



FIRST, A HOME: BREAKING THE CYCLE BETWEEN HOMELESSNESS AND JUSTICE

Submission to the Inquiry into
Victoria's Criminal Justice System

AUTHORED BY

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Acknowledgement of our Land

Melbourne City Mission acknowledges the traditional custodians of the lands on which we work and note that this document was developed on the lands of the Bunurong, Wurundjeri and Woi Wurrung peoples of the Eastern Kulin Nation.

We pay our respects to Elders past, present and emerging. We acknowledge the culture, dreams, and aspirations of the Aboriginal and Torres Strait Islander people who are the true custodians of the land upon which we live and work.

About MCM

Melbourne City Mission (MCM) is a community service organisation that provides a range of supports to people who are experiencing different forms of disadvantage across Victoria.

Our vision is to contribute to a fair and just community where people have equal access to opportunities and resources. We work alongside people and communities to provide long-term, sustainable pathways away from disadvantage.

MCM has more than 80 programs which span multiple service systems, including homelessness, disability, early childhood education and care, health (home-based palliative care), mental health and education and training.

MCM also runs the Hester Hornbrook Academy, an independent specialist school providing education and wrap-around supports to over 300 students across campuses in the CBD, Sunshine and Prahran.

MCM has made the commitment to implement a systems-level, whole of organisation approach to trauma informed healing-oriented care. A 'Healing Oriented Framework' has been developed by MCM to promote the physical, emotional, social, psychological and spiritual health and wellbeing; cultural inclusion and ongoing safety of people in contact with MCM. MCM maintains a holistic view of individuals, families and communities in their ongoing process of healing.

MCM provides a range of homelessness supports to young people, and adults and families, through a workforce of over 185 frontline case managers. Services provided by MCM include:

- Frontyard Youth Services – provides a range of integrated supports to young people aged 12 to 24 experiencing or at risk of homelessness, including support with housing, health, mental health, legal issues, Centrelink, employment and living skills. Frontyard operates the only State-wide specialist access point for young people aged 16-24 seeking to access the Homelessness Services system, including an 18 bed CBD-based crisis accommodation service for complex young people experiencing rough sleeping.
- Four Youth Refuge programs across the Northern and Western suburbs of Melbourne which provide short-term accommodation to over 600 young people each year.
- Youth Foyer Programs that provide intensive case management and fully furnished medium term accommodation to young people for up to 2 years.

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- Early intervention programs in Sunshine, Frankston and Shepparton supporting over 594 young people to remain connected to family, school, and their community, and in housing each year
- Short and long-term support to assist over 848 adults and family households to find and keep long-term housing each year.

Introduction

Having a home is critical for people's mental and physical health, their education and employment opportunities, and their ability to fully participate in society.

MCM welcomes the opportunity to contribute to the Inquiry into Victoria's Criminal Justice System. This submission focuses on the interface between youth homelessness and the over representation of young people in the criminal justice system, and the distinct set of challenges that vulnerable young people face that require a differentiated response to adults.

This submission defines young people as aged 15 to 24 (Consistent with legislation and the Department of Health and Human Services (DHHS) policy, children under 15 years of age who are experiencing homelessness are the responsibility of DHHS, not the Specialist Homelessness Service System).

This submission addresses the first 2 terms of reference:

1. An analysis of factors influencing Victoria's growing remand and prison populations
2. Strategies to reduce rates of criminal recidivism

In 2019, over 15,000 young people in Victoria sought support from Specialist Homelessness Services (AIHW 2019). There are countless others who are couch surfing and are not yet known to services.

MCM's Frontyard Youth Services (Frontyard) is an integrated youth services hub that supports young people (aged 12-25) at risk of or experiencing homelessness to find accommodation, as well as get access to mental health, legal, financial and social supports. Frontyard is the only access point in Victoria that is solely dedicated to supporting young people. Our Frontyard data suggests that while there are increasing numbers of young people experiencing homelessness coming to Frontyard for support, the number of young people who are able to receive homelessness and housing supports has not increased accordingly.

The number of young people in detention in youth justice in Victoria is increasing. In 2019/2020, there were 623 young people in prison during the year, compared to 560 in the previous year; this increase is despite the impacts of the COVID-19 pandemic and a decrease nationally in the number of young people in prison over the same period. (AIHW 2020)

Homelessness during adolescence means disconnection from supportive and nurturing relationships with parents or caregivers that enable young people to build the confidence and capability to transition to adulthood. The absence of these supports in early adulthood creates a high-pressure environment in which young people are forced into survival mode, and don't have the luxury of

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years to develop coping strategies, emotional regulation, and problem-solving skills.

It is estimated that there are 7,000 young people in Victoria experiencing or at risk of homelessness seeking medium-term transitional housing whose needs are not being met. MCM has identified a clear gap in medium term supported housing for young people with medium to high support needs. Without effective intervention, this group will go on to require a high level of support across a range of public services, including the criminal justice system.

This submission should be read in conjunction with MCM's submission to the Inquiry into Homelessness in Victoria, MCM's 10 year Social and Affordable Housing Strategy and Smart Justice for Young People's submission to this inquiry. MCM also recognises the right to self-determination and provides endorsement of submissions made by Aboriginal Community Controlled Organisations.

Youth Homelessness and the Criminal Justice System

Young people experiencing homelessness are at a higher risk of becoming involved in the criminal justice system than their housed counterparts (Stewart et al 2004). Young people experiencing homelessness are often unable to support themselves, ineligible for benefits, and unlikely to find employment. Consequently, they may engage in survival behaviours—begging, theft, drug dealing and prostitution—to earn income for food and shelter (Edalati & Nicholls 2017). Not only are some of these behaviours illegal, they are also more visible to police due to the lack of privacy experienced by homeless people (Ferguson et al 2011).

Overwhelmingly, young people who have offended, or are on remand facing sentencing, have faced significant disadvantage and adversity in their lives. Many have already been involved in the child protection system and experienced trauma or neglect, family violence, have mental health or drug and alcohol problems, have low levels of education and experienced poverty. Aboriginal children and children with intellectual disability are also over-represented in youth justice.

Similarly, young people experiencing homelessness have often experienced complex and multiple traumas, adverse childhood experiences (ACE), and are particularly vulnerable to continued victimisation and offending. To prevent further involvement with the criminal justice system (both as a victim and offender), it is vital to support young people for whom living at home is not an option.

The Victorian Government's Crime Prevention Strategy aims to address the underlying causes of crime, homelessness being one of those causes. It also states that young people require extra support to reach their potential and feel connected (Victorian Government, 2021). The importance of access to stable, long term housing is critical here. If young people don't have a stable place to live, no other crime prevention strategies will work.

RECOMMENDATION 1: The Victorian Government should include access to supported housing as a core component of any youth crime prevention strategy including grants.

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Trauma Informed Services

Research has shown that 97 per cent of Victorians experiencing homelessness have been exposed to four or more adverse childhood experiences in their lifetime (MCM, 2020). Similarly, the majority of young people receiving a service from MCM have faced trauma in their life. Trauma adds to the risk of offending behaviour, contributing to the link between child protection intervention/reports, family violence, homelessness and offending. Experiences of trauma—both prior to leaving home and a result of being homeless—lead to poor self-regulation and coping skills (exacerbated by substance abuse), placing the young person at high risk for serious illegal behaviour (Heerde & Hemphill 2013).

MCM has made the commitment to implement a systems-level, whole of organisation approach to trauma informed healing-oriented care. A 'Healing Oriented Framework' has been developed to promote the physical, emotional, social, psychological and spiritual health and wellbeing; cultural inclusion and ongoing safety of clients.

MCM acknowledges the work the Victorian Government has done in relation to acknowledging the role trauma plays in the underlying causes of involvement in the criminal justice system. Further to this, MCM recommends the inclusion of a trauma informed, healing oriented framework to inform the delivery of services in Victoria's criminal justice system (both government and non-government).

RECOMMENDATION 2: The Victorian Government should develop and embed a trauma informed, healing oriented framework to inform the delivery of services in Victoria's criminal justice system.

Supported Social Housing System

Homelessness services and social housing are strained after a decade of declining policy priority and, in the case of social housing, declining real per capita expenditure (Martin, 2021). People exiting prison are a priority group in homelessness policy and have been since the short-lived period of homelessness policy reform in the late 2000s. This is reflected in the increase in people exiting prison accessing Specialist Homelessness Services, and a wider commitment to inter-agency work and Housing First principles; however, the necessary housing is lacking. (Martin, 2021)

For many young people experiencing homelessness, a form of medium-term supported housing is needed as a pathway to independent living at the conclusion of an eight-week stay in a refuge. However, young people reveal (to MCM staff) a strong sense of frustration with the housing and homelessness system, as many experience significant transience between short-term stays and support from different services. MCM works with young people who report spending years moving between refuges.

It is important to note, that not all young people are ready to live independently, and for many, living independently increases their vulnerability, increasing their chance of entering the criminal justice system. Medium-term, therapeutic, staffed congregate facilities can help young people to not just remain housed, but to be cared for in a means similar to that available to young people who are not experiencing homelessness. These supported housing models (including Youth Foyers) achieve other goals such as education, employment and support young people to transition from social housing to private rental.

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The Foyer model achieves positive outcomes for young people who are ready and capable of engagement with education and employment. The evidence shows however, that for young people who do not 'fit the mould', the Foyer model is not suitable to meet their housing and support needs and an alternate model of medium-term supported housing, such as Housing First for Youth must be provided.

The Housing First for Youth model represents a philosophy that deems access to permanent, secure housing as a human right (Brkic 2021). In practice the model provides safe and permanent housing for people experiencing homelessness (including supports) which is not conditional upon addressing other health and wellbeing issues.

A study by Somers et al (2013) found that Housing First has been shown to improve housing stability and health service involvement, additionally improvements in public safety and reductions in crime have also been shown.

Despite the significant injection of housing stock under the Victorian Government's Big Housing Build, the overall scale of the challenge facing homeless young people in Victoria will be broadly unchanged unless a supported housing system is created for young people that ensures access to a home that is safe and secure with appropriate supports in place, providing them with a pathway to independence.

RECOMMENDATION 3: The Victorian Government should fund integrated, sustained support for young people experiencing homelessness comprising housing, case management and therapeutic support, based on the Housing First for Youth model.

The social housing system is designed for adults and adult problems. Young people have different experiences of homelessness and support needs and they regularly fail to benefit from adult focused services. There is an assumption that because young people can couch surf for long periods of time that they are not 'in crisis' and are therefore not prioritised. These young people then present to MCM homelessness services in their 20's for assistance having exhausted all couch surfing options. The instability and exposure to further trauma from couch surfing often means they are disengaged from education, employment and will likely be utilising substance as a higher level than their peers. Additionally, this cohort have increased usage of emergency services i.e., hospitals, ambulance and police.

The current system in Victoria is funded with a focus on responding to the initial crisis by providing short-term support and accommodation, leaving a young person with very few exit pathways out of homelessness.

*"Mental illness, trauma and family violence create homelessness. Unaffordable housing maintains it."
– MCM Homelessness Support Worker.*

The Victorian Government has committed \$419 million to build a new youth justice centre in the west of Melbourne. MCM urges the Victorian Government to shift from a crisis investment lens to an early intervention lens funding supported medium term housing, family violence prevention and continue the focus on reforming the out of home care system. Moving funding from beds in youth justice to beds in supported housing.

RECOMMENDATION 4: The Victorian Government should shift from a crisis investment lens to an early intervention framework including redirection of funding from youth justice accommodation to supported youth housing.

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COVID-19

The isolating effect of COVID-19 has been felt acutely by Victoria's young people, with lockdown measures disrupting the routines and connections that keep young people safe and engaged. Some Victorians have been exposed to increased family violence, mental health pressures due to financial and health stresses and financial disadvantage as a result of the pandemic. For children and young people, who have less agency and fewer resources to protect themselves, especially in the context of increased social isolation, the impact has been more severe. (FCLCV 2020).

MCM are concerned that as more children and young people are impacted by the risks and changes from COVID-19, there may be other longer-term consequences experienced by these groups. For example, young people may become disengaged from education, and as a result, we may see an increase in interactions with the justice system – especially among already marginalised groups such as Aboriginal and Torres Strait Islander children, and children from refugee and newly arrived culturally and linguistically diverse backgrounds (FCLCV 2020).

RECOMMENDATION 5: The Victorian Government need to urgently put in place strategies and interventions that protects, rather than punishes, children and young people at risk of coming into contact with the justice system.

Justice System Interventions

Lack of stable housing is one of the biggest factors that is driving up the number of young people and in particular young women (often mothers) on remand and in prison, many of these young people have experienced adverse childhood experiences including family violence and are homeless as a result. The introduction of strict bail laws in 2018 has meant that it is more difficult for people (including young people) without stable housing to get bail. Furthermore, homeless people are at risk of spending longer periods in prison as they must have access to stable housing to get parole.

RECOMMENDATION 6: The Victorian Government needs to urgently reform bail laws to ensure people who are experiencing homelessness have equal access to justice as their housed counterparts.

MCM faces many barriers working with and supporting young people who are involved with the criminal justice system. One such barrier experienced by all homelessness service systems including community housing providers is the responsibility of statutory accountability. Housing providers accommodating young people whether coming out of custody or on a community order are required to act like a statutory body. For example, a young person will be bailed to a service address and if the person breaches the order then the service is mandated to report them. This is a major barrier to services working with people involved in the justice system. Staff in these services need to build trust with young people as this is how they create therapeutic relationships that allow them to achieve long term outcomes.

RECOMMENDATION 7: The Victorian Government should remove barriers to the not-for-profit sector in providing housing and support to young people exiting prison.

When young people exit youth justice on a community order, their ability to meet the requirements of the order is impeded by the fact that they are often coping with mental illness, trauma and homelessness.

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Community orders are not tailored to specific needs of individuals, they are generic. Additionally, appropriate supports are not put in place to allow the young person to successfully meet the requirements of the community order. Young people then breach the order and end up back in custody. In most cases the young person will have had a Children's Court Clinic Assessment which involves psychological and psychiatric assessments of children, identifying underlying issues and providing options for support, however these assessments are rarely used when issuing the community order.

MCM's Frontyard Accommodation Program (FYAP) regularly provides crisis accommodation to young people on community-based orders and sees them breaching these orders only to end up back in the criminal justice system. The orders regularly require young people to stay 'home' between the hours of 8pm – 8am and abstain from drinking alcohol and taking drugs. Young people are often using substances to deal with trauma from adverse childhood experiences and require intensive long-term support to abstain. Additionally, young people socialise with their peers in the evening and prioritize socialising over meeting the requirements of their order. In many cases the young people coming to FYAP from the criminal justice system have an intellectual disability or mental health issues that impair their ability to understand the consequences of breaching the order.

RECOMMENDATION 8: MCM recommend the tailoring of community orders (where possible based on a Children's Court Clinic Assessment) and the provision of support reducing the likelihood of breaches and recidivism.

To discuss this submission, please contact Shorna Moore at shmoore@mcm.org.au

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