



youth affairs network qld

26th October 2016

Re: Independent Review of Youth Detention

Dear Sir/Madam,

I am writing on behalf of Youth Affairs Network of Queensland (YANQ) the peak body for the youth issues and youth sector in Queensland. With over 460 individual and organisation members from across Queensland as well as 25 years of consulting and representing the sector at policy and advocacy level.

YANQ, the only peak body for young people and youth sector in Queensland was totally defunded by the LNP Government 4 years ago and the Labor Government has so far failed to reinstate this funding. As such the capacity of the organisation has been severely diminished resulting in a lack of ongoing engagement between policy makers and legislator and marginalised young people and the sector that works with them.

The following brief submission is being prepared in the light of the above mentioned restrictions. We strongly urge the Queensland government, as a matter of priority, to reinstate the funding of YANQ so that the voices of marginalised young people could be brought to the attention of the relevant bodies.

Historically YANQ's members, includes hundreds of youth workers from across the state, have provided YANQ with information on issues faced by young people based on first hand knowledge and the trusting relationships they develop with young people as youth workers. Many of the young people who engage with youth workers are in and out of youth detention centres and adult prisons. It is the trusting relationship between these young people and youth workers that facilitates expression by these young people of issues which otherwise they would hide from anyone else in society.

There is a culture of abuse and neglect of young people who end up on the margins of society. This happens in all settings but is exasperated in the youth detention and prison systems. Young people quickly learn that they have to 'cop it on the chin' and not to make any complaint 'dog on anyone'. This culture of abuse leaves young people psychologically scarred. It is of utmost importance for society to do whatever possible to end this cycle of

neglect and abuse. To this end, YANQ has a number of recommendations, with the most important ones being:

- To invest in prevention
- To raise the age of criminal responsibility to at least 15
- To shift what is known as the youth justice system to the Department of Communities with responsibility by the Child Safety and Youth Minister
- To separate 18-25 year old prisoners from the older cohort.

Specifically in relation to issues raised in the discussion paper YANQ would like to raise the following issues:

1 & 2

“maintain security, good order and safety within the centres”

“Failure to comply with these instructions and rules can be defined as ‘misbehaviour’ which may result in a variety of consequences”

“The legislation dictates that responses to the misbehaviour of young people within detention must not involve any of the following: medication”

Over time it has been brought to YANQ’s attention that young people in youth detention centres and adult prisons have faced violence in the form of physical punishment and restraint as well as chemical restraint. They have also faced physiological trauma, again inflicted on them by detention centre and prison authorities.

At one of the prisons we last visited in 2012 it was brought to our attention by the Queensland Health workers at the facility that:

- 320 of 680 prisoners were on medication (majority are on anti-depressants and use this to get to sleep even if they do not have a diagnosis);
- Anti-depressants “it keeps the order”;
- The biggest cost of prison is mental health = \$5000 dollars is spent per month on Seroquel, it is not needed it is just for them to sleep;
- For bipolar – Lithium is used and if not, Seroquel;
- Out of the 320 being medicated, 80 have primary diagnoses and the 3 psychologists on only 3 days a week have to cover these 80 prisoners
- “they say there is rehabilitation outside, there isn’t, it doesn’t exist”
- Dispense more medication to a 600 bed prison than to a 600 bed hospital
- 30% are between age 17-24
- Percentage on medication has increased - people are on multiple drugs

As well as the above concerns raised about chemical restraint, we were told about night time raids by prison guards targeting young people specifically. The issues they raised with us in young peoples’ own words included:

- Punching in the yard, not following procedure of using a video camera when they enter
- Raid cells with 4 squad members with mask on, if they want to hurt you they will
- No one will tell anyone
- If you do not comply, they then force you to get up wearing whatever you are at time (e.g. if just have jocks on, that is what have to wear, no jumpers allowed for winter)
- They are in random frequency – cannot predict it

- The second you try and defend self, they charge you
- They are egging you on as they do it - “come on hit me”
- When they put the squad uniform on, they think they are superman
- The normal officers are quite good
- Raids by squads are occurring at 1.30/2.30am when people are asleep
- Level of force used –prisoners are handcuffed, pummelled by officers, forced into stress positions – hands on head kneeling for hours and hit if move at all; happens in winter and not allowed to put warm clothes on e.g. one man forced onto tennis court in winter in undies
- This “goes for all of us”
- They ram in wearing tactile gear
- We asked if officers are still doing hogties? No not proper ones, but zip ties behind back
- The officers’ attitude is tough and macho “the minute they put on their blue gear/ their uniform they switch”
- Reluctant to make complaints = want them to do it/ officers make changes to the complaint document themselves
- Suggest if they could do it in a different way – say “please”, the officers do not talk with respect, “not giving us a chance to comply”

Young people also raised with us that they are not being respected during the strip searches, and forced to be in stress positions. Prison advocates have raised these issues with authorities before and how they are major concerns for human rights, dignity, and causes the tension to increase both ways from prisoners to officers and officers to prisoners.

YANQ raised these complains with the prison management who not only did not deny it but openly stated that these actions are necessary for an orderly management of the centre. These concerns were further raised with Queensland’s Anti-Discrimination Commissioner who stated that the Commission can not do anything about these issues.

In one case a parent of a young person contacted YANQ telling us that their son has a hearing disability and that the prison guards think he is disobeying their directives and punish him.

3.

As it is evident from the above information, which can be also validated by other advocacy NGOs, the information young people in custody provide to independent community based organisations differ significantly to information they provided to statutory bodies considered by them as an extended arms of the government. They are concerned about being identified and receiving pay backs by violent staff at these facilities. YANQ strongly recommends the establishment of totally independent visitors/inspectors who will work to change the ingrained violent culture of these facilities.

4 & 5

YANQ strongly rejects the need for any new or additional facilities in the youth detention centres to deal with the transition of 17 year olds from prison. We recommend a simple Two Point Plan. First raise the age of criminal responsibility to at least 15. Secondly deal with the issue of young people on remand. See report ‘*Rethinking Youth Remand and Enhancing Community Safety*’ <http://www.yanq.org.au/research-papers/rethinking-youth-remand-and-enhancing-community-safety>

If the above Two Point Plan is implemented, not only there will be no need for any additional facilities but rather, there will be much operational savings in these facilities that could fund prevention programs in the community.

6, 7, 8 & 9

There are ample examples of best practice in dealing with youth issues. For example Scandinavian countries have been highly successful in approaching youth issues as welfare and not criminal justice. Many Scandinavian countries have set the age of criminal responsibility at 15. The rate of youth incarceration in Scandinavian countries is very low, for example in Finland only 0.2 children in 100,000. This low rate has been attributed to government's welfare-based prevention of juvenile crime.

It is important to note that in some states in USA there are moves to deal with juvenile crime in a different manner. For example Massachusetts implemented a radical social experiment closing down virtually all of the state's large reform schools, dispersing delinquent youngsters to a broad spectrum of community programs instead. Jerome G. Miller who was in charge of the juvenile facilities believes that brutalising institutions tend to protect and perpetuate themselves. "In bureaucracies with a captive clientele the pull is always away from the personal and toward the impersonal and alienating," he writes. "The pursuit is less one of public safety than of convenience. . . . [Most] humane administrators . . . eventually retreat to bureaucratic roles, trying to find peace in mitigating destructiveness."

Experience closer to home also confirms the value of looking at youth crime with a different lens to that of youth justice. In particular the need for prevention and early intervention strategies. Queensland has been the most rapidly growing state in Australia. Most of this rapid population growth has occurred in the south-east corner of the state and has created a plethora of social, economic and ecological problems that governments of all levels and communities in this region have found difficult to deal with. According to the SEQ 2021- A Sustainable Future Discussion Paper on Social Justice & Human Services:

One million more people are predicted to be living in SEQ in the next 20 years, and most of these will live in the urban fringe areas of the Gold Coast, Sunshine Coast, Brisbane, Pine Rivers and Redlands. This new population will lead to a rapidly changing demographic profile, which includes:

- an ageing population, with associated implications of their distinct types and volume of need
 - a changing family structure, which will have an associated impact on human service need and housing demand (type, cost, location etc).
- (QLD Government 2003:12)

Rapid population growth has placed significant pressure on emerging communities in outer-lying areas and "growth corridors", particularly those with situational disadvantage (i.e. having high rates of unemployment, high concentrations of public housing, higher than average crime rates, and lower levels of adequate infrastructure, particularly transport, to meet growing demands).

The QLD government has recognised this and experimented with various responses to situational disadvantage through programs such as the Community Renewal Program. Deception Bay in Morton Shire is one such area that was targeted for Community Renewal (see case study).

One of the positive features of the CRP was its experimentation with participatory democracy. Whilst the model used has limitations it is useful as an indicator of the desire and commitment of individuals and groups within disadvantaged communities to have active involvement in decision making. It demonstrates that when people are provided with an opportunity to be part of a decision making process on issues in their own local community that they become empowered and more readily able to respond to the problems facing their community. It is unfortunate that the participatory model used did not infiltrate deeply enough into the ranks of Government bureaucracy, which unfortunately, has been unable to grasp the benefits of working in a flatter, less hierarchical manner.

Despite the good work of the CRP and the successful projects and initiatives that have been implemented in these areas the problem of situational disadvantage continues. In our analysis, this is largely because there are several structural issues that embed disadvantage in some communities. These issues are deeply embedded in the social, economic and political structures of our society, and require bold changes across all levels of the government, corporate and community sectors. However, a substantial improvement could be made by the State Government by taking a longer-term approach to the development of social policy and the allocation of resources.

Unfortunately, apart from the CRP, successive QLD Governments have not provided any significant program or policy approach to enhancing preventative and early intervention strategies in Queensland. The non-government sector in Queensland has, for many years, been under-resourced to adequately meet the growing demands to provide appropriate responses to the needs in local communities, particularly those facing situational disadvantage. An estimated .04% of social welfare spending is directed towards preventative and early intervention strategies in Queensland. The key factors contributing towards Queensland's poor track record are:

- A lack of understanding in Government of the importance of preventative and early intervention strategies due to a short-term focus and an inability to correlate the connection between financial investment in these strategies and the long-term benefits to the state;
- A lack of commitment to social planning. An example of this is how the Department of Families (DoF) failed to fund and enhance the Social Infrastructure Program it piloted in Caboolture Shire between 1996 – 2001, despite the documented success the pilot demonstrated for the community sector, the Caboolture Shire Council and the State Government;
- Unreliable and short-term approaches by government in engaging with the community sector. An example of this is the attempt at Place Planning and developing Local Area Plans that resulted in significant time wasted by community agencies and department staff information when the process was shelved by the head office in Brisbane;
- The lack of a clear social policy framework. This would enable more fluid whole-of-government responses and provide the community sector with some certainty regarding government direction. The Department of Communities has had far too many internal changes in structure, direction & staffing to be a credible and reliable partner in developing long-term strategies that will benefit communities;
- The emergence of the “business model” approach to funding the community sector that has led to an “outcomes” focus that is short-term. This often places community organisations under pressure to perform duties that are not congruent to the real needs of the community in which they provide services;
- The lack of an effective evaluation framework that can monitor and assess the effectiveness of preventative and early intervention strategies in QLD;

The analogy of the ambulance at the bottom of the cliff assisting the victims who have fallen off the cliff is quite apt as a metaphor for how successive QLD Governments have responded to community services in QLD. This is where the emphasis has always been and therefore attracted the vast majority of social spending. We contend that if a long-term strategy was put in place that had a significant financial commitment to preventative and early intervention strategies in QLD we would see a reduction in the need for youth detention and prison facilities as less people “fall over the cliff” and become victims. The Senate Report on Poverty & Financial Hardship supports the call for a long-term strategic approach to poverty alleviation:

“A more socially and economically sustainable community requires services to be available, affordable, inclusive and timely. Services also need to be delivered within a framework of long-term strategies to address the underlying issues of disadvantage in order to build a more equitable country” (Commonwealth of Australia 2004:438).

Recommendation 43: 11.94 of this report states “That the Commonwealth, in cooperation with the States and Territories, develop a comprehensive system of community-based early childhood and parenting support for all families”.

Deception Bay – A case study in how government assistance can help build safer communities in areas facing situational disadvantage

Deception Bay in the early 1990s exhibited many of the signs of a disadvantaged community with high concentrations of public housing, high levels of unemployment, and high rates of crime in particular youth crime. These issues were exacerbated by the lack of services available in Deception Bay and the lack of affordable transport options to access these services in other locations. The early-mid nineties were a time of the establishment of community based organisations to provide services in Deception Bay: the Neighbourhood Centre in 1992 and Deception Bay Community Youth Programs in 1994. These organisations have become the heart of social infrastructure in Deception Bay.

In the mid-late nineties a range of services, mainly funded by the Department of Families were established in Deception Bay (eg. YACCA, Emergency Relief, 60 & Better) and facilities were built (eg. A new Neighbourhood Centre and a Recreation Centre). This investment by the State government, albeit insufficient in comparison to the presenting need, became the launching pad for community organisations and residents to embark on community responses to the growing needs. One of the outcomes of this growing sense of resilience was the capacity of the community to attract the Community Renewal Program to the Bay.

Community Renewal has delivered a wide range of projects to address particular issues and some significant and highly strategic plans. At the same time other significant initiatives have seen the establishment of employment services (eg. JPET) and setting up social infrastructure in the form of the Deception Bay Community Council. Before the CRP came to Deception Bay community organisations’ efforts focused on ‘going fishing’ for funding to get the resources needed to meet locally identified needs. Community Renewal offered:

- A community-centred approach that recognised the geographical disadvantage of D Bay.

- Involvement of the community in identifying issues, thinking about the future and solving problems.
- Flexible funds available to address need.
- A process that brought diverse government agencies to the table.
- The up-front identification of disadvantage meant a reprieve from having to prove relative disadvantage and argue constantly for funding.
- The Community Action Plan has captured the vision of the community, and identified a broad range of issues and potential initiatives.
- A broad range of specific projects has addressed a range of issues from unemployment to health to community cultural development to physical infrastructure.

Residents and community organisations hope that some of those more difficult issues such as transport, housing and unemployment can be responded to more effectively. Community capacity building has begun to occur and community resilience is growing but more time, resources and commitment from across all levels of government and within each level of government will be required to address the structural ills that seem to plague communities facing situational disadvantage.

However, the investment over the past decade by governments in preventative and early intervention strategies in Deception Bay is starting to pay off. The full extent of the rewards from such an investment cannot be measured in one year or five years or even ten years – the benefits may not be evident until the next generation of children & older people feel safe in their homes and in the parks, or the teenagers have access to good educational & training opportunities, where parents can afford somewhere to live and not be dependent on income support to survive, and where families feel supported when crises emerge.

What we know is that in early 90's Deception Bay had the highest rate of youth crime in Queensland. The situation is now totally reversed and not only young people are not ending in the youth justice system but the whole of the community is much more vibrant.

Indications from Community Renewal Program (CRP) and Youth and Community Combined Action (YACCA) suggests that where increases in funding over and above ordinary program funding for preventative and early intervention strategies have occurred the creation of safer communities for families, children and young people has resulted.

There is significant research that demonstrates the efficacy of funding prevention and early intervention services to reduce the intensity and numbers of families from crisis. The community sector in Queensland has for many years provided quality services for families in need and young people at risk in response to the vast array of social problems that they face. Many community organisations have built up their services based on a community development framework. Community development is a proven methodology for engaging with people not simply as clients or recipients of services, but as people to be empowered to create opportunities and maximise the use of resources available to bring about change at a local level. According to Tony Kelly,

Community Development describes a way of working with people that is based on a set of values. These values emphasise the right of people to

participate in decisions that will affect their lives – the right to do things for themselves in their own way. It is concerned first and foremost with poverty and power. It is concerned with giving people – particularly the poorest – the knowledge, skills, opportunity and resources so that they can control their own lives. It emphasises the process that enables maximum decision making for people where they are – at the grass-roots where they live. (Kelly 1994)

Utilising a community development methodology, practitioners are able to effectively engage with their communities in program and policy development resulting in robust outcomes because the process has been driven from the “bottom up”. Service delivery planning that includes clients of those services is much more innovative and creative and responsive to addressing problems. When community development methods are employed stronger, more vibrant communities emerge. One compelling indicator of a successful community development project is for the community or recipient group to have been empowered and have a sense of ownership over the outcomes. To remain true to this approach can sometimes take projects outside of funding guidelines or government timeframes, yet the eventual outcome will be much more sustainable because it has come from the people. However, for many years the community development approach has been merely paid lip service to or not properly understood by many government bureaucracies.

In order to achieve sustainable outcomes in preventative and early intervention programs and services a commitment to community development is essential. Yet community sector agencies that receive government funding to provide community services are continually being reminded that service provision is their core business. The result is community organisations that should be responding to the needs and issues arising in their own localities are responding to a mandate from a government department funding program. To engage in preventative work in their communities funded community organisations need more liberty undertake the following activities:

- to determine and understand the scope of the local need;
- to engage with their client group to embrace the skills, knowledge and expertise of the local community; and
- to tap into the existing resources of that community.

This approach requires a commitment from Government to develop monitoring and evaluation processes that complement, not diminish, the community development methodology.

The longer that governments continue to allocate resources at the tertiary end without adequately responding to the desperate need for increases for preventative and early intervention approaches the longer and more intense the cycle will repeat itself. An example of this is the trend of Governments in responding to affordable housing that has led to a worsening of the situation. According to ACOSS research on housing issues in Australia reveals

- There are 330,000 people on low incomes spending more than 30% of their income on rent;
- Over 200,000 people are still waiting for a place in public and community housing -- they have given up on the prospect of owning their own home;
- There are around 100,000 homeless people in Australia on any one night (ACOSS 2004).

In Queensland there are thousands of people on the waiting list for public housing. The pressure this places on community sector agencies is immense as communities, particularly those with situational disadvantage, grapple with the complexity of problems that arise for families, children and young people facing homelessness or inadequate housing arrangements.

The “ambulance” approach to the housing crisis is to boost funding in the areas of child protection, counselling and emergency relief services, and to continue to provide supported accommodation services. Whilst these are all necessary, on their own they will never solve the problem, in fact, the historical evidence suggests that it creates dependency for user groups, which diminishes opportunities for building cohesive communities.

The preventative approach commits to building community resilience. “A resilient community is one that takes intentional action to enhance the personal and collective capacity of its citizens and institutions to respond to and influence the course of social and economic change” (Centre for Community Enterprise, 2000:7). Building community resilience in housing would direct funding towards housing co-operatives and community managed housing, developing local enterprises to build appropriate housing and renovate existing housing to meet the changing needs, micro-financing and credit, micro skills in budgeting, skills in negotiating and mediation, etc. The approach recognises the skills, experience and knowledge of local individuals and groups and invests in building the capacity of the community to respond to the needs as they emerge.

Much has been written on the importance of social capital in developing resilient communities. Robert Putnam, a leading social researcher who developed the term “social capital” states, “social capital simply means social networks and the norms of reciprocity that emerge from them” (Putnam 2001). Putnam, in his book “Bowling Alone: The Decline and Revival of American Community” demonstrates through rigorous research that communities with high levels of social capital are better equipped to meet the challenges of our rapidly changing society. High levels of social capital leads to greater social order, higher incidences of mutuality and higher levels of self-reliance thus reducing demand for external intervention in problem solving. When families and communities become empowered, competent and confident to solve their own problems it reduces the need for more intense and costly interventions. Funding programs & services that build resilience has proven to be more cost-effective than providing expensive tertiary intervention programs. Many studies attest to this point.

The role of government when preventative approaches are given priority becomes that of enabler, resourcing the community to enhance its resilience. Investing financially in preventative and early intervention strategies is the best way for governments to assist communities to grow their social capital.

The QLD Government has taken a huge step towards addressing the problems that have been endemic in the child protection system. However, the lack of commitment to provide adequate financial resources for preventative and early intervention strategies in Queensland that has haunted successive governments must come to an end. With Queensland’s population continuing to increase at levels that appear to be unsustainable, it is imperative that the QLD Government be pro-active in assisting the building of resilient communities across the state. This can only occur within a robust social policy framework

that is supported by a commitment to substantially increase the funding for preventative and early intervention strategies.

If you require any further information and/or clarification, please do not hesitate to contact me on 0407 655 785 or email director@yanq.org.au

Your sincerely

A handwritten signature in blue ink, appearing to read 'Siyavash Doostkhah', written over a faint, light blue watermark of the Youth Affairs Network of Queensland logo.

Siyavash Doostkhah
Director
Youth Affairs Network of Queensland

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