

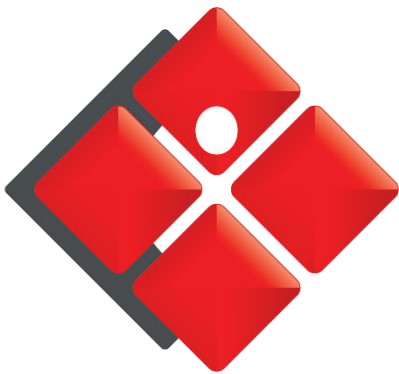
Youth Justice Reform Select Committee inquiry into youth justice reform in Queensland

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Submission to the
Youth Justice Reform Select Committee

Youth Justice Reform in Queensland

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PeakCare
Queensland Inc.

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INTRODUCTION

As Queensland's peak body for the child and family sector, PeakCare values the opportunity to support the Committee in its inquiry to examine ongoing reforms to the youth justice system and support for victims of crime.

ABOUT PEAKCARE

PeakCare is a not-for-profit peak body for child and family services in Queensland, providing an independent voice representing and promoting matters of interest to the non-government sector.

Across Queensland, PeakCare has more than 60 member organisations which include small, medium and large, local, state-wide and national non-government organisations which provide prevention and early intervention, generic, targeted, and intensive family support to children, young people, adults and families. Member organisations also provide child protection services, foster care, kinship care and residential care services for children and young people and their families who are at risk of entry to, or who are in the statutory child protection system.

A network of associate members and supporters also subscribe to PeakCare. This includes individuals with an interest in child protection, youth justice and related services, and who are supportive of PeakCare's policy platform around the rights and entitlements of children, young people and their families to safety, wellbeing and equitable access to life opportunities.

ABOUT PEAKCARE'S SUBMISSION

Given the overlap of children and young people at risk of entry to, or in the youth justice system, with those engaged with the child protection system, PeakCare has a strong interest in youth justice reform including appropriate, proportionate, effective, timely, and holistic responses and interventions for children, young people and their families which also keep communities safe.

With a longstanding history in advocating for better understanding and management of the complex intersection between the child protection and youth justice systems, PeakCare's motivation in lodging this submission reflects the following:

- the need to address both the welfare and justice needs of children and young people who have been or who are in contact with the child protection system and the youth justice system, particularly those who are subject to dual (interim or finalised) orders and therefore are involved in both systems simultaneously
- ensuring local access to prevention and early intervention services, responses and programs for children, young people and families to 'nip problems in the bud' or 'turn their lives around' – the right service at the right time from the right provider for the right amount of time
- children and young people's rights and entitlements (and that of their families) to understand and participate in administrative and judicial decision-making congruence in legislative frameworks and the administration of youth justice, child protection, and intersecting service systems (e.g., education and training, youth development, family support, housing and homelessness, legal services and legal

aid, health, alcohol and substances misuse) directly or indirectly delivered across Queensland Government departments and their agents

- the impacts and opportunities presented by adopting specialist and other reforms to court processes and policing practices across Queensland developing specific strategies to address the disproportionate representation of Aboriginal and Torres Strait Islander young people in the youth justice system, and the importance of underpinning policy directions and reforms with research evidence
- undertaking appropriate evaluation and acting on evaluation findings in a progressive and transparent manner
- the need for a youth justice system that is culturally sensitive, informed by people with lived experience and driven by the voices of children and their families.

Note: This submission compliments the preliminary submission provided by PeakCare to the Committee on 20 November 2023 and evidence presented by PeakCare's Chief Executive Officer at the Committee hearing held on 22 November 2023.

PEAKCARE'S SUBMISSION

STOP YOUTH CRIME – GET SMARTER NOT TOUGHER

On 28 January 2023, PeakCare published an open letter to the Queensland Parliament. This open letter was supported by more than 60 organisations and individuals who are concerned about preventing youth crime, reducing re-offending and achieving greater community safety. The nine opportunities for smarter approaches for preventing, addressing and responding to youth crime from this open letter were provided as PeakCare's preliminary submission to the Committee on 20 November 2023, and also form the basis of this submission.

STOP POLITICISING YOUTH CRIME

Queensland communities deserve evidence-based solutions to youth crime that actually work. They do not deserve political point-scoring about who is the toughest on crime. A bi-partisan approach based on getting smarter, not tougher, will produce better outcomes for everyone in keeping communities safe.

Queensland's youth justice system is heavily influenced by media narratives and political responses to these stories. The problem with sensationalised media narratives on complex social issues, such as youth offending, is that they invariably lead to short-term problem solving.¹

There are other parts of the world with examples of systemic changes effecting long-term reductions in violence, youth crime and the use of youth detention that can inform Queensland's future youth crime responses. For example, in the United Kingdom, the number of children in youth detention reduced from 2,800 young people to 750 in ten years from 2010 to 2020.² There has also been a reduction in arrests of children every year for the past ten years, a reduction in knife crime and the lowest recidivism rates following a period in youth detention in 20 years.³ Preventative policing, early intervention programs

¹ Fatouros, H. (2016) "Is Our Youth Justice System Really Broken?" Human Rights Law Conference 22 July 2016.

² Ministry of Justice. (2021, January 28). Youth Justice Statistics. Retrieved from <https://www.gov.uk/government/consultations/youth-justice-statistics>

³ Youth Justice Statistics: 2020 to 2021 (accessed by evers on) GOV.UK (www.gov.uk)

and non-custodial alternatives to youth detention have all been suggested as contributors to these outcomes.

In locations where long-term outcomes have been achieved, unwavering commitment by successive governments was required. PeakCare recommends the immediate development of a generational evidence-based strategy with bi-partisan support for legislative amendments enabling the strategy.

TAKE NOTICE OF THE FACTS

Queensland already has some of the toughest laws and the highest number of children imprisoned in Australia. Despite decreasing youth crime rates, the number of children held in Queensland detention centres continues to increase. In 2021-22, with detention centres overflowing, around 470 Queensland children – some as young as 10 – were held in adult watchhouses for periods of up to 14 days. A watchhouse is not a fit place for a child. Locking children up does not free communities from crime. There is overwhelming evidence that youth detention does not work to deter crime, rehabilitate, or make communities safer. In fact, the experience of being incarcerated increases the likelihood of children offending. Almost all children who are imprisoned in youth detention in Queensland reoffend within 12 months of their release. We can never imprison our way to a safer community, but there is plenty of evidence about how we can reduce crime.

Queensland's rate of youth detention, use of watch houses and percentage of children in detention centres who are unsentenced are among the highest in Australia. Punitive approaches to youth crime are not making Queensland safer. Being charged with breaching bail conditions, the threat of spending time in a watch house and the current model of youth detention in Queensland have not been shown to deter children from engaging in crime. Furthermore, more than 90 per cent of children who leave youth detention are charged with a new offence within a year.⁴

The voice of living experience - "Breach of bail being an offence sets us up to fail. We don't get a say in what our bail conditions will be and we know we can't comply with them so we ask our lawyers not to apply for bail." – child in a youth detention centre.⁵

Queensland must view youth crime as a whole-of-system responsibility and consider an approach such as the public health model, which has demonstrated success in reducing crime in Scotland and parts of the USA.^{6, 7} In this model, crime is prevented through three strategies. Universal measures, in which contributing factors such as homelessness, poverty and racism are addressed; secondary measures, focussing on vulnerable children and families to reduce specific risk factors; and tertiary measures, focusing on the criminal justice policies and practices that are shown to reduce reoffending.⁸ Partnerships between allied health, education, social, and police services are essential to the model.

4 Queens and Parliament (2022). Question on Notice No. 1270.

https://documents.parliament.qd.gov.au/tab_eoff/ce/questionanswers/2022/1270_2022.pdf

5 Consultation about this submission included children in Queensland's youth detention centres in December 2023 by PeakCare Queensland. An involved child has provided the permission for quotes to be included.

6 Cure Violence: A Public Health Model to Reduce Gun Violence. (2015). Annual Review of Public Health.

<https://doi.org/10.1146/annurev.pubhealth.031914.122509>

7 Muddleton, J., & Shepherd, J. (2018). Preventing violent crime. *BMJ* (Online), 361, k1967–k1967.

<https://doi.org/10.1136/bmj.k1967>

8 Australian Institute of Criminology (2003). *The public health approach to crime prevention*. AIC crime reduction matters no. 7. Canberra. https://www.a.c.gov.au/pub_catalogs/crm/crm7

Community confidence in the youth justice system is critical, including in our Aboriginal and Torres Strait Islander communities. Queenslanders have a right to feel safe and empowered to understand and influence the system, especially victims of youth crime. Increased community confidence will also support the Queensland Government to continue to adapt the system according to evidence and best practice, moving away from punitive responses that do not work to reduce youth crime. Community perception of safety can be influenced at the local and state level.

For example:

- Local level engagement: In places where youth detention is shown to reduce reoffending and young people are accepted back into their communities after release such as Denmark, Missouri and New York City, detention centres actively engage and partner with the community. This includes inviting the community in to share meals, community members visiting children in detention, children doing charity work in or for community organisations and community liaison officer roles.
- Media engagement: An example of effective media engagement by government is in Scotland. The Scottish Violence Reduction Unit proactively engages with the media to change the narrative about youth crime.⁹ The group adds context such as the role of social media in allowing the sharing of videos showing criminal acts and threats, or solutions such as more local youth workers for the community.

In 2022-23, 88 per cent of young people in Queensland's youth detention centres had not yet been sentenced for their offences and almost 50 per cent of children were not required to serve further time in custody when they were sentenced.¹⁰ Reducing the rate of unsentenced detention would be beneficial for many reasons:

- the number of children in detention and use of watch houses to accommodate children would be significantly reduced
- criminogenic programs targeting children's offences, an important part of rehabilitation, can only be delivered in youth detention centres after sentencing
- children who are sentenced can engage in education, training and family contact on leaves of absence as part of their reintegration back to community, which reduces the risk of reoffending
- child safety placements are able to be planned because of certainty about children's release dates.

PeakCare recommends the continuation of a strong focus on reducing court processing timeframes, with the goal that most children placed in youth detention centres are sentenced rather than on remand.

The voice of living experience - *"Being on remand stops us getting jobs. I have a good employer lined up but I don't know when I'm getting out and I don't know how long he'll wait."* – child in a youth detention centre.

⁹ <https://www.svru.co.uk/research-hub/>

¹⁰ Children's Court of Queensland and Annual Report 2022-23 <https://documents.parliament.qd.gov.au/tp/2023/5723T2106-255C.pdf>

PROTECT OUR CHILDREN MORE THAN ANY OTHER AGE GROUP, THEY ARE THE VICTIMS OF CRIME

While we are all concerned about children who break the law, please remain aware that children, more than any other age group, constitute the majority of crime victims. Many of the children who find themselves on the wrong side of the law have been the victims of crimes far more serious than any offences they have committed. Many have grown up learning that adults are not to be trusted. Is it any wonder that they have little respect or trust in authority figures and the justice system? It takes time, persistence and skills to regain the trust of these children.

Children in the youth justice system are likely to have been the victims of crime.¹¹ Almost half of all victims of child offenders are themselves aged 18 years or younger and one in four victims is between 10 and 14 years old, making it the most prevalent victim age group.¹² Child victims of crime need trauma-informed universal and targeted services to break the cycle of harm and the use of violence. There are strong links between youth crime and adverse childhood experiences, and many children who are serious repeat offenders have few or no adults in the community they can rely on.

Many children who offend have not had their rights upheld in early childhood, such as the right to be protected from violence, the right to be looked after by family, and the right to have their health needs met. It is important to apply a human rights lens across all work relating to children. PeakCare supports the recommendations in the Queensland Family and Child Commission's Child Rights Report – A Spotlight on Youth Justice and recommends that children in and with a history of involvement with the youth justice system are part of decision-making processes when making changes to the system.¹³

Children's trust in adults has often broken down before they start offending and this results in disconnection from the community. While some interventions may be delivered outside of the communities in which children live such as On-Country programs and youth detention settings, the primary goal must be to create a network of trusted adults within children's communities that will support them and have an ongoing role in their lives. The development of these networks requires a systemic approach, with government and non-government partnerships at the local community level identifying who is best placed to be part of children's support networks, linking children in with education, training, employment and recreation, and supporting families to resolve issues that are a barrier to children's relationships within the family.

PeakCare recommends the Intensive Case Management (ICM) model continues when a child moves in and out of youth detention and continues to be expanded across Queensland. On 10 February 2023, the Nous Group published an evaluation of this initiative, which suggested that the ICM Program is effective in achieving outcomes at the family and systems level and that the reductions in reoffending from the ICM Program yield strong, positive economic benefits for the criminal justice system and broader society.¹⁴ The evaluation found that the voluntary nature of the program and the involvement of family and community is culturally responsive and appreciated by young people and their families, but the program would benefit from a greater proportion of identified staff who are critical to building rapport and effectively engaging their own.

11 Zava a, E. (2018). Target Congruence Theory and the Victim Offender Overlap Among Male Youths. *Victims & Offenders*, 13(7), 1013–1032. <https://doi.org/10.1080/15564886.2018.1520765>

12 Children's Court of Queensland and Annual Report 2022–23 https://documents.parliament.qd.gov.au/tp/2023/5723T2106_255C.pdf

13 https://www.qfcc.qd.gov.au/sites/default/files/2023-08/QFCC_Child_Rights_Report_1_YouthJustice_1.pdf

14 Nous Group, Summary Report: Evaluation of Intensive Case Management, 10 February 2023 https://www.dcssds.qd.gov.au/resources/dcsyw/youth_justice/program_evaluation/summary_report_evaluation_of_intensive_case_management.pdf

LET FIRST NATIONS LEADERS LEAD

The gross over-representation of Aboriginal and Torres Strait Islander children in detention over 70% - continues to draw shame on the world stage. When First Nations leaders and organisations have been able to design and manage responses to youth crime within their communities, the results have been impressive. Governments need to get out of the way and let First Nations leaders lead. This means making a genuine commitment to self-determination by First Nations peoples and resourcing of their communities to deliver local responses that they, more than anyone else, know will work best.

Aboriginal and Torres Strait Islander children are drastically over-represented at every point of the youth justice system. Aboriginal and Torres Strait Islander children account for 65 - 72 per cent of children in youth detention on an average day. Past government policies and intergenerational trauma have resulted in a lack of trust in government-delivered services. The non-government sector is well placed to deliver services to First Nations young people due to their ability to gain the trust and support of families and community members. Programs developed and operated by First Nations people have been shown to work, and PeakCare strongly advocates for the growth of funding to local communities through justice reinvestment initiatives, including community-controlled organisations, private industries and interested community members.^{15 16 17}

The voice of living experience - "When you do a cultural program with Elders you just respect them and listen to them. Whenever my mental health is bad and I feel really down it's family and cultural support that makes me better. It's not the program that makes a difference but the people." – Aboriginal child in a youth detention centre.

PROPERLY RESOURCE OUR TEACHERS AND SCHOOLS

By the time children enter detention, over 50 per cent have not been attending school. It is within the classroom that anti-social behaviours usually begin to emerge. Non-attendance at schools and high rates of suspensions and exclusions are frequent precursors to children's involvement with the youth justice system. Better resourcing of teachers and schools with the programs and supports they need to keep children engaged in schooling will help stop problems before they start.

In many cases, children who eventually become part of the youth justice system have not engaged with any universal services before they reach primary school, including early childhood education settings and mainstream health services. When challenging behaviours are identified in the early years of schooling, suspensions and exclusion can compound the disconnection and disadvantage vulnerable children have already experienced. Primary school-based models of integrated service delivery such as Circles of Care wrap support around the child and whole family, link the family in with social support

15 Correctional Service Canada (2022). Indigenous Healing Lodges: Impacts on Offender Reintegration and Community Outcomes. https://pub.cats.gc.ca/collections/collections/2022/scc_csc/PS84_181_2021_eng.pdf.

16 Palmer, D. (2016). 'We know they hear they cos they on country with o'd people': Demonstrating the value of the Yrman Project Maranguka Justice Reinvestment Project, Bourke, NSW, evaluation report, <https://researchrepository.murdoch.edu.au/d/epr/nt/42383/1/Yrman%20Project.pdf>.

17 Justice Reinvest NSW (2018). Maranguka Justice Reinvestment Project Impact Assessment, KPMG, https://www.ndgenoustustce.gov.au/wp-content/uploads/mp/files/resources/files/maranguka_ustce_reinvestment_project_kpmg_impact_assessment_final_report.pdf.

services and promote the child's positive development, reducing the risk of entry into the youth justice system later in life.¹⁸

Children do not yet have fully developed executive functioning, including their level of self-control.¹⁹ Professional development for all school staff, including teacher aides, about brain health across the lifespan, neuroplasticity and the practical application of neuroscience would support schools to intervene early when anti-social behaviours begin to impact on children's learning.

The voice of living experience - "I went to lots of different primary schools. Mum and us kids kept moving to escape from a domestic violence situation. It was hard to keep making new friends and catching up on the work I missed." – child in a youth detention centre.

When transitioning in and out of youth detention, young people can become ever further disengaged from the school system. Opportunities for young people to re-connect with school in the community before release as part of their reintegration activities supports their ongoing engagement in education after release from youth detention. Where barriers arise, such as mainstream schools refusing re-entry to a child after a period in youth detention, these instances should be monitored to ensure children's right to education that meets their needs is being upheld. Models such as Victoria's Navigator Program, which provide individualised support for children to re-engage with education, may also contribute to successful transition outcomes in this area.

TAKE ACCOUNT OF CHILDREN'S DISABILITIES AND MENTAL HEALTH CONCERNS

Many children in the youth justice system have severe disabilities, including foetal alcohol spectrum disorders. There are no systematic screening or assessment processes in place to identify disabilities of children involved with Queensland's youth justice system, meaning we are currently detaining children with undiagnosed disabilities and providing no appropriate supports when children leave detention – a recipe for reoffending. Failure to consider neurodisabilities and mental health concerns of children encountering the youth justice system mean all current solutions are doomed to fail.

Often, children enter youth detention settings with undiagnosed disabilities.²⁰ An increase in Aboriginal and Torres Strait Islander health workers in youth detention would prioritise children's focus on understanding how their disabilities, mental health concerns and executive functioning contributes to their offending, which is critical for rehabilitation.

There is a strong link between disability and youth offending and therefore early diagnosis and support can be a protective factor, reducing the risk of entry into the youth justice system later in life.²¹ Because of the over-representation of First Nations young people in the youth justice system, one strategy to increase the early diagnosis of disabilities in

18 Freiberg, K., Home, R., & Branch, S. (2010). *Carers of Care: The Struggle to Strengthen Child Developmental Systems through the Pathways to Prevention Project*. *Family Matters* (Melbourne, V c.), 84, 28-34.

19 De Mo, M. A. (2009). *A Look into the Minds of Adolescent Offenders: Executive Functioning and Self-control*. ProQuest.

20 Thompson, K. C., & Morris, R. J. (2016). *Juvenile Delinquency and Disability* (1st ed. 2016). Springer International Publishing. <https://doi.org/10.1007/978-3-319-29343-1>

21 Wason, J., Zha, A., & Weff, J. (2021). 22.1 Fifty Years of Publications on Youth Offenders With Intellectual Disabilities: A Bibliometric Analysis. *Journal of the American Academy of Child and Adolescent Psychiatry*, 60(10), S198-S198. <https://doi.org/10.1016/j.jaac.2021.09.206>

children is to ensure every First Nations child has access to an Aboriginal and Torres Strait Islander health service that meets their needs from birth.

Another way of identifying disability and intervening early is at the point of a young person's first contact with police. In London, mental health professionals work with police and youth justice in police custody suites (watch houses) through the ENGAGE Programme. During the 12-hour processing time in the watch house, referred to as a "reachable, teachable moment," a health practitioner assesses the young person and provides referrals and support for physical health, mental health, disability or drug and alcohol issues. Police working alongside youth justice and health workers in the watch houses gain a broader view of the child including their experience of child maltreatment, exploitation by adults in their lives and practice frameworks used by youth justice and health such as trauma-informed practice, restorative practice and safeguarding.

The voice of living experience - "When I was seven, I was diagnosed with ADHD. It was good because sometimes when I got frustrated, someone would take me out of the classroom for a while for a run around or something. I thought I was stupid but I'm not, I just have a trouble understanding a lot of words on a page." – child in a youth detention centre.

TACKLE OUR SOCIAL PROBLEMS

Research by the Queensland Family and Child Commission and others has found that most children in detention have experienced violence within their homes, poverty, homelessness or the absence of a safe place to call home, and/or exposure to alcohol and other substance misuse. We must address these issues by tackling child poverty, collectively ending youth homelessness, addressing the impact of family violence on children, and increasing the number and range of specialised youth mental health services, alcohol and drug treatment services, child protection, family support, early education and mentoring programs. Ban social media outlets from posting both children's illegal exploits and hate messages from vigilante groups – both are inciting children to commit offences. Get tougher on the causes of youth crime - it will represent a far better, less costly and more effective investment of taxpayers' dollars in achieving community safety.

The drivers of youth crime are well researched.^{22 23} The problem is when agencies work in silos, each attempting to fix 'their' part of the problem. A focus on the symptoms of youth crime rather than the causes does not produce long-term reductions in crime. Strategies that successfully tackle social problems bring together key stakeholders in a local community, including parents, young people, educators, law enforcement officials and health care providers, to identify and address the risk and protective factors that contribute to children's criminal behaviours. Local community groups make decisions about where funding should go, and all relevant government agencies contribute money and services that are aimed at reducing youth offending.

22 Gray, P., Sm thson, H., & Jump, D. (2023). *Adverse ch dhood exper ences and ser ous youth v o ence*. Br sto Un vers ty Press.

23 Barra, S., Aeb , M., D'huart, D., Schmeck, K., Schm d, M., & Boonmann, C. (2022). *Adverse Ch dhood Exper ences, Persona ty, and Cr me: D st nct Assoc at ons among a H gh R sk Samp e of Inst tut ona zed Youth*. *Internat ona Journa of Environmenta Research and Pub c Hea th*, 19(3), 1227 . <https://do .org/10.3390/ jerph19031227> w

For example:

- Multi-agency, community-based interventions form the USA's Office of Juvenile Justice and Delinquency Prevention (OJJDP) Comprehensive Gang Model, in which local community stakeholders drive youth crime prevention initiatives at the local level, termed 'community mobilisation'.²⁴
- Communities That Care is a community-based prevention system that has been shown to be effective in reducing youth problem behaviours such as substance abuse, sexual risk taking and violence in the USA and Australia.²⁵

HOLD CHILDREN ACCOUNTABLE FOR THEIR BEHAVIOURS IN WAYS THAT WORK

Threats of harsher punishments do not deter children from offending. The incarceration of children is the single biggest predictor of children entering into a lifetime of crime. Why is it that there has been a significant reduction in the use of restorative justice approaches in recent times? In many instances, restorative justice very effectively brings children and the victims together face-to-face to help children understand and take responsibility for their behaviour and work out the ways they can repair the harm. It is just one example of getting smarter, rather than tougher, in using solutions that work. There are many more.

The voice of living experience - "I did a few restorative justice conferences but at the last one my victim came and talked about how they felt. I felt really bad for them and it made me think about what I had done. I think about that a lot." – child in a youth detention centre

Children being incarcerated increases their chance of adult incarceration, and the younger a child is incarcerated, the higher their chance of spending their adult life in prison.²⁶ No matter how therapeutic the model may be, removing children from their families and communities for rehabilitation is only addressing part of the issue.

While PeakCare believes there is a place in a broader service system for some children to be in secure settings for a period of time for rehabilitation, this should be based on a higher level of risk than currently used. For example, in the United Kingdom, the *Legal Aid, Sentencing and Punishment of Offenders Act 2012* states that children under the age of 18 must have committed either a violent or sexual offence or one that is punishable if committed by an adult with a sentence of imprisonment of fourteen years or more.²⁷ Karyn McCluskey from Community Justice Scotland sums it up as, "Jail those you're afraid of, not those you're mad at".²⁸

24 National Gang Center. (May 2009). OJJDP Comprehensive Gang Model: A Guide to Assessing Your Community's Youth Gang Problem. Retrieved from https://nationalgangcenter.org/pub_cations/4

25 Rowland, B., Kelly, A. B., Mohebb, M., Kremer, P., Abrahams, C., Abmany Ochom, J., Carter, R., Williams, J., Smith, R., Osborn, A., Harris, J., Hosseini, T., Renner, H., & Toumbourou, J. W. (2022). Evaluation of Communities That Care Effects on Municipal Youth Crime Rates in Victoria, Australia: 2010–2019. *Prevention Science*, 23(1), 24–35. <https://doi.org/10.1007/s11121-021-01297-6> <https://www.communitiesthatcare.org.au/>

26 Gomes, S., Carvalho, M. J. L. de, & Duarte, V. (Eds.). (2021). *Incarceration and generation. Volume I, Multiple faces of confinement. Paço de Arcos*. <https://doi.org/10.1007/978-3-030-82265-1>

27 Ministry of Justice. (2021, January 28). Youth Justice Statistics. Retrieved from <https://www.gov.uk/government/collections/youth-justice-statistics>

28 Crime World (2023, May 9). Episode 279: Community justice, young offenders and preventing violent crime [Audio podcast episode]. In *Crime World*. Retrieved from Episode 279: Community justice, young offenders and preventing violent crime. *Crime World Omny.fm*

For those children in secure settings, Queensland should look at implementing evidence-based models from other parts of the world that have been shown to reduce offending.²⁹ These therapeutic, rehabilitative models incorporate the following elements:

- The non-government sector delivers the services, for example, the Spanish Diagrama model.³⁰ In Queensland, this model could be piloted as a partnership between the Diagrama Foundation and a non-government organisation in one Queensland community and expanded if successful.
- Detention centres are home-like and close to children's families and communities, such as New York City's Close to Home initiative.³¹ Given the size of Queensland, this could be adapted where children are moved to small settings (4 to 8 children) close to their homes when preparing for release.
- Children leave detention centres on leaves of absence when they are ready, allowing them to engage in education, employment and family reunification while they are supported by trusted adults in a familiar environment.^{32 33} It should be noted that the risk of children running away or not returning to the detention centre when allowed to go out without staff is extremely low. In fact, of the 6314 instances of children leaving Australian detention centres unescorted by staff between 2017 and 2022, every child returned to the detention centre. That is, none absconded.³⁴
- There is a strong focus on families. This includes family therapy in youth detention, hearing from families about their needs from the system and supporting families to address any challenges or barriers to their child living safely with them after release.
- Youth detention centres are part of a service system that caters for different needs, such as drug and alcohol addiction, sexual offences, offences against family members or a combination of mental health issues and criminal offending.
- Mentors work with young people in youth detention and are available for them in the community after release.

The voice of living experience - "I needed someone to call, like a mentor, when I got out last time. I got out, went back home to live with mum and started a new job that I really liked. I did the job for one day and that night my friend called and asked me to do crime with him. I didn't want to let my friend down so I went with him. I wish I had someone else to call that night, or someone to take me fishing or something the next day. I was arrested and came back in after only one day out." – child in a youth detention centre

29 Anne E. Casey Foundation. (2010). "Missouri Model" for juvenile justice: A new vision for systems of care. Retrieved from https://www.aecf.org/m/resource/doc/aecf_missouri_model_2010_full.pdf

30 Veandrino Ncoás, A. (2019). Estudio sobre la efectividad de la intervención educativa con menores sujetos a medidas judiciales en la comunidad autónoma de la Región de Murcia [Study on the effectiveness of educational intervention with minors subject to judicial measures in the autonomous community of the Region of Murcia]. University of Murcia.

31 Vera Institute of Justice. (2020). Keeping Young People Close to Home: An Evaluation of the Close to Home Initiative. Retrieved from <https://www.vera.org/publications/keeping-young-people-close-to-home-an-evaluation-of-the-close-to-home-initiative>

32 Australian Law Reform Commission. "Transition from detention" Retrieved 8 October 2023 <https://www.alrc.gov.au/publication/seen-and-heard-priority-for-children-in-the-legal-process-a-lrc-report-84/20-detention/transition-from-detention/>

33 Myers, R, Goddard, T and Davditz, J. "Reconnecting Youth: Beyond Individualized Programs and Risks." Youth Justice, vol. 21, no. 1, 2020, pp 55-70.

34 Productivity Commission. "Report on Government Services 2023" Retrieved 24 October 2023 <https://www.pc.gov.au/ongoing/report-on-government-services/2023/community-services/youth-justice>

DIVERT CHILDREN UNDER THE AGE OF 14 FROM THE CRIMINAL JUSTICE SYSTEM

The younger children are when they first have contact with the justice system, the more likely they are to go on to re-offend. Effective responses involve children quickly discovering the consequences of bad behaviour, whilst also providing guidance to not repeat their mistakes. Children, especially very young children, do not understand or benefit from fronting courts and waiting months while the wheels of justice slowly turn. There are much more effective ways of holding children to account in ways that are timely and well-matched to a child's age and stage of development. Any evidence-based policy to keep the community safe should include significant investment in strategies that work to divert children, especially those younger than 14, from the criminal justice system.

If a child offends before they are 14 years old, they are even more likely to have experienced child abuse and/or neglect than children who start offending later in life.³⁵ There is therefore a need to support these younger children to develop relationships with people they can trust, to heal from trauma and support their brains to reach age-appropriate developmental levels. Experiences with police, courts and especially youth detention settings only make young children learn about crime and more likely to offend. PeakCare does not advocate for ignoring the crimes committed by children under 14 but recommends a strong focus on the prevention of youth crime and alternative approaches that divert young children from the criminal justice system and connect them to their communities.

This includes the following:

- Expand the Co-Responder Model between youth justice and the Queensland Police Service, identifying children who are starting to engage in criminal activity and diverting them towards social support services.
- Provide intensive support to the younger siblings of children who are in the youth justice system.
- Explore preventative and child-centred policing models such as those in England and Scotland.³⁶ These branches of police sit alongside traditional policing models and focus on addressing the underlying causes of youth offending, such as poverty, social exclusion, and lack of access to education and employment opportunities. Police involve a range of partners, including local authorities, health and social care services, and community groups, and aim to provide a coordinated and collaborative approach to preventing youth crime.
- Trial alternatives to court for children under 14 such as Denmark's Youth Crime Board.³⁷ The Youth Crime Board, underpinned by the *Youth Criminal Justice Act 2019*, is a group of stakeholders, with the child and family at the centre, sharing information about the child that can help develop an individualised support plan to reduce the risk of further offending. The process has shown to reduce the number of children transferred to detention centres and reduce recidivism in all age groups.

35 Mavaso, C., Day, A., Caie, J., Hackett, L., De Fabbro, P., & Ross, S. (2022). Adverse childhood experiences and trauma among young people in the youth justice system. *Trends and Issues in Crime and Criminal Justice*, 651, 1–19. <https://doi.org/10.52922/ti78610>

36 Home Office. (2011). *Child Centred Policing: A Police Service for Children and Young People*. UK Government. <https://www.gov.uk/government/publications/child-centred-policing-a-police-service-for-children-and-young-people>

37 White, M. (2020). Youth justice and the age of criminal responsibility: Some reflections. *Adelaide Law Review*, 40(1), 257–271.

CONCLUDING REMARKS

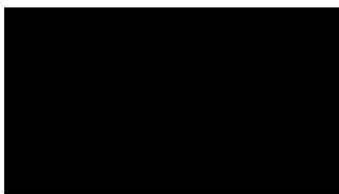
In this submission, we provide evidence-based programs and approaches that have been shown to work in other parts of Australia and the world. While each of these potential solutions could be applicable to Queensland, the geographical demographics, social characteristics, history and cultural diversity of the state make it unique. Before being implemented, local approaches should be co-designed with Aboriginal and Torres Strait Islander people, people with lived experience of the youth justice system, professionals currently delivering human services and most importantly, children in the youth justice system and their families.

We know the drivers putting young people on a collision course with the youth justice system significantly overlaps with risk factors for involvement with the child protection system and the number of children and families involved with both the child safety and youth justice systems reflects an ongoing failure to address the real systemic causes. Until there is a clear long-term strategy for addressing these, Queensland's children, young people, families and communities will continue to be the victims.

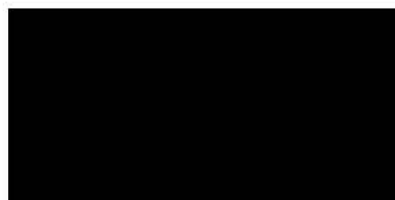
PeakCare is committed to working with members of the Queensland Parliament on both the immediate and longer-term strategies needed to reduce youth crime. We are hopeful that the outcomes of this inquiry will help to realise a bipartisan generational youth justice strategy that could be our north star for a safer and more inclusive Queensland. A strategy that is resilient enough to weather the inevitable storms that will come and adaptive enough to know we must also fix the issues here and now if we want our communities to feel like better days are ahead.

Thank you for the opportunity to provide a submission to the Committee in its inquiry to examine ongoing reforms to the youth justice system and support for victims of crime.

Yours sincerely,



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