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30 November 2009

ECCV SUBMISSION TO THE DEPARTMENT OF JUSTICE

DIVERSION AND SUPPORT FOR OFFENDERS WITH MENTAL ILLNESS

Providing comment on improvement of resources to support development of "best practice" diversion and support program for people living with mental illness who have contact with the criminal justice system.

1. The Ethnic Communities' Council of Victoria (ECCV) welcomes the opportunity to provide input to the Department of Justice in relation to the framework for best practice on diversion and support services for mentally ill offenders.
2. Established in 1974, ECCV is a state-wide peak body that advocates and lobbies all levels of government on behalf of multicultural communities in a range of areas. For over 30 years, ECCV has remained the principal liaison point between ethnic communities, government and the wider community in Victoria. Our role includes supporting, consulting, liaising with and providing information to Victoria's ethnic communities.
3. ECCV commends the Department of Justice for developing this resource, its commitment in reforming the *National Mental Health policy* and its contribution to national reform efforts in mental health.
4. ECCV understands that the delivery of mental health diversion and support services to individuals with mental illness who are involved in the justice system or those at risk of involvement present significant challenges. The rationale behind this challenge is the separation that is evident across the different system boundaries regarding the provision of services. ECCV supports the key principles considered for a more integrated service system and most importantly the need for meaningful partnerships to align the values, objectives and outcomes of the criminal justice, mental health and human services systems.
5. As an organisation that advocates for the rights and wellbeing of migrant communities, our submission will focus on three culturally and linguistically diverse (CALD) groups within the Victorian population:
 - I. Established communities and newly-arrived migrants
 - II. Young migrants
 - III. Refugees and humanitarian entrants
6. ECCV notes that offending behaviour is not just a legal problem that requires a legal response but is a social problem with socio-economic issues and effects. In particular, ECCV recognises that the Global Financial Crisis has exacerbated pressures on the mental health and well-being of many Victorians over the past twelve months.

Statewide Resources Centre
150 Palmerston Street
Carlton Victoria 3053

t 03 9349 4122
f 03 9349 4967
eccv@eccv.org.au
www.eccv.org.au

ABN 65071572705



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Factors that may be associated with offending behaviour within CALD communities include:

- Traumatic experiences and prolonged stress prior to, during or post migration.
 - Acculturative stress, social isolation and lack of support
 - Breakdown of traditional and family support structures
 - Alienation from broad community values
 - Low socio-economic status
 - Lack of formal educational attainment
 - Unemployment with non-recognition of overseas qualifications being a casual factor
 - Substance related abuse including use, possession and trafficking
 - Domestic violence
 - Developmental stage and family neglect
 - Accessibility and appropriateness of support services
 - A history of failures - whether it is associated with the individuals themselves, their families or their support systems.
7. These factors highlight the need for a balanced approach to criminal justice by situating it in a continuum of social programs and community-based services that are culturally appropriate, effectively engaging for the community, empowering for the individual and their families and which address access and equity principles.

I. Established communities and newly-arrived migrants

• Cultural safety

8. The delivery of culturally competent, appropriate and sensitive services is reliant on providing staff training programs that aim to develop a deep understanding of the culture-based values of consumers. Thus training service professionals should not rely solely on raising awareness of the variety of differences among offenders with mental illness but should also incorporate a broad range of competencies and skills including the development of communication skills with motivation as a central focus, and observation skills to ensure that service-staff are sensitive to different contexts. Such a holistic approach to training that develops flexible qualities and awareness of alternative perspectives may have the potential to encourage authenticity among consumers and empower them.
9. ECCV highlights the importance of service professionals receiving adequate training in an ongoing and systematic way. Monitoring the outcome is crucial in determining the effectiveness of the training delivered and whether there is a need to adjust practices.
10. ECCV recommends that ethno-specific agencies are supported in delivering appropriate mental health support services to their communities and

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encourages the maximisation of opportunities for participation in mental health services for people from CALD backgrounds. These agencies play a significant role in appealing to and strengthening support for their consumers since they hold culturally specific knowledge and are sensitive to cultural issues and attitudes. While inviting ethno-specific agencies into the service framework provides a direct connection with CALD communities, ECCV encourages service partnerships between ethno-specific multicultural and mainstream providers.

- **Language barriers**

11. ECCV notes that a significant number of CALD people from new and emerging communities have low level English language proficiency skills. This group also lacks an understanding of their legal responsibilities, knowledge of diversion and support programs, and provision of services in the mental health sector.
12. The lack of access to relevant services is due to limited availability of translated material in relevant community languages and bilingual staff within diversion and support programs.
13. While ECCV advises that translated material in the main languages spoken by the effected communities is provided, we have noted that some ethnic communities prefer to receive information in an oral form as a complementary method to the translated material. Therefore ECCV recommends arranging and hosting community information forums for carers.
14. ECCV supports the role of interpreters and recommends encouraging Justice and health service staff to engage with national accredited interpreters when dealing with communities with low levels of English.
15. ECCV also recommends that a community mapping exercise to identify CALD communities to target and train potential bilingual service professionals is needed so that the demographic composition of offenders (from various ethnic backgrounds) is mirrored in these service systems. Adequate support and resources need to be allocated to this exercise as it would involve establishing contact with various multicultural and mental health services and the criminal justice.

- **Stigma and awareness among the community**

16. Other barriers to effective diversion of CALD offenders with mental illness include:
 - Stigma preventing discussion and access to services
 - Lack of community education in respect to mental illness
17. Stigma associated with criminality and mental health problems and the feeling of shame often experienced by the offenders not only creates barriers for individuals seeking help but also negatively impacts upon their rehabilitation and social participation. ECCV recommends that a national program aimed at reducing the negative impact of stigma within CALD

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communities is to be developed to deal with these issues in practical ways. Creating understanding and empathy for offenders (with mental illnesses from diverse cultural backgrounds) in civil society builds better communities.

18. Delivering a community education package directly to CALD communities to promote the correlation between the prevalence of mental disorders and offending behaviour is necessary to dispel stigma. ECCV recommends that the education campaign should use interpreters and hold additional consultations with carers, ethno-specific workers and agencies. The education campaign needs to deliver the key message that failing to divert and manage offending would have a detrimental effect on society.
19. Conducting a wide ranging investigation into the personal, social and financial cost of not adopting diversion programs, as well as reviewing the effectiveness of public awareness programs is also necessary.

- **Community engagement**

20. ECCV supports the participation of carers in the planning, development and evaluation of services and encourages communities to play a significant role in supporting recovery of CALD offenders with mental illness. Collective attitudes in some ethnic groups are extremely valued given the traditional strong family bonding among ethnic families. Thus, we recommend fostering a partnership with ethnic community organisations by working in unison on issues relating to diversion and support. We also advise that service professionals seek clarification and advice from ethnic community organisations on cultural aspects.
21. Other recommended strategies include:
 - Establishment of ethno-specific carer support groups at a local level.
 - Establishment of a diversion and support cultural diversity reference group comprising (where possible) of bilingual representatives from the criminal justice system, mental health sector, including health professionals, community workers, carers and consumers to share their knowledge and experiences, discuss issues affecting offenders and recommend appropriate responses.

II. Young migrants

22. For a more integrated service system which will assist young CALD offenders with mental illness to adopt a law-abiding lifestyle and participate positively in civil society, ECCV proposes a number of strategies in relation to mental health diversion and support programs. These include:

- **Family involvement and the role of community-based organisations**

23. A strategy to divert young offenders from entering the juvenile justice system or from progressing further into a life of crime is highly dependent on

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the family. Families have an important role to play in providing support, maintaining engagement and linking youth back to their communities but for some minority youth, the quality of the family environment can be an additional stressor during the turbulent adolescent period. This is due to family relationship problems resulting from parents experiencing own settlement difficulties, differences in cultural values and expectations and changes in family roles.

To facilitate ongoing family connections, ECCV recommends working with the family unit to enhance the capacity of families to provide adequate support for their young and the importance of developing family-centred practices. The role of families is equally vital after release of young offenders from custodial care. However, in the absence of family members, community-based organisations can play an important role too.

24. While it is important to develop partnerships between the justice system and community-based organisations, many of these organisations face challenges relating to limited resources. We recommend that more funding is allocated for the community sector and for youth workers as they are skilled practitioners who are adequately trained to respond to young people's complex behaviours and needs. Many young offenders act impulsively, have chaotic, substance-abusing lifestyles and often their family relationships and community links have been fractured. The support of these youths by the community service network is essential for their rehabilitation.
25. There is also a need to build trust and strengthen the bond between offending youth with mental illness and service professionals. Therefore, ECCV recommends providing better support for workers in the juvenile justice system and promoting youth liaison officers. These officers require cultural competence training beyond the generic. ECCV also stresses on the importance of developing culturally relevant partnerships that include engaging communities by working collaboratively within non-stigmatised and accessible settings.

- **Communication**

26. Diversion linked agencies need to adopt an effective communication strategy for families of young offenders where information on diversion and support programs are disseminated more widely. ECCV recommends utilising different publicity formats such as ethnic media outlets (especially ethnic radio) and community centres as platforms for information sharing and awareness to carers.
27. ECCV recommends developing and funding community information forums as a platform to relay messages directly to carers on a face-to-face basis. As alternative platforms for information sharing, initiatives in the form of fact sheets and podcasts can also be used by people seeking help for themselves and by carers to recognise unruly behaviour. ECCV recommends that fact sheets are translated in plain language so that they are easy to read.

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28. ECCV supports flexibility in the requirements that qualify youths who can be legally represented and highlights the need to address issues associated with accessing legal aid.

- **Support services for youth**

29. To reduce the rate of crime committed by young people and prevent low risk youth from entering the juvenile justice system, ECCV recommends developing the life skills of young people by engaging them more meaningfully and promoting positive messages to them through mentoring programs, skill development initiatives, sport, visual art-based projects and creative endeavours.

30. An integrated health and justice services system must consider identifying and nurturing young natural leaders within communities (that have a high profile of CALD youth under supervision) to act as role models.

31. ECCV is of the view that leveraging from the experiences of youth who end up in detention is also an important step. Developing positive environments that tap into and showcase these experiences is essential to shaping the experiences of others who might be at risk. The views of young offenders with mental illness provide a perspective that cannot be gained from other sources and therefore these viewpoints must be acknowledged and respected. Youth story telling projects is an effective tool in bringing forth social change in attitudes and knowledge.

III. Refugees and humanitarian entrants

32. The key considerations relevant to refugees and humanitarian entrants in the consultation draft have been satisfactorily addressed. A further consideration by ECCV would be perceptions of racism fuelled by media reporting. Misinformation surrounding refugees and other humanitarian entrants that feature prominently and periodically in both the media and public debate, have negative implications on the resettlement and long term wellbeing of refugees. It is important to note that this section of the population may have been subjected to persecution in their countries of origin and have experienced displacement. ECCV suggests establishing channels of communication between service providers, refugee communities, the mental health sector and the justice system to identify the enormous challenges and complexities facing humanitarian entrants and the key settlement issues. Building a partnership and coordinating services could lead to developing an integrated cultural orientation strategy that would provide the necessary support for new entrants and prevent them from entering the justice system.

Further comments

33. ECCV supports the national reform efforts in mental health and the resources that are being developed to support policy and program development on diversion and support for people with mental illness who

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are in conflict with the law. ECCV recommends that these resources put emphasis on addressing cultural diversity issues as one of its core strategic directions.

34. Over all, ECCV maintains that it is still better to provide appropriate support to mentally vulnerable individuals *before* they become offenders rather than *afterwards*. With this in mind, ECCV notes that the current practice of requiring individuals to self-disclose a mental condition before they can be provided special assistance through state and federal government social support agencies such as Centrelink may need to be reviewed.

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