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To Legal Affairs and Safety Committee

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RE: Youth Justice and Other Legislation Amendment Bill 2021.

Background:

I am a resident of Townsville since March 1983.

I am currently a self-employed/Business owner – Finance Broker since 1997.

Previously served 14 Years – Qld Police Service, areas of service General Duties, Criminal Investigation Branch, Juvenile Bureau, Traffic Branch, Police in Schools Project – attached to Kirwan State High School, Thuringowa State High School and all feeder primary schools.

Justice Of The Peace (Qualified)

Obviously I am particularly concerned with the problem in Townsville however I see that similar problems exist in many large regional towns and even in Brisbane and Sunshine and Gold Coast cities.

I have seen the current rampant; out of control juvenile crime sweeping Queensland year on year. I have been saying for many years (certainly since 2015) that it is only a matter of time before deaths of innocent civilians occur on our Queensland streets as a result of the inability of the system to deal with persistent career criminals who are experiencing little or no consequences for their actions.

The current system sees a revolving door approach with juveniles who have committed very serious criminal offences such as burglary, break and enter with intent, dangerous driving, unlawful use of motor vehicle, robbery, assault, and other serious offences that carry maximum penalties of jail term being let back onto Queensland streets continuously.

This situation has resulted in the deaths of 4 young offenders in 2020, two innocent 3 parties and their unborn child in Brisbane recently and most recently a vibrant, 22 year old motorcyclist in Townsville. This motorcyclist, Jennifer Board, was a close personal friend of my son, Dean William Brett Geiszler.

Just in the past week in Townsville there have been 17 Stolen Vehicles and 44 break and enters. The offences committed by these juveniles and other offenders are very serious and escalating in severity.

They are now carrying weapons.

They are now deliberately driving not only dangerously but with intent to harm others and damage property. IE: Ramming Police vehicles and other vehicles and driving at motorcyclists with clear intent to harm.

There is a very real danger of further deaths and or serious injury to members of the public, and the offenders themselves as well at countless thousands of dollars of property damage as well as the mental and emotional damage done by members of the public literally living in fear of crime.

The current proposed reforms contained in the Youth Justice and Other Legislation Amendment Bill 2021 do not go anywhere near far enough to address nor prevent further deaths from occurring.

Who are the offenders?

We are continually told by our Politicians through the media that much of this crime is committed by “core group of 10% of serial recidivist offenders”

What is this 10% figure? Without base line figures to show the number of crimes and the breakdown of the offenders it is difficult for the public to even gauge the scope of the problem.

I recommend the Government be forced to disclose the exact numbers monthly including: the number of each various criminal offence committed by juveniles, the number of arrests, and the number of arrests by recidivist offenders including the number of times they have offended before.

Breach of Bail as a Criminal offence needs to be inserted in ANY change to youth justice laws:

Many of these offenders are juveniles committing offences whilst on bail.

Breach of Bail conditions MUST be reinstated as a serious criminal offence.

These juveniles are serial offenders even by the time they get to have a conviction recorded. Many have been cautioned by Police several times before being arrested and charged.

After their initial arrests they are admonished and discharged by the Courts probably several times with no conviction recorded. Therefore, in fact they are recidivist offenders by the time they even have their first conviction recorded.

Offenders committing offences whilst on bail are a huge problem. Currently there is NO power for Police to arrest juveniles found breaching their bail conditions. Police know who the repeat offenders are. They catch them out on the streets in breach of bail and the police know full well they are out to commit further crime and yet they are powerless to intervene. Breach of bail needs to be criminal offence punishable by at least 6 months detention so that there is a strong deterrent by offenders who have been caught and charged not to commit further offences.

Presumption against bail does not go anywhere near far enough:

The amendment giving a presumption against bail for offenders committing offences whilst at large on bail or whilst awaiting trial does not go far enough for a number of reasons.

The presumption ONLY applies to offenders charged with a “prescribed indictable offence” who have been convicted of an indictable offence previously. As mentioned above some of these offenders may have committed many offences before they even end up with a conviction recorded.

The prescribed offence of Unlawful Use of Motor Vehicle (Section 408A Criminal Code) as it relates to this presumption against bail only relates to the driver.

These career juvenile criminals are not stupid.

They will just take turns driving. For instance if there is an offender in the group on bail he will not drive and another will become the designated driver.

In relation to the offence of Unlawful Use of Motor Vehicle - it needs to include ALL parties to the offence including all passengers in the vehicle who are charged. Thereby, if any offender in a stolen vehicle is charged with Unlawful use of

These offenders are operating in groups.

They are all of the age of criminal responsibility.

They are all guilty of the offence under our criminal law.

For this presumption against bail to be any sort of deterrent it would have to apply to all juveniles charged with ANY indictable offence who have been granted bail before and breached bail regardless of whether they had been convicted or not. A fundamental principle of law is that bail is a privilege NOT a right.

In relation to the "show cause why bail be granted" -

Any first year lawyer would be able to mount a case to show cause why a juvenile should be given bail again.

I say again. Breach of Bail needs to be reinstated as a criminal offence for which any offender of the age of criminal responsibility can be arrested without warrant and there needs to be a minimum period of detention of at least 6 months. This would allow the court to set the circumstances of the detention to include mandatory participation in any of the rehabilitation programs aimed at addressing the root causes of the criminal behaviour.

Sentencing of juveniles:

Currently there is a mandatory requirement that detention is a last resort.

This needs to be immediately repealed.

The Courts need to be instructed to take a 3 strikes policy.

First indictable offence the court can show leniency in line with the current policy.

Second indictable offence Leniency with conditions – e.g. probation or suspended sentence with opportunity to participate and rehabilitation programs.

Third indictable offence detention/imprisonment for at mandatory periods to enable reformation programs time to work to short circuit the criminal conduct.

Further offences periods of detention in line with what an adult would incur with increasing minimum periods of detention to take the decision of penalty out of the magistrate's hands.

Apprehension and arrest of offenders:

The current risk based approach to Police Pursuits to be maintained only if the Government is prepared to give the police alternative methods of stopping offenders caught in the act.

There is a huge difference in the mind of a criminal when caught offending vs being picked up days, weeks or months later after an intense and costly Police investigation.

If Police are not going to pursue offenders in vehicles then they need alternative methods to stop these offenders driving dangerously in stolen vehicles deliberately putting innocent lives at risk.

Such methods would include: Engine immobilising technology, air wing support (Townsville – Cairns) needs a full time Police Air Wing with either fixed wing or helicopter support to enable real time tracking of offenders to occur so that ground staff can intercept offenders at the first opportunity – I.e. when they stop.

Government has a duty of care to citizens:

I believe that the current proposed reforms will have a direct probably consequence of further serious injury and death to innocent civilians.

It is my contention that any person who is involved in legislating these proposed changes without giving the legislation the teeth to prevent further tragedy will be guilty of negligence in discharging a duty of care as elected officials OR members of Government bodies who are bound by law to provide have such a duty of care and as a result may face civil and or criminal prosecution in such failure of duty of care.

Yours sincerely,

Brett William Geiszler.