedly demonstrate that the arrest and incarceration of parents negatively impacts their children.¹¹ When a parent or primary carer is arrested, their dependent children face a sudden separation which can be highly distressing and traumatic¹², and which is compounded by living disruptions and instability, family breakdown, child protection interventions, poverty, poor communication or information about what is happening and inadequate linkages to trusted non-government support agencies.

³ [2015 Young People in Custody Health Survey: Full Report; NSW Health \(2015\)](#)

Note: This is the latest available data in NSW, the next YPICHs (originally due in 2022) will be released in later 2024 due to delays related to COVID-19 and other factors

⁴ Monash University (2023) reported that around one-half of the children are regularly absent from school (49.2%), with many carers struggling to get the children to attend due to anxiety and mental health challenges. Access:

Flynn, C. et al (2023) [Mapping the needs and experiences of children affected by parental imprisonment: A national survey](#), Monash University, April 2023

⁵ Senate Legal and Constitutional Affairs References Committee (2013) [Inquiry into the Value of a Justice Reinvestment Approach to Criminal Justice in Australia](#), Parliament of Australia, Report June 2013, p. 22

⁶ Bell, M. et al (2018), [Using linked data to investigate developmental vulnerabilities in children of convicted parents](#), *Developmental Psychology* July 2018; 54 (7), p. 1219-1231

⁷ Besemer, van de Weijer & Dennison (2018) report that children with a parent in prison face significant disadvantages across a range of psychosocial indicators.

⁸ ANU & Emerging Minds National Workforce Centre for Child Mental Health (2020): Adverse Childhood Experience (ACE) evidence demonstrates that ACE's such as experiencing parental incarceration in youth are linked to negative physical and mental health outcomes, developmental delays and lower educational attainment, among other challenges – [Adverse Childhood Experiences \(ACEs\): Summary of evidence and impacts, January 2020](#)

⁹ Besemer & Bui (2019); Dennison, Stewart & Freiberg (2013); Justice Health & Forensic Mental Health Network (2015); Troy et al. (2018)

¹⁰ AIC, (2023); Criminology Research Grant (2019) [The intergenerational transmission of criminal offending behaviours](#)

¹¹ Australian Institute of Criminology, (2023) [Intergenerational incarceration in New South Wales: Characteristics of people in prison experiencing parental imprisonment](#); Bartlett & Trotter (2019); Dennison & Besemer (2018); Tzoumakis et al. (2019); Whitten et al. (2019); Wildeman & Anderson (2017)

¹² NSW Parliamentary Inquiry (2022) [Committee on Children and Young People: Support for children of imprisoned parents in NSW, Report 4/57 – June 2022](#), p. 18 (1.86)

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While much needs to be done in terms of collaborative service delivery and support across health, education, youth justice, community centres and the mental health sector, addressing the incredibly prevalent risk factor of parental incarceration is essential to identify highly at-risk children early - **before they disengage, disconnect or offend.**

We know that early-intervention programs work, and it is now a matter of taking a whole-of-government approach to identifying these children before they fall through the gaps so that early intervention services can be offered and targeted early.

Current State of Government Response to Parental Incarceration

Around 38% of people entering prison in Australia having dependent children in the community.¹³ Given the high risk of these children facing future contact with the justice system¹⁴, a more formal system to account for and link these children with critical support services is desperately needed.

Despite overwhelming evidence that children are negatively impacted by their parents' arrest and incarceration, and recommendations from three parliamentary inquiries (NSW¹⁵, QLD¹⁶ and VIC¹⁷) and an independent commissioner in SA¹⁸ to change the current system, there is no clear government responsibility for identifying or safeguarding these children. While police may make reasonable attempts to transfer any child present at the point-of-arrest to another suitable caregiver, currently guidelines are either absent¹⁹, ad-hoc²⁰ or reflect inadequate consideration for the wellbeing of impacted children.^{21 22 23} There are no formal protocols to help ensure the needs of children are addressed, no specific child-sensitive practices, and no measures to help avoid children being transferred into statutory systems. Moreover, there are no specific requirements for police to determine an arrested individual's parental status – knowledge of which is crucial for safeguarding children who may not be present at the time of arrest.

At a broader system level, even basic data collection on the number and characteristics of children with an incarcerated parent (a necessity to inform policy, service planning and delivery of support services) is absent. These children are simply not counted. Despite developments internationally

¹³ Australian Institute of Health and Welfare (2019) *The health of Australia's prisoners*, AIHW PHE 246 Canberra

¹⁴ Australian Institute of Criminology, (2023) [Intergenerational incarceration in New South Wales: Characteristics of people in prison experiencing parental imprisonment](#)

¹⁵ NSW Parliamentary Inquiry (2022) [Committee on Children and Young People: Support for children of imprisoned parents in NSW, Report 4/57 – June 2022](#)

¹⁶ Queensland Productivity Commission (2019), [Summary Report: Imprisonment and Recidivism](#)

¹⁷ VIC Parliamentary Inquiry (2022), [Inquiry into children affected by parental incarceration](#), Legislative Council Legal and Social Issues Committee, August 2022

¹⁸ South Australian Commissioner for Children and Young People (2022), [Join the Dots: Considering the impact of parental incarceration on children and young people](#), p. 14

¹⁹ VACRO (2022), *Submission 17* to VIC Parliamentary Inquiry (2022), [Inquiry into children affected by parental incarceration](#), p. 6.

²⁰ Ibid, p. 6

²¹ NSW Parliamentary Inquiry (2022) [Committee on Children and Young People: Support for children of imprisoned parents in NSW, Report 4/57 – June 2022](#), p. 18-19

²² Bartlett, T., Flynn, C. & Trotter, C. (2018), *"They Didn't Even Let Me Say Goodbye": A Study of Imprisoned Primary Carer Fathers' Care Planning for Children at the Point of Arrest in Victoria, Australia*, Child Care in Practice: Vol 24, No 2

²³ NSW Parliamentary Inquiry (2022) [Committee on Children and Young People: Support for children of imprisoned parents in NSW, Report 4/57 – June 2022](#), p. 19

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towards a model policy for safeguarding children during parental arrest,²⁴ and formal recommendations^{25 26 27 28} for police to review arrest protocols to ensure proper consideration is given to the experience of children, so far, nothing has been done, and these children – the invisible victims of crime – continue to fall through the gaps.

Recommendation 1 - Invest in Identifying & Accounting for Children Experiencing Parental Incarceration

SHINE for Kids seeks to run an operational roundtable with key stakeholders²⁹ to determine practical strategies to improve point-of-arrest protocols and embed child-focused practice into criminal justice procedures. The primary aims of this roundtable would be to 1) more fully understand the current landscape, 2) develop a framework for a pilot program to implement changes to point-of-arrest protocols, and 3) to cultivate support from key agency stakeholders.

While specific changes to processes and protocols would need to be determined during the operational roundtable, the guiding principles we propose for this pilot program framework include:

- i. Incorporating child-focused practices into point-of-arrest guidelines to minimise distress and trauma for any children present
- ii. Ensuring police determine whether the arrestee is a parent or primary-carer and, if so, retrieve consent to have a support agency contact alternative carers or guardians of the children regarding support services for children
- iii. Establishing interagency responsibility or a designated government unit for monitoring and advocating for children of incarcerated parents
- iv. Expanding and strengthening referral processes for children of incarcerated parents to trusted, non-government support agencies³⁰ such as SHINE for Kids and other community-based organisations (inc. ACCOs) to ensure affected children are accounted for and connected with specialised support services and community-based interventions

SHINE for Kids acknowledge that police officers have multiple responsibilities at the point of arrest, and that reforms to protocols should not hinder a safe and timely arrest. We do however believe that this is possible, as is demonstrated by policy in Victoria where guidelines require police to inquire about indigenous status and to contact the Victorian ALS if holding an Indigenous person in

²⁴ International Association of Chiefs of Police (IACP) published a model policy in 2014 for responding to children of arrested parents. This policy emphasises that safeguarding a child's well-being is a shared responsibility among various partner organizations within the community, not limited to law enforcement. Access here: International Association of Chiefs of Police (IACP) [Safeguarding Children of Arrested Parents](#), August 2014

²⁵ NSW Parliamentary Inquiry (2022) [Committee on Children and Young People: Support for children of imprisoned parents in NSW, Report 4/57 – June 2022](#)

²⁶ Queensland Productivity Commission (2019), [Summary Report: Imprisonment and Recidivism](#)

²⁷ VIC Parliamentary Inquiry (2022), [Inquiry into children affected by parental incarceration](#), Legislative Council Legal and Social Issues Committee, August 2022

²⁸ South Australian Commissioner for Children and Young People (2022), [Join the Dots: Considering the impact of parental incarceration on children and young people](#), p. 14

²⁹ Stakeholders would include police, government and non-government agencies and would draw upon the abundant evidence and testimony captured in the several prior commissions and inquiries (ref. 24, 25, 26 above) into the experiences of children affected by parental incarceration.

³⁰ Office of the Advocate for Children and Young People (ACYP) (2020) [Submission 22](#) to the NSW Parliamentary Inquiry: Support for Children of Imprisoned Parents in NSW, pp 11-12

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custody.³¹ To enact a similar change in this pilot program would be an incredible first step towards a comprehensive early-intervention strategy to help breaking cycles of intergenerational offending.

Given that it is a small proportion of young people who are responsible for a majority of youth crime offences, making tangible progress towards addressing key risk factors such as parental incarceration (which can ensure early-intervention support is targeted to high risk cohorts) is a cost-effective and valuable way to help address one of the key root causes of offending among young people, and to divert them from the criminal justice system.

Recommendation 2 - Invest in early-intervention services and social and emotional supports for at-risk young people

There is a substantial body of empirical evidence which identifies the need for holistic supports to maintain the child-parent bond, equip parents with the skills they need to support their children, and provides holistic support to children and young people and minimise the adverse outcomes of parental incarceration.³²

SHINE for Kids recommend investing in targeted early intervention services, including social and emotional support-based interventions for children and young people affected by the criminal justice system. SHINE for Kids offer a range of successful, evidence-based programs which target multiple risk factors for children of incarcerated parents, including:

- In-custody Child & Family Programs (evidence-based parenting programs, facilitated playgroups and supported in-visits)
- In community programs (K-6 Social & Emotional Wellbeing Program, Community Early-Intervention Mentoring)
- Youth Justice Mentoring (Pre- and Post-Release Mentoring & Support)
- Aboriginal Family Programs (Pre- and Post-Release Cultural & Family Support)

These programs form a continuum-of-care for children and families, reaching statistically at-risk children and young people of all ages. Our programs target key, evidence-based risk factors for disengagement and provide solid referral pathways to our community programs and other wrap-around support services.

Recommendation 3 - Invest in holistic wrap-around services which centre the needs of young people during their transition from custody to community

The latest AIHW data reveals that in 2021-22, 81.37% of young people released from sentenced detention in NSW returned to sentenced supervision within 12 months of release.³³ This revolving door costs taxpayers enormously, while doing little to address the root causes of offending (and re-

³¹ Ibid, p. 11

³² Flynn, C. et al (2023) [Mapping the needs and experiences of children affected by parental imprisonment: A national survey](#), Monash University Report; Bartlet & Trotter (2019); Dennison & Besemer (2018); Tzoumakis et al. (2019); Whiten et al. (2019); Wildeman & Anderson (2017); NSW Parliamentary Inquiry (2022) Committee on Children and Young People: *Support for children of imprisoned parents in NSW*, Report 4/57 – June 2022, p. 18 (1.86)

³³ AIHW, 2023, [Young people returning to sentenced youth justice supervision 2021–22](#) | Table S17: Young people released from detention in 2014–15 to 2020–21 and aged 10–16 at time of release who returned within 12 months by state of index sentence

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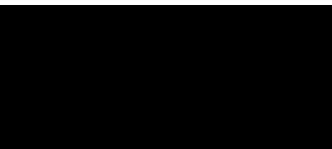
offending) among a highly vulnerable cohort with complex needs. While early-intervention is critical to address the future outcome for rural and regional communities, addressing the current trend of youth recidivism is critical, as young repeat offenders are responsible for a disproportionate number of offences.

SHINE for Kids recommend investment in holistic, place-based, trauma-informed and strengths-based supports for young people transitioning from custody to support their re-engagement with community services. Where community supports delivering alcohol and drug support, mental health support, housing, training and employment services do exist, both research and practice evidence has demonstrated young people experience 'significant difficulties in accessing appropriate mental health and support services in regional areas [including] overly complex access processes, lengthy wait times and limited options for service type and provider.'³⁴ Recent data also revealed that only 36% of young people exiting Youth Justice (NSW) were participating in community activities.³⁵

Investing in community programs which offer social and emotional, cultural and practical support to young people in a program built on safe and trusting relationships is vital to help connect young people to the services which are available. Mentoring programs are valuable in that they can help address the necessary precursors for a young person's engagement with services (such as self-awareness, confidence, resilience, help-seeking behaviours and knowledge of services) as well as providing a trusted neutral person for the young person who can advocate for them, transport them to services and provide practical in-person assistance when needed.

Summary

Overall, SHINE for Kids believes that further investment in quality services which are co-designed, place-based, effectively evaluated and which meaningfully address the well-researched risk factors for young offenders (in particular, parental incarceration) will help allocate early-intervention services and supports to those who need it most. We advocate for a whole-of-government approach to address youth offending by focused on well-established root causes and drivers, rather than treating the symptoms where young people have already fallen through the gaps.



Julie Hourigan
CEO, SHINE for Kids

29 May 2024

³⁴ Deyer, N. (2023) Young People with Incarcerated Parents: A qualitative study of impacts and interventions in regional NSW, Charles Sturt University

³⁵ NSW Government, 2023, Young people exiting Youth Justice NSW by exit summary category, [Youth Justice profile | NSW Government](#)

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