

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

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**Re: Youth Justice Reform Inquiry**

We welcome the opportunity to provide a submission to the Youth Justice Reform Inquiry ('the Inquiry').

CatholicCare Social Services provides a range of services to promote individual, family and community wellbeing in the South West Queensland Region. Our Youth Program Team provides support to at risk young people between 12 – 20 years of age and their families. The majority of our team are located in Toowoomba and Roma and can provide outreach services to the greater South West when required. Some of our Youth Programs are funded by the Department of Education and Youth Justice (formerly Youth Justice, Employment, Small Businesses and Training) (Youth Justice) including the following: All of our funded programs listed below are provided through a thorough case management model, operating 7 days a week with a variety of multidisciplinary staff and provide one on one support and mentoring, adventure-based learning, cultural mentoring and family support.

The Youth Bail Support (YBS) is aimed to support other agencies in preventing Youth crime through a community-based Bail Support services for young people who are at high risk becoming remanded into custody. The Intensive Bail Initiative (IBI) provides a focus on serious repeat offenders, young people subject to strict Bail conditions and electronic monitoring, and young people requiring intensive family support. The CHANGE Program offers wraparound support and skills service specific to housing, education/employment and cultural activities to youth who are at-risk of becoming entrenched in the justice system. We support the Inquiry's goals to examine ongoing reforms to the youth justice system and support for victims of crime.

**Early Intervention**

Incarcerating children is not keeping our communities safe. Queensland detains more children each day than any other state and has the worst recidivist rate in Australia.<sup>1</sup> 95 per

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<sup>1</sup> Productivity Commission 2023, *Report on Government Services 2023*, Part F, section 17: released 25 January 2023, Table 17A.26.

cent of young people that go to Cleveland Detention Centre allegedly reoffend within the year of their release.<sup>2</sup>

The earlier a child is exposed to the justice system the more likely they are to reoffend.<sup>3</sup> To keep the community safe, the Queensland Government should remove children younger than 14 years old from the justice system and invest in services and supports.

Early intervention programs in Queensland support children and make communities safer for everyone.<sup>4</sup> Unfortunately, the Queensland Government is underfunding community led programs focused on prevention and diversion.<sup>5</sup>

Early intervention is imbedded into all of the CatholicCare's Youth programs which focus on reducing a young person's risk of remand in custody and the risk of becoming entrenched in the justice system from a young age. Both programs utilise an evidence-based model of service delivery, develop individualised case plans which address criminogenic needs relating to antisocial behaviour and connect the young person to relevant interventions and stakeholders. Between 01 May and 31 October 2023: 37 young people were engaged with our CHANGE program and between 01 July and 30 September 2023, and approximately 60 young people were engaged with YBS. The referrals came from several sources including Youth Justice personnel, Youth Co-Responder Team (Queensland Police Service and Youth Justice), Child Safety, Department of Education and a significant number of self referrals made by young people and guardians. During program engagement, participants were connected to a number of internal / external stakeholders according to their needs including the following:

- Adapt Mentorship (Cultural Connection with Songlines Program)
- Yellow Bridge (accommodation support and Youth Matters Housing)
- Complete Body (Gym for physical health)
- Bunya Peoples Aboriginal Corporation
- Raw Impact (recreational activity, On Country camps and cultural mentoring)
- PCYC (boxing after dark, driving hours, restart program and community foundations skills program)
- CatholicCare Counselling team (general counselling, family counselling, drug and alcohol support)
- Base Services (employment in Hospitality and homelessness support)
- Employment agencies - Golden West apprenticeships, Downs Group Training, Busy
- Forensic Child Youth Mental Health Service (FCYMHS)
- Health Services such as Carbal Medical Services, Roma Health Clinic and Headspace

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<sup>2</sup> Queensland Government. (2022). *Response to Question on Notice, No. 859.*

<https://documents.parliament.qld.gov.au/tableoffice/questionsanswers/2022/859-2022.pdf>

<sup>3</sup> Sentencing Advisory Council (2016). *Reoffending by children and young people in Victoria* (p. xiii).

[https://www.sentencingcouncil.vic.gov.au/sites/default/files/2019-08/Reoffending by Children and Young People in Victoria.pdf](https://www.sentencingcouncil.vic.gov.au/sites/default/files/2019-08/Reoffending_by_Children_and_Young_People_in_Victoria.pdf)

<sup>4</sup> Justice Reform Initiative. (2023). *Alternatives to Incarceration in Queensland.* (pp.18 – 27).

[https://assets.nationbuilder.com/justicereforminitiative/pages/337/attachments/original/1685393777/JRI\\_Alternatives\\_QLD\\_FULL\\_REPORT.pdf?1685393777](https://assets.nationbuilder.com/justicereforminitiative/pages/337/attachments/original/1685393777/JRI_Alternatives_QLD_FULL_REPORT.pdf?1685393777)

<sup>5</sup> Queensland Council of Social Service. (2023). *QCROSS: Queensland budget analysis 2023-2024, Investing in Queensland's Youth Services.* <https://www.qcross.org.au/publication/state-budget-2023-2024-our-analysis/>

Between 01 May and 31 October 2023, the following outcomes were achieved for CHANGE Program participants alone:

- 21 participants secured stable accommodation and received support for tenancy skills, maintaining good health and wellbeing, money management and social communication skills.
- 20 were assisted with the purchasing necessities including clothing, personal hygiene items, food vouchers, bedding and general household appliances.
- 10 secured paid employment/ work experience opportunities and were supported with purchasing work related materials and equipment
- 20 were supported with writing Resumes, practicing interview skills and attending career and job exposition events.
- 18 were connected to the Department of Education's Regional Youth Engagement Service for support with engaging in Mainstream schooling or other flexible education options.
- 12 YP were supported with obtaining their Learner Drivers Licence
- Approximately 70% of CHANGE program participants engaged in CatholicCares diversionary recreational activity program which involved sporting, gym, on country programs, creative art therapy, cooking, fishing and group adventure based learning such as canoeing, hiking and abseiling.
- References were made in the Childrens Court by Magistrates, Legal Representatives and Youth Justice on numerous occasions regarding the benefits of young people being referred to and engaging with the CatholicCare Youth Program to strengthen Bail applications and reduce levels of remand in custody.

Reflecting on the outcomes from the CHANGE program, it is evident the individual young people have been supported to achieve many outcomes. This was achieved through the development and embedding of strong partnerships and working relationships among a number of community-based service organisations. Having a collaborative cross-organisational approach proved effective as a response to addressing and overcoming the barriers and needs faced by at risk youth which may have been preventing them from choosing a positive future. Each intervention program has a strong body of evidence supporting its effectiveness in reducing youth crime and anti-social behaviour.

### **Respond to root causes**

Children in the justice system have often experienced complex trauma, including being victim/survivors of domestic and family violence, intergenerational poverty and trauma, entrenched disadvantage and dual diagnosis.<sup>6, 7</sup> Currently, the needs of children and the root causes of problematic behaviour are not adequately addressed and continue to focus on individual presentations rather than the complex family system around the young person.

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<sup>6</sup> Queensland Government. (2023). *Youth Justice Summary Census 2022*.

[https://desbt.qld.gov.au/\\_data/assets/pdf\\_file/0019/17083/census-summary-custody.pdf](https://desbt.qld.gov.au/_data/assets/pdf_file/0019/17083/census-summary-custody.pdf)

<sup>7</sup> McArthur, M., Suomi, A., & Kendall, B. (2021). Review of the service system and implementation requirements for raising the minimum age of criminal responsibility in Australian Capital Territory (p. 7). *Australian National University*. [https://www.justice.act.gov.au/data/assets/pdf\\_file/0006/2072364/Raising-the-Age-Final-Report.PDF](https://www.justice.act.gov.au/data/assets/pdf_file/0006/2072364/Raising-the-Age-Final-Report.PDF)

Between 2019 and 2023 CatholicCare's Youth Program has engaged approximately 250 young people who experienced several disadvantages which predisposed them to and contributed to their antisocial behaviour and criminal activity. The following needs areas have been identified as having significant barriers with regards to impact on youth offending and limited support services being available and/or accessible in community.

**Suspected or diagnosed disabilities/ disorders.** Approximately 50% of CatholicCare's Youth Program participants are suspected and/or diagnosed of having one of the following: Attention Deficit Hyperactivity Disorder (ADHD) Foetal Alcohol Spectrum Disorder (FASD), Autism Spectrum Disorder (ASD), Post Traumatic Stress Disorder (PTSD) and intellectual and language impairments. Barriers to addressing these include:

- Diagnosis – limited access to a paediatrician including waiting lists of up to 12 months and/or long travel required to access specialist appointments due to a lack of local availability. This has resulted in a number of disorders and disabilities often going unnoticed, unassessed or inadequately responded to before children enter the youth justice system.
- Limited support during diagnosis journey/ NDIS application – there is limited availability of services which aid young people and families with navigating and understanding the processes involved in diagnosing ASD and FASD and the process for NDIS applications. This is specific to Aboriginal and Torres Strait Islander young people and families who may experience significant language and systems barriers and have a limited understanding of the impacts which FASD and ASD may have on a child's development and delinquent behaviour.

**Disengagement from Education.** Approximately 70% of CatholicCare's Youth Program participants are disengaged from any form of structured education. Research indicates a strong relationship between challenges arising in school (e.g., mental health issues, learning difficulties, behavioural issues, school suspension and early disengagement) with future criminal behaviour, and that engagement with the criminal justice system also reciprocates with poor educational engagement and achievement.<sup>8</sup> The following have been identified as barriers to engagement with education among young people participating in the CatholicCare youth program:

- Lack of alternative education/flexible education options for young people under 15 years of age - young people in the program often disengage from school early due to several social/emotional factors and challenges (as canvassed above) and environmental/family factors such as unstable or unsafe home environments, socioeconomic hardships and low parental engagement. Mainstream school responses to these challenges often involve multiple suspensions and re-entry meetings which are punitive in nature and often not trauma informed, or solution focused. While flexible timetables, guidance officers and special classes are offered within mainstream schools, the structure does not provide the holistic and individualised supports offered through alternative schools such as Good Samaritan College and the Toowoomba Flexi School. With these two

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<sup>8</sup> Hemphill, S. A., Broderick, D. J., & Heerde, J. A. (2017). Positive associations between school suspension and student problem behaviour: Recent Australian findings. Trends and Issues in Crime and Criminal Justice, 531, 1–13. <https://www.aic.gov.au/publications/tandi/tandi531>.

alternative schooling sites being the only options available in the Toowoomba region, they are often at capacity and have significant back logs for enrolment (up to 2 years).

**Substance misuse and mental health support.** The most common mental health challenges faced by the CatholicCare Youth program cohort stem from depression, anxiety, ADHD, exposure to childhood trauma and violence, drug induced psychosis, suicidal ideation, PTSD and grief and loss. Approximately 80% of Program participants engaged in substance misuse including, alcohol, marijuana, methamphetamines, illicit use of prescription drugs and volatile substance misuse. Young people within the justice system often become reliant on the use of substances as a coping mechanism and self-medication to a number of mental health issues which in turn is associated with increased risky and impulsive decision making.<sup>9</sup> The following have been identified as barriers to addressing these challenges in the Toowoomba.

- Lack of availability of substance misuse and mental health services which are suitable to the cohort of young people engaged in the justice system - Young people are afforded the opportunity to engage with Child and Youth Mental Health Services (CYMHS) while remanded at Brisbane Youth Detention Centre, in Police Watchhouses or in the case that a mental health assessment is ordered by the Court. However, the scope of this service does not extend to young people in community due to the absence of a locally based clinical site in Toowoomba. Further, access to several other specialist child mental health and substance misuse services such as Child Youth Forensic Outlook Service (CYFOS) and Evolve Therapeutic Services (ETS) is limited by specific criteria such as Child Safety Guardianship/ Interim involvement and former diagnosis of complex mental health conditions through hospitals or medical professionals. While there are a number of alternative mental health and substance misuse counselling options in community, the feedback from CatholicCare's Youth program participants and staff indicate a gap in the adequate and culturally appropriate responses to acute and complex mental health needs due to factors such as: over clinical environments, complex language and limited capacity for outreach engagement.

**Homelessness and housing support.** In 2021 there were approximately 226 homeless young people (aged 12-24) in Toowoomba and a further 225 living in 'other marginal' accommodation (i.e. living in 'other crowded', 'other improvised dwellings', and 'housed in caravan parks' – the majority of which were living in 'other crowded dwellings').<sup>10</sup> A majority of young people at risk of homelessness who are engaged with the CatholicCare Youth Program are sleeping out rough in an unaccompanied dwelling, temporarily staying with a friend or couch surfing between different residences every night. The following have been identified as barriers to addressing homelessness:

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<sup>9</sup> Solowij, N., Jones, K., Rozman, M., Davis, S., Ciarrochi, J., & Heaven, P. et al. (2011). Reflection impulsivity in adolescent cannabis users: a comparison with alcohol-using and non-substance-using adolescents. *Psychopharmacology*, 219(2), 575-586. <http://dx.doi.org/10.1007/s00213-011-2486-y>.

<sup>10</sup> Queensland Youth Housing Coalition (2022) Facts and figures young people in Toowoomba: *young people experiencing homelessness* [Fact Sheet]. [https://www.qyhc.org.au/wp-content/uploads/2023/09/QYHC\\_Fact-Sheets\\_Toowoomba.pdf](https://www.qyhc.org.au/wp-content/uploads/2023/09/QYHC_Fact-Sheets_Toowoomba.pdf)

- Lack of safe and secure accommodation options - when returning home is not an option for young people, especially those exiting from remand in custody, or those seeking safety from violent and unsafe family, there is a limited number of suitable and available crisis and short term accommodation options in Toowoomba. While there are some crisis and short term accommodation options for youth in Toowoomba such as Yellow Bridge (Youth matters and Youth Haven) and You Turn (Gateway House). These are often at capacity and only offer a very limited number of spaces (an approximate total of 30 capacity) and while there is housing case management support available through YHARS and Mission Australia whom can assist with housing applications and accommodation sourcing, due to limited housing options both in regards to crisis accommodation and the general housing situation in Toowoomba, they are not able to provide safe and secure accommodation options for the young people which they support (young people can be waiting between 3 months to 2 years for secure stable housing). Young people subject to homelessness or living in 'other marginal' accommodation who are participating in CatholicCare's Youth Program are often subject to inadequate supervision, monitoring and care by an appropriate adult guardian which results in a lack of structure, routine, provision of necessities (food and hygiene). This not only impacts their ability to engage in support services relating to their other criminogenic needs and challenges, but also leads to crime and antisocial behaviour relating to obtaining desired goods and money. The positive impact of secure accommodation and housing support can be seen through the "early intervention" subsection above regarding CatholicCare's program partnership with Yellow Bridge Housing.

### **Children out of watch houses**

Watchhouses are not appropriate for any young person. The Queensland Government must urgently prioritise removing children from watchhouses, reduce the number of young people in detention and fund an alternative to the justice system for all children younger than 14 years. The alternative must be evidence based, trauma informed, culturally safe, therapeutic, and non-punitive and focus on the whole system around the young person, inclusive of intensive support for the family or caring situation for the child.

While watchhouse remand prevents individuals from reoffending (through incapacitation) it is associated with negative effects that may hinder longer-term desistance, including: an increased risk of suicide and mental distress, disintegration of social supports and family ties, and disruption to social structure and routine which increases the likelihood of reoffending upon release. Findings from the *Edinburgh Study of Youth Transitions and Crime* indicate that the most significant factor in reducing Youth offending is minimal formal intervention and maximum diversion to programming that does not have the trappings of criminal processing.<sup>11</sup> Holistic interventions that address multiple criminogenic needs are more likely to be effective in reducing reoffending. International research literature shows that the throughcare strategies with the most favourable results in relation to reoffending rates are 'holistic'; that is, focused on the whole range of an individual's needs through 'habilitation' or 'integration' including teaching basic skills, helping young people to develop the capacity to cope with their 'survival'

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<sup>11</sup> McAra, L., & McVie, S. (2017). The Impact of System Contact on Patterns of Desistance from Offending. *Effective Interventions for Children in Need*.

needs and establishing quality social ties through education/employment, positive relationships and a range of community services that can offer continuing support.<sup>12</sup> In the Toowoomba community there is a multitude of health, social and legal support services whom with greater funding and Government support, have capacity to achieve a habilitative and rehabilitative environment for young people who are in the beginning of their offending cycle.

Intervention incorporating support for young people and families (through educational/health home visits and programmes, training in 'social competency' e.g. managing stress, self-control, problem solving, emotional intelligence and creating referrals to a range of community services) would prove much more effective in place of remanding a young person in the watchhouse where they have limited, if any, access to program or support which is usually offered at Youth Detention Centres. In addition, utilising proactive and trauma informed police strategies focusing on specific offences e.g. community based mentoring; after-school pro-social activities; residential employment focussed interventions for youths; thinking skills intervention and situational risk management e.g. problem orientated policing, focused deterrence and broken windows policing has been found to be directly correlated to a reduction in youth crime.<sup>13</sup>

Thank you for the opportunity to provide a submission to the Inquiry.

Yours sincerely,

Youth Program Team

CatholicCare Social Services

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<sup>12</sup> Ministry of Justice. (2010). *Breaking the cycle: Effective punishment, rehabilitation and sentencing of offenders* (Vol. 7972). The Stationery Office. <http://www.justice.gov.uk/consultations/docs/green-paper-evidence-a.pdf>

<sup>13</sup> National Academies of Sciences, Engineering, and Medicine. (2018). *Proactive policing: Effects on crime and communities*. National Academies Press.