



17th March 2021

Lisa Evans
on behalf of the
Executive Committee
Inspire Youth and Family Services Inc.
79 Poinsettia Street INALA 4077
07) 3372 2655
ceo@iys.org.au

Legal Affairs and Safety (LAS) Committee
By email: lasc@parliament.qld.gov.au

Dear LAS Committee,

Youth Justice and other Legislation Amendment Bill 2021 ('the Bill')

Thank you for the opportunity to provide feedback on the Bill. Our submission responds to aspects of the proposed amendments to the *Youth Justice Act 1992 (Qld)*. We make no comment about amendments relating to knife crime and hooning offences.

First established in 1986 as the Inala Youth Care Community (IYCC) under the auspice of the Youth Advocacy Centre Inc., Inala Youth Service (IYS) was formed in response to the lack of local accommodation resources and services in the Inala-Richlands area.

Over 35 years of operation, IYS has evolved to become an integrated, multi-disciplinary community-based organisation, supporting children, young people and their families through a diverse range of targeted programs.

IYS is considered a specialist provider in youth justice responses and housing and homelessness services for vulnerable, disadvantaged and at-risk young people and their families. For 17 years IYS has been involved in the delivery of community safety and crime prevention initiatives for young people across the Logan – Inala - Ipswich region in Brisbane's South - South-West. These programs and services have sought youth recidivism reduction through evidence-based, trauma-informed, restorative and strengths based practice.

Our organisation has worked across the spectrum of young people from those at risk of coming into contact with police and youth justice to high risk, repeat recidivist youth offenders. Our therapeutic model draws upon a range of interventions and frameworks with the Better Lives and Risk Needs Responsivity models strongly informing our approach¹. We understand the importance of the therapeutic relationship in aiding service delivery effectiveness and creating behaviour



change. Our stringent recruitment practices maintain our reputation as a committed youth-focused, safe, grassroots organisation. Our services are culturally safe and delivered in alignment with the Australian Institute of Criminology's National Crime Prevention Framework's best-practice guidelines for preventing involvement in crime for Aboriginal people.

This bill is of interest and relevance to our organisation as we are highly familiar with the complex needs and trauma-history associated with this most vulnerable group of children in our society, which punitive measures do not seek to address. We believe that every young person deserves opportunities to build a better life. We firmly believe that the most effective way to deal with offending behaviours in children is to address their criminogenic needs and deal with the underlying causal factors.

Inspire Youth and Family Services does not support the Bill for the following reasons:

The *most* vulnerable children in Queensland are targets of this law reform

The target group for this law reform proposal are 'the most serious recidivist youth offenders' – the 10% - nearly 400 children who persistently offend in Queensland. Research consistently shows that these children experience profound social disadvantage including extreme poverty, histories of familial offending, exposure to family violence, unstable accommodation or homelessness, alcohol and substance misuse and disrupted education. Many are 'cross-over kids' who enter the youth justice system after first having contact with the child protection system. A disproportionate number are Indigenous. These are *the most vulnerable* of all Queensland children caught up in the juvenile justice system.

Key protected human rights have been overlooked

This Bill creates significant limitations on the human rights of Queenslanders.

The Statement of Compatibility does not identify all of the protected human rights of children engaged by the Bill. A number of key human rights have been overlooked. These include:

1. Protection from cruel, inhuman or degrading treatment or punishment
2. Children charged with a criminal offence have the right to a procedure that takes account of their age and the desirability of promoting their rehabilitation
3. Children in the criminal process who have been convicted of an offence must be treated in a way that is age appropriate.

The Bill is not compatible with the Human Rights Act

To demonstrate that a limitation on human rights is justifiable, a rational connection must be made between the law or action causing the limitation and a legitimate purpose.

There is insufficient evidence that putting GPS trackers on children and removing the presumption against bail will make the community safer (the purpose of the proposed Bill).

Instead, there is evidence that investing in services to assist children when they are charged with an offence and supporting families when they need it will reduce crime and result in a safer community.

The various programs delivered by IYS have spanned early intervention, prevention, and chronic offending, with the most recent being The Sittella Street Project Young Offender Support Service from 2015 – 2018, and the current SWAP Bail Support Service from 2019 - current.

An overview of these two programs and their associated outcomes is provided on the following pages:

Sittella Street Project – Young Offender Support Service

In 2015 IYS partnered with Youth Justice to undertake a Queensland Youth Justice's first social design process to develop a program to be delivered to high risk repeat offending young people across South Brisbane. The resulting service model, the Sittella Street Project Young Offender Support Service was grounded in global best practice principles for working with vulnerable, disadvantaged, at risk young people and their families and provided an evidence-based, tailored, intensive response from 2015 - 2018. The Sittella Street Project applied a combination of three evidence-based interventions:

- individual mentoring and group counselling and activities
- cognitive behaviour therapy interventions
- intensive one-to-one case management

The service was delivered in six month programs and sought to identify and build on the young person's strengths and skills empower them to envision and create positive futures. A key part of the model was collaboration and partnerships to strengthen service delivery and pro-social connections for young people and their families.

IYS worked with Youth Justice and Queensland University of Technology to undertake an evaluation of the program's effectiveness. At the time of the evaluation, Youth Justice was able to provide six-month recidivism data for five intake periods, and 12-month recidivism data for the first three six month programs. Evaluation of this data identified that the Sittella Street Project was successful in achieving the desired outcome of reducing young people's offending, with:

- the six-month recidivism rate of those who completed the service was significantly lower at 50% than those who were referred but did not begin service (89%)
- the 12 month recidivism rate of those who completed the service was significantly lower (72%) than those who were referred but did not begin service (97%)
- the services effectiveness and impact increased over time with:
 - Following the first year of operations 100% of participants who engaged with the program for 3 months or more were successfully engaged with education training or employment.
 - At no extra cost the program moved from working with 20 – 24 young people per year, to 28 young people at any one time.

South West Advocacy and Pathways (SWAP) Bail Support Service

The SWAP service model offers an integrated partnership between IYS and three specialist organisation including court support/legal advocacy, an Aboriginal and Torres Strait Islander community controlled organisation and place-based youth housing and homelessness specialist. The service model is predicated on principles of best practice for youth bail support programs, as identified by the Australian Institute for Criminology, including:

- Voluntary participation, rather than mandatory intervention
- Support and intervention
- Holistic, with broad needs assessment and response; providing information, support and intervention as required
- Coordinated and integrated, offering access to pathways across different service systems
- Adaptable and responsive to local conditionsⁱⁱ

The service components of the model involve a mix of intensive youth and family support, diversionary/activity-based youth support and practical youth and family support. These components are interconnected providing young people and their families with a suite of program options and levels of engagement targeted to their needs at any given time. The principle of young people and their families having choice and control is embedded in the program philosophy, as such participation in the service cannot be made a bail condition. Notwithstanding programs are developed and delivered in partnership with others, providing Conditional Bail Program options alongside the service. The young people and their families design a bail support package (from low level support and assistance at court to intensive therapeutic intervention) which best meets their needs. Specifically, the supports offered:

- Advocate and provide young people with information, support and referrals at court
- Provide information to the courts outlining proposed bail supports and service
- Provide case management support to:
 - Assist young people find and maintain suitable accommodation
 - Support readiness to address underlying contributing factors to negative behaviours
 - Supported Referral to alcohol and other drug rehabilitation, mental health, NDIS and/or other relevant services
 - Assist young people to re-engage with education, training and/or employment opportunities
 - Provide interventions to minimise future offending behaviour
 - Strengthen family ties and/or cultural connection

The aforementioned Sittella Street Project evaluation demonstrated recidivism reduction effectiveness by combining individual case management with group work, to create an atmosphere of peer supported positive behaviour change. Participants of the SWAP service likewise report that the combination is effective and engaging. Many of the outcomes identified through case management are simultaneously responded to through the creation of group programs and activities. Group work offers this vulnerable group of young people opportunities to connect in positive ways, and to consider a brighter and better future than they might otherwise have done.

The Bail Support services are currently undergoing formal evaluation by NOUS on behalf of the Department of Children, Youth Justice and Multicultural Affairs. A sample of case studies and feedback detailing the outcomes achieved through person-centred, trauma-informed, evidence-based approach to recidivism is provided below.

Case Study: YP 1 – Female, Aged 14

Referral: from Youth Justice service centre whilst young person on remand

Offending frequency and severity: fortnightly, car thefts, assaults

Engagement: Due to YP being on remand at point of referral, service started corresponding via handwritten notes. YP wrote back and rapport built. MI techniques used in written correspondence.

Court support provided: YP supported to share context for challenging behaviours to lawyer.

Therapeutic interventions provided: assisted YP to understand their trauma and trauma responses and alcohol and drug misuse. Alternative coping strategies explored. Narrative therapy approach to challenge negative perception of self

Case management support provided: reporting attendance, connection to community and cultural support, housing, enrolment in Cert II hospitality.

Skills and confidence building activities: cultural art, assisting with interviewing new youth workers, connection to Broncos. Volunteering at community events

Outcomes: increase in help-seeking behaviour, problem solving capacity and self-managing trauma responses completion of Cert 2 in hospitality, secure accommodation.

Recidivism: reduced to six month gap, now nine months since last offence. Significant reduction in severity – most recent offence was shop-lifting.

Continuing (low frequency) support. Now aged 17

Case Study: YP 2 – Male aged 16

Referral: from full time Youth Justice program due to multiple challenges and high disengagement (financial hardship, multiple court cases, long history of living in care, disconnection from family, disengaged from education, inappropriate accommodation)

Offending frequency and severity: Violent and car theft offences

Court support provided: attendance and advocacy at court

Therapeutic interventions provided: Art therapy, motivational interviewing

Case management support provided: Centrelink income, homelessness and stable housing, transition from full-time youth justice program back to education.

Skills and confidence building activities: Art project at youth centre to meet community service obligations, assisting with interviewing new youth workers, consulted and involved in developing activities for the service to offer.

Recidivism: no further offending behaviours . Now aged 18 – No longer engaged in service

Case Study: Court diversionary intervention:

The SWAP South West Bail Support Service successfully advocated for the Magistrate to divert a first-time offender away from a mandated Youth Justice Day program. The Magistrate opted for the young person to be given the chance to prove themselves accountable by voluntarily working with SWAP to avoid recidivism and engage in pro-social activities. SWAP worked alongside the young person to develop an eight-week self-determined timetable of activity, centred on the young person's interests, aspirations and wrap around supports. At the end of the eight-week period SWAP reported back to the Magistrate 18 instances of constructive engagement, leading to the young person succeeding in their goal of re-engaging in education, no longer offending and avoiding a conditional bail program.

Feedback from young people:

“We (mum and myself) don't fight anymore because I haven't been re-offending... she used to feel disappointed and upset with me before. Now I think she's happy and proud.”

“I feel like a changed person because I realised my mistakes in the past and I don't want that feeling again”.

An Evidence-based approach

Youth justice is a complex field that requires integrated, sustained, well-funded, community-based services that are evidence-based. The Bill does nothing to address the root causes of youth crime in Queensland.

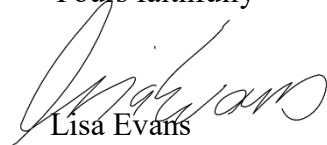
Youth offending behaviours sit within a symptomatic continuum of structural imbalances, poverty and social disadvantage. Working through case management to address these systemic disadvantages, providing trauma-informed therapeutic individual and group interventions and increasing opportunities to young people to participate in positive social activities and feel valued works to reduce recidivism in vulnerable and at risk young people. Our experience of what works is based on proven models^{iii iv} and incorporates:

- Assertive outreach, 'in-reach' (whilst in detention) and engagement activities
- Court support to ensure young person attends court, understands legal processes, has an advocate present, engages with options and understands consequences
- Family engagement and linkage to family support services
- Personal development through therapeutic interventions to increase understanding of trauma-responses, substance misuse, alternative coping strategies, problem-solving and decision-making skills and help-seeking behaviours to improve young people's capacity to manage high-risk situations.
- Case management to address issues underlying offending behaviours, such as financial hardship, housing insecurity, mental health, alcohol and other drug usage, education disengagement, domestic and family violence
- Individual and group diversionary activities such as activities, excursions, training programs and events which encourage pro-social engagement whilst reducing young people's exposure to high-risk situations (at home and in community)

When well-executed, the combination of the above components increases the young person's sense of hope by creating opportunities for the young people to develop alternate narratives to how they view and perceive their lives, and envisioning a better future for themselves.

We ask that the LAS Committee gives consideration to trauma-informed evidence-based approaches to recidivism and in doing so rejects the Bill.

Yours faithfully



Lisa Evans

Chief Executive Officer

On behalf of the Executive Committee

Inspire Youth and Family Services

ⁱ Willis, G. & Ward, T. (2013). *The good lives model: Evidence that it works*. In L. Craig, L. Dixon, & T.A. Gannon (2013), *What Works in Offender Rehabilitation: An evidence based approach to assessment and Treatment* (pp. 305-318). West Sussex, UK: John Wiley & Sons.

ⁱⁱ "Bail Support Services and Programs." *Australian Institute of Criminology*, Australian Institute of Criminology, 3 Nov. 2017, aic.gov.au/publications/rpp/rpp125/bail-support-services-and-programs.

ⁱⁱⁱ Knight, A., Maple, M., Shakeshaft, A., Shakeshaft, B. & Pearce, T (2018), "Improving the evidence base for services working with youth-at-risk of involvement in the criminal justice system: developing a standardised program approach". *Health and Justice*. 6:8: <https://doi.org/10.1186/s40352-018-0066-5>

^{iv} Lipsey, M. (2009). "The Primary Factors that Characterize Effective Interventions with Juvenile Offenders: A Meta-Analytic Overview". *Victims and Offenders*. 4:124–147. DOI: 10.1080/15564880802612573