

## Youth Justice Reform Select Committee inquiry into youth justice reform in Queensland

**Submission No:** 19  
**Submitted by:** Youth Advocacy Centre  
**Publication:** Making the submission and your name public  
**Attachments:** See attachment  
**Submitter Comments:**

**Submission by  
YOUTH ADVOCACY CENTRE INC  
to the  
YOUTH JUSTICE REFORM SELECT COMMITTEE**

**20 November 2023**



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Community safety is paramount. To ensure community safety we must implement strategies that actually work and are supported by evidence.

There is no evidence which shows that detention reduces offending. There is a large body of evidence to the contrary. But detention of young people has been the focus of Queensland's response to youth crime. Instead of pursuing this hugely expensive but ineffective strategy, Queensland must instead:

1. Intervene early; and
2. Reduce reoffending.

### **1. Early intervention and diversion**

Instead of investing in prison infrastructure and holding young people in detention, funds should be committed towards comprehensive, coordinated and effective early intervention.

#### Effective early intervention

Effective early interventions address numerous needs of the child at once, including homelessness, unsafe homes, substance abuse issues and physical, emotional and sexual abuse. Successful programmes<sup>1</sup>:

- a) Focus on skill building such as developing social skills and addressing behavioural issues, which can lead to higher engagement with education or employment. For example, the Jonathan Thurston Academy's "You Got This" initiative in North Queensland;
- b) Address family and other relationship issues<sup>2</sup> to assist in providing a safe and caring home. YAC's client families are presenting with increasingly complex needs requiring more intensive support for longer periods of time. Without a stable home, the young person is at a significant risk of engaging in offending;
- c) Increase engagement in education, training or employment. We see clients who have difficulties in mainstream schools, but there are insufficient places in alternative schooling options, which leads to dropping out altogether from the school system. Intensive support services for vulnerable cohorts have increased engagement in education and employment<sup>3</sup> which result in lower rates of crime.
- d) Provide intensive case management to build pro-social engagement and address barriers to engaging in education or training, such as physical or mental impairments, substance abuse, and a lack of a stable home. The demand is very high, and the needs of the young people increasingly complex. As a result, YAC has found that its clients are requiring support for longer periods of time which reduces the number of children that it can support.

Points to note in relation to early intervention:

- a) Priority should be given to diverting children under 14 from the youth justice system, because the earlier they become involved, the more likely they are to become entrenched<sup>4</sup>; and

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<sup>1</sup> Lipsey, M, *The Primary Factors that Characterise Effective Interventions with Juvenile Offenders* (2009) as cited in Appendix 2 of the Youth Justice Reforms Review Final Report by B Atkinson, page 167.

<sup>2</sup> As recommended in the Atkinson Report on Youth Justice (2018)

<sup>3</sup> BackTrack (2020) Annual report 2020

<sup>4</sup> Queensland Family and Child Commission, Queensland Child Rights Report 2023 at page 27.

- b) Community-designed and based diversion programmes work best<sup>5</sup> as they can address the specific local needs with local knowledge and connections, which maximises engagement.

#### Early assessment of underlying conditions

Early intervention ideally addresses a child's risk factors by assessing and treating underlying conditions such as physical or mental impairments, substance abuse, mental or physical health issues. Children with disabilities are over-represented in the youth justice system. The Queensland Youth Justice Census for 2022 states that of the children in custody:

- 37% had a cognitive or intellectual disability;
- 35% had at least one mental health disorder or behavioural disorder.

Assessments of underlying conditions should take place as early as possible in an at-risk child's life. Presently, young people with ongoing involvement in the youth justice system may not have been assessed for underlying conditions until they enter a detention centre. The points at which assessments should be made are:

1. The birth and early years of a child into a high-risk situation;
2. A child's first exposure to child safety authorities;
3. When a child first experiences difficulties at school; or
4. When a child first enters the youth justice system.

Once a child has been diagnosed with an underlying condition they should receive sufficient treatment to enable them to properly engage in education, with intensive family support where needed.

#### Other jurisdictions

Victoria and the ACT have consistently had the lowest youth crime rates in Australia<sup>6</sup> since 2008.<sup>7</sup> Both jurisdictions have a focus on early intervention and diversion and support community led programmes.<sup>8</sup> Victoria introduced an Aboriginal Youth Justice Strategy, *Wirkara Kulpa*, which has contributed to the reduction by 42% of Aboriginal and/or Torres Strait Islander children under youth justice supervision over the last 5 years.<sup>9</sup>

Jurisdictions that have significantly reduced youth crime have done so through implementing therapeutic models. See for example, Hawaii which has halved its youth detention population over 8 years.<sup>10</sup>

#### Residential care

Queensland has the highest number of children in detention in Australia.<sup>11</sup> Queensland also has the highest number of children in residential care, with 540 of those under 12. These statistics are intertwined – a large number of YAC's clients in the youth justice system have been recently housed

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<sup>5</sup> Queensland Family and Child Commission, Queensland Child Rights Report 2023 at pages 27 and 28.

<sup>6</sup> <https://www.aihw.gov.au/reports/australias-welfare/youth-justice>

<sup>7</sup> [Is Australia in the grip of a youth crime crisis? What the data says | YourLifeChoices](#)

<sup>8</sup> [Blueprint for Youth Justice in the ACT - Community Services](#) and [Youth Justice Strategic Plan 0.pdf](#)

<sup>9</sup> [Wirkara Kulpa AYJS.pdf \(aboriginaljustice.vic.gov.au\)](#)

<sup>10</sup> For example: [Hawaii proves tougher laws are not the answer to youth crime - ABC listen](#) and [Hawaii has no girls in juvenile detention. Here's how it got there. - The Washington Post](#)

<sup>11</sup> Justice Reform Initiative, *Alternatives to Incarceration Queensland* May 2023 at page 7.

in residential care. These cross-over children lack any real connections and do not have a sense of belonging, which can lead to offending behaviour.

Young people who have been in out-of-home care are at particular risk of having contact with the youth justice system.<sup>12</sup> Alarming, 28% of children in detention were on an active child protection order.<sup>13</sup> Further, children in out-of-home care are less likely to be granted bail as they don't have a suitable address to stay at, which goes to entrenching them even further in the youth justice system and increases the likelihood of reoffending.<sup>14</sup>

A recent case in the Childrens Court of Queensland, *Re Noah Jackson (a pseudonym)*[2023] QChCM 7 shows how inadequate residential care can be linked with escalation in offending. The case involved 'Noah', a 12 year old intellectually impaired Aboriginal boy who had been placed into residential care. His underlying mental impairment had not been diagnosed or treated. His Child Safety worker had requested that Noah's care be provided on a 1:1 carer to child ratio because of Noah's impairment, but only a 1:2 ratio was available.

Noah was charged with 36 offences (including 17 charges for breaching bail). In rejecting Noah's application for bail, the judge held that "... Noah's intellectual disability and the level of supervision at his residential care home are directly link to his decision to [engage in offending]". The judge found that if adequate care had been provided, then Noah would have been less likely to offend. Because a 1:1 model of care was not available through Child Safety, Noah was denied bail and was held at the Cleveland Detention Centre in Townsville. The judge also stated that:

*a. The [residential] care model to date has not prevented a 12 year old with an intellectual disability, in the care of the Sate of Queensland, from landing in prison.*

*b. Detention is likely to be doing Noah significant harm.*

*c. In any event, while Noah is in detention in Townsville, he is far removed from his kin and country.*

*d. Noah is at risk of landing back in detention in Townsville (and away from his country) if there are no improvements in his care.*

Noah's case is similar to many such cases our workers at YAC deal with on a regular basis, and demonstrates the connection that can exists between youth offending and inadequate residential care.

## **2. Reducing reoffending**

In Queensland, around 90% of children who have served a sentence reoffend within 12 months of their release.<sup>15</sup> Detention does not stop reoffending, and Queensland is spending way too much on a strategy that does not work. Around \$218 million is spent on youth detention each year, which amounts to \$2,068.32 per child per day.<sup>16</sup> These figures will only increase once the proposed new

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<sup>12</sup> Queensland Family and CHild Commission, Queensland Child Rights Report 2023 at page 36

<sup>13</sup> Queensland Family and CHild Commission, Queensland Child Rights Report 2023 at page 36

<sup>14</sup> Queensland Family and Child Commission, Queensland Child Rights Report 2023 at page 37.

<sup>15</sup> Queensland Parliament (2022) Questions on notice (no 1270) 8 November 2022. See also Queensland Family and Child Commission Queensland Child Rights Report 2023 at page 27.

<sup>16</sup> Productivity Commission (2023) Report on government services 2023, Youth justice services, table 17A.10

detention centres are operating. In contrast, the cost for a young person to receive community-based services is around \$250 per child per day<sup>17</sup>.

The Australian Institute of Criminology published a review of the findings of reports and reviews on youth justice (such as this one) in October 2020 and found that “a key theme arising...is the need for youth justice detention to be a measure of last resort...especially for young people who have been victims of abuse and neglect or who have mental illness and intellectual disabilities...[detention] has little benefit in reducing recidivism.”<sup>18</sup>

### Rehabilitation in detention

Detention must be used as a last resort, and when used, must maximise the rehabilitation of the young person. To reduce reoffending, rehabilitative and therapeutic supports must address the root causes of the offending. This has not been happening in Queensland detention centres, in part due to long-standing staffing shortages as well as overcrowding due to high remand numbers. This has significantly impaired young people's ability to cease offending, and has arguably contributed to an increasing cohort of serious repeat offenders.

The Forensic Child Youth Mental Health Service provides mental health assessments and services to young people in detention, but is not sufficiently staffed, despite increasing numbers of young people requiring its services in detention.<sup>19</sup>

Detention is an ideal time to address the offending behaviour, but this opportunity has not been taken up by the Queensland government. Ideally, a range of suitably staffed programmes tailored for the individual complex needs of each young person would be offered. Consequently, the offending behaviour is not adequately addressed, and behavioural change is not achieved, and reoffending is not reduced.

### Education in detention

Similarly, young people are not receiving adequate education while in detention due to ongoing staffing issues. This deficiency encourages continuing disengagement from school, and does not help reduce reoffending.

### Bail support

Bail support services, such as those provided by YAC, have proven to be successful in helping address the underlying issues of repeat offenders. These programmes provide wrap-around support for the young person, assisting them meet their bail conditions, engage in training or education, and encourage support from the young person's family, maximising their chances of a productive path post-detention.

### Transition from detention

Upon leaving detention young people require intensive support to:

1. Establish and maintain safe housing;
2. Engage productively in pro-social activities like education/training or sport;

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<sup>17</sup> Productivity Commission (2023) Report on government services 2023, 17 Youth justice services.

<sup>18</sup> Youth Justice in Australia: theme from recent inquiries” No 605 October 2020 Australian Institute of Criminology: Clancey G, Wandy S and Lin B. [https://www.aic.gov.au/sites/default/files/2020-09/ti605\\_youth\\_justice\\_in\\_australia.pdf](https://www.aic.gov.au/sites/default/files/2020-09/ti605_youth_justice_in_australia.pdf)

<sup>19</sup> See also Queensland Family and Child Commission Queensland Child Rights Report 2023 at page 38.

3. Establish alternative social networks;
4. Find suitable employment;
5. Reestablish positive family relationships.

Young people are presently provided with 72 hour plans which provide a level of support, but we have found that this is inadequate, with young people not being placed in a safe home, and left without support over weekend periods, leaving a crucial window open for reoffending.

Young people in detention are highly traumatised with complex needs, and frequently do not have a suitable environment to which to exit. Preparation for exiting detention must begin as early as possible so that the young person can be set up for success. YAC has previously had funding for a worker who would establish connections with young people in detention 3 months prior to their exit, and regularly visit the young person in detention, and then establish a connection with their family, and help both parties prepare as much as possible for the exit. Services and programs were engaged beforehand, and the young people were able to exit into as supportive environment as possible.

Well-funded and staffed transition programmes, both government and community based, are vital in reducing offending.

### Boot camps

Boot camps are often seen as an appealing method of straightening kids, but there is no evidence to support this approach. Even if the boot camp is accompanied by a strong therapeutic focus on education, family and relationship issues and psychological and behavioural change: “the common and defining feature of a boot camp is not effective in reducing post boot-camp offending”.<sup>20</sup> In the Youth Justice Reforms Review Final Report March 2022 by Bob Atkinson, it was reported that boot camps “have been found to have minimal or negative effects for reducing reoffending for all offence types.”<sup>21</sup> Even if a boot camp does incorporate exhaustive rehabilitative mechanisms which are successful in addressing underlying issues, the offending behaviour may return once the young people re-enter their community as they have not been assisted in developing pro-social networks or activities.

Any measure that is introduced must include consistent and intensive rehabilitation which is tailored to the individual child. Addressing the root causes can dramatically slash recidivism, for example, in Spain a recidivism rate of 20% has been achieved through education, rehabilitation and reintegration of young people back into the community.<sup>22</sup>

### **3. Efficacy of reducing the numbers in custody on remand**

The number of children being held on remand in Queensland is very high, and can be over 90% of the detention centre population. Reducing the remand population decreases stress on the detention centre population, enabling therapeutic supports to be more effectively delivered, and reduces the number of children held in adult watchhouses. Reducing the number of children on remand can be achieved by:

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<sup>20</sup> Hutchinson, T and Richards, K *Scared Straight: boot camps for Queensland*, 2013, *Alternative Law Journal*, 38(4).

<sup>21</sup> at page 28.

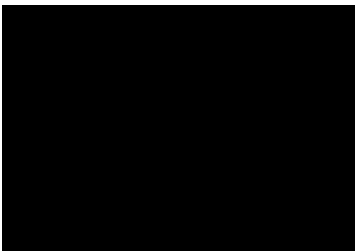
<sup>22</sup> [What does youth detention look like in other parts of the world? - ABC News](#)

- a. Increasing the capacity of the fast-track sentencing program through proper resourcing at the courts;
- b. Encouraging front-line police to divert young people and issue cautions and notices to appear rather than holding children in custody.
- c. Provide children's lawyers in regional courts such as Cairns, where there is a shortage of lawyers due to co-defendants needing separate representation.

In the meantime consideration should be given to extending all services, supports and programs to young people on remand, and not limited to those who have been sentenced.

Please let us know if you have any questions regarding the above.

Katherine Hayes



CEO

Youth Advocacy Centre





## Appendix 1

### Boot camps

#### Key points regarding boot camps:

- Evidence shows that boot camps are not effective at reducing offending.
- The previous boot camp trial was costly and produced similarly high reoffending rates as detention.
- Boot camps often neglect to address factors such as poverty, homelessness, or issues at home.
- Effective alternatives to boot camps may include:
  - o On Country programs which focus instead on skilling young people and strengthening relationships with their family and community.
  - o Small-scale, relationship focused, therapeutic facilities.
  - o For the 33% of 'Serious Repeat Offenders' who are under child protection orders, a focus on improving their home life and support structure through investment to improve state provided care
  - o Increase in other preventative measures such as family support services, health assessments, and accommodation.

<https://documents.parliament.qld.gov.au/com/LACSC-4B8C/C20152016-8140/tp1-20Aug2015.pdf>

Final Report for the evaluation of Queensland's Youth Boot Camps

#### Studies:

**The total effects of boot camps that house juveniles: A systematic review of the evidence**, 2010, Journal of Criminal Justice

<https://www.sciencedirect.com/science/article/abs/pii/S0047235210001315>

*Boot camps, by themselves, typically do not have an effect on participants' odds of recidivism.*

*Boot camps do seem to improve individuals' attitudes and other behaviors within programs. Boot camps also appear to reduce the number of confinement beds jurisdictions require, often resulting in cost savings.*

**Boot Camps and Justice: A Contradiction in Terms?** Australia Institute of Criminology, 1995

<https://www.aic.gov.au/sites/default/files/2020-05/tandi046.pdf>

*In seeking better outcomes for young offenders, governments should resist any temptation to channel much needed resources through the medium of boot camps.*

#### New Zealand

##### 2021

Military-style boot camps for youth offenders "have very limited success or no success", a crime expert says.

"And in rare occasions, (they) actually make the problems worse," sociologist and gangs researcher Jarrod Gilbert told Breakfast.

<https://www.1news.co.nz/2022/11/18/chances-military-camps-fix-youth-offending-close-to-zero-expert/>

**2018 – Dr Ian Lambie, Chief Science Advisor to the Justice Sector** - discussion paper on preventing youth offending in New Zealand

<https://bpb-ap-se2.wpmucdn.com/blogs.auckland.ac.nz/dist/f/688/files/2023/04/Its-never-too-early-never-too-late-V2.pdf>

Harsh punishments have little deterrent effect on young people. Boot camps do not work and “scared straight” programmes have been shown to increase crime