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Media Release

For immediate release

The detention of children in adult facilities is unacceptable

The state government has this month moved to renew young offender regulations that maintain the practice of allowing children as young as 10 to be detained in facilities such as police cells and watch houses for indefinite periods. Section nine of the Young Offenders Regulations 2023 states that "a youth may be detained in a police prison or approved police station, watch-house or lock-up". This is absolutely unacceptable and breaches children's human rights. We have seen national and international response to a move by the Queensland Government to pass similar legislation. Here in SA we have been doing the same with almost no public consultation, locking up children in adult facilities over 2000 times in 2021 according to the previous Guardian for Children and Young People, Ms Penny Wright.

We should be asking critical questions about this:

- Why are so many children are being held in such circumstances? Have they been convicted of a crime or are they being held prior to a court appearance?
- What have they been arrested for and why did they first come to the attention of police? Were they stopped and searched and the acted out, resulting in detention?
- How many of these children are under the age of 14?
- How long do they remain in detention and what supports, including legal representation do they receive whilst in detention?
- What percentage are Aboriginal or children from culturally and linguistically diverse communities? In previous years this has run at over 40%, clearly indicating Aboriginal children may be being targeted.
- How many of these children go receive custodial sentences?
- What are alternatives and what could be achieved by using justice reinvestment strategies reducing the significant costs of such detention – approximately $3000 per child per night.
- What consultations had been held with Aboriginal Elders and communities to address the over representation of Aboriginal children.

Michael White, Executive Officer of SANDAS noted, "Children who are engaged by the juvenile justice system are far more likely to end up in the adult system. Preventing first or reducing the intensity of engagement is protective of later engagement. Putting children into adult facilities exposures them to significant trauma, the potential for harm including abuse by adults in the system and engagement in alcohol and drug use. This alcohol and drug use is often a response to managing the trauma of such incarceration or the result of initiation into use by adults in the system."

The South Australian Network of Drug and Alcohol Services (SANDAS) works to enhance community wellbeing and reduce the harm associated with alcohol and drug use. We represent non-government organisations working in the alcohol and other drugs sector and provide independent advocacy and representation, workforce development, networking and policy support for our members.

South Australia has responsibility under our commitments to the UN Charter on the Rights of the Child and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. This strategy breaches these conventions in fundamental and unacceptable ways.

Meanwhile there is very good evidence that alternatives have much better outcomes for children, community safety. A recent report by the Justice Reform Initiative – a coalition of judges, experts and former politicians – said the overreliance on incarceration was harmful, expensive and failed to make the community safer.

A recent comment from the Executive Director of the Justice Reform Initiative, Dr Mindi Sotiri, stated in relation to the adoption of a similar model in Queensland recently, "imprisonment not only fails to reduce crime but does so at extraordinary expense and harm to the community. This longstanding approach to justice has resulted in dramatically increasing prison populations, skyrocketing costs for Queensland taxpayers and thousands of people cycling through a prison system that fails to rehabilitate, deter reoffending, or prioritise community safety in the long term."

Mr White noted, "This is exactly what will and is already happening in South Australia. We are taking vulnerable young children and putting them through an induction into the adult prison system, increasing the likelihood that they will experience long term harms to the mental health, social integration and increasing the risk of them developing trauma and consequential alcohol and other drug issues."

SANDAS calls on the government to immediately stop the process of extending these regulations and consult with the community, Aboriginal and culturally and linguistically diverse community leaders, the youth and, mental health and alcohol and other drug sectors to devise approaches that supports young people to achieve their potential as full members of our community and enhance community safety.

For further information contact Michael on 0416176611

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