

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

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Parliamentary Committee Inquiry into Youth Justice Reform in Queensland

Dear Committee Members,

I am writing to submit a response on behalf of Youth Empowered Towards Independence (YETI) to the Inquiry into Youth Justice Reform in Queensland

Overview of YETI's work

YETI is an organisation that focuses on providing support and services to young people aged 10 to 25 years in Cairns, Far North Queensland, particularly those most vulnerable facing socioeconomic disadvantage and inequality, with the aim of improving their well-being and minimising harm including diversion from the youth justice system. YETI provides holistic and integrated supports that focus on the physical, mental, emotional, and social well-being of young people. YETI's programs include federally funded alcohol and drug counselling; Queensland Health funded alcohol and drug case management; Remote Alcohol and Other Drug Intervention Program (RADIO); Just North – Volatile Substance Use (VSU) Supply Reduction Program; bail support, diversionary and family support programs delivered for Youth Justice; Next Step Plus and Extended Post Care Supports program; and SSAYIT – our Same Sex Attracted Youth Intersex and Trans Youth Group.

YETI has extensive experience and capability delivering services to young people with complex needs in Far North Queensland. The service provides support to young people with: comorbid AOD and mental health issues; impacts from trauma and ruptured attachments; disabilities including foetal alcohol spectrum disorders. In 2022/2023 we supported over 2299 distinct young people (31,187 total contacts). Our practitioners responded with trauma informed care to: AOD use including volatile substance use; involvement in the criminal justice system; physical or cognitive disabilities; housing and homelessness; historical trauma or abuse; legal issues; child safety issues; limited or no family support; limited pro-social engagement; budgeting and finance issues; educational or vocational challenges; lack of access to healthcare, particularly mental healthcare; literacy and numeracy barriers; exposure to domestic and family violence and complex family relations.

YETI is skilled in utilising proactive outreach and intensive case coordination to address complex needs. This is frequently via the use of care team models whereby we work with young people, their families, and partners to identify lead agencies and ensure coordination of care and the development of culturally safe



comprehensive care plans. YETI facilitates both the Coordinated Care for Vulnerable Young People (CCYP) and the Multi Agency Collaborative Panel (MAC-P) in Cairns. YETI practitioners work collaboratively with local government and non-government agencies to assess, plan, implement and evaluate interventions with young people, their families, and carers. Our service provides supports to over 80% Aboriginal and Torres Strait Islander young people. YETI appreciates the opportunity to contribute to this important inquiry.

Young people's interaction with the Youth Justice system

YETI supports the overwhelming evidence base that incarceration has a detrimental impact on young people's mental health, exacerbates pre-existing issues and leads to feelings of hopelessness and low self-esteem. It also increases the risk of suicide, psychiatric disorders, and substance abuse. Moreover, imprisoning young offenders without proper rehabilitation and support contributes to a cycle of reoffending and continued involvement with the justice system.

To address these issues, substantive changes are needed in the treatment of young people in the justice system. This includes recognising that children should not be criminalised at a young age and raising the minimum age of responsibility to 14. In addition, the prolonged detention of children in watch houses violates their right to humane treatment and the rights of the child protected by Queensland's Human Rights Act.

Despite the best intentions and efforts of organisations like YETI, providing effective services to divert young people from crime can be challenging in a system that is influenced by politics and governments driven by short-term gains. Recent developments in Queensland highlight the difficulties faced by service providers. The introduction of controversial youth justice laws and the abolition of the breach of bail offense resulted in almost 300 children being charged with breaching their bail conditions in the first two months following legislative change. Experts expressed concerns about the potential unfair punishment of innocent and disadvantaged young people for minor infractions, such as missing appointments or breaking curfews due to violence at home. These legislative changes hinder the delivery of appropriate support and rehabilitation, perpetuating a cycle of disadvantage and further entrenching young people in the criminal justice system. YETI is advocating for changes to prevent the long-term damage caused by short-term political considerations.

Research and evidence consistently indicates that locking up children increases the likelihood of them becoming recidivist offenders. YETI asserts that the current approach of profiling young people via the use of indexes, over policing, opposing bail applications, holding children unnecessarily in watchhouses and detaining them in overcrowded detention centres with inadequate staffing and no access to rehabilitative services is a direct contributor to the current statewide crime issue. Current laws perpetuate existing inequalities and Aboriginal and Torres Strait Islander children are disproportionately affected by these punitive measures.



In the current system rehabilitation and reintegration are almost impossible (particularly when considering the recidivism rates for young people exiting Cleveland Youth Detention Centre). Instead of focusing on supporting young people to address the root causes of their involvement in crime and providing them with opportunities for rehabilitation, current approaches prioritise punishment and incarceration and contribute to a cycle of reoffending.

Problematic levels of substance use, and mental health problems exacerbate the risk of children being criminalised. We observe a significant gap in accessibility and funding of appropriate treatment services or Adolescent Mental Health support services in our region. In several cases, young people with disabilities and mental health needs are incarcerated when they require support and treatment. Our experience working with hundreds of young people involved with the youth justice system leads us to believe that prolonged exposure to a custodial environment critically impacts young people's mental health and social and emotional wellbeing and drives recidivism.

YETI is very concerned by the prolonged detention of children in watch houses. As we finalise this paper there are currently 14 children in the Cairns watchhouse. One of the children has been detained there for 21 days and three others for 18 days. There is a 14-year-old who has spent 16 days detained. Visiting Queensland Health representatives and other staff are expressing serious concerns as to the wellbeing of these young people in the current environment. Over the past week in the Cairns watchhouse, children have assaulted each other, police officers and hurt themselves. I have obtained recent video footage via RTI and have permission to screen the footage to the Committee to support our organisations concerns. The ongoing use of the Cairns watchhouse to detain children is putting Queensland Police officers and children at significant risk of harm and I believe the situation needs to be urgently addressed.

Incarcerating young people contributes to a cycle of reoffending by: isolating them from supportive environments, limiting their access to education and employment opportunities, and exposing them to negative influences within the justice system. As many recent media reports and Magistrates have highlighted due to a lack of staffing, young people are being detained for extended time periods in isolation ('night mode' in Cleveland Youth Detention Centre). The reality is that for many years the youth detention system in Queensland has not and cannot be adequately staffed, young people are being traumatised and harmed and exiting the system angry. Queensland's "tough" and "tougher" responses, without capacity to staff the current detention centres, let alone new detention centres, will continue to drive recidivism. Queensland is out of step other jurisdictions in Australia and failing children, workers in detention centres, police officers and critically the whole community who may be victims of these angry children are being let down.



Solutions

There is evidence based, effective alternatives to the current situation. We believe the Atkinson Report provided a balanced response to addressing youth crime and were disappointed that one of the key pillars of remand reduction appeared ignored in the implementation stage.

There are numbers of strong submissions from QCOSS, PeakCare, QATSIPP and QNADA to the Committee that highlight the need for justice reinvestment, early intervention and prevention programs, First Nations led approaches, health and wellbeing focussed strategies and following the well documented evidence base. Our submission defers to these peak bodies as best identifying solutions.

As a service provider we assert that it is very difficult for programs (no matter how well designed) to achieve great outcomes with young people who have experienced prolonged watchhouse stays and detained in facilities such as Cleveland Youth Detention Centre. For community based Youth Justice programs to have impact and promote change with young people we believe there needs to be concurrent change in the following domains:

- Cessation of the use of adult watchhouses to house young people, with an immediate focus on the needs of young people with disabilities.
- Immediate implementation of targets to halve the numbers of young people in youth detention in order that staffing levels can support rehabilitative approaches with the young people detained.
- Review of the Serious Repeat Offender Index, its utility and role.
- Immediate changes in policing practices that halts the process of 'net widening'. That is, until the numbers of young people encountering police stops there will only be a worsening crime problem.
- Ensuring that Youth Justice strategy is informed and delivered by those most skilled and equipped (that is, experts and agencies trained specifically in family, cultural, trauma informed, health and disability skillsets, not policing, law and order)
- Redirection of Queensland Police resources to focus on underlying drivers of offending, in particular young people's experience as victims of adult offenders (i.e., victims of sexual offending) and domestic and family violence.



- Implementation of the Atkinson Report and its original intent in relation to all four pillars, with a particular focus on the pillar of remand reduction.
- Inquiry in relation to the conditions and experiences over the past five years for young people detained in Cleveland Youth Detention Centre
- Reinstatement of the Human Rights Act in Queensland.
- Raising the age of criminal responsibility to bring in line with the U.N. Committee on the Rights of the Child to 14 years.
- A focus on child protection rather than punishment with regulation of the process of children involved in the justice system with detention being a measure of last resort.
- Policies and interventions, ensuring that the rights and wellbeing of children involved in the justice system or incarcerated children are upheld.
- Implementation of National oversight mechanisms that promote transparency, identify areas for improvement, and hold responsible parties accountable for any violations or shortcomings especially for young people in detention centres and watchhouses where there has been maltreatment.

Finally, if there is opportunity YETI is keen to screen confidential video evidence via the form of a CD to support our submission.

Thank you for considering this submission.

Yours sincerely,



Genevieve Sinclair

Chief Executive Officer

Youth Empowered Towards Independence (YETI)