

Double Punishment: Being Released into Homelessness from Lock Up:

The vulnerabilities to homelessness faced by young South Australian's with an offending history

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Having an offending history can place young people at risk of homelessness and, being in a state of homelessness, places young people at risk of further offending.

In South Australia a young person cannot get released from youth detention unless they have an address to go to. But there is currently a shortage of addresses. This can result in young people being locked up for longer, being homeless for longer and being criminalised for their homelessness. If independent accommodation is obtained upon release from youth detention, young people can remain at risk of losing this accommodation, which can give rise to further offending.

SYC offers a range of services to young people aged 12–25 years who are homeless, or vulnerable to becoming homeless. Two of the core services provided by SYC are unique to Australia in their design and are central to the support of young people in Adelaide. SYC's Homelessness Support Services offers young people support across the housing continuum through Trace-A-Place® and Get-A-Place®. SYC's Youth Justice Services includes Triple JPET,¹ and pre-release group programs from within the two youth detention centres in Adelaide, Cavan and Magill Training Centres.

Since 1981 Trace-A-Place® has been the central assessment, referral and case management service into the Youth Supported Accommodation Assistance Program (SAAP) in Adelaide. In other states, young people have to advocate and refer themselves to accommodation services and other related service providers. In contrast Trace-A-Place® provides ongoing case management to young people throughout their experience of being homeless. Each year Trace-A-Place® receives approximately 40,000 telephone calls and supports more than 2,000 young people per annum to find and maintain appropriate accommodation.

SYC in partnership with the Youth Education Centre is the sole provider of a specialist Juvenile Justice JPET programme in Australia. Triple JPET provides intensive therapeutic interventions aimed at assisting young offenders to address the areas of need

most closely associated with the reasons they offend, and to assist them to map a positive pathway out of crime that involves education, vocational training or employment.

Despite the level of support that we are able to provide to young people, they remain at risk of re-offending due to the complex nature of their offending risk factors.

In analysing the experiences of our Triple JPET clients, we found that 53% of young people² who exited youth detention last year experienced accommodation breakdown within 1 to 6 months of release; and 65% of these clients re-offended within this time frame. Effective interventions are those that address both the homelessness and offending risk factors. Without timely, purposeful intervention, and infrastructure (namely, housing with adequate support), young people exiting secure care are placed at high risk of becoming trapped in an offending-homeless cycle.

Due to the lack of infrastructure, young people with an offending history often end up staying with peers in their properties. We find that when one person within the peer group gets a house, the rest of the group moves in. The peers bring friends, and also the offending risk factors of drug use, hostility and anger, poor problem solving skills and impulsivity. They do not have the skills to manage the property nor the interpersonal communication skills to negotiate gate-crashers, landlords and neighbours. Too often we see this resulting in an eviction. Multiple placement breakdowns can result in a young person being "blacklisted" with accommodation providers. This further reduces options for housing when they are released from subsequent detention orders.

Once a young person becomes homeless, even at the early stage of a 'tentative break',³ they are more likely to have contact with the youth justice system because of the 'criminalisation of homelessness'.

Legislation and targeted policing practices make young people criminals for the normal behaviour associated with being homeless. As discussed in the National Youth Commission Report⁴ into youth homelessness, crime is seen as necessary for survival and a means of supplementing their income. Survival crimes may include stealing, shoplifting, breaking into cars, fare evasion and robbery.

For safety reasons young people who are homeless often gather in groups. This is viewed as loitering and a 'nuisance' and young people can be moved on. If they refuse or return, they can be charged with a criminal offence.

Legislation criminalises the developmental stage of young people by criminalising their peer groupings. In South Australia, section 10 of the *Criminal Law (Sentencing) Act 1988* was recently amended to require a court in determining sentence for an offender to have regard to whether the offence was committed by an adult in circumstances where the offending conduct was seen or heard by a child (other than the victim). Pursuant to section 5AA ss(1)(h) of the *Criminal Law Consolidation Act 1935*, committing an offence in company with 1 or more other persons (including persons who are children) is an aggravating factor. The effect of this legislation may result in a young adult aged 19 years, who offends with a juvenile peer aged 17 years, receiving a harsher penalty than a 19 year old who offends with a 20 year old.

Young people who are homeless are also at high risk of accumulating large amounts of unpaid fines for transport infringements. They need to use public transport to look for and get to the accommodation they are referred to, to access services, to get to school or work. They have no alternative so run the risk of getting caught without a ticket. The fine can quickly escalate into a much larger debt as the on-the-spot-fine attracts late fees, then can be referred to court attracting additional court fees and levies. It is justifiable to a young person who is homeless to prioritise food costs, mobile phone costs, over fines. The penalty for not paying fines can include imprisonment.

Furthermore being homeless can impact on a young person's ability to comply with their judicial orders and bail conditions. While some are placed with family upon their release, the reasons that young people become homeless are generally still entrenched in the family unit, and returning or staying in this environment is usually not the place to encourage them to desist from offending.

Currently in South Australia there is a shortage of suitable accommodation placements for young people leaving youth detention. We believe from conversations

with young people and the legal fraternity that young people are being remanded in custody simply because there is nowhere to house them.

We know that youth supported accommodation services in Adelaide are often unwilling to take young people on home detention or conditional release orders for the following reasons:

- 1 the judicial orders may conflict with the services' house rules such as curfews;
- 2 concern about potentially violent behaviours; and
- 3 not wanting to place more than one person with an offending history within the accommodation.

Demand for supported accommodation can also mean there will be no vacancies available into which a young people in detention can be released.

If young offenders are able to be accommodated within the YSAAP sector, they have no security of tenure. This can result in them leaving or moving from the accommodation. This can put them at risk of breaching their bail conditions as they are not able to reside where the court initially directed. The transience of being homeless can also mean that young people are unable to attend necessary meetings and court dates to meet their bail conditions or conditional release orders. They are charged with a breach of their judicial order, get another criminal conviction against their name, are remanded in custody or sentenced to further time.

Young offenders are criminalised for being homeless. In turn, offending becomes part of the risk taking behaviour that is part of young peoples' experience of homelessness.

If the main purpose of a detention order is to reduce offending, yet being homeless is an area of need closely associated with the reason why a young person offends, then releasing them into a state of homelessness will have little impact on rates of recidivism or youth homelessness.

If we are to break the offending-homelessness cycle, therapeutic interventions must take into consideration not just the risk factors which cause a young person to repeatedly offend but also must address a young person's pathway into homelessness.

Interventions must also be complemented by infrastructure. Successful transition from detention back into the community has to include more than just supply of a bed.⁵ To this end, we recommend the provision of supportive, long term community based accommodation, so that we are not remanding young people unnecessarily in detention because there is a lack of accessible and suitable accommodation placements for those young people exiting detention and for whom returning home is not a safe or appropriate option.

The accommodation needs to be supportive. The support must be provided by professionals who understand the family breakdown, trauma, neglect and abuse that



may have precipitated a young person's pathway into homelessness, as well as the reasons why the young person offends. Young people must also be supported to maintain their accommodation through the provision of social competence and independent living skills, the opportunity to practice these skills, and the opportunity to learn from their experiences. These opportunities play an integral role in any young person's development, and should not be denied to a young person because they have a criminal record.

SYC has recently secured funding from the SA Attorney-General's Department to research, develop and deliver a pre- and post release independent living skills program, that will promote a joined-up approach across the youth justice, housing, health, education, training and employment sectors.

Interventions provided to young people at risk of offending and homelessness must change the risk factors most directly related to offending and their pathway into

homelessness. SYC suggests the way forward is the provision of evidence-based therapeutic case management coupled with appropriate housing options. Only then can we be effective in supporting young people to map a path out of crime and homelessness, and be successful in achieving their positive life goals. ■

Footnotes

1. JPET is an Australian Government funded programme offering young people aged 15-21 who are homeless or at risk of homelessness and/or facing multiple non-vocational barriers, to overcome these and achieve greater economic and social participation.
2. 20 of the 38 young people who participated in Triple JPET in 2008.
3. Chamberlain, C and MacKenzie, D., (1998) "Youth Homelessness: Early intervention and prevention", Sydney, Australia, Centre for Equity Through Education.
4. A Report of the National Youth Commission Inquiry into Youth Homelessness, National Youth Commission, 2008.
5. Law, V (2005), *Successful prisoner re-entry is more than supplying beds*. Shelter Force Online, Life after Lockup, Issue #139.