

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

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Good Afternoon

My name is Graeme. Kimball. I have witnessed firsthand how broken the current youth justice laws are and how poorly the victims and their families are treated. I have been encouraged to keep speaking up and pressure all major political parties to put politics aside and work together to find a solution to ease the out-of-control youth crime crisis. This encouragement has not only come from concerned taxpaying citizens but also from many youths themselves who don't feel safe and are also scared and fearful for their safety. At this moment what the current Queensland Government has implemented is obviously not working and needs a complete review to stop this unacceptable crisis and keep communities safe.

### THE CRASH

On Thursday 09<sup>th</sup> June 2022 our 16-Year-old son Ryan was killed in a horrendous car crash. Ryan was asked out for a drive by a friend that he knew but he had never met the driver before. Ryan was the backseat passenger had no idea that the driver was only on his L Plates until he was in the car. His last couple of texts to a friend he mentioned that this dude is crazy He's swerving lanes and he only Has his L's. Ryan had no idea of what their intentions were that day and just thought he would sit the ride out. We have since found out that the passenger and driver were sent a video challenge by another driver of himself racing down Finland Road at high speed for a challenge. After several failed attempts at trying to beat the dare the driver and passenger believed that having someone in the back of the car would prevent the back end from sliding around and that's when they decided to ask Ryan out for a drive.. The front seat passenger filmed the whole ride, and the car was overtaking another car on Finland Road Reaching speeds of up 180km/hr in a 60km/h zone when the driver lost control slamming into a power pole killing Ryan Instantly. During that video you can faintly hear Ryan in the back say slow the F down prior to impact. My wife was notified by the front seat passengers mum that the boys were in a car accident. My wife and youngest son arrived at the crash site approximate 10 minutes before I got there. When I arrived and got out of the car at the crash site my youngest son who is special needs ran to me crying and saying that Ryan was dead. In the day's weeks and months later, we were never contacted or approached by any Government agencies to check on our wellbeing or offer guidance to what support and services were available to us. The night after the crash the front seat passenger had released the video of the crash on social media and sent it to Ryans friends. This was disgusting as at that time we were told nothing about the crash It was evident how horrendous the crash was when we had a funeral viewing for family and close friends. To see my son laying there all conjugated, his hips out of line with the top of his body the severe bruising and swelling it was shocking. While we watched some lovely tributes on some social media platforms for Ryan I unfortunately stumbled across disturbing discussions and videos posted by the surviving front seat passenger. One was where I read how Ryans arm was ripped off. We also saw other videos of the driver and front seat passenger living like there was no tomorrow and if nothing had happened. One video was the driver in the back of a police van after they broke in and vandalised the school that Ryan used to attend while he was on bail. And another one of them trashing a house plus many more of their anti-social behaviour this was disgusting to witness as they showed no care or remorse for their actions and continued to use Ryans death for social media popularity views.

### AFTER CRASH

It was 2 months after the crash that the forensic investigator came and met with us and to give some of Ryans belongings back including his phone we were told to keep quiet and not say too much about the crash as to not jeopardise any evidence towards the case.

He Confirmed that Ryan's Arm was severely severed and that he was killed instantly on impact and the crash was one of the worst that he had seen. He told us that the evidence and videos made an airtight case and that the driver would definitely be serving a custodial sentence.

The other driver who originally sent the dare out had his phone confiscated as a part of the investigation into Ryans death and fronted court only to receive a fine and loss of license for 3 months. The judge stated that he was lucky that he didn't contribute to some-one's death. (in actual fact he did.)

6 months after Ryans death the forensic investigator told us that their report and evidence had been handed over to the Department of Public Prosecution (D.P.P.) and that they will be in touch and that he would see us in court.

At 6 ½ months the D.P.P phoned us to advise us for our grief and trauma that we should contact Victims of Crime Assist and connect to apply for Psychology help and financial assist to help with our recovery expenses.

We organised phone conferences with the Psychology as our self-funded Psychology was putting extra financial strain on our family and I had to return to work as all my entitled leave was exhausted.

We filled out all the necessary paperwork for victims of crime financial assist and were told that they would be in contact regarding our submission for assist.

At 8 Months the DPP contacted us to set up a court summary meeting. At our first meeting it seemed like the crash had been downplayed and that the prosecutor was looking at going for a 2-4 year detention sentence which was lower than what the police told us of a 4-6 year sentence. I felt as though the prosecutor was inexperienced and overworked and didn't seem to have any commitment to represent us to their true ability. I asked her if we could have our own lawyer to work with them and overlook the process so to be sure that all the boxes were ticked to obtain a satisfactory conviction. She bluntly and firmly said no and said that we the DPP are appointed by the state Government to represent your deceased son and not you. We have since found out from a criminal lawyer that we did have a right to obtain our own lawyer.

The driver entered a guilty plea of excessive driving causing death whilst failing to display L. Plates, Driving on L. Plates unsupervised and use of mobile phone.

We were told that sentencing would be in around 8 weeks' time as the driver had to be assessed by a youth justice Psychologists. This assessment was pushed through in just 4 weeks

.The DPP failed to notify us personally and directly to their procedures of a confirmed court date for sentencing. We found out about the sentencing date after talking with a family member as they submitted their impact statement and was given the date to pass onto us.

.A week out from Court we phoned the DPP to find out when our pre-court summary was going to take place and they said oh that's right we forgot to organise one. So we were called in late on the eve of court and the prosecutor basically told us that she was going for 2 year sentence but also said that there was a good possibility that he will be released with a suspended sentence with a conditional release order.

## Court

Court was an absolute disgrace with all the focus based around rehabilitation for the offender and it felt that we were the ones being sentenced.

The prosecutor only just read out impact statements and the judge seemed distracted often looking away reading other files whilst the statements were being read out.

Several friends in the public gallery heard the defence lawyer turning around to the offender and saying don't worry mate your going home today as she has brought nothing to the table

The excuses that the defence lawyer used was absolutely ridiculous (eg undeveloped brain, typical stereotype of driving for that age, separated parents and what a wonderful boy he is)

His mum sobbed uncontrollably his dad was looking around the court room and the offender just stared and showed no emotion.

The Judge prompted the prosecutor 3 times that in order of a conviction that he needed a certain piece of evidence validated which in the end said she could not Validate

When the sentence was handed down with an 18-month suspended sentence released immediately on a 3 month conditional release order, no conviction recorded and loss of license for 18 months we were absolutely devastated.

The father of the offender turned around and fist pumped the air with a big smile whilst his Mums sobbing suddenly stopped and it was like that, they just won a football grand finale.

Uncomfortably we were led out of the court room 1<sup>st</sup> by the prosecutor's clerk and made to walk in front past the offender then his legal team and parents. It was like we were made to walk the walk of shame. As we went past the offender quickly raised his head and grinned.

We were sent to a small private room to meet with the prosecutor for a post court summary to which she said she could not stay as she had to be in another court and that she would call us back later. We denied that and went to meet friends and supporters at the RSL Club for lunch.

My wife was retrieving our car from the Plaza to bring over to the RSL and as she was driving back from the court the offender was proudly strutting and smiling with his family. This was very upsetting to my wife, and she pulled the car over to gather her thoughts before moving on.

Ryans friends made up around 95% of the public gallery and were totally angry and upset with the sentencing. With them being teenagers, they said that this outcome didn't send a good message to the youths of today and that's it's okay to kill someone and get away with it and that there is no deterrent to prevent others doing the same.

Whilst we were at the RSL we had missed phone call from our Forensic crash investigator while we were in court.

When we phoned him back, he was bitterly angry and upset to find out by a colleague that sentencing was happening and that the DPP failed to update him and confirm a court sentence date so he could have attended to

help if required as he was the investigating/ arresting officer. He also said he would have been able to validate the piece of evidence that the judge requested. He believes and we agree that some sort of deal was made by the prosecutor and defence prior to court. He was livid that all the forensic evidence and resources were in vain for a conviction and his staff were deflated and upset. The police do a fantastic job apprehending offenders but are constantly let down by this catch and release method.

Unfortunately, the courts don't realise that releasing an offender who is responsible for a death without satisfactory punishment leaves the offender vulnerable for retaliation by those who feel injustice served.

#### After Court

For 3 days after we were still in shock that our son's life was considered to be worth no value by our justice system. It felt like that we had to bury Ryan for a second time and the court decision has contributed added grief to our already diagnosed PTSD. We can and never will accept that there was no accountability towards the person responsible for our son's death. I believe that Ryan was unfairly represented and his case rail roaded by the justice system.

We were given directions from the DPP on how to use the court portal to obtain our free copy of court recordings and transcripts. We unsuccessfully attempted to obtain these for 3 days until we rang the Brisbane Court house only to be told that we could not have those recordings and transcripts as we would have to apply for a court order as the offender is protected under the youth justice act and obtaining these would be very difficult and more than likely be denied.

Our Local sitting member helped us to call out the Attorney General (Yvette D'Arth) to request that they consider appealing the court sentencing as it was manifestly inadequate and didn't meet community expectations. We really wanted to have someone investigate who dropped the ball and didn't represent to their true potential.

Whilst we waited for the appeal decision, we were contacted by a media outlet who wanted us to talk about the denied appeal. This was 2 hours prior before a Government Representative phoned to advise us of the Attorney Generals decision. Our privacy was breached, and more stress was added to our grief by the lack of empathy and care from the Government with no formal apology offered only a voicemail from the Attorney General which I never replied as the damage was already done.

We had our last phone consultation with the Victims of Crime Psychologist, and he broke down with what we were telling him about our experience.

After nearly 12 months we finally had a tele meeting with victims of crime financial assist to help fill out paperwork to apply for assistance to help with our ongoing medical and specialists' appointments only to be told halfway through that we were ineligible to claim as we were not the actual victim.

We are currently in our 20<sup>th</sup> month of our life sentence and if you have never walked in our shoes, you will never understand the full content of Heartbreak and pain having to bury your child because of someone else's actions Without accountability/ Punishment. We received no closure for our beloved Ryan and our lives and future are now severely altered in many ways.

It's so unfair that all emphasis is focused on rehabilitation towards the offender without any accountability. The amount of people affected from this tragedy far outweighs focusing on 1 guilty person. This includes eyewitnesses, first on the scene emergency services, Victims family and all close friends of the victim. We are hearing terrible testimonials of Ryans teenage friends and eyewitnesses who still suffer to this day and are still receiving treatment 20 months later. Some of Ryans friends have lost focus on their senior year of school and since left. Others not wanting to obtain a license and being withdrawn from socialising. It's unacceptable that during the time of sudden death trauma that the services and support that is available is so obscure and unclear for its purpose. We have found support from other grieving families who have experienced similar tragedy and injustice as us. Every day we have to re-live this nightmare. Even just last week we were notified by the Coroners office that they are still waiting on the court sentencing report to finalise their inquiry into Ryans Death.

This Photo is our forever 16-year-old son Ryan Kimball who was a living human being and had so much to offer in his life and deserved better.

We put our trust and faith into our legal and justice system but after our horrible experience like many others are left believing that there is no justice system anymore and that we are rapidly heading towards a lawless society

### Solution Ideas

A grief liaison officer appointed immediately after a tragedy to offer guidance to what support and services are available

Re-write the youth justice legislation

Accountability for one's action as a deterrent with assessment reviews

Early intervention programs

Remove detention as last resort

Breach Bail go to Jail

Build more detention centres that are graded by seriousness of crime and assessment Low, Medium and High centres

Take away the luxuries that are current in detention centres and focus more on education and intervention with a rewards system

More Visible police presence with more powers

Tougher Magistrates and Prosecutors

Mandatory Minimum and Maximum Sentences when responsible for a death

Tougher penalties for serious crimes and repeated offenders

Name and Shame severe cases (sexual and death) abolish name suppression for these offences

Allow Media to obtain access to children's court for serious offences

### Affects

Suffering severe trauma (PTSD)

Withdrawn from society (uncomfortable and panic )

Don't socialise with friends ( don't understand)

Don't trust anyone especially government agencies

House is fortified with security cameras and gates

Knowing the person, I was before to now.

Not sure how I would react if I saw the driver in public

In fear of being blamed for retribution

Loss/focus and motivation limited driving on unfamiliar roads

Unable to attend family gatherings

Lost all interest in the activities that Ryan and myself would participate in

Self-blame

High blood pressure and ongoing health issues