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RESEARCH ARTICLE



Using a trauma-informed practice framework to operationalise the #raisetheage campaign

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ABSTRACT

#raisetheage is a campaign by a ‘coalition of legal, medical and social justice organisations’ in Australia that aims to raise the age of criminal responsibility from 10 to 14 years (Raise the Age, *n.d.*). The #raisetheage campaign aims to reduce the number of children who are criminalised, reduce the number of children who are detained in custody and break the continuum of involvement between child protection, youth justice and the adult justice systems. The #raisetheage campaign is almost universally supported in principle with most opposition focused on the challenges of implementation, to keep children and the community safe. The SAMHSA (2014) 4Rs model, a trauma-informed practice framework, can assist the #raisetheage campaign by providing a way forward. Most children caught up in the youth justice system have been exposed to multiple and chronic adverse childhood experiences (ACEs), resulting in trauma. Trauma is the deleterious impact of adversity on a person’s social and emotional wellbeing and may be exacerbated when children are criminalised and locked up. This paper argues that using trauma-informed practice can operationalise the aims of the #raisetheage campaign by reducing developmental trauma, youth crime and the incarceration of children.

KEYWORDS

adverse childhood experiences; age of criminal responsibility; raise-the-age; trauma; trauma-informed.

Introduction

#raisetheage is a campaign by a ‘coalition of legal, medical and social justice organisations’ in Australia that aims to raise the age of criminal responsibility from 10 to 14 years (Raise the Age, *n.d.*). The #raisetheage campaign aims to reduce the number of children¹ who are criminalised, reduce the number of children who are detained in custody and break the continuum of involvement between child protection, youth justice and the adult justice systems. The campaign recommends intensive family support, culturally-informed approaches and individual therapeutic services to address the underlying causes of problematic behaviours (Raise the Age, *n.d.*). This article

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¹Throughout this article, anyone under the age of 18 years will be referred to as ‘children’, for the term ‘young people’ may disguise the age and minimise the vulnerability of the children currently being detained in Australia.

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argues that a trauma-informed model of practice provides a therapeutic strategy to raise the age. Currently, children as young as 10 continue to be held criminally responsible and detained in youth justice facilities in Australia. On average, there are 28.4 children in detention a day in Australia, aged between 10 years and 13 years inclusive (AIHW, 2022). In 2020–2021 there were 271 Indigenous children aged 10–13 years and 144 non-Indigenous children aged 10–13 years who were in detention (AIHW, 2022). More than half of incarcerated children return to custody within 12 months, indicating that current youth justice practices do not keep children or the community safe (Productivity Commission, 2023), so alternative ways of working are required.

Using the language of justice, vulnerable children are often perceived as ‘at risk’ of future justice involvement or are currently criminalised, with significant (criminogenic and non-criminogenic) needs. One of the stumbling blocks for the #raisetheage campaign is not that it is philosophically or ethically unsound, but instead, that there is a lack of clarity about alternative service responses for children at risk if they do not receive a youth justice response. This paper argues that using trauma-informed practice can operationalise the aims of the #raisetheage campaign by reducing developmental trauma, youth crime and the incarceration of children. In this article, ‘trauma’ refers to the persistent and traumatic impact of adverse experiences on social and emotional wellbeing (rather than the experiences themselves).

Trauma-informed practice is a universal approach. The Substance Abuse and Mental Health Services Administration (SAMHSA, 2014) 4Rs trauma-informed practice approach when applied to the criminalisation of children specifically:

1. First, **realises** that many children who are criminalised have extensive histories of trauma, and this may impact their capacity to understand the nature of their behaviour as ‘criminal’. Trauma-informed practice also realises that adverse childhood experiences (ACEs) may result in developmental trauma which may result in a discrepancy between the chronological age and the developmental age of the child and is often experienced by children caught up in the youth justice system.
2. Second, trauma-informed practice **recognises** that trauma may be associated with behaviours labelled as crimes.
3. Third, systemic **responses** should be informed by trauma as well as trauma-informed principles of practice with a focus on children’s welfare rather than criminalisation.
4. Fourth, services must **resist re-traumatisation**.

Raise the age strategies and trauma-informed practice both realise the relevance of developmental age in terms of vulnerability and functioning, such that children often lack the skills and knowledge required to demonstrate criminal intent. The #raisetheage campaign focuses on the rights and best interests of the child as well as the recognition that criminalising children is criminogenic and traumatic, an ineffective strategy to reduce crime and keep the community safe. However, the 4Rs model of trauma-informed practice (SAMHSA, 2014) can further assist the #raisetheage campaign by offering a framework of practice to support children who are not criminally responsible (and so do not fall within the remit of youth justice) but still require a service response.

Trauma-informed approaches focus on implementing safe, trustworthy, empowering practices when working to protect the safety of children and the community

(Kezelman & Stavropoulos, 2019). By using a trauma-informed response when raising the age of criminal responsibility, children who lack the neurological and psychological maturity to be found responsible would be supported outside of any justice system. A trauma-informed response requires that government agencies respond to children at risk in ways that are informed by trauma and evidence as well as being culturally appropriate (SAMHSA, 2014). This responsibility currently sits with child protection services to ensure children are safe from harm. An early, trauma-informed response could help to break the cycle from child protection contact to involvement in the youth justice and adult justice systems. Most adults who remain in the churn of the criminal justice system have had early and sustained contact with the youth justice system (McLachlan, 2021, 2022). Thus, a trauma-informed approach offers a way forward for the #raisetheage campaign regarding how best to respond to and support children younger than the age of criminal responsibility who are at risk of future criminalisation.

Raising the age of criminal responsibility in Australia

Currently, children as young as 10 years of age in Australia can be arrested, criminalised and detained in custody. Various human rights organisations, legal, medical, and social justice organisations, and for-purpose organisations (e.g. Amnesty International, 2022; Change the Record, 2015; Raise the Age, n.d.) are campaigning to raise the age of criminal responsibility in Australia from 10 years old to at least 14 years old. At the time of writing, the minimum age of criminal responsibility (and minimum age of detention) across Australian states and territories varied from 10 to 14 years. The historical context and reasons for the variation and progress made to date have been aptly summarised in this journal by Thomas Crofts (2022). In sum, while the Australian Capital Territory (ACT) has committed to raising the age to 14 years (Bladen, 2022), and the Northern Territory (NT) has agreed to raise the age to 12 years (Morgan, 2022), these legislative changes are yet to be implemented. Tasmania (Tas) has agreed to a minimum age of detention of 14 years, but the age of criminal responsibility remains 10 years of age (Jaensch, 2022). The issues are also being debated in other Australian jurisdictions such as New South Wales (NSW) and South Australia (SA), but there is no clear model of how vulnerable children under the age of 14 years who come to the attention of authorities will receive services or supports to divert them from future criminality (Jaensch, 2022).

Criminal responsibility and the common-law doctrine of doli incapax

To be tried and found guilty of a crime, a child or adult must have the cognitive capacity to understand the criminal nature of their behaviour. Adults are presumed to be competent and rational decision-makers, and it is the responsibility of defence lawyers to show a lack of competence (Naffine, 2016). This burden of proof is reversed for children (Naffine, 2016). There exists a common-law principle across Australian jurisdictions that children under 14 years lack the capacity to be criminally responsible (Armstrong, 2019). *Doli incapax* ‘operates as a rebuttable presumption by which children between the ages of 10 and 13 are presumed to be incapable of understanding the difference between naughty behaviour and criminal acts that are “seriously wrong”’ (Fitz-Gibbon & O’Brien,

2019, p. 19). The prosecution is required to show beyond reasonable doubt that a child under the age of 14 years either has:

- actual knowledge that their behaviour is wrong (e.g. *Criminal Code Act, 1995* (Cth) s 7.2(1), *Crimes Act, 1914* (Cth) s 4N(1), *Criminal Code, 2002* (ACT) s 26(1)), or
- capacity to know that their behaviour is wrong (e.g. *Criminal Code Act, 1983* (NT) s 38 (2), *Criminal Code Act, 1899* (Qld) Sch 1 s 29(2), *Criminal Code Act, 1924* (Tas) s 18 (2), *Criminal Code Act Compilation Act 1913* (WA) Appendix B s 29; see also *RP v The Queen* [2016] HCA 53 [4], [8]–[12]).

The High Court has stated that ‘[n]o matter how obviously wrong the act or acts constituting the offence may be, the presumption cannot be rebutted merely as an inference from the doing of that act or those acts’ (*RP v The Queen* [2016] HCA 53 [9]). Thus, in Australia, ‘[a]t 14 a child is said to be criminally responsible; that is, they are capable of committing a crime and forming any necessary mental element’ (Naffine, 2016, p. 25). However, *doli incapax* is inconsistent in practice, and its efficacy is often questionable (Committee on the Rights of the Child, 2019b, para 26, 27; Crofts, 2022).

Raising the age as a trauma-informed strategy

In Australia, youth justice agencies exist in either justice or welfare-focused departments, with shifts regularly occurring because of machinery of government changes. Table 1 shows the departments that oversee youth justice (as at October 2022).

Regardless of whether youth justice is a welfare or justice agency, contact with the youth justice system tends to be criminogenic and traumatic (see, e.g. Baidawi & Sheehan, 2019; Lansdell, Saunders, & Eriksson, 2022). The small number of children detained in youth justice facilities are most likely to have complex, entrenched trauma symptoms. Many adults who remain in the churn of the criminal justice system have had early and sustained contact with the youth justice system (McLachlan, 2021).

While not all children who offend have a history of adversity and trauma, a significant proportion do (Baglivio et al., 2014; Malvaso, Day, Casey, & Corrado, 2017; Malvaso, Delfabbro, Day, & Nobes, 2018; Malvaso et al., 2022). In such cases, raising the age of criminal responsibility can be aligned with the goals of trauma-informed practice by diverting children who are at risk of criminalisation away from the justice system and towards therapeutic and evidence-informed systemic responses. Trauma-informed

Table 1. Australian Departments that oversee Youth Justice

Justice oversight	Welfare oversight	Justice and Welfare oversight
Department of Justice and Community Safety (Vic)	Community Services (ACT)	Department of Communities and Justice (NSW)
Department of Justice (WA)	Department of Territory Families, Housing and Communities (NT)	
	Department of Children, youth justice and Multicultural Affairs (Qld)	
	Department for Human Services (SA)	
	Department of Communities (Tas)	

practice requires that a service must ‘recognize, understand and minimize’ the long-term impact of trauma (Kubiak, Covington, & Hillier, 2017, p. 92). By raising the age of criminal responsibility, it is possible to respond to children at risk outside of the justice system in a way that is more likely to reduce future criminalisation and risk of harm to the community.

For children to meet the legal standard and have the capacity to know their behaviour is wrong, they need to have neurological, emotional and psychological maturity to form the knowledge and understanding of the criminal nature of their behaviour. The principle of *doli incapax* sits comfortably with both #raisetheage and trauma-informed approaches. Rather than setting a fixed age of criminal responsibility—particularly for children whose neurological and emotional development has been negatively impacted by ACEs and the resulting trauma—the most trauma-informed approach would be that children (like adults) receive individualised justice. In the adult criminal justice system, individual factors are considered in sentencing (see, e.g. *Sentencing Act, 2017* (SA) s 11), and the High Court has emphasised that ‘[t]he administration of the criminal law involves individualised justice’ (*Elias v The Queen* (2013) 248 CLR 483 [27]). Indeed, the principle of *doli incapax* has been justified by the Australian Government as providing a ‘gradual transition to full criminal responsibility’ (Human Rights Council, 2016, para 132).

The United Nations has stated that ‘[i]n general, there is a close relationship between the notion of responsibility for delinquent or criminal behaviour and other social rights and responsibilities (such as marital status, civil majority, etc.)’ (1985, Commentary, Rule 4.1). The age of criminal responsibility—whether it is 10, 12 or 14 years, is significantly lower than the age that Australians are legally allowed to drive (15 or 16 years, depending on the state or territory), have sex (16 or 17), vote (18) or drink alcohol (18). Applying the UN logic, if a minimum age of criminal responsibility were to be set, it should be at least 16 years of age (Crofts, 2015). Furthermore, the Family Court is not bound by a fixed age when taking children’s views into consideration, but rather their ‘best interests’, which are assessed on an individual basis by others (*Family Law Act* 1979 (Cth), Part VIII).

The #raisetheage campaign is almost universally supported in principle, with most opposition focused on the challenges of implementation to keep children and the community safe. Although *doli incapax* has been limited in its application and effectiveness in Australia (e.g. police often do not understand it, and the onus of proof is often placed on defence rather than prosecution lawyers, Fitz-Gibbon & O’Brien, 2019), it provides a known framework for how we might ‘raise the age’ in practice. *Doli incapax* has been identified as a protective safeguard that prevents unjust convictions, incarceration and criminalisation (Fitz-Gibbon & O’Brien, 2019, p. 30).

A key focus of the #raisetheage campaign is that criminalising young children is inappropriate given their vulnerability due to their age and lack of capacity to understand the criminal nature of their behaviour. A trauma-informed response takes this further by realising the relevance of developmental trauma in influencing a potential gap between chronological age and developmental age. Together, a trauma-informed approach to raising the age highlights the importance of systemic responses that are individualised and that recognise the relevance of trauma for children at risk of criminalisation.

Applying the 4Rs trauma-informed model to 'raise the age'

Much of the opposition or delays to raising the age relate to concerns about how risk will be managed and whether the children will be left to run amok in the community (Hunt, 2022). However, given there is no legal requirement that children at risk are managed with correctional or justice oversight, #raisetheage strategies should be implemented within agencies that can dedicate their role to focusing on the wellbeing and welfare of children, including but not limited to the current statutory role of child protection agencies. In explaining how trauma-informed practice can assist in raising the age and diverting children away from justice involvement, each of the 4Rs of trauma-informed practice will be examined.

First: Realise the relevance and prevalence of developmental trauma

Most children caught up in the youth justice system have been exposed to multiple and chronic ACEs, which often (but not always) results in multiple and complex unmet needs from trauma (McArthur, Suomi, & Kendall, 2021). There is no single definition or understanding of trauma (see Walklate, 2016), which may be understood to mean the enduring impact of adversity (i.e. potentially traumatic events and experiences) on an individual's social and emotional wellbeing. Developmental trauma refers to the impact of chronic adversity in childhood (Kezelman, Hossack, Stavropoulos, & Burley, 2015). Specific examples of adversity which may trigger developmental trauma are often referred to as ACEs (Felitti et al., 1998). ACEs include child maltreatment (e.g. physical, sexual, or emotional abuse, and physical and emotional neglect) as well as household dysfunction (i.e. parental separation or divorce, domestic abuse, familial mental illness, familial substance abuse and familial incarceration). Exposure to ACEs does not always result in trauma; the manifestation of trauma depends on the 'trauma load' as well as internal and external supports available to the child (Khoury, Tang, Bradley, Cubells, & Ressler, 2010, p. 1078). However, the more ACEs experienced by an individual, the poorer their physical and mental health outcomes and the greater their likelihood of substance abuse (Felitti et al., 1998). Youth detention is a significant ACE, and developmental trauma is often compounded when children are criminalised and locked up.

Developmental trauma may manifest as personality structure changes (Kezelman & Stavropoulos, 2019), neurological trauma and psychological and emotional distress, including unstable attachment (Bowlby, 1969/1997). Psychological and emotional trauma can lead to dysfunctional coping and protective mechanisms (Kezelman & Stavropoulos, 2019), difficulty regulating emotions (Shin et al., 2018; van der Kolk, 1987), including dysregulated anger (Malvaso et al., 2017) and impulsivity (Shin et al., 2018; van der Kolk, 1987). Developmental trauma can also result in unstable attachment, such that children have difficulty interpreting dangerous or unpredictable social situations and may respond with excessive anger, anxiety or neediness (van der Kolk, 2005). Unstable attachment is associated with ACEs, such as domestic abuse, family breakdown and parental absence (Centre for Social Justice, 2006), as well as antisocial behaviours (Rich, 2006). All these manifestations of trauma may continue into adulthood if they remain unresolved or are exacerbated by experiences such as detention and incarceration (McLachlan, 2021).

Childhood adversity can result in more than psychological and emotional harm; it can change the brain's physical structure. There are strong indicators that developmental trauma can result in structural abnormalities in the limbic system (i.e. prefrontal cortex, hippocampus and amygdala), which impacts a child's ability to regulate stress, reason and control their impulses and emotions (Paquola, Bennett, & Lagopoulos, 2016; Perry, 2009; Rinne-Albers et al., 2017). The impact of developmental trauma on a child's social and emotional wellbeing can be resolved with intensive intervention by addressing safety issues, dealing with traumatic re-enactments and promoting mastery: i.e. 'the feeling of being in charge, calm, and able to engage in focused efforts to accomplish goals' (van der Kolk, 2005, p. 408). However, the unresolved neurological, psychological and behavioural symptoms or manifestations of trauma may often be associated with behaviour that is criminalised. As a result, it is important that police, youth and children's courts and youth justice agencies realise that trauma may be present in the lives of children at risk and children who offend and then recognise the relevance of that trauma for those children.

Second: Recognise the relevance of trauma for children who are at risk of or currently found to be criminally responsible

Longitudinal studies have demonstrated the relationship between criminal behaviour and the impact of ACEs (mainly ongoing childhood physical abuse, neglect and family disruption) in terms of developmental trauma, e.g. impaired neurological development and functioning, poor emotional regulation, antisocial attitudes and behaviours and unstable attachment (Farrington, Ttofi, & Piquero, 2016; Sampson & Laub, 2003; Craig, Piquero, Farrington, & Ttofi, 2017; Malvaso et al., 2017, 2018, 2022). The following campaign statement reiterates the importance of a trauma-informed implementation of the #raisetheage campaign:

Where a child aged between 10 and 13 years is alleged to have caused harm to another, this is a sign of something having gone wrong in that child's life. Violent actions or behaviour in young children are often directly linked to experiences of trauma, neglect, and harm or unaddressed mental or physical health problems. Rather than criminalise trauma, it is the responsibility of our governments to provide that child with the services needed to address the underlying causes of their behaviour and to set them onto a better path. The worst place for a child to be is in prison. (Raise the Age, n.d.)

Given that developmental trauma has been found to be prevalent in the lives of most children who have contact with the youth justice system as well as adults who have had contact with both the youth justice and adult criminal justice systems (McLachlan, 2022), and trauma is a risk factor for criminality, identifying appropriate thresholds and developing effective strategies to raise the age requires recognition of the significance of trauma in the lives of children at risk.

Multiple contacts with the youth justice and adult criminal justice systems have been associated with recidivism. United States research supports the proposition that more punitive responses to children who offend result in greater levels of criminality and, conversely, less punitive responses reduce future recidivism (Fowler & Kurlychek, 2018). Catia Malvaso and colleagues found that many children (78%) had contact with the youth justice system more than once, with 83% (n = 150) having been detained in

custody (Malvaso et al., 2022). Further SA research has found that ACEs and developmental trauma are also prevalent in the lives of adults who offend (McLachlan, 2021, 2022). By raising the age, early interventions can divert children from a lifetime of engagement in the criminal justice system.

In addition, Australia is obligated to ensure that children's rights are upheld (UNHR, 2014). Australia ratified the *United Nations Convention on the Rights of the Child* (1989) in 1990, as well as six other core international human rights treaties (Committee on the Rights of the Child, 2019a). Article 39 of the *Convention on the Rights of the Child* states that:

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Given the proportion of children detained in custody who have experienced 'neglect, exploitation, or abuse', Australia has an obligation to ensure an 'environment which fosters the health, self-respect and dignity of the child'. Recent Commissions in NT (2017) and Tas (2022) indicate that current practice in youth detention centres is often in direct contravention of children's rights (Day et al., 2023). Thus, there is a clear relationship between the effective implementation of the #raisetheage campaign and the recognition by justice agencies (police, courts and youth justice) of the relevance of developmental trauma, with a focus on the wellbeing and best interests of each individual child. Once the relevance of trauma is recognised, it is possible for government agencies more broadly (e.g. child protection) to respond to children at risk in an appropriate, trauma-informed manner.

Third: Respond in a trauma-informed manner

Ideally, children at risk of criminalisation would receive effective responses from child protection agencies. However, child protection agencies often do not prioritise children at risk. Further, when at-risk children do receive child protection intervention, this contact increases their risk of becoming 'cross-over kids', graduating into youth justice (Baidawi & Sheehan, 2019). Raising the age will require governments to fund services (outside of existing youth justice agencies) specifically to support children who are both traumatised and at risk of being criminalised. While there is no single definition of justice reinvestment, it may be understood to be:

a data-driven approach to reducing criminal justice system expenditure and improving criminal justice system outcomes through reductions in imprisonment and offending. JR is a comprehensive strategy that employs targeted, evidence-based interventions to achieve cost savings which can be reinvested into delivering further improvements in social and criminal justice outcomes. (Willis and Kapira, 2018, vi)

Raising the age of criminal responsibility will require justice reinvestment in terms of shifting the funds and resources from community-based services and detention in youth justice to community-based welfare services that focus on promoting child wellbeing. Youth justice engagement is expensive, with recent reports indicating that it costs

\$3827 a day or \$1.4 million a year in South Australia to manage a single child in detention, for example (Smith, 2022). In all states and territories, most of each youth justice agency's costs are associated with detention-based services (Productivity Commission, 2023). If children at risk are no longer criminalised, they should not come under the auspices of youth justice agencies, and much of these funds could be spent on welfare and family support services elsewhere. This paper is not proposing that youth justice services become trauma-informed (for that see Day et al., 2023) or that youth justice broaden its remit to work as an early intervention service for at-risk children. Instead, this paper argues that raising the age requires new service models that sit outside justice agencies. A new service (or at least better coordinated and integrated services, McArthur et al., 2021) would need to be established in each jurisdiction to promote children's wellbeing and welfare. An early and targeted reinvestment from youth detention to welfare services that actively focused on promoting a child's wellbeing could much better achieve youth-justice stated aims 'to promote community safety, rehabilitate and reintegrate young people who offend, and contribute to a reduction in youth re-offending' (Productivity Commission, 2023).

Trauma-informed responses are characterised by 'five foundational principles' of trauma-informed care (Kezelman & Stavropoulos 2012), drawing from the work of Maxine Harris and Roger Fallot (2001). These are safety, trustworthiness, choice, collaboration and empowerment. More specifically, the principles aim to achieve the following:

- Safety: To ensure the provision of effective physical and emotional safety to service users so that they feel welcome, included, and heard.
- Trustworthiness: To establish mutually understood, consistent expectations and boundaries between the service provider and the service user.
- Choice: To provide information, options, and an awareness of their rights and responsibilities, to ensure service users have choice and control over their service preferences.
- Collaboration: To enable service user participation in the planning and shared decision-making around activities and settings.
- Empowerment: To promote skills-development of service users through a strengths-based approach; and recognises the importance of individual characteristics, such as culture, history, and gender, when designing an effective service. (Kezelman & Stavropoulos, 2012; Harris & Fallot, 2001; Covington, 2016)

To raise the age of criminal responsibility allows the Government to respond to children in ways that better reflect trauma-informed principles of practice outside of the criminal justice system, for the youth justice systems work with blunt instruments. Youth justice systems traditionally focus on rehabilitation and the diversion of children away from formal criminal justice processes, with detention being a sentence of last resort. However, research suggests that children with the most complex needs (including acquired brain injuries and complex trauma) are more likely to be incarcerated to manage the risk they present to the community (Lansdell et al., 2022). Alternative evidence-informed responses are required that also prioritise the trauma-informed principles of practice.

Children who have experienced ACEs often have behavioural and functional manifestations of trauma (such as aggression, dissociation and interpersonal challenges), which

require intervention and support (Malvaso et al., 2018). Trauma-informed responses to children who have offended (or who are at risk) are characterised not by punishment and criminalisation but through recognising, understanding and minimising trauma. The aim of raising the age is to respond to children in a manner that is most likely to address the underlying reasons for their problematic behaviour in an age-appropriate way. The #raisetheage campaign should not be equated with ‘do nothing’ for this cohort but rather to provide intensive, individualised, evidence- and trauma-informed services and responses outside the justice system that are likely to promote positive outcomes for the children.

Raising the age is a whole-of-government responsibility which has implications for the resourcing and responsibilities of agencies across the siloes of government departments, including human services, health, corrections, police, education and child protection (see McArthur et al., 2021). For too long, multiple government agencies have serviced the same high-risk families and communities in siloed ways that are neither customer-centric nor evidence-informed. Solutions to implement the #raisetheage campaign exist at individual, family and community levels, including intensive family supports, access to public and affordable housing, safer alternative care responses, culturally safe family and community support and individual trauma-focused therapy.

Intensive family support

Providing intensive family support may assist not just with children at risk of criminalisation but in breaking the cycle of cross-generational offending and promoting desistance from crime for parents. Shadd Maruna and colleagues (2004) emphasise the significance of generativity (i.e. accepting the responsibility of parenting) as a hook to desistance. ‘Hooks for change’ are turning points or change agents which may be leveraged by individuals to make significant life changes (Giordano, Cernkovich, & Rudolph, 2002, p. 1000) and ‘self-reform’ (Maruna et al., 2004, p. 132). Maruna and colleagues argue ‘that the development, encouragement, and facilitation of generativity should be at the center of the correctional enterprise’ (2004, p. 133). This idea of working holistically with the family is not new. In 2010, the late Peggy Hora proposed a Unified Family Wellness Court in South Australia (Hora, 2010), which would have integrated family violence, child protection and federal family law as well as any Youth Court matters.² More recently, in exploring how to raise the age, a review for the ACT also supported the idea of ‘a community hub with co-located NGO [non-government organisation] services, specialist services (e.g. mental health and drug and alcohol services, housing services, Centrelink, social activities) which would be a one-stop shop to help children, young people and their families’ (McArthur et al., 2021, p. 49).

Culturally informed approaches

Trauma-informed responses are required to be culturally informed. To raise the age of Aboriginal and Torres Strait Islander children in the youth justice systems, any solution or strategy must be designed and implemented in partnership with Australian First Nations peoples. First, the ongoing and compounded impact of intergenerational trauma and the direct trauma that these children have experienced (both outside and

²While progress was made to implement the Court, subsequent ministerial changes led to the de-funding of the model.

because of the youth justice system) must be acknowledged. Intergenerational trauma exists ‘across familial generations’ (Menzies, 2019, p. 2) and is particularly present in the families of the Stolen Generations, where Aboriginal and Torres Strait Islander children were forcibly removed from their families and communities (Menzies, 2019). However, no Aboriginal or Torres Strait Islander person is immune to the adverse impact of colonisation. Intergenerational trauma is the result of grief and loss associated with various Australian governments’ policies that intentionally and systematically destroyed and denied languages, laws (and lore), traditions, cultures, access to lands and sacred places and ways of life (ALRC, 2017; Dodson, 1997). Raising the age of criminal responsibility for Aboriginal and Torres Strait Islander children requires a culturally safe approach and actively works to support children who are vulnerable and at risk of engagement with the criminal justice system.

Individual therapeutic services

The manifestations of trauma are not static. ACEs and other traumatic life events may not be relevant in determining criminal responsibility if the child has managed to process their experiences and the traumatic impacts have been resolved. Emerging trauma-informed and trauma-focused practices indicate that the manifestations of trauma are treatable and might also inform government responses to children at risk of future engagement with the justice system. A recent review undertaken in the ACT highlighted the importance of therapeutic supports, including substance abuse and mental health services, as well as earlier identification and prevention of adversity before it’s impacts become chronic or compounded by additional ACEs (McArthur et al., 2021). The following examples could inform Australian responses regarding tailored, trauma-informed and trauma-focused responses for children diverted from the justice system.

Building neurological capacity: Bruce Perry’s Neurosequential Model of Therapeutics

The brain develops in a particular order, and Bruce Perry has developed the ‘neuro-sequential model of therapeutics (NMT) ... not [as] a specific therapeutic technique or intervention; it is an approach to clinical work that is informed by neuroscience’ (Perry, 2009, p. 248). NMT Interventions are tailored to individual children, with therapy based on fulfilling the neurodevelopmental gaps in sequence from the brain stem (e.g. to address issues with self-regulation), to the limbic system (e.g. to address relational issues), to the cerebral cortex (e.g. to develop insight; Perry, 2009). This approach has been found to be promising with both children and adults who are justice-involved. A research and practice review undertaken in the United Kingdom concluded that, ‘[b]y addressing the emotional and psychological needs of young people, services can enable them to better manage their emotions and behaviours as a first step towards making other long-lasting positive changes in their lives’ (Liddle, Boswell, Wright, Francis, & Perry, 2016, 54).

Building connection: Dan Hughes’ Dyadic Developmental Psychotherapy

In addition to its association with youth offending, insecure attachment is also associated with adult offending (Miller & Klockner, 2019). Developing secure attachment is a crucial

strategy for preventing future criminality. This has been achieved with incarcerated adults in a ‘democratic prison therapeutic community, where ‘[p]risoners and staff negotiate the rules and regulations of the community, issues are tackled conjointly and rule-breaking is co-managed’ (Miller & Klockner, 2019, p. 261). In this way, therapeutic communities are characterised by trauma-informed principles of safety, trust, collaboration, choice and empowerment. There is no reason to assume that such an approach with children, working to stabilise attachment through the application of trauma-informed principles, would not work equally as well.

Dan Hughes developed Dyadic Developmental Psychotherapy (DDP), a therapeutic approach based on establishing relationships (Hughes, Golding, & Hudson, 2015), which has been used with children with developmental trauma who are living in out-of-home care (OOHC). It aims to (re)establish stable attachment between the child and their primary caregivers. While research is currently being undertaken to develop its evidence base, DDP has been used since its development in the 1980s to support children with developmental trauma to work with key adults to make sense of their experiences (Hughes et al., 2015).

While not all children engaged in the youth justice system have had contact with the child protection system, there is a ‘strong overlap’ (McArthur et al., 2021). Many children in youth justice have previously been removed from their birth families and placed in OOHC (McArthur et al., 2021; Malvaso et al., 2017). It would be challenging to implement DDP in Australia for children at risk of criminalisation because of the current levels of unstable OOHC placements. Children in OOHC who have trauma-related externalising behaviour (e.g. hyperactivity, substance abuse and aggression) are more likely to lack any opportunity for connection and stability due to multiple moves between placements (Farrugia & Joss, 2021), some of which may be commercial placements (e.g. in hotels) where children have no primary carer (Hales, 2022). Contact with the child protection system, characterised by unstable OOHC placements, is associated with involvement in the youth justice system (Colvin, McFarlane, Gerard, & McGrath, 2018). The millions of dollars spent on keeping children in emergency commercial care (Hales, 2022) and detention (Smith, 2022) could be re-directed into working intensively with children under long-term guardianship with stable foster or kinship carers, using DDP to establish stable attachment. Currently, the child protection system fails to provide opportunities for connection with carers or the stability required to develop secure attachment.

By developing these therapeutic services, children with trauma who are at risk of future engagement with youth justice should be able to better access opportunities to engage with community-based trauma-responsive interventions. However, if developmental trauma remains unresolved or is further exacerbated by additional adversity (including detention or incarceration), its manifestations may become entrenched with the retention of coping mechanisms which are maladaptive and criminogenic in the longer term, such as hypersensitivity and aggressive responses to perceived threats (McLachlan, 2021).

Fourth: Resist re-traumatisation by diverting children away from justice responses

Currently, children over the age of 10 years who are at risk of justice involvement are rarely supported by any government organisation, including child protection agencies

(McArthur et al., 2021). This has led to the youth justice systems responding to this population in a way that neither serves the objects of youth justice nor the needs of the children themselves. Indeed, the youth justice system achieves the antithesis of its purpose: it increases recidivism and increases the risk of re-traumatisation of children (Baidawi & Sheehan, 2019; Day et al., 2023). Formal and punitive criminal justice proceedings are more likely to lead to further traumatisation and future crime than approaches which focus on rehabilitation (Fowler & Kurlychek, 2018). Accepting first that trauma has been found to be prevalent in the lives of most children who have contact with the youth justice system and adults who have had contact with both the youth justice and criminal justice systems, and second, that trauma is a risk factor for criminality, it makes sense to prioritise strategies that are likely to identify these individuals and divert them away from the youth and adult justice systems. Therapeutic, community-based, trauma-informed approaches may offer more effective strategies to promote positive behaviour change and divert children away from entrenched trauma and criminalisation.

Resisting re-traumatisation through an individualised approach

Children's developmental age is significantly influenced by trauma, and the children who are currently caught up in the justice system face many ACEs that are likely to mean that their developmental age is significantly lower than their chronological age. This has been acknowledged by the High Court in the case of *RP v The Queen* [2016] HCA 53 per Kiefel, Bell, Keane and Gordon JJ, who stated:

The difficulty with these statements is that they are apt to suggest that children mature at a uniform rate. The only presumption which the law makes in the case of child defendants is that those aged under 14 are *doli incapax*. Rebutting that presumption directs attention to the intellectual and moral development of the particular child. Some 10-year-old children will possess the capacity to understand the serious wrongness of their acts while other children aged very nearly 14 years old will not. (para 12)

Thus, resisting re-traumatisation requires an individualised and nuanced response to children at risk. A truly trauma-informed strategy to raise the age would not focus on raising the age to 12 or 14 years, or even 16 years. Children in general (and even adults in their 20s) lack the neurological development to have sound judgement, restrain their impulses and empathise with others, and often engage in reckless behaviour (APA, 2004). The trauma evidence supports the broader implementation of the doctrine of *doli incapax*, which is based on the idea that many children are 'not sufficiently intellectually and morally developed to appreciate the difference between right and wrong and thus [lack] the capacity for *mens rea*' (*RP v The Queen* [2016] HCA 53 [8]).

Conclusion

The #raisetheage campaign aims to raise the age of criminal responsibility in Australia. One of the barriers to implementing the #raisetheage campaign has been the lack of a strategy or model to respond to young children who are at risk of future criminalisation. The paper has argued that the #raisetheage campaign can be operationalised by using the SAMHSA (2014) 4Rs trauma-informed model of care and practice. This paper has used the 4Rs model of trauma-informed practice to demonstrate how individualised,

community-based supports could be provided to children with trauma who are at risk of justice involvement. Such an approach would require reinvestment from justice agencies to new supports that focus on the welfare and wellbeing of at-risk children. Ideally, a trauma-informed approach would leverage *doli incapax* and focus on the developmental age of the child rather than the chronological age. Criminalising and detaining children, including those who are highly traumatised, is a breach of Australia's human rights obligations as well as being ineffective, criminogenic and expensive. Australia needs to work differently to curtail the number of children whose lives are currently on a trajectory into 30 years of justice involvement. Raising the age through a trauma-informed model may offer such a solution.

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References

- American Psychological Association. (2004). *Brief for the American psychological association, and the missouri psychological association As Amici Curiae Supporting Respondent re Roper v Simmons* (03-633) 543 U.S. 551 (2005) <https://www.apa.org/about/offices/ogc/amicus/roper.pdf#page=3&zoom=auto,-73,778>.
- Amnesty International. (2022). *Child Rights*. Amnesty International Australia. Accessed 8 September 2022. <https://www.amnesty.org.au/campaigns/child-rights/>.
- Armstrong, B. (2019). "Why the presumption of *doli incapax* should be the first consideration in Youth Court matters." *The Bulletin*, August 8-9.
- Australian Institute of Health and Welfare. (2022). *Youth justice in Australia 2020–21*. Canberra: AIHW.
- Australian Law Reform Commission. (2017). *Pathways to justice—An inquiry into the incarceration rate of Aboriginal and Torres Strait Islander peoples: Final report. (Report No 133)*. Canberra: ALRC.
- Baglivio, M. T., Epps, N., Swartz, K., Huq, M. S., Sheer, A., & Hardt, N. S. (2014). The prevalence of adverse childhood experiences (ACE) in the Lives of Juvenile Offenders. *Journal of Juvenile Justice*, 3(2), 1–14.
- Baidawi, S., & Sheehan, R. (2019). '*Cross-over kids*': *Effective responses to children and young people in the youth justice and statutory Child Protection systems. Report to the Criminology Research Advisory Council*. Canberra: Australian Institute of Criminology.
- Bladen, L. (2022). ACT government agrees to raise the age of criminal responsibility to age of 14. *The Canberra Times*, September 21.
- Bowlby, J. (1969/1997). *Attachment and loss volume 1: Attachment*. London: Pimlico.
- Centre for Social Justice. (2006). *Breakdown Britain: Interim Report on the State of the Nation*. London: Social Justice Police Group.

- Change the Record. (2015). *#Raise the age. Natioonal justice coalition*. Accessed 8 September 2022. <https://www.changetherecord.org.au/raisetheage>.
- Colvin, E., McFarlane, K., Gerard, A., & McGrath, A. (2018). 'We don't do measure and quotes': how agency responses criminalise and endanger the safety of children missing in care in New South Wales, Australia. *Howard Journal of Crime and Justice*, 57(2), 231–249. <https://doi.org/10.1111/hojo.12253>
- Committee on the Rights of the Child. (2019a). *Replies of Australia to the list of issues. CRC/C/AUS/Q/5-6/Add.1*. Geneva: United Nations.
- Committee on the Rights of the Child. (2019b). *General comment No 24 on children's rights in the child justice system. CRC/C/GC/24. 18 September 2019*. Geneva: United Nations.
- Compilation Act. (1913). (WA).
- Covington, Stephanie S. (2016). *Becoming trauma informed: Tool kit for women's community service providers*. edited by One Small Thing. London: Center for Gender and Justice.
- Craig, J. M., Piquero, A. R., Farrington, D. P., & Tofi, M. M. (2017). A little early risk goes a long bad way: Adverse childhood experiences and life-course offending in the Cambridge study. *Journal of Criminal Justice*, 53, 34–45. <https://doi.org/10.1016/j.jcrimjus.2017.09.005>
- Crimes Act. (1914). (Cth).
- Criminal Code. (2002). (ACT).
- Criminal Code Act. (1899). (Qld).
- Criminal Code Act. (1924). (Tas).
- Criminal Code Act. (1983). (NT).
- Criminal Code Act. (1995). (Cth).
- Crofts, T. (2015). A brighter tomorrow: Raise the age of criminal responsibility. *Current Issues in Criminal Justice*, 27(1), 123–131. <https://doi.org/10.1080/10345329.2015.12036035>
- Crofts, T. (2022). Act now: raise the minimum age of criminal responsibility. *Current Issues in Criminal Justice, ahead-of-print*, 35(1), 118–138. <https://doi.org/10.1080/10345329.2022.2139892>.
- Day, A., Malvaso, C., Butcher, L., O'Connor, J., & McLachlan, K. (2023). Co-producing trauma-informed youth justice in Australia? *Safer Communities*, 22(2), 106–120. <https://doi.org/10.1108/SC-08-2022-0030>
- Dodson, M. (1997). Citizenship in Australia: An indigenous perspective. *Alternative Law Journal*, 22(2), 57–59.
- Elias v The Queen. (2013). 248 CLR 483.
- Family Law Act 1979 (Cth).
- Farrington, D. P., Tfofi, M. M., & Piquero, A. R. (2016). Risk, promotive, and protective factors in youth offending: Results from the Cambridge study in delinquent development. *Journal of Criminal Justice*, 45(C), 63–70. <https://doi.org/10.1016/j.jcrimjus.2016.02.014>
- Farrugia, C., & Joss, N. (2021). *What contributes to placement moves in out-of-home care? Child family community australia practice and policy paper no. 61*. Melbourne: Australian Institute of Family Studies.
- Felitti, V. J., Anda, R. F., Nordenberg, D., Williamson, D. F., Spitz, A. M., Edwards, V., ... Marks, J. S. (1998). Relationship of childhood abuse and household dysfunction to many of the leading causes of death in adults: The adverse childhood experiences (ace) study. *American Journal of Preventative Medicine*, 14(4), 45–58. [https://doi.org/10.1016/s0749-3797\(98\)00017-8](https://doi.org/10.1016/s0749-3797(98)00017-8)
- Fitz-Gibbon, K., & O'Brien, W. (2019). "A child's capacity to commit crime: Examining the operation of doli incapax in victoria (australia)." *International Journal for Crime. Justice and Social Democracy*, 8(1), 18–33.
- Fowler, E., & Kurlychek, M. C. (2018). Drawing the line: Empirical recidivism results from a natural experiment raising the age of criminal responsibility. *Youth Violence and Juvenile Justice*, 16(3), 263–278. <https://doi.org/10.1177/1541204017708017>
- Giordano, P. C., Cernkovich, S. A., & Rudolph, J. L. (2002). Gender, crime, and desistance: Toward a theory of cognitive transformation. *American Journal of Sociology*, 107(4), 990–1064.

- Hales, H. (2022). "Dozens of Victorian foster kids being housed in hotels, motels." *The Australian* August 31. <https://www.theaustralian.com.au/breaking-news/dozens-of-victorian-foster-kids-being-housed-in-hotels-motels/news-story/dbb5b5de29d31a6259ded929fadaff29>.
- Harris, M., & Fallot, R. D. (2001). Envisioning a trauma-informed service system: A vital paradigm shift. *New Directions for Mental Health Services*, 89, 3–22.
- Hora, P. F. (2010). *Smart justice: Building safer communities, increasing access to the courts, and elevating trust and confidence in the justice system*. Adelaide: Government of South Australia.
- Hughes, D., Golding, K. S., & Hudson, J. (2015). Dyadic developmental psychotherapy (DDP): The development of the theory, practice and research base. *Adoption & Fostering*, 39(4), 356–365.
- Human Rights Council. (2016). *Report of the working group on the Universal periodic review: Australia. UN Doc A/HRC/31/14. January 13*. Geneva: United Nations.
- Hunt, N. (2022). "Warning on young crims". *The Advertiser*. September 26.
- Jaensch, R. (2022). Raising the minimum age of detention. *Ministerial Media Release* June 8. https://www.premier.tas.gov.au/site_resources_2015/additional_releases/raising_the_minimum_age_of_detention.
- Kezelman, C., Hossack, N., Stavropoulos, P., & Burley, P. (2015). *The cost of unresolved childhood trauma and abuse in adults in Australia*. Sydney: Adults Surviving Child Abuse and Pegasus Economics.
- Kezelman, C., & Stavropoulos, P. (2012). *'The last frontier': Practice guidelines for treatment of complex trauma and trauma informed care and service delivery*. Sydney: Adults Surviving Child Abuse.
- Kezelman, C., & Stavropoulos, P. (2019). *Practice guidelines for clinical treatment of complex trauma*. Sydney: Blue Knot Foundation.
- Khoury, L., Tang, Y. L., Bradley, B., Cubells, J. F., & Ressler, K. J. (2010). Substance use, childhood traumatic experience, and posttraumatic stress disorder in an urban civilian population. *Depression and Anxiety*, 27, 1077–1086.
- Kubiak, S. P., Covington, S. S., & Hillier, C. (2017). Trauma-Informed Corrections. In D. Springer, & A. Robert (Eds.), *Social work in juvenile and criminal justice systems* (pp. 92–104). Springfield: Charles Thomas.
- Lansdell, G., Saunders, B. J., & Eriksson, A. (2022). "Young people with acquired brain injury: Preventing entrenchment in the criminal justice system." *Trends and issues in crime and criminal justice*, no. 650. Canberra: Australian Institute of Criminology.
- Liddle, M., Boswell, G., Wright, S., Francis, V., & Perry, R. (2016). *Trauma and young offenders: A review of the research and practice literature*. Beyond Youth Custody. <http://www.beyondyouthcustody.net/wp-content/uploads/Trauma-and-young-offenders-a-review-of-the-research-and-practice-literature.pdf>
- Malvaso, C., Day, A., Cale, J., Hackett, L., Delfabbro, P., & Ross, S. (2022). Adverse childhood experiences and trauma among young people in the youth justice system. In *Trends & Issues in Crime and Criminal Justice*, no. 651 (pp. 1–19). Canberra: Australian Institute of Criminology. <https://doi.org/10.52922/ti78610>.
- Malvaso, C., Day, A., Casey, S., & Corrado, R. (2017). Young offenders, maltreatment, and trauma: A pilot study. *Psychiatry, Psychology and Law*, 24(3), 458–469. <https://doi.org/10.1080/13218719.2016.1247682>
- Malvaso, C. G., Delfabbro, P. H., Day, A., & Nobes, G. (2018). The maltreatment-violence link: Exploring the role of maltreatment experiences and other individual and social risk factors among young people who offend. *Journal of Criminal Justice*, 55, 35–45.
- Maruna, S., LeBel, T. P., & Lanier, C. S. (2004). Generativity behind bars: Some "redemptive truth" about prison society. In E. De St Aubin, D. McAdams, & T. Kim (Eds.), *The generative society: Caring for future generations* (pp. 131–152). Washington: American Psychological Association.
- McArthur, M., Suomi, A., & Kendall, B. (2021). *Review of the service system and implementation requirements for raising the minimum age of criminal responsibility in the Australian Capital Territory: Final Report*. Canberra: Curijo & Australian National University.

- McLachlan, K. (2021). *'I cannot dismiss from my mind your traumatic and tragic upbringing': Judges' Use of Defendant Trauma in Sentencing* (PhD thesis), University of South Australia.
- McLachlan, K. J. (2022). Trauma-informed sentencing in South Australian courts. *Journal of Criminology*, 55(4), 495–513. <https://doi.org/10.1177/26338076221113073>.
- Menzies, K. (2019). Understanding the Australian aboriginal experience of collective, historical and intergenerational trauma. *International Social Work*, 62(6), 1522–1534. <https://doi.org/10.1177/0020872819870585>
- Miller, S., & Klockner, K. (2019). Attachment styles and attachment based change in offenders in a prison therapeutic community. *Journal of Forensic Psychology Research and Practice*, 19(3), 260–277. <https://doi.org/10.1080/24732850.2019.1603956>
- Morgan, T. (2022). “NT government to introduce laws raising the age of criminal responsibility and reforming adult mandatory sentencing.” *ABC News*, October 13. <https://www.abc.net.au/news/2022-10-13/nt-to-raise-age-of-criminal-responsibility-mandatory-sentencing/101529286>.
- Naffine, N. (2016). Criminal responsibility. In D. Caruso, R. Buth, & M. Heath (Eds.), *South Australian criminal law and procedure* (pp. 3–28). Adelaide: LexisNexis Butterworths.
- Paquola, C., Bennett, M. R., & Lagopoulos, J. (2016). Understanding heterogeneity in grey matter research of adults with childhood maltreatment—a meta-analysis and review. *Neuroscience & Biobehavioral Reviews*, 69, 299–312.
- Perry, B. D. (2009). Examining child maltreatment through a neurodevelopmental lens: Clinical applications of the neurosequential model of therapeutics. *Journal of Loss and Trauma*, 14(4), 240–255.
- Productivity Commission. (2023). Youth justice services. In *Report on government services 2022 Part F: Community services. productivity commission*. Canberra: Australian Government. <https://www.pc.gov.au/ongoing/report-on-government-services/2023/community-services/youth-justice>.
- Raise the Age. (n.d). *About the campaign*. Accessed 8 September 2022. <https://www.raisetheage.org.au/about>.
- Rich, P. (2006). Editorial From theory to practice: the application of attachment theory to assessment and treatment in forensic mental health services. *Criminal Behaviour and Mental Health*, 16, 211–216.
- Rinne-Albers, M. A. J., Pannekoek, N., van Hoof, M.-J., van Lang, N. D., Lamers-Winkelmann, F., Rombouts, S. A., ... Vermeiren, R. R. (2017). Anterior Cingulate Cortex grey matter volume Abnormalities in Adolescents with PTSD after childhood sexual abuse. *European Neuropsychopharmacology*, 27(11), 1163–1171. <https://doi.org/10.1016/j.euroneuro.2017.08.432>
- Royal Commission into the Protection and Detention of Children in the Northern Territory. (2017). *Final Report*. RCPDCNT. <https://www.royalcommission.gov.au/child-detention/final-report>.
- RP v The Queen. (2016). HCA 53.
- Sampson, R. J., & Laub, J. H. (2003). Life-course desisters - trajectories of crime among delinquent boys followed to Age 70*. *Criminology; An interdisciplinary Journal*, 41(3), 555–592. <https://doi.org/10.1111/j.1745-9125.2003.tb00997.x>
- Sentencing Act. (2017). (SA).
- Shin, S. H., McDonald, S. E., & Conley, D. (2018). Profiles of adverse childhood experiences and impulsivity. *Child Abuse & Neglect*, 85, 118–126. <https://doi.org/10.1016/j.chiabu.2018.07.028>
- Smith, D. (2022). “High cost to detain children.” *The Advertiser*, September 7.
- Substance Abuse and Mental Health Services Administration. (2014). *SAMHSA's concept of trauma and guidance for a trauma-informed approach*. Rockville: US Department of Health and Human Services.
- United Nations Convention on the Rights of the Child. (1989). *GA Res 44/25. 20 November 1989*. Geneva: United Nations.

- United Nations Human Rights. (2014). *Status of ratification interactive dashboard*. <https://indicators.ohchr.org/>.
- United Nations Standard Minimum Rules for the Administration of Juvenile Justice ('The Beijing Rules'). (1985). *GA Res 40/33*. 29 November 1985. Geneva: United Nations.
- van der Kolk, B. A. (1987). The psychological consequences of overwhelming life experiences. In B. A. van der Kolk (Ed.), *Psychological Trauma* (pp. 1–30). Washington: American Psychiatric Press.
- van der Kolk, B. A. (2005). Developmental trauma disorder: Towards a rational diagnosis for children with complex trauma histories. *Psychiatric Annals*, 35(5), 401–408.
- Walklate, S. (2016). The Metamorphosis of the victim of crime: From crime to culture and the implications for justice. *International Journal for Crime*, 5(4), 4–16. <https://doi.org/10.5204/ijcjsd.v5i4.280>
- Willis, M., & Kapira, M. (2018). *Justice reinvestment in Australia: A review of the literature*. AIC Research Report 09. Canberra: Australian Institute of Criminology.