Victims of Youth Crime Collective
Submission to sitting Members of the Economics and Governance Committee for consideration in the inquiry into Strengthening Community Safety Bill 2023

The Victims of Youth Crime Collective
Name: Ben Beaumont and Michelle Liddle
[redacted]
[redacted]

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Background

The Victims of Youth Crime Collective is a group of Queensland families and individuals who have suffered significantly as a result of the current Youth Justice Crisis. We have worked together to develop this submission to all MPs in Qld to ensure our voices are heard when parliament sits to debate amendments to the Youth Justice Act 1992.

On a number of occasions prior to submission the collective met to discuss Principles and solutions to youth crime we would like MPs to consider when the Parliament sits to debate the legislation.

Principles

We believe the current system is weighted so heavily in favour of young offenders that victims and their families are denied access to justice.

We believe the current system is based on ideological beliefs and is not practical nor sustainable.

We believe the current approach to Youth Justice is tantamount to systems abuse, as young people requiring boundaries, structure and

intervention are released, on bail, mid crisis, addicted to drugs, to return to the environments and circumstances that led to their offending.

We believe the current approach to Youth Justice is criminogenic as young offenders are emboldened by the perceived lack of consequences. This in turn leads to bolder and higher risk conduct resulting in greater violence and as we are now seeing murders, stabbings, armed robberies and serious life altering assaults.

We are not interested in the politics of one or another party. We have all voted differently over the years and this collective is made of people who are diverse in their voting behaviour. We believe what we have to say is too important to be tied up in party politics or ignored because our views are not consistent with the policies of others. Some of us are involved because we represent loved ones who have lost their lives to the current youth crime crisis. We do not intend or wish to have their deaths politicised. We are seeking forum to influence the Parliament as it considers changes to the Youth Justice Act 1992.

We have sought expert advice in the development of this submission. In some cases, we have accepted the guidance offered by our advisors and in other cases we have rejected it. These are the views of this collective.

We have made no attempt to reach consensus on all matters because we are diverse people with diverse experiences. What we have done however, is respected the views and experiences of each member of the collective and agreed to submit this document to every MP, so no-one can say, we favoured one political party over another. Every MP received this submission at the same time by the same method of transmission.

We the Victims of Youth Crime Collective simply ask that you hear our voices and strive to make us redundant.

Victims of Youth Crime Collective Queensland

Experiences of our members

In the submission we make recommendations for changes we would like to see considered. We provide some insights into the experiences we have had as victims of crime and we make no apologies for the frustrations we have experienced. Many of us have paid a very high price. We are grieving and we feel largely unheard, disregarded and unsupported. We consider this moment in time when the laws are being reformed as the moment when we collectively stand up and say enough is enough. We have all contributed to this document in our own way from our own perspective. We the members of the Victims of Youth Crime Collective have experienced the following.

Some of our members have reported their MPs and the Premier refuse to meet with them despite their attempts to be heard.

Some of our members have expressed concerns they have spoken to Ministers who don't appear to know the laws they are overseeing.

Some of our members have experienced rude and indifferent treatment from Ministers who have accused them of promoting LNP propaganda when our members have presented a view or research the Minister disagrees with.
In a meeting with Ben Cannon on the 14th of Feb 23, Minister Leanne Linnard stated bail is an offence for a juvenile when section 29 of the Bail Act 1980 clearly shows it is not. When Mr Cannon challenged Ms Linnard she accused him of promoting LNP propaganda. At the same meeting , Minister Linnard insisted all Juvenile murderers receive life sentences like adults. Section 176 (3) a clearly states the standard is not more than 10 years) Section 176 (3) b states a life sentence may be sought in the case of exceptionally heinous crimes.

In a meeting with Ben Beaumont and Michelle Liddle, Attorney General Shannon Fentiman maintained young offenders are not automatically released, rather they are assessed for suitability for release. Ben Beaumont corrected the Minister who insisted there is no automatic unassessed release, at which point a Departmental advisor stepped in and informed the Attorney General, Ben Beaumont was in fact correct. Section 322 of Juvenile Justice Act 1992 details the force and effect of the Immediate Release Order. Michelle Liddle also noted the Minister was unaware that both youth offenders responsible for Angus's murder were released, after Presumption against bail came into effect and once again the Attorney General had to be corrected by her adviser. We are

concerned the Minister was unaware and more concerned, violent and dangerous young offenders are realised every day in Queensland to an unsuspecting public, with no assessment as to their risk, needs or violence potential.

Recommendation

The members of the collective request mandatory training for Ministers, so they fully understand the force and effect of the laws they are passing.

The Judiciary

Many of the members have been stunned at the absolute imbalance of the scales of justice and the ability for the judiciary to make competent decisions.

During a bail hearing for one of Angus Beaumont's Murderers, the judged opened the hearing by asking the prosecutor, "Alright so how are we going to help this boy?" This judge said this right in front of the parents of Angus Beaumont. The Justice Department victim liaison officer then chastised the Beaumont's for becoming upset with the judges obvious bias by saying "you must understand these are children." What an horrendous way to treat victims of crime!

This same Judge, who granted this offender the previous bail order, that facilitated the offender's freedom until his murder of Angus Beaumont, released the offender again on bail. This resulted in an armed home invasion. And now that home invasion victim is a member of our collective. During the offender's bail period police were called because of a domestic incident where a fight broke out in the home when the offender stole some of his mother's meth. This is the mother who offered to supervise the offender so he could

meet the presumption against bail conditions (Youth Justice Reform 1.0) It is astonishing to the members, that the original bail order, that ultimately resulted in an arrest for Angus Beaumont's Murder by stabbing, was granted for a violent knife related offence.

Recommendation

The Judiciary receive training in Judicial Legitimacy and managing Bias. The Judiciary receive training in addiction, drug use, deception, mental health, child abuse and victimology.

Judges with extreme views, should be subject to additional supervision and moderation of their decisions. Additionally judges with extreme views not be given positions of leadership.

Dogma

Our members are frustrated with what they consider to be political misdirection around the issue of Youth Crime. The following statements have become so often repeated and unchallenged they have become Dogma.

1. We have the toughest juvenile laws in the country
2. Youth Justice is a complex area
3. Imprisonment doesn't work and just makes offenders worse in the long term
4. These are children
5. They are disadvantaged

Our members are frustrated the Government appears to show an intolerance towards people who dare to challenge these sacred "truths" with the effect of shutting down any intelligent discourse on

these issues. When our members have challenged the Dogma we have been accused of advancing the opposition's (LNP) agenda or treated like we are somehow bad people with dark hearts because we dare to seek justice and hold young offenders and the Government accountable.

Each of these Dogmas have a shadow albeit currently unmentionable side.

1. We have the toughest juvenile laws in the country

No, our members believe we have merely created the appearance of this through political illusions like 14 years for stealing a car at night. If the maximum penalty for murder is ten years, there is no way a judge is giving a juvenile 14 years for unlawful use of a motor vehicle and it is just dishonest to put the suggestion forward. It is also highly insensitive and hurtful to victim's families, seeing that our laws place less value on the lives of their loved ones than they do a stolen vehicle. Under the Penalties and Sentence Act 1992, the maximum sentence for Burglary is 14 years and life in the case aggravated burglary the offender is liable for life in prison. The Qld sentencing Advisory Council's own 2019 publication Sentencing Spotlight on burglary outlines the current government's record on Burglary of the 28276 cases of burglary adult offenders were on average sentenced to 1.5 years in prison and juvenile offenders were sentenced to immediate release on probation of an average of 8.6 months. Clearly the reoffending rate has been extremely high while on probation.

Juveniles, who have stabbed people in their living rooms while burgling them get bail and probation, when the maximum penalty for that offence is 14 years to life and the Premier wants us to believe we have the toughest laws in the country and raising a

maximum sentence is an honest strategy. That is extremely disheartening.

The 100s of pages of sentencing guidelines written by former Attorney General Yvette D'ath that clearly direct Judges not to send juveniles to prison are still in force. The members of the collective do not accept we have the toughest laws because it is not true and the Government must admit this to Queenslanders. We are of the view there is no point having tough laws if they are not applied. We would rather see Queensland has the most effective laws. We are not interested in tough on crime soft on crime melodrama, we want effective and durable interventions.

2. Youth Justice is a complex area

Yes, it is, made more complex by the current approach. Failing to be pragmatic in developing a holistic view and solutions is dereliction of duty for a state government. We understand that many of these young people come from traumatic and difficult circumstances. But where is the wisdom in repeatedly returning them to the circumstances and conditions under which they first offended, by repeatedly granting bail. We are now aware that one young offender has had 80 bail orders. That makes a mockery of the court and the whole criminal justice system. Immediately bailing a young offender back to their circumstances, chains them to a fate that inevitably leads to more offending. Nothing has been done to address the antecedent factors in their offending behaviour and the same risks and needs remain unaddressed and now the offender is emboldened by the lack of intervention and consequence.

If you show young people there are no consequences they will act that way. We hear the government repeatedly say incarceration doesn't work in the long term, well clearly immediate release didn't either. If we accept that incarceration is criminogenic, can we also accept receiving no meaningful consequences for your crimes is also criminogenic. When young people feel like they have gotten away with the crime they are emboldened and often move to more serious crimes. The rate of murders by juveniles in the last 9 weeks would be fairly clear evidence of this. If you are going to say Youth Justice is a complex area, then treat it that way.

Stop with the immediate release orders and bail for all offenders under all circumstances. Stop formula-based decision making like the presumption against bail which has proven to be a farce. Our members have seen cases where young people are sent home to be supervised by criminal, meth addicted parents.

We want our leaders to face up to the fact there are 2 groups of young offenders, those who can benefit from leniency and diversion and those who the community requires protection from. We want our leaders to face up to the fact many of these young people are using ice. We want our leaders to face up to the fact, the net widening that used to occur in custody is now happening online, through social media and the current confidentiality laws serve only to protect the government and deny victims information and access to justice. These young people seek notoriety and fame and brag online about their crimes and how they got away with them which has a criminogenic affect in their followers.

Yes, youth crime is complicated and we believe the government's ill informed, current approach has made it more so.

3. Imprisonment doesn't work and just makes offenders worse in the long term.

Sure, that may be the case but in the short-term people are dying. What's worse a bad outcome down the line for young offenders or innocent people dying. You can't save them all and most of them don't want to be saved. Plus, we believe there are a few words left out of that sentence. If you read the research in full, not just cherry pick it for political purposes the bulk of the research actually says imprisonment ALONE does not work in the long term. So, custody is an expensive way if making bad behaviour worse, ok, but it is also a way in incapacitating offenders from committing further offences. It stops those charged with attempted murder in one burglary from going all the way to murder in their next burglary because they didn't get to perform the 2nd burglary, they were incapacitated. This is perhaps the most concerning and dangerous dogma of all. As one of our collective said "if these young offenders commit serious violent offences and they haven't enough brain development to understand the severity of their actions and you're talking about raising the age of accountability , then why would you risk setting them lose on the public if they alone cannot control their own behaviour. Without detaining them under supervision and implementing mandatory rehabilitative programs, just how are you planning on protecting the public as well as them , from their own dysfunction and violent behaviours.

Yes, incarceration of young people is not ideal but sometimes it is necessary. We have been advised; The Convention of the Rights of the Child requires imprisonment as a last resort. The Juvenile Justice Act 1992 enshrines this principle in its Principles. So let's define last resort? What is it? Because the non-offending children have rights as well. The right to feel safe in their homes, the right not to have their

pets released or poisoned, the right not to have their homes violated, the right to expect justice when this happens, the right to innocence and a sense of safety. There are 1000s of child victims of this youth crime epidemic who have seen their families traumatised and gone on to discover, the court and the Government didn't care about them or their trauma. The offenders were not subjected to any form of real punishment and these child victims have no faith in the criminal justice system as a result. We have members who work in the justice system whose families and children can't understand why they would want to work in a justice system that does not produce justice.

Let's define the last resort. We would suggest when a young person is facing court for a violent offence, having breached bail for a previous violent offence, there is a palpable lack of remorse there and that young person cannot be trusted in the community. The community is entitled to expect protection and when we assess someone as unacceptable risk of harming others, we have reached the last resort. When a YP is assessed as an unacceptable risk to themselves, others and the community we have reached the last resort. When the only way to keep the offender, the community and others safe is to incapacitate the offender by incarceration that's the last resort.

When a repeat offender continues to offend in a remorseless fashion as demonstrated by repeated breaches of bail and continuing to offender at the same level or higher we have reached the last resort. When young offenders brag about their offending on social media they have not demonstrated actual legitimate remorse. When offenders reoffend while on bail for violent offences with an offence of violence, we have reached the last resort.

If you are going to stick with imprisonment as a last resort, then define it. Assess behaviour (competent professional assessment not assessed by judges and magistrates with no understanding of substance abuse, DV addiction, psychology, and criminology.)

If there is a reasonable chance based on the offending behaviour, the criminogenic risk factors and the associations of the offender they will reoffend and that offending creates an unacceptable risk to themselves other and the community then we have reached the last resort. Common sense tells us the best predictor of future behaviour is past behaviour. It's time to prevent the predictable loss of life by denying liberty to young offenders who are so predictably going to reoffend. Why is it so hard to accept the negative impacts of custody pales in comparison to the negative impacts of some of the families these kids come from. The psychopathy you are trying to prevent is already present and they demonstrate it by the nature and frequency of their crimes. For many of these kids prison will be a rest. We are not preventing anything and by the time they are murdering people in their homes for car keys whatever future you are trying to prevent, is already upon us.

The current system cannot differentiate between those offenders who can benefit from leniency and those who are committed to a criminal identity and lifestyle with high propensity for violence and therefore constitute and unacceptable risk to society. It is great that 80% of young people are diverted. We simply ask that our politicians stop using that 80% as a political shield from accountability for dealing with the remaining 20%.

4. They are just kids

There are young people who make a silly mistake and do something foolish once or twice who can be and should be diverted from the system. This appears to be working, let's keep that in place. But there are those young people who identify as criminals, associate with criminals, seek notoriety in social media as criminals, come from criminal families and remain entrenched in and committed to a criminal lifestyle. Many of these young people carry weapons, utilise violence and suffer from addiction to ICE and other drugs. They are not JUST kids and promoting this paradigm is at the heart of the problem. These young people are at extreme risk of death by misadventure, drug overdose, death by violence, perpetrating violence and developing a lifelong criminal lifestyle. Failing to intervene with this group is resulting in young people dying in stolen cars and innocent Queenslanders being murdered for car keys and other possessions.

This narrative must shift. The first step in solving a problem is admitting you have one. It's past time our government admitted it has a problem.

5. They are disadvantaged

This may well be the case, but disadvantage is a two-sided coin, and we are concerned our government seems determine to only see one side. Every day young offenders present to court where defence lawyers rattle off a list of learning difficulties and rough start stories to leverage leniency from the court. Young offenders are described as having poor impulse control, abuse histories, ADHD, addiction to drugs, a drug using parent etc etc. While all these factors absolutely create disadvantage, they are also risk factors, antecedent in offending behaviour. The very same factors presented as a means of reducing sentences, increase the likelihood, the offender will reoffend. Holistic risk and needs assessments are required.

Intervention is required. Not just imprisonment and not just immediate unconditional release on bail.

Our members would also encourage the parliament to remember there are plenty, of young people in Queensland right now who face all forms of disadvantage, adversity and hardship who don't commit criminal offences.

Youth Justice Conferencing

Some of our members have participated in Youth Justice Conferencing. We have been told the intent of conferencing is to use reintegrative shaming to shock and divert the young person away from offending. We do not accept this. We believe the current confidentiality laws have removed shame as an early intervention tool in Youth Justice in Qld. The moral reasoning of teenagers dictates that it is for shame and fear of apprehension that they obey the law. When you can do what you like, not be identified and not face any meaningful consequences you are protected from shame. So you are emboldened.

Several members of the group were appalled at the youth justice conferencing where well-meaning social workers work hard to ensure the young offender doesn't hear the truth or anything that might hurt their feelings. In each case we reviewed it became clear the offenders were being conferenced for serious and violent offences and they were not suitable candidates for conferencing. In 2 cases we reviewed the offenders killed their victims but were referred to conferencing. In another case the offender went on to perpetrate an armed robbery. Not only were these inappropriate sentencing decisions, but they also communicated something to the offenders about the seriousness of their crimes. It conveyed to the

offenders the court didn't think their crime was that serious. We can only surmise, the offenders themselves just couldn't believe their luck.

All the while, MPs are stating publicly we have the toughest laws in the country. In all three of these cases, the offenders went on to commit the same crimes several times over and published their conduct on social media, but Youth Justice signed them off as having met their conferencing obligations. They received the benefit of remorse and then almost immediately published material online demonstrating a lack of it.

Recommendation

No Youth Justice Conferencing for violent offenders or offences. Review and overhaul Youth Justice conferencing and restore it to its original form and intent.

Remorse

Our members take issue with how remorse is considered at the point of sentencing. This term is used a great deal by defence lawyers to achieve a reduced sentence. In a number of cases, our members saw judges consider the offender's "Remorse" even though the offender stated they intended to appeal their sentence. How can anyone legitimately claim remorse for behaviour they continue to deny? How can someone plead not guilty, maintain that plea for the duration of the trial and once convicted, claim remorse. How can a Judge consider their remorse when passing sentence under these circumstances? How can judges accept alleged remorse when there has been no overt act or demonstration of remorse? Victims are distressed when they leave court having seen the judge grant leniency for alleged remorse and then see the offender behave outside of court or on social media in a fashion that completely

demonstrates a lack of remorse. When a repeat offender continues to offend in a remorseless fashion as demonstrated by repeated breaches of bail and continuing to offend at the same level or higher, we have reached the last resort. When YP brag about their offending on social media they have not demonstrated actual legitimate remorse.

If an offender received the benefit of remorse in their sentence, any demonstrated remorselessness post sentence can trigger an appeal of the sentence by the victim. This includes social media posts. Post sentence social media posts showing a lack of remorse doesn't only distress the victims it undermines the legitimacy of the judiciary and makes a mockery of the justice system which in turn emboldens other offenders.

Recommendation

Remorse cannot be considered unless it has been demonstrated by direct action to address their behaviour or rehabilitate. Pleading not guilty and then claiming remorse when found guilty should erase any consideration of remorse in sentencing. Judges need to particularise or itemise how much they are reducing the sentence due to offender remorse. If the offender's post sentencing conduct demonstrates a lack of remorse the victims can appeal for the remorse benefit to be rescinded and the original intended sentence reinstated. This lack of remorse can be demonstrated by social media posts, taunting victims, bragging about the offence of sentence. When offenders behave this way they show contempt for the victims, the court and encourage other offenders. We understand the Government wants to address the social media issue. We feel this may be an essential component of the social media laws.

An Undertaking

We the members of the collective call upon the Parliament to undertake to do the following;

1. We call on the Government to admit they issue sentencing instructions to the Judiciary, write legislation and have the power to change sentencing laws.

2. We call on the Government to concede the point made above and not rely on separation of powers or political rhetoric about toughness of current laws to avoid making such changes.

3. We call on the Government to instruct the judiciary, immediately stop granting bail to repeat offenders.

- No bail after 5 breaches of bail for the same offence.
- No bail after 10 breaches of bail.

8o Breaches of bail makes a mockery of the justice system. The offender's attitude and future intent is well demonstrated after 5 breaches.

4. We call on the government to stop giving bail to repeat violent offenders. If a young offender is facing court for a violent

offence committed while on bail for a previous violent offence, they should not receive bail.

5. We call on the Government to stop granting bail to offenders awaiting trial for serious violent offences such as;

- Attempted Murder
- Unlawful Wounding
- Grievous Bodily Harm
- Dangerous Driving Causing Death
- Murder and the proposed new offence
- Callous Driving

We don't ever want to hear these words again in Queensland

"Charged with Murder while on bail for Attempted Murder."

6. We call on the Government to admit to the under investment on Custodial infrastructure and options has left Queensland with insufficient capacity to incarcerate and therefore incapacitate offenders.

7. We call on the Government to institute Mandatory Minimum sentences rather than raise maximum sentence no one will ever serve. A judge is not giving 14 years for car theft at night when they won't give 10 years for murder. If the Premier and Deputy Premier really believe Judges are the problem, legislate mandatory minimums.

- Burglary while armed, mandatory minimum 10 years imprisonment.
- Car theft while armed, mandatory minimum 5 years imprisonment.
- Burglary or ULLMV while on bail mandatory 5 years in prison
- Burglary Mandatory Minimum 2 years in prison.
- Break and Enter while armed, mandatory minimum 10 years imprisonment.
- Break and Enter mandatory minimum 2 years in prison
- Break and Enter while on bail, mandatory 5 years in prison

The message these offenders need loud and clear is stay out of our house or you will end up in the big house.

8. We call in the Government to make breach of bail an offence for juveniles again.

9. We call upon the Government to redesign bail so it has teeth. Bail as it is currently composed and administered is meaningless. We recommend a mandatory cumulative sentence for each breach of bail of 30 days imprisonment.

10. Boot Camp

We call on all political parties to stop politicizing boot camps and commit to working together to finding a training and redirection intervention like a boot camp that meets the needs of young offender in a manner that is morally acceptable and lawful. We are advised there is sufficient guidance in the HSQF framework to develop and properly compose these options. If we can run youth residential in the suburbs, we can run boot camps.

These kids need to be separated from each other and the criminal networks and families if they are to have any chance. They need pride and purpose. They need connection with pro-social communities and role models. Bailing them to the same environment they offended from without any intervention, support, appropriate supervision or in many cases detox, will only lead to more offending. Create a receiving and assessment facility that can intervene in and interrupt their offending and detox them while they are being assessed for risk and needs and divert or secure them.

Create boot camp like interventions and teach them employment skills, self-respect and respect for others. Give them pride and purpose. Give them appropriate role models whose esteem they wish to keep so they are dissuaded from offending for shame and the risk of losing the esteem of people whose opinion of them they care about. There is no correction without connection. These kids are not connected to anyone who would encourage and support a non-criminal lifestyle. However you compose it, get both sides of politics to agree to it and stop eroding this solution in the name of politics. We need to create involuntary interventions. Once they commit a serious enough offence, if you don't want to send them to detention, they get a choice between a re-training/boot camp or work camp or custody. If they choose re-education they can earn remission of their sentences through good conduct and non-criminal conduct and association. If they misbehave on the camp they go to detention and no remission or early release will be applied. Offer them graduated release to manage their behaviour and teach them consequences.

Perhaps a start might be to agree to move away from the expression Boot Camp as it implies harsh military training and

what we are looking for is reintegrative skills and job training, separation from criminal peers and families and pro-social connections.

11. Callous Driving

We call upon the Government to create the offence of Callous driving. If you drive in a manner likely to kill others, it is more serious than dangerous driving. Driving 200km per hour on the opposite side of the M1 at night with your lights off while high on drugs is a very serious offence, treat it that way. Driving with callous indifference to the safety of others is far more serious than the current suite of options. Driving at and running down police officers which we have seen a rise in over the last decade, is to be its own class of offence. Callous driving to cause harm to another is more than just dangerous driving.

We call upon the Parliament to develop the following offences.

- Callous driving causing the death of a police office or emergency services worker

- Callous Driving Causing Death

- Callous driving with intent to harm, or kill

- Callous Driving while under the influence of a stupefying substance or alcohol.

The essential difference between callous driving and the current suite of driving offences is the seriousness of the conduct, the protracted nature of the conduct and the repeated nature of the conduct.

We define the criminal driving conduct as callous if;

- It's intent is to deliberately harm or kill another (Driving at Police Officer)

- If it shows indifference to the safety of others regardless of harm (eg driving on the opposite side of the road at night with their lights off at high speeds while high on drugs or drunk. Conduct where there is a reasonable apprehension the conduct will cause death or significant harm to others.

- If it is demonstrated while evading pursuing police.

- If it is demonstrated in the vicinity of vulnerable people (School Zones, Aged Care residences) .

- If it is repeated conduct of concern (e.g. a driver who has caused the death of another person due to their driving conduct, is found to be demonstrating the same or similar conduct that contributed to the original death, regardless of whether the current conduct has caused harm). E.g. A drink driver who has previously killed someone while they were drink driving is caught on a subsequent occasion drink driving.

12. Change the Normalising Narrative

We call upon the Government to stop normalizing crime. It's not normal to have so many burglaries and stolen cars and stabbings. We do not accept this is normal. People have the right to be safe in their homes.

13. Incremental Punishment

We call upon the Parliament to implement incremental punishment. Each time an offender commits the same offence their penalty gets more serious. The same offence on a second occasion as must result in a cumulative sentence.

14. Mandatory Minimums

We call upon the government to legislate for mandatory minimum remand and mandatory custodial sentences for burglary. Right now in Queensland, a judge can give 14 years imprisonment for burglary so stop giving non-custodial sentences for burglary. This is a serious offence , treat it that way. People are being stabbed in their own homes by gangs of young offenders shown to target homes and burgle them while armed. This offence should be considered absolutely one of the most serious offences you can commit. But we are seeing kids get 10 months court ordered parole, for burglary? This has to stop.

15. Risk assessment

We call upon the Government to ensure there is no automatic release for violent or repeat offenders. Their bail application and their release from custody should not be automatic. Their risk to self and others and their risk of reoffending needs to be assessed by experts (not a simple check list of criteria by a magistrate)

16. Social Media

We call upon the Parliament to make bragging in social media about crime to be an offence.

17. Differentiate and intervene

We call upon the parliament to use a criminogenic risk assessment to determine the difference between those who can benefit from lenience and those committed to a criminal lifestyle and DO NOT apply leniency to hardened Juvenile criminals. Yes, long term incarceration does not reduce recidivism but short term it will save lives and right now we need to correct the path we are on. There are those who feel it's not ideal but we the victims believe community safety should be the priority.

18. Balance Confidentiality with right to information and the rehabilitative benefits of shame.

Review and amend the current confidentiality provisions. These kids don't care. They are all over social media identifying themselves and showing off. Our members feel the current confidentiality provisions merely protect the government from accountability for the volume of repeat offending and frustrate victims by denying them access to justice. One of our members explained how her loved one has effectively been erased from existence by the current confidentiality laws. As soon as the offender who killed them was charged no one was allowed to mention the deceased's name publicly for fear it would identify the offender. The offence was a driving offence. The offender still drives stoned and still drives recklessly and regularly posts their wild driving online. The parents of his passengers have no idea he

killed someone and no way of knowing they need to intervene and keep their children safe because it is all confidential. Surely this cannot stand.

Reintegrative shaming as a strategy only works if there is shame. The current extreme confidentiality provisions remove shame as a rehabilitative factor.

19. Trauma Imbalance

We call upon the parliament to address the victim offender imbalance when it comes to trauma. Some of our members consider the issue of trauma driven criminal behaviour to be a great distortion. Trauma informed care has been distorted to the point where young offenders are not responsible for anything. Any and all negative and criminal behaviour is waved off as trauma driven behaviour when it's drug use and poor conduct that requires intervention. The fact is ,these young people are causing trauma. Children and families of much-loved murder victims. Some of our members are in treatment for trauma years after the offence. We provide limitless services to the offenders for their trauma treatment. The cost to Government for its failure to provide a safe society should be greater than the currently inaccessible poorly publicised criminal compensation fund, it should also provide specialist victim counselling services.

These specialists should be non-government service providers specifically trained and funded for victims, providing counselling advocacy and legal advice. There should also be specialist support for extended family and siblings impacted by crime. Some of our members descried being denied access to information and hearings they could have applied to attend but were unaware of

their rights or how to navigate the process. Some members said the DPP just didn't tell them anything or told them far to late.

When our member wrote to Government MPs to tell their story via the Stop Youth Crime site the response they got was a templated political statement about what the Government has invested in Youth Justice. There was no expression of compassion or empathy and no referrals to support services or resources to help victims recover. The response was defensive and political. We need a service system to care for victims. Another point we would like to raise is we believe the police to often are the place government place most pressure. This is a Queensland government policy issue not a Queensland policing issue.

20. Compensation

We call upon the parliament to legislate greater criminal compensation for any victims of crime. The government has an obligation to provide a safe society and we pay for that through our taxes. For example, families are often devastated by burglaries and the impacts can be felt for months after the event.

Some of the impacts include;

Increased insurance Premiums across all insurance and the need to declare the insurance claim for 5 years. We call upon the Parliament to either establish a safety net insurance fund for families who are denied insurance because they have been burgled twice in 5 years or legislate against the insurance companies denying insurance to the repeatedly burgled. When we release burglars with no prison time the rate of repeat burglaries

surges. An Average family with 2 cars after a burglary can be out of pocket for;

Impact	Cost
Increased home insurance Premium	$300 to $750 per year
Home insurance Claims excess	$50 to $1000
Increased car insurance Premium	$250 to $500 per year per vehicle
Replacement locks are not always covered by insurance	Whole house $500 to $800
Replacement vehicle key fobs are not covered by home insurance. They require a separate car insurance claim on each car. Increasing premiums and claims history	$250 to $1000 per fob and rekeying a high-end vehicle $2500
Uninsured or uninsurable items	Total Loss
Counselling for children impacted by the burglary	One of our members has been burgled twice in 6 years and spent $14000 on counselling for children

Some members of our collective had this to say of their experience ;

- Victims of crime are the forgotten ones
- Applications for assist are treated without true support. No information on hand or a person in the system that will take control of assisting the victim.
- Example of Kefu case. Home insurance claim was lodged with the assistance on phone and an assessor was at the property within a

week and processed claim to payment made within 2 weeks of initial claim. This process was treated with care, individual consideration and urgency. The Government victims claims lodged at a similar time in September 2021 and still no payment, no certainty, no liaison person to deal with only government website that says the application status - "Your application is currently being considered". Considered after 18 months of the crime.

- Rachel presently has lodged 96 invoices and documents for claims which totals approximately $50,000 to date.
- Being offered victims support means online call counselling that are presently backlogged by 8-10 weeks

21. Witness Services

Our members want to see witness services similar to the victim's services. Witnesses to horrendous offences are entitled to Counselling, criminal compensation and restoration support. If they have witnessed violence they are traumatized and they deserve specialists support.

22. Balance choice and freedom to choose with duty of care

Our members believe we offer to much choice and control to young people who have demonstrated by their conduct they are incapable of making good decisions. While this may make us as a society feel kind, wise and enlightened this is in our view, neglectful. Many of the same factors that disadvantage young people also cause them to be a higher risk of offending. We have an incredible number of young people dying in stolen car crashes.

They are dying of neglect. It's up to us to protect them from themselves. We are not doing this because we have this attitude of free choice and anti-paternalism, but it is resulting in death. It is causing the deaths of offenders and their victims. This is so avoidable.

23. Admit we have a crisis and treat it like one

We call on the Government to admit there is a crime crisis and take immediate and assertive steps to address it.

24. Develop the ability to listen rather than defend We call upon the government to admit they don't have the knowledge and expertise to deal with it and create a truly expert truly bipartisan entity of experts to advise them. The current echo chamber that is the sentencing advisory council needs to be reconstructed. This government needs to develop the capacity and maturity to listen to people who don't agree with them without retaliating like adolescents or fighting among themselves. This is life and death stuff. When various members of the collective have tried to be heard they have been shut down, told they are wrong, argued with, disrespected, ignored and shown very little compassion.

25. Implement risk assessment

We call upon the Parliament to implement risk assessments to replace the current formula-based release and immediate release schemes. The current approaches have returned dangerous violent offenders to the community with limited to no effective oversight or supervision with tragic consequences. Anyone who is

an unacceptable risk to the community weather they are facing bail, release or supervision should be retained in a situation that resolves all risk in favour of the community rather than the current situation that favours the offender. Our members believe formula-based release like the current presumption against bail is leading to terrible outcomes, inappropriate release decisions and death.

26. Correct the imbalance of rights

Our members believe we have victims' rights completely wrong. How we treat victims is a national disgrace. We are entitled to no information. There is limited support and no counselling and even victim liaison officers are inappropriately advising victims of homicide to consider the age of the offender! They are just kids! There is no support to witnesses of horrific events. Judges and victim liaison officer require training in how to respect and treat victims with decency. Showing obvious bias towards offenders is not appropriate nor respectful. The Penalties and Sentences Act 1992 allows the Sentencing Judge to consider the impact on children. In several cases our members had children who were deeply traumatised by the offences and there was zero consideration of that at the point of sentencing.

Police didn't mention it, DPP didn't mention it and the Judge didn't consider it even though the Victim Impact statements laid it out. Some of these children remain deeply traumatised and disturbed as a result of murders, stabbings, robberies and burglaries of their homes. Our children do not feel safe in their beds and their homes. The burglary was serious, but the sentence was court ordered parole and 2 years on the children still traumatised by the burglary cant sleep, won't attend school,

interrupt parents earning and work through separation anxiety, they suffer anxiety and depression and can't work themselves but the offender is oblivious and the court doesn't care. We have completely lost our ability to see this issue and its impact accurately and we seem to expect victims to just put up with it.

Strengthening Community safety Bill

The Human rights act appears to operate to restrain the Parliament from passing legislation that would otherwise address various issues and concerns in our state that conflict with the current Government's political ideologies.

Using it to prevent the passage of legislation that would save lives is playing politics. This Bill should add the Human Rights act to the Acts to be amended rather than set up its own future repealing by stating this bill is deliberately incompatible with the Human Rights Act.

This Government needs to stop putting the rights of 487(the number is growing) repeat Hard core violent young offenders ahead of the rights of the rest of 5.185 million Queenslanders. We have human rights too and abiding by a human rights act that doesn't protect the rights of all humans is neither enlightened nor responsible.

<u>Recommendation</u>

Amend the Human Rights Act as well. Amend it to balance the interests of all Queenslanders. Using the title human rights to enshrine Labors Political Ideologies in Legislation is dishonest. Victims have rights too. Let's see something added to the Human Rights Act to protect the rights of Victims of Crime.

Some of the Human Rights principles are;

- Accountability and the rule of law
- Inter- dependences and inter- relatedness
- Participation and inclusion
- Equality and non- discrimination

In the case of crime the above must be used with the understanding that both perpetrator and victim are entitled to the benefits of human rights and one side does not, as it presently exists under current legislation, benefit at the expense of the other.

The human rights of the victim were likely not considered when the victim was created by the criminal's actions. We would expect that in the case of violent crimes that the rule of law and human rights of victims be considered of more weighted importance than that of the perpetrator.

Finally, a Human Right- Based Approach can help in promoting legislation that benefits the whole community not just the criminal and their perceived position in life.

Clause 8 1,2 is a meaningless political stunt. Dr Terry Goldsworthy has already revealed moons has been sentenced to the maximum and the current average time served for these offences is 3.6 months. The government still stands by imprisonment as a last resort and still won't amend its instruction to Judges. Raising the maximum will result in no change at all. Create a mandatory minimum sentence of five years instead.

Clause 8 3 1B

The government knows this will be impossible to prove. Between fake accounts and multiple online identities along with young people posting about each other, Defence lawyers will be able argue that the prosecution can't prove who pressed the button to publish it. The Government knows this and knows this legislation is so weak no young person will ever be convicted of social media offenses. This is electronic monitoring mark 2. It's provided for but never used.

Again, my previous remarks Re instructions to judges, the human rights Act and imprisonment as a last resort stand. There is no way a judge is going to send someone to prison for 12 years for a social media post. This is politics not practicality.

Recommendation

Change the offence to mirror the current offence of production of child exploitation material. The production of the material that is subsequently posted is a far simpler proposition to prove or legislate to say the publication of the material on your account (possession of the material) is sufficient to prove culpability.

Clause 8 3 1c

Under the current Penalties and Sentences Act a single offence of Burglary can result in 14 years in prison. It doesn't though. The most common punishment for juveniles who burgle is court ordered parole. In other words, immediate release to do it again. Again, I refer to my previous remarks around sentencing guidelines and imprisonment as a last resort. No one will receive 10 or 14 years ever.

Recommendation

Use the current provisions of the penalties and sentences act. Take Yvette D'aths sentences guidelines and shred them. Take your foot off the Judiciary's throat, stop blaming the judiciary and install mandatory minimums. 7 years for burglary, 10 years for burglary in company or with violence. If the government was serious about 14 years, then these mandatory minimums should sit very comfortably.

Clause 14.

Only 3 young offenders have worn electronic monitoring devices. This was only because they consented. This clause is meaningless political stunt work. It essentially says we are going to lower the age of people who refuse to wear electronic monitors from 16 -15. It's absurd and it takes the community for fools.

<u>Recommendation</u>

Amend the act to remove offender consent and impose this requirement. And in respect to clause 14 3a no offender charged with a life or attempted life crime should be free. No bail of these offenses.

Evidence from other jurisdictions indicates anklets are not effective. The batteries run out and the offenders frequently cut them off or even worse promote them as a status symbol in the criminal communities. Children appear not concerned with the consequences of breaching the order or voiding the monitor.

We would see the millions considered in this program better invested in victims of crime initiatives and fast-tracking of criminal processing.

Section 117a

Serious repeat offender

This is a good and necessary provision, but it doesn't seem to have enough teeth. Offenders will see this as a badge of honour unless it is to be avoided because it results in harsher punishment.

Recommendations

An offender declared to be a serious repeat offender is;

- Not eligible for Bail on any future offence
- To serve 80% of their sentences in youth detention or Adult jail if 17 years or older
- Is to serve any offence of violence, or burglary cumulatively
- Is to be subject to an appropriately valid and reliable measure of young person criminogenic risk prior to release
- Is not eligible for any form of immediate or assessed release
- Is not eligible to receive any judicial consideration for remorse.

Clause 28

Breach of conditional bail should provide for street time to be served cumulatively.

There is no provision for the consideration of an offender's Totality of criminality. Serious repeat offenders should not receive the benefits of concurrent sentences and the sentence issues should better reflect the totality of their offending and ongoing risk.

There is nothing in here about victims of crime and their rights.

Victims of crime should have legal aid. If the court is going to force victims to submit legal applications against legislative criteria to be present at hearings, then the Government must provide free legal services to assist victims. The legal aid needs to extend beyond applications. Victims require guidance and advise of the legal process and access to information. A legal aid or appointed lawyer(case worker) could provide this.

Victims of crime have human rights as well.

Conclusion and in response to the Bill

The diversionary tactics used that diverts 80% of kids from offending are obviously working. So keep doing that. But we need to STOP offering these processes to repeat violent offenders.

We the members of the Victims of Youth Crime Collective want to say to every MP, if you have read this submission and our suggestions have made you angry or cynical, then you are part of the problem. We are victims of in most cases crimes that have cost us a family member. If you cannot steady yourself and set aside your politics to listen to us, you are part of the problem. Custody may be criminogenic but so is insufficient consequence for actions. Without meaningful consequences the young person feels like they are getting away with crime so they become bolder and commit more crime and more serious crimes. In the majority of our cases, the

crime was avoidable as the offenders were repeat violent offenders who should not have been free. We the members believe the current and proposed policies are not enlightened, they are unbalanced. We are developing the criminality for a generation of young people and escorting them to jail.
In Queensland right now, crime pays and the punishment does not fit the crime.

Yours Sincerely

The Victims of Youth Crime Collective