

## **Submission to the “Youth Detention and Young Prisoner Review: Independent Inquiry”**

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## **Discussion Paper**

We thank the review committee for the opportunity to consider the papers and believe that the issues being discussed are vital to the health and wellbeing of Queensland's children and young people. In this Submission we comment particularly on selected components of the terms of reference and related questions on which we have relevant information to contribute for the discussion paper. These are;

- Item 1: The operation and management of Queensland youth detention centres.
- Items 6 (a), (b), (c), and (d): Programs and services delivered in youth detention centres.
- Items 7 (c) and (d): Current cultural programs and services and their effectiveness in addressing the specific needs of Aboriginal and Torres Strait Islander young people in youth detention.
- Item 9: National and international models of service delivery responding to young people and offending behaviour.

In the main, this Submission responds to questions with summary paragraphs extracted from reports and papers written by or in association with the authors. The evidence base that they draw upon is detailed in the relevant references provided.

### **1. OPERATION AND MANAGEMENT OF QUEENSLAND YOUTH DETENTION CENTRES**

*Young people in detention are subjected to a range of rules as a means to maintain security, good order and safety within the centres and as a result, may be expected to comply with reasonable instructions. Failure to comply with these instructions and rules can be defined as 'misbehaviour' which may result in a variety of consequences. The implementation of consequences needs to address the behaviour, respect the child's dignity and take account of a variety of factors that may influence the child's behaviour such as age and maturity level, cultural background or beliefs and any known trauma or individual vulnerabilities.*

#### **RESPONSE:**

It is accepted that disciplinary measures are necessary to maintain the safety of detainees and the good order of youth detention centres and there are a range of measures to ensure this. Those that segregate young people from the wider detention centre population have serious implications and are of concern. Whitley and Rozel<sup>[1]</sup> make the distinction between seclusion and isolation used in youth detention centres. Seclusion is a clinical intervention which, due to the young person's mental health symptoms and behaviours that pose a risk to themselves or others, leads to their removal from the wider population. Best practice for implementing seclusion as a clinical intervention is supervised by trained medical or mental health professionals, is time limited, monitored and is discontinued with an assessment of the young person's risk and symptoms. Isolation is disciplinary and serves as a punitive measure to maintain security. The young person in isolation is granted minimal contact with personnel for the duration of their isolation. The use of isolation in youth detention centres risks considerable psychological harm to the young person and there is evidence of increased suicidality among imprisoned youth who have spent time in isolation.<sup>[2]</sup> Paediatric Psychiatrists have strongly discouraged it as a practice in youth justice<sup>[3]</sup> and professional associations in the United States have raised concerns that isolation is being overused in youth justice facilities, is not conducive to rehabilitation and poses grave risks to young detainees.<sup>[4]</sup> Professionals have collaborated to develop guidelines for the use of seclusion and isolation in youth justice settings and to minimise their use and detrimental effects. They propose five steps to reducing isolation: develop a mission statement that reinforces principles of rehabilitation, develop

policies and procedures for minimising isolation, record and manage data to track the use of isolation, develop alternative behaviour management strategies and train staff on the missions, goals, values and strategies to be implemented. In addition to these guidelines it is our recommendation that before the decision is made to isolate a detainee from the general population, their strengths and particular weaknesses are considered. This information could be collected in a comprehensive assessment, which is a component of a model<sup>[5]</sup> currently being implemented and evaluated by Canadian researchers. The model is a key recommendation in this submission and is described in more detail in our response to item 9. It is also recommended that the use of isolation and seclusion measures are subject to a review by the institution on a weekly basis.

Isolation and seclusion strategies require the involvement of specialists in youth delinquent populations with experiences and knowledge of the impact of personal, physical and psychological trauma. They will recognise a stress response that may be otherwise interpreted as disobedient or aggressive behaviour or a dissociative response that may be interpreted as non-compliance<sup>[1]</sup> and manage these responses to minimise further risks to the detainee. Of importance is the understanding that the function of isolation and seclusion is to aid behavioural and safety management, and such measures are counterproductive to rehabilitation. Research on vulnerable youth populations strongly supports strategies that enhance connectedness, belonging and inclusion rather than isolation<sup>[6-9]</sup>. These strategies are particularly powerful for young people who are vulnerable as a result of being isolated from their families and communities.

From a submission on behalf of the Brisbane Youth Education and Training Centre (BYETC) Parents and Citizens Association (February, 2016)<sup>[10]</sup>; *"The discipline used in the Detention Centre should be appropriate to the circumstances of the behaviour or action conducted by the individual young person. In saying this, we recommend strong consultation with the Detention Centre and Education and Training Centre staff regarding the issues relating to and directly impacting on what may be deemed 'inappropriate behaviour'. For example, a young person may have a difficult visitation session with a lawyer or family member and be returned to their classroom where they are disruptive. This reaction is linked to the visitation session and the young person should have an alternate option they may choose after such meetings, such as talking with a Guidance Officer or psychologist before returning to class. This provides an opportunity to support the young person further in developing their social and emotional skills, and also helps avoid possible class disruption."* Importantly, *"Young people in detention should have the opportunity to 'win back' privileges if it is deemed appropriate for these to be taken away."*

## **6. PROGRAMS AND SERVICES DELIVERED IN YOUTH DETENTION CENTRES INCLUDING ADDRESSING CAUSATIONAL ISSUES UNDERLYING OFFENDING BEHAVIOUR**

### **RESPONSE:**

***Items a) and b): What programs are available to assist young people subject to detention to identify causes of their offending behaviour? Are available programs effective?***

From a meta-analysis of over 600 studies of interventions for youth offenders, Lipsey found that small effect sizes are most often due to poor implementation or inappropriate or irrelevant focus<sup>[11]</sup>. Poorer quality programs that were systematically implemented produced similar effect sizes to programs with higher quality content that were implemented poorly. Interventions to reduce re-offending that use therapeutic principles such as cognitive-behavioural therapy, family and group therapy, influential modelling and social skills<sup>[11]</sup> and those that target specific groups and problems and generalise to settings outside youth detention<sup>[12]</sup> are reported to be most effective. These

findings suggest that it is critical for programs and interventions to be delivered by professionals with specialist training and experience.<sup>[13]</sup>

***Item c): What challenges are there regarding youth detention programs and services (including but not limited to: accessibility, resourcing or funding)?***

An important problem of the current youth justice system is the lack of attention to the individual characteristics of the young person, neglecting social factors such as poverty, geographical isolation, dysfunctional families, educational disadvantage and alienation from the main stream community. These young people mostly belong to the most marginalised and disadvantaged groups, and the current system increases their isolation from the community and offers little economic or social advantage and fail to address the root causes of offending behaviour. Comprehensive assessment and treatment programs for young people who are detained are lacking and there is little communication between staff groups.

Australia's remote geography creates a further challenge to providing effective youth justice initiatives that meet the family, community and cultural needs of offending young people who live in rural and remote communities. In Queensland, youth who are sentenced by the courts to periods of detention are sent to one of two facilities in the state, often long distances from their families and communities. The distance between services prevents or seriously reduces connection to family and social supports, health and legal services and involves costs and resources to individuals and communities that are often not available.<sup>[14]</sup> In particular, the remoteness and isolation of communities in Queensland, and the lack of specialised local youth justice services means that Indigenous youth are further disadvantaged. It is the position of the authors that being detained a long distance from family and communities, when coupled with periods of segregation from the wider youth population as a form of punishment, further exacerbates the mental health problems and suicide risk of detainees and that these practices should be subject to rigorous investigation and reconsideration.

Therapy services are currently not well enough resourced or coordinated to ensure early intervention, particularly of youngest offenders. Cognitive issues, drug and alcohol issues, family issues all need to be addressed. Programs that incorporate evidence-based interventions, and individualised treatment plans are most successful in treating the underlying causes of offending behaviour<sup>[15]</sup> and assessing the content and process of youth detention programs is often overlooked.

A recent study reported that youth in detention hold positive attitudes towards risky and criminal behaviours and young people are strongly influenced by the norms of their family, peers and social networks.<sup>[16]</sup> Injury-risk behaviours and risky and criminal behaviours were reported as often occurring in the presence of, and were influenced by, family or friends. Such risk taking was common, easy and highly regarded by peers. To address such attitudes social and personal issues may need to be reframed. Positive role models within the community could be involved, regular input from Indigenous 'elders' and the input of significant community members through personal stories could be an important step to address the challenges of recidivist offending. Further, chronic offenders clearly need individual therapy to help them develop healthier ways of dealing with conflict, their anger and any other issue that contributes to criminality.

Criminologists Hutchinson and Richards<sup>[15]</sup> raise the risk of the one size fits all approach leading to 'net widening' – young people with minor offences inadvertently becoming involved with serious offenders in the youth, or more seriously, adult justice system. This notion applies to the association of younger, with older, detainees who may present greater risk of iatrogenic criminal

influences. The same risks may apply to youth who are held on remand, and those serving a sentence and it has been recommended by BYETC stakeholders that separate facilities are constructed for these populations to minimise the risks posed to more vulnerable detainees.

Young people who spend long periods in detention on remand are released without any structured transition program in place. This limits the opportunity to provide the therapeutic, social and educational processes which increase the prospect of successful rehabilitation into society. Young people are released into the community unprepared and fall into previous relationships and circumstances and reoffend. Transition needs to be coordinated with supervisory services in the community. To do this more resources need to be applied to the transition process and targeted support services coordinated to minimise the possibility of reoffending. Currently, State and Commonwealth funded youth services are not coordinated and there are very few relevant services available to Indigenous youth in rural or remote areas.

***Item d): What programs to assist young people subject to detention to identify causes for their offending behaviour ought to be available?***

The Brisbane Youth Education and Training Centre (BYETC) parents and Citizens Association recommend holistic models: *“Overarching we would strongly support the development of evidence-based initiatives in Queensland Youth Justice, that holistically support the individual young offenders in understanding their offending behaviour(s) and that also support their criminogenic welfare needs. We believe this review is an opportunity for Queensland to further develop a formal partnered approach between justice, health, education and ‘communities’ to support young people, their families and their community. We suggest that any ‘programs’ be entrenched across these services, in both the public and ‘private’ sectors. Furthermore, we support strategies that better enable the Queensland Police Service to divert young people from court and remand and in saying this, detention.”*

Pre-release educational programs that target individual factors aim to improve behaviour, increase feelings of self-worth and improve psychological wellbeing<sup>[17]</sup>. They include life skills, self-regulation, goal directed behaviour<sup>[18]</sup>, mental health<sup>[19]</sup>, motivational and sport-based programs.<sup>[20]</sup> Successful programs address psychological issues such as hopelessness<sup>[21]</sup>, challenge beliefs and perceived norms<sup>[22]</sup> and involve therapeutic processes in rehabilitation strategies.<sup>[23]</sup> Holistic approaches to assessing and sentencing young offenders span a variety of domains including substance misuse, mental health, physical health and family and social functioning. Youth detention programs that have been evaluated as most effective are tailored to meet each offenders' individual needs<sup>[24]</sup> based on assessment of multiple possible contributing factors. Most detention centres in the Eastern states of Australia try to meet these needs by ensuring that young people attend an education and training centre. Each young person is supported by a case worker and has access to specialist support such as medical, alcohol and drug, and where geographically available, cultural and community engagement and family support. However, providing these supports in the real world detention centre environment for children who have low literacy and numeracy levels is very difficult.

The BYETC Parents and Citizens Association<sup>[10]</sup> report that *“Parental feedback showed gratitude for the learning and personal development opportunities provided to their young person. Parents highlighted improvements in literacy, positive behaviour changes and a sense of pride regarding their young person’s achievements. It is clear from this feedback that the learning opportunities available in detention are highly valued as they are individualized and provided in a controlled environment. Initiatives such as these are crucial for a young person’s learning and personal growth, and these should be inherently linked to the young person’s transition back to their community. These learning*

*and support initiatives should continue to be available to the young person on release from detention, in ways appropriate to the individual young person's needs. Transition support in detention should be available to all young people who are not supported into diversion programs by Police and other parties. Well managed transition plans require stronger communication between the particular education, justice and health 'bodies' involved than currently exists. Consultation with both justice and education representatives presently working to support transitions has identified that a young person lacks relationship continuity during this phase. This means that the young person does not have continuous contact with the same supporting worker (or workers) and causes overlap in the workloads for the supporting workers and most importantly, disconnect for the individual young person engaged in the process. School and centre activities shall therefore better align with the youth justice transition process, and link with education, training and employment pathways in their home community to provide the young person with increased opportunities to reconnect with their community. Opportunities to engage and learn from community members are crucial to transition." The continuity of education for young people released from detention requires explicit and thorough linkage of educational experiences in detention via reports and communication with the school or college the young person will be returning to. Research conducted with youth detention populations recommends supportive teaching strategies, methods of enhancing school belongingness and small class sizes for youth in detention and those reintegrating into mainstream education systems.<sup>[16]</sup>*

*"There are training and employment initiatives that have been successfully introduced in Victoria, New South Wales, Tasmania and South Australia (<http://www.whitelion.asn.au/employment>). These have one 'contact person' that meets with the young person in detention and supports the young person through the transition process. In addition to this, the employer or training provider is given appropriate support throughout this process. We note that this is not relevant to all young people engaged with the youth justice system and that this again should be determined based on the individual need, circumstances and offending behaviour. BYETC aims to bridge the educational gaps presented by many of these children within the Brisbane Youth Detention Centre. It has developed a distinct clear philosophy focussed on closing student's skills gaps, providing vocational guidance, certificated training and providing strong exposure to the foundation values of a pro-social life".<sup>[10]</sup>*

## **7. CURRENT CULTURAL PROGRAMS AND SERVICES AND THEIR EFFECTIVENESS IN ADDRESSING THE SPECIFIC NEEDS OF ABORIGINAL AND TORRES STRAIT ISLANDER YOUNG PEOPLE IN YOUTH DETENTION**

### **RESPONSE:**

#### ***Item c): What challenges are there regarding cultural programs and services in youth detention (including but not limited to: accessibility, resourcing or funding)?***

Clearly, the current system of in Queensland disproportionately affects Indigenous young people<sup>[15]</sup>, particularly those relocated many hundreds of kilometres from their rural or remote communities to serve out sentences. The high levels of incarceration of Indigenous people and of youth suicide indicates that there is a need to look at policies of youth incarceration and rehabilitation. Most importantly, the challenges to community reintegration for young Indigenous Australians include negative stigma, delinquent reputations, risk-taking norms among family and peers and multiple family and community stressors. <sup>[25]</sup> The perspectives of Indigenous youth in detention are under-represented in research and social policy that targets the reintegration communities for these young people are equally important to reducing injury and injury-risk. Research by Dawes<sup>[25]</sup> shows the challenges encountered by young Indigenous people released from detention. In his research, Indigenous youth who re-offended reported that their 'criminal reputations' and delinquent peers

had been barriers to successful community reintegration and contributed to their re-incarceration. On the other hand, connecting with cultural practices, mentors and community elders is emphasised as a powerful factor in the successful community reintegration for these young people. Some research participants returned to remote communities to learn about hunting, fishing and painting and others joined an elder's night patrol to engage at-risk young people. Those who were engaged in education, training and employment and being connected with family, culture and community activities were able to desist from crime.

In recent years there has been a rise in juveniles in detention and in particular, Queensland. The majority of detainees are on remand, some for considerable lengths of time. The rates of youth in detention on remand are understandably of concern to the BYDETC Parents and Citizens Association; *"We refer the Queensland Government to the changes reflected in the numbers of students in detention since July 2012. The rise in juveniles in detention and in particular those in remand is significant. We note the recent Government's decision to significantly reduce the opportunity for diversion to community conferencing. We reflect on this and we note the rise of young people on remand (and in detention). Our major concern regarding young people on remand in detention is their limitations in engaging with transition services, in addition to the stigma that is attached to such an order<sup>[26]</sup>. This does not support the young person's rehabilitation as it removes them from their community. We believe the Government should support diversionary opportunities, informed by evidence."* The revolving door phenomenon demonstrates detention as punishment alone is not effective. Detention without supportive responses, individual therapy and well-structured transition processes with appropriate well-resourced supervision is not effective in reducing recidivism.

**Item d): The cultural programs and services that ought to be available to assist Aboriginal and Torres Strait Islander young people subject to detention**

Responding to individual circumstances and addressing the underlying cause of offending behaviour requires specialist legal instruments. Restorative justice models include youth conferencing, police warnings and specialist diversion courts and are designed to respond to issues relevant to contemporary Indigenous identity and culture in offending behaviours. The reinstatement of funding to these programs is strongly recommended. Detention should be the last resort and should be resourced to be a powerful intervention with collaborative rehabilitation plans developed by all involved professionals. There is also a strong argument that sentenced young people should be separated from young people on remand, even in a separate facility.

The Australian Institute of Criminology<sup>[12]</sup> recommends intervention processes that extend behaviour change to contexts outside detention. This could be in the form of community support programs for young people post-release that facilitate connections with positive mentors, elders or role models and formal or informal institutions such as schools, training and employment and cultural participation programs. When dealing with Indigenous young people an approach which advocates for needs such as illiteracy, depression, mental illness and community connectedness should be prioritised over approaches that focus on thinking and behaviour deficits. Holistic and culturally appropriate approaches would address the multiple aspects of disadvantage. Unless the needs such as grief, depression, spiritual healing, loss of culture, and educational needs are met it may be difficult to address the needs directly related to criminal offending.

Reconnecting the young person with positive influences and helping them develop positive goals and a life pathway is a responsibility communities have to their children. Present under-resourcing and lack of availability of this type of service leads to an ineffectual response as the supervision must be strong enough to reconnect the young person with community, education, health services, training or work and provide suitable accommodation and social relationships for rehabilitation.

Providing resources to increase support and youth services in crime prone communities based on holistic and early interventions is a more effective and cost effective government response. There needs to be a whole of system response that catches at risk families and individuals in the earliest stages of their offending. Specialist youth services in the areas of education, welfare and health need to be targeted to the group of the youngest offenders. Unfortunately, in stressed economic times it is these support services that are often the focus of cost cutting.

Schools are often the organisation that recognises a student's risk of being involved in offending. As "*first to know*" organisations with a duty of care, schools have the opportunity to inform other agencies and be involved with coordination of system responses. Histories of truancy and school exclusion increase the risk of later involvement in juvenile justice and detention<sup>[27]</sup> and highlight the importance of engaging these students in a meaningful way. Those who do not perform well at school are placed on special conditions, excluded, detained and suspended. They experience higher levels of distress and in the absence of the controls of a school environment, are more likely to engage in violence, substance use and early sexual activity.<sup>[28]</sup> Quin and Hemphill (2014) found that one quarter of the students in their sample had previously been suspended, mostly young males (80%) for violence or aggression<sup>[29]</sup>. When on a period of suspension, most students reported spending their time alone or with peers, a small number reported participating in illegal activities (17%) and using drugs or alcohol (13%). On their return to school following a suspension, more than half of the students (59%) did not receive any additional assistance to catch up on their work, adding low academic achievement to their difficulties. Delinquent youth are more likely to have a higher than average nonattendance and truancy rate and one study shows that around 16% of students had skipped class or truanted from school.

Welfare services in state schools are minimal and traditionally, Queensland schools have only played this role informally. As it currently stands schools and agencies often act in isolation and if a student is away from school for a long time schools do not have the capacity to conduct home visits and provide the necessary support to return the student to school. The current truancy system of letters home to families with threats of fines is ineffectual as these families are often dysfunctional and have lost influence over the young person by the time the process is complete. Timely, coordinated and well-resourced specialised welfare and case management services linked supportively with early school identification of emerging difficulties would be more effective.

## **9. ANY INFORMATION RELATING TO NATIONAL AND INTERNATIONAL MODELS OF SERVICE DELIVERY RESPONDING TO YOUNG PEOPLE AND OFFENDING BEHAVIOUR MANAGEMENT THAT MAY BE RELEVANT TO THE REVIEW.**

### **RESPONSE:**

The geographically diverse nature of Queensland provides many barriers to successful reintegration to society. Many rural and remote communities have little or no community support services, employment opportunities or accommodation alternatives. Many students tell teachers of their good intentions on leaving detention however on return relate a similar story of being placed back in the same circumstances and falling back into the same behaviours<sup>[16]</sup>. Drugs, alcohol and peers are also often involved. Poor reintegration procedures and low supervision contribute directly to recidivism.

The most significant shortcoming in the current youth justice system is the lack of provision of adequate transition services to reconnect young people with positive experiences in their home communities. There is ample evidence which indicates that detained young people make substantial progress in their literacy, numeracy and vocational skills whilst in detention and there is evidence to

suggest that many also make notable gains in social and wellbeing domains. Unfortunately, all too often this success is not capitalised upon once the young people are ‘reintegrated’. This poor ‘turnaround’ scenario is believed to be largely due to of a lack of dedicated resourcing which is focussed on ensuring young people are enrolled in schools, training programs or employment upon release and provided with adequate community supervision in order to maximise their chances of complying with community release orders or bail requirements. Notably, there are no secure alternate residential facilities for young people in Queensland as non-detention options or transition accommodation which is used to prepare young people for increased independence. There are also no services which provide suitable supervised accommodation for high risk young people in or close to their homes unless that child is a Child Safety client. Instead, all too often chronically recidivist young people are released to environments where adequate adult supervision is minimal or absent and where expectations of engagement in positive behaviours are far less than should be expected of someone recently released from detention. It is a significant shortcoming of the youth justice system that more resources are not expended on supervising and mentoring young people to stay out of detention.

One way we can aim to improve Queensland youth corrections is through rigorous inquiry into various other international models. In an environment comparable to Australia, the Canadian youth justice system has recently undergone reform to focus on the complexity of the individual's needs by incorporating comprehensive needs assessments, evidence based interventions and progress mapping. The Canadian Youth Justice Custodial Facilities model<sup>[5]</sup> starts with a comprehensive assessment that is performed at intake into custody and has particular outreach to its Indigenous youth. It is a type of triage system comprising multiple instruments that assess various domains (aggressive, hyperactive and disruptive behaviour, symptoms of anxiety, depression, psychosis, self-harm, risk to others, personal strengths, cognitive functioning, school, family and peer factors). The assessment identifies risks that trigger individual ‘Action Plans’ - evidence based interventions and support mechanisms. A comprehensive one-time intake process means that young people are assessed early and without having to repeat their histories, can be efficiently provided with the services they need. The model uses web-based technology which allows young people to be tracked across all participating systems over time. It assists intake personnel to make decisions for the young person’s initial care and ongoing treatment needs across a variety of service delivery agencies. In-built evaluation and quality indicators support agencies to track the individual’s program outcomes and the comprehensive data collected can be used to inform funding decisions. Government and non-government initiatives and partnerships are recruited to be part of the justice process across different geographical and public systems (e.g., education, health, housing).

The Canadian approach meets many of the recommendations from a federal Australian inquiry into crime<sup>[30]</sup> which could address shortcomings in Queensland’s current system. Recommendations called for networking a ‘coordinated wraparound service that is focused on the individual...’ (p14.) This is remedied in the Canadian model by sharing participant’s information and response to targeted changes across and between different geographical and public systems (e.g., education, health, and housing). The Australian inquiry also tabled the possibility of partnerships to manage evidence-based interventions across government and non-government organizations, a function embedded in the Canadian initiative.

A significant limitation to rehabilitation for young people in detention is the lack of localized youth justice service centres for rural and remote young people. Young people from remote areas are almost 7 times as likely to be under a supervision order and those from very remote areas are 9 times more likely to be under a supervision order compared to those in major cities.<sup>[31]</sup> Geographical isolation is also faced in Canada<sup>[14]</sup> and alongside the comprehensive assessment and treatment planning, is addressed in their youth justice reforms through the construction of localised service

centres in remote communities. Strengths of this approach include regional locality near to the young person's community, small group interventions, targeted educational assistance and strategies to divert youth from periods of detention, where they are exposed to influences that may increase their criminal behaviours.

While the Canadian prototype may require substantial investment and resources, it is innovative and has the apparent validity of acknowledging the complex factors and individual needs of offenders. It sits in contrast to the current, one-size-fits-all young people across this very large state response. Systemic changes that will respond to the complex and underlying contributors to youth offending deserve methodical consideration, particularly for Indigenous youth, who are most vulnerable. Simple components of the system presented here may be investigated through a research trial into its effectiveness in the Australian context and start to address the underlying causes of offending for long term individual, family and public health benefits.

A new but similar approach is also being advocated in NSW that merits examination. "Justice Reinvestment" involves shifting spending away from detention, towards community-based programs and services that address the factors that contribute to offending in young people. It could be promoted to create alternative pathways for Aboriginal young people who may otherwise be destined to life-long offending, drug and alcohol abuse and suicide, and to promote a positive image of Aboriginal young people. Justice reinvestment supports prison and detention for dangerous and serious offenders. But imprisonment for every offender does not make good financial sense. Justice reinvestment is about shifting spending away from detention towards prevention; specifically, programs that identify and support young people who are in need or at-risk of offending. It involves the reallocation of money currently spent on detention to community-based projects targeted at the causes of criminal behaviour in young people. Justice Reinvestment is data and demographically driven by analysing the social demographics of young people who offend and providing funding to identified communities to address the individual and social causes of criminal behaviour. The types of programs which might receive redirected funds include: early childhood education in vulnerable communities, targeting young people at risk of school disengagement, intensive case work with school, housing and employment support, and job creation. In the UK and USA it uses the following model:

- Identify where the offenders are coming from and the cost of imprisonment of those offenders, then map that against the underspend in education, health and social services in those communities.
- Engage with the community around the causes and solutions to local crime, and determine where imprisonment funds could be spent in those communities to provide social services and community based alternatives to non-violent offences.
- Put the case study to Government showing projected savings based in reductions in imprisonment spending and those savings can then be allocated to investment in services and projects identified by the community.
- Measure and evaluate using indicators and an evidence-based approach, with targets such as reduction in recidivism, reduction in imprisonment, amount of imprisonment money saved, and community well-being indicators.

Understanding the risk factors and adolescent development factors has led other jurisdictions (e.g. Victoria) towards an approach that supports the diversion of appropriate young offenders. Other jurisdictions also use Conferencing as a diversionary technique including New Zealand and some states in the USA. This disappointingly has been discontinued in Queensland.

## **EXECUTIVE SUMMARY AND RECOMMENDATIONS**

We commend the development of this Discussion Paper and the opportunity it provides for recommending changes to the management of youth offenders in ways consistent with the findings of the most recent research. In particular, we endorse the attention drawn to the over representation of Indigenous children and youth detailed in the paper. We propose that this requires priority be given to the development and implementation of policies that will focus upon and support the needs of these children and young people.

We also agree strongly with the Discussion Paper evidence based assumption “*that children and young people who become involved in the youth justice system usually come from significant disadvantage, most experiencing family, mental health, drug and alcohol issues, and disengagement from education*”. Research conducted by the Australian Institute of Criminology and the Australian Institute of Family Studies clearly indicates that offending activity by young people is linked to their brain development and ‘risk taking’ attitudes and behaviours which change with maturity. Delinquency researchers argue that young offenders have poorer inhibition control and are more impulsive than non-offenders and suggest that these neuropsychological functions are predictors of antisocial and risk taking behaviour.<sup>[32]</sup> These behaviours are largely linked to much broader individual welfare circumstances like intergenerational offending, homelessness, and mental health issues.<sup>[33]</sup> Youth in detention are likely to experience mental health problems, symptoms of trauma, come from disenfranchised backgrounds, poor families, single parent households, have low levels of education for their age and associated negative experiences at school, and live in dysfunctional communities.<sup>[1]</sup>

The distance between services prevents or seriously reduces connection to family and social supports, health and legal services and involves costs and resources to individuals and communities that are often not available.<sup>[14]</sup> In particular, the remoteness and isolation of communities in Queensland, and the lack of specialised local youth justice services means that Indigenous youth are further disadvantaged. These characteristics of disadvantage mean that any policy dealing with offenders needs to be framed to support the relevant communities and the services within them. We strongly commend the move towards an integrated multiple service system response with increased coordination and intensive intervention at the family/community level. The current opportunity to improve Juvenile Justice processes in Queensland, presented by this youth justice review, is one which should be optimized by consideration of long-term system changes. While the system changes discussed may require substantial investment and resources, they recognise the complex factors and individual needs of offenders. Systemic changes that will respond to the complex and underlying contributors to youth offending and will have long term individual, family and public health benefits deserve methodical consideration, particularly for Indigenous youth, who are the most vulnerable.

### **Justice models**

- Reinstate funding to restorative justice models such as youth conferencing, police warnings and specialist diversion courts.
- Develop policy alternatives that will meet the particular needs of those living in rural and remote regions of Queensland. Queensland youth justice models should involve the provision of sentencing options in local regional areas.
- Construct separate facilities for remand, sentenced and older detainees to minimise the risks posed to more vulnerable detainees.
- Develop a formal partnered approach between justice, health, education and ‘communities’ to support young people, their families and their community. We suggest that any ‘programs’ be entrenched across these services, in both the public and ‘private’ sectors.

- Investigate the Canadian Youth Justice Custodial Facilities model<sup>[5]</sup>. Particularly the components that involve comprehensive assessment at intake into custody, triage, cross-agency reporting and individual ‘Action Plans’ (evidence based interventions and support mechanisms). It is recommended that the model is implemented as a controlled trial in regional Queensland towns with the highest youth detention rates to investigate its effectiveness in the Australian context.

#### **Detention Centre Policy**

- Conduct a comprehensive assessment and treatment plan for young people who enter detention and coordinate communication between staff groups.
- Involve trained specialists such as developmental, clinical and forensic psychologists to assess and respond to factors that underlie the ‘misbehaviour’ of a young person who is detained and deliver programs that address the underlying causes of offending behaviour.
- Review and implement the guidelines<sup>[4]</sup> developed for the use of seclusion and isolation in youth justice settings to minimise their use and detrimental effects.
- Before the decision is made to isolate a detainee from the general population, conduct an assessment of their particular vulnerabilities.
- Institutions perform weekly reviews of the use of isolation and seclusion measures.
- Implement programs that target specific groups and problems and generalise to settings outside youth detention.
- Involve positive role models within the community and invite regular input from Indigenous ‘elders’ and significant community members to address the challenges of recidivist offending.
- The learning opportunities available in detention are crucial for a young person’s learning and personal growth, and these should be inherently linked to the young person’s transition back to their community. These learning and support initiatives should continue to be available to the young person on release from detention, in ways appropriate to the individual young person’s needs. Linking the educational experiences in detention with reports and communication with the school or college the young person will be returning to.
- Investigate training and employment initiatives that have been successfully introduced in Victoria, New South Wales, Tasmania and soon also South Australia (<http://www.whitelion.asn.au/employment>) that supports the young person through the transition process.

#### **References:**

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