

To the **Legal Affairs and Community Safety Committee of Parliament**. 23 February 2014
Parliament House, Brisbane Qld 4000

Dear Committee Members : re The Qld Youth Justice Bill

Thank you for the opportunity to make a submission re the Proposed Queensland Youth Justice Bill.

I propose to focus on the disproportionate impact that the proposed Bill will have on Indigenous Queenslanders.

As you will all know, the proportion of Indigenous young people in Queensland, that is those who are under 18 years old, is approximately 6% but they comprise nearly 60% of the youth detention population. The statistics show that :

Young Indigenous people in Queensland are 4.5 times more likely to have contact with the criminal justice system than non - Indigenous minors (1) and are over 30 times more likely to be in detention than non - Indigenous youths. (2)

And that

•Police in Queensland are 5 times more likely to prosecute Indigenous youths for an offence than non-Indigenous youths. (3)

They also show that

A young Indigenous person aged 10 to 17 in Queensland is:

- 17 times more likely to be the subject of a Probation Order;
- 22 times more likely to be the subject of a Community Service Order;
- 22 times more likely to be the subject of a Conditional Release Order;
- 34 times more likely to be the subject of a Detention Order; And
- 23 times more likely to be the subject of a Supervised Release Order than the comparative non-Indigenous group of young people.

This is obviously a problem particularly with the evidence showing that time spent in Youth Detention increases the likelihood of time later spent in adult jails. This means that a spiral is being set up which will lead to increasing costs to keep more and more people imprisoned.

There are three proposals in the Bill which I think will particularly impact negatively on Indigenous young people.

1. Make break of bail a criminal offence if a young person commits a crime while on bail.

As so many of the young people who are charged by police are Indigenous they are very likely to have a pattern of life which includes being exposed to significant trauma, being sexually and physically abused, being traumatised on multiple occasions, living in families which suffer poverty, to have childhood issues – and with this pattern of experiences often resulting in mental health issues. (5)

So for these young people it is usually difficult for them to find suitable, stable places where they can live whilst on Bail. If they are homeless or are in unsupportive accommodation, they will find it very difficult for many varied reasons to keep the terms of their bail. For example, having to find food for their young siblings when their parents are incapacitated for some reason, being out to fetch help for a friend over-dosing or having mental health problems, not having money for transport to Court.

The provision of Bail accommodation places has been shown by the Youth Advocacy Centre to be very successful and has resulted in considerable savings to the taxpayer. If you save \$600 a day by keeping a young person out of Detention, you can afford to spend even \$400 a day to support them outside and evidence shows that it greatly increases the likelihood of the young person being able to live without getting into trouble with the Criminal Justice Centre.

2. Remove the principle of detention of juveniles be a measure of last resort.

The Royal Commission on Aboriginal Deaths In Custody had as one of its key recommendations that arresting Indigenous people should always be a last resort. There is no doubt that some of the young people are challenging to interact with. However, there are usually other options, than arresting them, for a police officer in his/her interaction with young people and there is a real responsibility on the Police Commissioner and his officers to have all officers trained on how to interact with mentally ill people, traumatised people and people suffering from low cognitive abilities.

This is particularly important for young people who then often spend long months in remand. Up to 75% of young people are on remand in Queensland detention centres. In fact the cost of keeping young people in remand is economically challenging and emotionally damaging. – This is also another reason for making it more possible for young people to get bail.

There is little evidence that jail works as a deterrence whilst there is evidence that programs currently available can result in up to 15% of young people not going to jail, at a saving of approximately \$240,000 a year for each young person NOT in jail.

3. Provide that juvenile offenders will be automatically transferred to adult prisons when they reach 17 years of age if they have six or more months of their sentence remaining.

Most of the countries that Australia shares values with have 18 years as the age of adulthood and that includes when people should go to adult jails. Many submission and much evidence has been given over the past decade to the Government as to why it is wrong to put 17 year olds in adult jails.

Again, all the evidence about the maturation process of young people and the effects of poverty, sexual and physical abuse, foetal alcohol syndrome and other traumas show that young people with all these difficulties can find it very difficult, even impossible to understand the criminal justice system and to understand how to avoid being caught up in it.

Much could be done to lessen the number of young people in detention, who then move on to adult jails.

Two suggestions that would be relatively inexpensive and immediately effective

1. Work with the groups who understand young people and have a good track record.

The aim would be to keep young people out of jail or from returning to jail by:
Funding programs which are shown to have a reasonable success rate

Supporting bail houses/accommodation, particularly outside the Brisbane area- Rocky, Townsville, Cairns

Supporting post-detention release support to build on any positive changes that the young person has been able to make whilst in detention

Using every possible opportunity to give a kid a chance – include giving them the necessary support to use that chance to become more able to cope with life

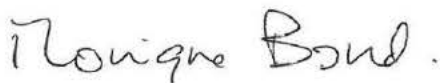
2. Provide more drug and alcohol centres, especially outside the Brisbane areas – again Rocky Townsville Cairns and in the centres out West

As most young people arrested by police are under the influence of alcohol and/or drugs any serious attempt to reduce the numbers of young people in detention Centres must include having effective and available help to people struggling with addictions.

More Drug and Alcohol Centres would also enable schools to cope better with more difficult youngsters at school. If they could help the students with their addiction problems they would use School exclusion less. This would be very positive because, whilst sometimes understandable from the school's viewpoint, School Exclusion is a main factor in enabling youth crime. The more young people are not involved in an engaging and/or supervised activity, the more likely they are to undertake some opportunistic, and usually badly planned, criminal activity.

Thank you for the opportunity to have some input into this Bill – it could have significant harmful effects on Indigenous Australians which I am sure neither the Premier nor the Attorney-General would wish.

Yours sincerely,



Monique Bond

Longtime volunteer with Aboriginal groups working to reduce Indigenous Imprisonment Rates.



References:

- (1) Contact with the criminal justice system means being subject to police cautioning, police referred conferencing, or court appearances. See Troy Allard et al, 'Police diversion of young offenders and Indigenous over-representation' (March 2010) 390 Trends & Issues in Crime and Criminal Justice
- (2) Commission for Children and Young People and Child Guardian, Snapshot 2012: Children and Young People in Queensland (2012)
- (3) Australian Institute of Health and Welfare, 'Indigenous young people in the juvenile justice system 2010/11' (November 2012) Bulletin 109, 7
- (4) See Commission for Children and Young People and Child Guardian, Child Guardian Report: Youth Justice System 2011-2012 (December 2013), available at: http://apo.org.au/files/Research/CommissionForChildrenAndYoungPeopleAndChildGuardian_ChildGuardianReportYouthJusticeSystem_2011_2012.
- (5) Forum on Youth Justice: Speakers:
Dr Stephen Stathis: Clinical Director, Child and Youth Mental Health Service, Royal Children's Hospital, Brisbane
Jann Taylor: Barrister, Queensland Bar
Janet Wight: Director, Youth Advocacy Centre
April Chrzanowski - Researcher, School of Criminal Justice & Criminology, Griffith University