

Tyler Cassidy was 15 years old at the time of his fatal shooting on 11 December 2008. Tyler's age and emotional and mental state were highly relevant and should have informed how members of Victoria Police decided to engage with him. Sadly, these factors were ignored in the police response.

### **Children and young people have special status and protection needs**

Children and young people's need for assistance and protection, and their reduced capacity for reasoning and decision-making, is widely acknowledged.

Children and young people's status as a vulnerable group with particular protection needs is recognised by legal instruments such as the United Nations Convention on the Rights of the Child ('UN CROC'), the *Children, Youth & Families Act (Vic) 2005* and the Victorian Charter of Rights and Responsibilities ('the Charter').

The Charter requires Victoria Police's systems to take account of the vulnerability of young people and the need to protect them. This includes police policies, practices and training. For example, the Victoria Police Manual ("the Manual") confirms that police have a responsibility to ensure the safety and welfare of any child in their custody or whom they may come in contact with during their duty.

### **Children and young people are different - Adolescent brain development**

Research shows that adolescence is a time of significant learning, change and upheaval, with the process of maturation sometimes lasting up to the age of 25. Some developmental psychologists have characterised this period as one of 'gaps between emotion, cognition and behaviour' in adolescents due to the differing rates of development of various regions of the brain.<sup>1</sup>

Adolescent brain development research has demonstrated that risk taking and impulsiveness in young people is characteristic of their incomplete maturation. Indeed, the influence of a range of social and emotional factors, including peers, is a significant factor in young people's decision-making.<sup>2</sup>

The nature of the adolescent brain should thus be a central consideration in police responses to young people. In order to facilitate this, the training delivered to officers must contain specific modules on adolescent brain development and appropriate responses to young people based on this information.

### **Young people and crisis**

There are a number of social, economic and wellbeing issues that are more common amongst the youth cohort which may contribute to potential states of crisis, as noted by Professor Patrick McGorry when he gave evidence to the Cassidy inquest recommending the VPM take account of such issues.

Professor McGorry characterised 'crisis' as a state in which 'coping responses to stressful or challenging environmental circumstances are overwhelmed temporarily and intense distress and maladaptive coping responses are manifest...' He then went on to remark that states of crisis are commonly displayed by young people in the 12-25 age bracket.<sup>3</sup> This, combined with the vulnerabilities of young people including their incomplete cognitive maturation, results in 'dual vulnerability'.

In addition to this potential for 'dual vulnerability' are a number of other risk factors that have a higher incidence amongst young people and may also contribute to actual or potential states of crisis.

### Mental Health

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<sup>1</sup> Lawrence Steinberg, 'Cognitive and affective development in adolescence', *Trends in Cognitive Sciences* (2005) 9(2), p.69.

<sup>2</sup> Steinberg, p.72.

<sup>3</sup> Victorian Legal Aid, Submission to Coroners Court of Victoria, *Inquest into the death of Tyler Cassidy*, 28 February 2011, p. 7.

Approximately 1 in 4 young people have some sort of mental illness, however 70% of these young people will not have sought treatment either because of a lack of services, a lack of knowledge of the help available or because of the stigma attached to mental illness.<sup>4</sup>

### Drug and Alcohol Use

Many young people with mental health issues may also have a substance use problem – this is known as co-morbidity. It is thus important for police to be aware of the strong likelihood that a young person in crisis may also be under the influence of drugs or alcohol and thus their ability for rational thinking may be significantly limited.

### Homelessness

Nearly half of Australia's homeless population are under the age of 25. In Victoria, it is estimated that approximately 6,500 young people are homeless on any given night.<sup>5</sup> Youth homelessness usually leads to a number of negative outcomes for young people including disengagement from education, lack of access to support services, substance misuse, poorer physical and mental health, victimisation and criminal activity. Given the street-present nature of young homeless people, their higher use of public transport and their reliance on public spaces, police are likely to come into contact with a high number of young homeless people who may be in actual or potential states of crisis.

### **Interacting with young people in crisis**

The evidence of the four members of Victoria Police was that Tyler's age was never a relevant consideration when conducting their risk assessment and deciding the manner in which they would engage with Tyler,<sup>6</sup> and that the risk posed by the alleged threats of serious harm made by Tyler and the presence of weapons was paramount and superseded any other factor to be considered when conducting their assessment.<sup>7</sup>

Additionally, at the time of the shooting the VPM did not (and does not) contain any specific policies, rules or guidance for the use of force in relation to children or young people, or people in mental crisis.

Failing to consider age as relevant in assessing risk means that members are prevented from adopting a different, more effective, mode of engagement to safely remove the threat commensurate with a young person's stage of cognitive and emotional development and the factors Professor McGorry highlighted.

Professor McGorry gave expert opinion during the inquest that the safe and effective management of a situation such as that which Tyler presented on the night of his death is not possible without an appreciation of the likely internal mental state of the young person, coupled with a tailored response. He stated that, when interacting with young people who are in crisis or highly emotional states "it certainly cannot be assumed that they will be able to engage in the same way as a mature adult".<sup>8</sup>

He noted the need to establish rapport with the young person, the need for greater patience, maturity and genuine empathy with, and understanding of, the mindset of the young person.

He stated the first step was to establish a connection with the young person which may lead to disarming them after a period of time. His evidence was that in cases where a young person is armed, immediately disarming the person should not always be the first priority.

In providing specific comments about police dealing with young people in crisis, Professor McGorry noted that it is "typically counterproductive to confront, threaten, shout at or rapidly approach the young person in [a] threatening or anxious manner".<sup>9</sup>

### **Youth specific police training programs**

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<sup>4</sup> Statistics from the Inspire Foundation. Accessed at: <http://www.inspire.org.au/why-we-do-it/>

<sup>5</sup> C Chamberlain & D MacKenzie, *Counting the homeless: 2006* (Australian Institute for Health & Wellbeing). Accessed at: <http://www.aihw.gov.au/publication-detail/?id=6442468262>

<sup>6</sup> See n.44, Victoria Legal Aid, p.12.

<sup>7</sup> See n.45, *ibid.*

<sup>8</sup> *Ibid.*, p.19.

<sup>9</sup> *Ibid.*

At the time of the inquest there was no training program specific to the issues confronting young people offered to police. During the inquest Professor McGorry detailed a number of considered and successful styles of communication, as well as techniques to include in a training module dealing with young people experiencing crisis:

- a. A calm non-threatening manner and presence is essential, noting and acknowledging the emotional state of the young person, offering to listen and try to help.<sup>10</sup>
- b. Avoidance of face-to-face or eyeball-to-eyeball contact can be helpful to reduce the sense of threat that can be amplified by projection of internal anger and fear into the police and others encountered.
- c. Sufficient back-up persons in the background to contain the situation should it get out of hand but kept in reserve. This was described as an implicit but not flaunted show of strength.
- d. Offer to provide immediate access to family, friends or other trusted people if at all possible, offers of food and drink etc.
- e. It is typically counterproductive to confront, threaten, shout at or rapidly approach the young person in a threatening or anxious manner, especially when there are only one or two police or mental health professionals in attendance.<sup>11</sup> Behaviour of this kind is risky in clinical practice and emergency psychiatry, for instance. There is a need to reduce the level of projection of anger and fear.<sup>12</sup>

In the aftermath of Tyler Cassidy's death, Victoria Police has introduced a specific training module that focuses on vulnerable people as part of Operational Tactics and Safety Training (OTST). The Vulnerable Persons Training Module (VPTM) is a four-hour training package that commenced in January 2010 and is designed to equip police to recognise the signs of mental disorders and to arm them with techniques to communicate effectively with a person in mental health crisis. It also provides guidance on sources of appropriate information within Victoria Police and externally.<sup>13</sup>

Professor McGorry recommended that the VPTM be expanded to include a further module aimed at young people, directly addressing issues unique to adolescence and emerging adulthood, particularly for people suffering from both mental health issues and substance use disorders.

While a welcome sign of improvement to Victoria Police training, there are a number of outstanding issues with the VPTM:

- It is unclear if a youth specific module of VPTM has been developed,
- It is unclear whether the VPTM modules have been delivered to all operational police or only new recruits,
- The specific situation of dual vulnerability appears not to have been addressed,<sup>14</sup> and
- There may be gaps between the training of police and actual police practice.

## Recommendations

1. The introduction of a training program for all operational police to equip them with the skills to deal with young people in actual and potential states of crisis that includes modules on adolescent brain development, how to identify a young person, the importance of age in making a risk assessment, and other special considerations such as the effect of drugs and alcohol on crisis-affected young people.
2. Implementation - The public distribution of information on changes to Operational Tactics and Safety Training since the death of Tyler Cassidy and following the Coroner's recommendations and findings.
3. Revision of the Victoria Police Manual to reflect the specific situation of 'dual vulnerability', where a young person's cognitive and developmental immaturity intersects with a state of crisis, and how to identify and then deal with this specific situation.
4. Greater inter-agency collaboration when dealing with young people in actual or potential states of crisis. In particular, consultation with the Youth Support Service who have an established relationship with Victoria Police and extensive experience in dealing with vulnerable young people.

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<sup>10</sup> Ibid.

<sup>11</sup> Ibid

<sup>12</sup> Ibid.

<sup>13</sup> Ibid, p.17.

<sup>14</sup> Ibid, p.13.