

Exiting youth detention

Preventing crime by improving
post-release support

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Queensland
Family & Child
Commission



Queensland
Government

The Queensland Family and Child Commission (QFCC) acknowledges Aboriginal and Torres Strait Islander peoples as the Traditional Custodians across the lands, seas and skies where we walk, live and work.

We recognise Aboriginal and Torres Strait Islander people as two unique peoples, with their own rich and distinct cultures, strengths, and knowledge. We celebrate the diversity of Aboriginal and Torres Strait Islander cultures across Queensland and pay our respects to Elders past, present and emerging.

We acknowledge the important role played by Aboriginal and Torres Strait Islander communities and recognise their right to self-determination, and the need for community-led approaches to support healing and strengthen resilience.



About this report

The QFCC is a statutory body of the Queensland Government. Its purpose is to influence change that improves the safety and wellbeing of Queensland children and their families. Under the *Family and Child Commission Act 2014*, the QFCC has been charged by government to review and improve the systems that protect and safeguard Queensland children.

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The QFCC also thanks the management and frontline staff of Youth Justice Service Centres, Brisbane Youth Detention Centre, West Moreton Youth Detention Centre and Cleveland Youth Detention Centre for the important roles they fulfill, and for supporting our conversations with young people.

All names used in this review are pseudonyms.

List of abbreviations

Abbreviation	In full
ABS	Australian Bureau of Statistics
AIHW	Australian Institute of Health and Welfare
BYDC	Brisbane Youth Detention Centre
CRC	Collaborative Response Cohort, often referred to as the Serious Repeat Offender Cohort
CYDC	Cleveland Youth Detention Centre
DFV	Domestic and family violence
ICM	Integrated Case Management
YJ	Department of Youth Justice
YJ Act	<i>Youth Justice Act 1992</i>
MACP	Multi-agency Collaborative Panel
MST	Multisystemic Theory
QFCC	Queensland Family and Child Commission
QGSO	Queensland Government Statisticians Office
RNR	Risk-Needs-Responsivity
ROAD	Re-thinking Our Attitudes to Driving
T2S	Transition to Success
WMYDC	West Moreton Youth Detention Centre
YLS/CMI	Youth Level of Service/Case Management Inventory

Message from the Principal Commissioner

Our current model of detention does not work. We are spending millions of taxpayers' dollars on a machine that is working less than five per cent of the time. It is the most expensive, and least effective, solution to youth crime that we have designed.

In April 2023, the QFCC commenced this review based on evidence that:

- in 2020-21, 91.26 per cent of children who were released from detention were returning to sentenced detention within 12 months of release;¹ and
- in 2023 the percentage of young people who reoffended within 12 months following release from Queensland youth detention centres was between 84 per cent and 96 per cent;²

The purpose of this report is to assist policy makers and system reformers identify why this recidivism rates are so high and what we could do differently for children in detention to change their life trajectories and their offending behaviour. To do this the Queensland Family and Child Commissions has drawn on its special ability to connect with, and interview, the young people in the system.

The advice and stories of these young people fill and inform this report. The young people we spoke to shared their hopes for the future, their aspirations for normal things like a job, a house, a loving partner, children and they told us about their despair – of not being wanted, or valued, that they feel feared, hated and regarded with suspicion. They told us about their motivations for committing crimes and why they think they do not change. The experiences of the young people were characterised by multiple and complex issues, including poverty, family breakdown and dysfunction, unstable housing, drug and alcohol use and 'mixing with the wrong crowd'.

Drinking alcohol, taking drugs and chroming was normalised by many and coincided with their offending. This behaviour stems from a background and current circumstances which, as sharply demonstrated through our interviews, place young people in a position where their future seems bleak. These young people tend to talk negatively about themselves, their situation and their future. Poor mental health appears to greatly impact their potential to believe they can live productive and fulfilling lives.

When we as a community have used our strongest tools to reprimand and punish young people, we also have a responsibility to help them. Supporting young people as they leave incarceration should be part of a broader system that aims to prevent offending in the first place, and that builds structured pathways to redemption. By building communities and systems that identify issues before they reach a crisis point in a family. By then making sure the right responses are in place to deliver what is needed for a family to provide a safe and supportive home for children.

If our efforts continue to be concentrated largely on punishment and containment, rather than building responses to the complex reasons that lead to young people committing crimes, we will not achieve community safety. In its last annual report to Child Death Review Board analysed the life of six young people who had experienced detention – many of them on multiple occasions – and it recommended that the Queensland Government: "take immediate action to articulate Queensland's Detention Operating Model, and Government commits to publishing this model".

¹ Australian Institute of Health and Welfare (2023). *Young people returning to sentenced youth justice supervision 2021-22*. Retrieved from <https://www.aihw.gov.au/reports/youth-justice/young-people-returning-to-sentenced-supervision/data>.

² Australian Institute of Health and Welfare (2023). *Young people returning to sentenced youth justice supervision, 2021-22 supplementary data tables, Table s17*. Retrieved from <https://www.aihw.gov.au/reports/youth-justice/young-people-returning-to-sentenced-supervision/data>.

This report makes it clear that the purpose of youth detention should be about ensuring a young person has every opportunity to change their behaviour. To achieve this we must listen to the young people – they are clearly telling us that our view of youth justice needs to be broader. We must address the root causes of offending in a child's life. This requires intensive and sustained programs that work with the family across a multitude of human service portfolios. Until we do that, we will continue to see detention as some form of magical solution that keeps the community safe when all the evidence shows us that it is not.

The QFCC asked young people, their families, and workers that interact with them, what young people need to stay out of detention. The response was clear: **young people need specific, individualised, intensive, and holistic support over the long-term, and that this support works best when it is provided by trusted workers who communicate well and will not give up on them.**



Luke Twyford
Principal Commissioner

Executive summary

This report is an Examination Review conducted by the Queensland Family and Child Commission (QFCC). The Review adopts a mixed methods approach to determine whether available supports and processes are addressing the needs of children and families, and diverting young people from reoffending behaviour.

This report provides important insights and perspectives from young people, families and workers on a topic that continues to be the subject of extensive public discussion and debate and has been the subject of significant legislative and funding attention by the Queensland Government. It was informed by the experiences of 66 young people with recent experience of being released from youth detention. It also includes the advice and views of 44 frontline workers across Queensland from community-controlled organisations, government programs, youth justice service centres, youth detention centres and non-government organisations, and six family members.

Young people in detention in Queensland

One of the most reliable criminological trends mapped over time is the ‘age-crime curve’, which demonstrates that young people offend at higher rates than adults, with the age-specific rate rising sharply from ages of 10 to 20 years and falling gradually from there. This reflects the different maturity levels of children and young people. New understandings of brain development suggest that a young brain has an under-developed ability to regulate emotions, mitigate impulsivity and understand consequences. This is the key reason why our criminal justice system response to young people is different to the way we respond to adults. The *Youth Justice Act 1992* (the YJ Act) is underpinned by 21 youth justice principles which centre on establishing settings that emphasise rehabilitation and reintegration of young people back to the community once they have been held accountable for their behaviour.

Overall, rates of unique young offenders in Queensland have been trending down since 2013–14, albeit with a small increase in rates between 2021–22 and 2022–23. Young people predominantly commit property offences, and those young people who are not diverted from the system by police and who face court charged with a criminal offence are most likely to receive a sentence of probation, or a reprimand. Less than 10 per cent of young people, those who have been charged with more serious offences and who are more likely to be repeat offenders, are sentenced to detention. Despite this, Queensland has more young people entering detention than it has beds in youth detention facilities, with the majority of young people in unsentenced detention (remand, often in a police watch house) awaiting a court appearance. The rate of detention of young people in Queensland (5.0 per 10,000) is significantly higher than the national average (2.7 per 10,000) (AIHW 2023). Queensland children comprise 21.7 per cent of the total cohort of children aged 10 to 17 years across Australia but comprise 31 per cent of children in detention in Australia (ABS 2024).

Throughout the criminal justice system, whether at the earliest stage of coming to police attention, through to arrests, charges, court appearances and outcomes, and time spent in custody, the demographic profile is consistent – justice-involved young people are more likely to be male (although there are increasing numbers of females coming into the youth justice system) and are disproportionately from an Aboriginal and Torres Strait Islander background.

Being the small group of young people who have the most complex needs, and who face more serious charges, the majority of young people who are admitted to a youth detention centre reoffend within 12 months.

The evidence for prevention

Investment in an effective family support service system is a critical step in preventing young offending from occurring in the first place. Prevention and early intervention approaches should also be the focus of investment further into a young person's life and should include investment in their transition from detention as part of an overarching framework for developmental prevention.

The literature on young offending tells us there are both risk factors for offending (such as mental illness, poverty, inequality, adverse childhood experiences and an out-of-home care background), as well as a list of 'protective' factors that can help mitigate the impact of these. For example, strong school attachment, pro-social peers, a sense of belonging, a strong cultural identity and a supportive, secure and stable family all contribute to impacting a young person's propensity for offending. Any efforts to address offending and reoffending must aim to disrupt the impact of risk factors by building and maintaining protective factors to achieve behaviour change in a young person's life.

Exiting detention in Queensland

The YJ Act provides a legislative requirement for a young person who has committed an offence to be provided with the programs and services to support, help and reintegrate them into the community. The Charter of youth justice principles in the YJ Act outlines that programs and services should be designed and implemented in a way that allows young people to not only be reintegrated into the community, but to continue education, training and employment.


Specific transition staff work within youth detention centres to assist young people in their transition from detention with a specific focus on linking them with employment, training and education opportunities as part of planning for release. Release planning acknowledges the critical 72-hour period following release from detention where the risk of reoffending is particularly heightened. A 72-hour release plan can be put in place for young people who are at high risk of reoffending during this period and can include re-engagement with education, training or employment, involvement in therapeutic services, cultural programs, social and sporting activities, family community-based activities and reporting to a case manager. These 72-hour plans are also intended to support a young person meet the obligations of any youth justice order in place following their release.

A range of evidence-based services and programs for young people under the supervision of the Department of Youth Justice (YJ) are in place that range from the early years right through to adulthood. These interventions address the criminogenic needs of offenders in both the community and while in detention and include engagement with education, child health support, drug diversion programs, housing support and training pathways. The QFCC is aware that Intensive Case Management is showing particular promise in achieving behaviour change among high-risk young people and their families. In addition, individual communities across Queensland have responded to young people at risk of offending by implementing local initiatives that aim to support young people in this cohort.

What we heard

Pathways into detention

The experiences of young people who enter into custody are characterised by multiple and complex issues, including poverty, family breakdown and dysfunction, unstable housing, drug and alcohol use and 'mixing with the wrong crowd'. While some young people we interviewed expressed bravado about their situation, they were also aware their behaviour was causing harm.



Drinking alcohol, taking drugs and chroming was normalised by many and coincided with their offending. This behaviour stems from a background and current circumstances which, as sharply demonstrated through our interviews, place young people in a position where their future seems bleak. These young people tend to talk negatively about themselves, their situation and their future. Poor mental health appears to greatly impact their potential to believe they can live productive and fulfilling lives.

Designing interventions for change

There were a number of themes emphasised by interviewees that will assist in designing more successful transitions from detention to reduce reoffending. These align with the protective factors discussed in the literature, and also highlight the importance of including young people with lived experience of transition from detention in the design and implementation of programs and services.

Relationships

Almost every person we spoke with talked about the importance of relationships, where there is a shared understanding of individual circumstances and a commitment to the young person and their family. Working with young people while in detention is most successful when a relational approach is adopted, based on trust and mutual understanding with young people, with an emphasis placed on young people building strong and sustainable relationships that can endure beyond their involvement in the justice system. In addition, young people and workers want to see more Aboriginal and Torres Strait Islander staff hired to work with Aboriginal and Torres Strait Islander young people and families.

Incorporating existing positive relationships that young people already have outside of detention into the work that is done to address criminogenic factors while a young person is detained, as well as involving them in plans for release, should be prioritised. If positive relationships with individual workers are formed while in detention, there could be a way of designing their continuation after the young person's release, although this is acknowledged as difficult considering pressures across the workforce and geographic challenges when young people move back to their communities of origin.

Belonging and culture

Having a sense of belonging and connection to people, country and culture is incredibly important to the young people we spoke with. Aboriginal and Torres Strait Islander young people, and young people from culturally and linguistically diverse backgrounds told us culture is a central element of creating strength, support and direction.

Young people's thoughts and expectations can shape their reality and feelings of belonging. Negative beliefs or expectations about young people can directly influence their behaviour and can lead to the predicted outcomes being realised (in criminological terms, this is called 'labelling theory', where crime is theorised to result from social reactions and labels). People from every location except one told us their community holds negative views towards young people. The young people we spoke to are acutely conscious of their community's beliefs and expectations of them – the community is 'angry' towards them; the community is 'fearful' of them. Young people feel constantly criticised. Community sentiment towards young people who offend is particularly compounded for young people of colour.

Support programs and services

Many of the people we interviewed believed existing programs and services could be improved. Focusing on the experiences of young people in leading the design and delivery of interventions that respond to their offending is critical. Achieving behaviour change in young people can only be successful when it is voluntarily adopted and internally motivated.

To help create change for young people, our interviewees wanted to be engaged in initiatives and activities that will:

- have more meaningful content that is of interest to them and can improve their life and create opportunities in their community;
- have more tailored content towards addressing young people's individual needs and the root causes of their offending;
- reflect young people's views about what programs or opportunities are of interest to them;
- specifically include more sports and recreation, culture, life skills and practical supports in the community;
- feel less repetitive. Young people may not understand programs can use similar frameworks or require repetition of learning. Programs could be designed to achieve the same goal using different approaches; and
- continue in the community if programs commence while the young person is in detention.

Equitable access to programs and services across regional and remote Queensland is an ongoing issue that needs to be addressed. It is also acknowledged that there are considerable challenges, outside the control of YJ, in getting access to relevant community-based programs, services and supports for young people leaving detention. This can also frustrate effective transitions to the community.

In addition to government-funded and led programs, individual communities are coming together to help address youth crime rates. For example, the QFCC is aware that community patrol groups and after-hours services are being provided in Palm Island, Mornington Island and North Queensland. Local initiatives should be supported wherever possible to improve diversion and rehabilitation in line with local infrastructure.

Experiences with planning for release

Most of the people we interviewed could not identify any specific plans in place for their release from detention, highlighting that this phase of the custodial experience lacks priority, rigour and clarity and, most importantly, lacks the involvement of young people and their families in the development of an individualised plan. Long periods of unsentenced detention make planning for release difficult, and bail conditions can impact the success of reintegration, often causing further criminalisation of young people who fail to meet their obligations.

Stakeholders spoke about the need for locally designed and delivered initiatives for young people and families, and this report highlights a number of place-based, community-collective reintegration initiatives that came to the attention of the QFCC as examples.

Conclusion

The QFCC report makes two recommendations that build on calls for reform to how the Queensland Government assists young people and their families to address the root cause issues driving their behaviour. The report concludes with an 'Insights to Indicators' framework that provides a summary of what young people, families and the workforce reported as the most important issues for successful transitions of young people from detention to the community. These are: connection; stability; identity and culture; hope and future; health and wellbeing; participation and individualisation; and systems accountability.

The QFCC encourages the Queensland Government to bring a stronger focus to working collaboratively with young people in this cohort, by ensuring individual young people and their families have an active involvement in their case planning and reintegration into the community, and by involving young people with lived experience in the criminal justice system in designing programs and services that will provide meaningful support to them to change their behaviour.

Recommendation 1

The Queensland Government fund and deliver a dedicated 12-month post-detention transition program that incorporates in-home family interventions and effective engagement in education, training and employment. Entry to this program should commence as part of case management of every young person as soon as they enter detention and should prioritise both their, and their family's direct participation. Program delivery must incorporate family and community participation that seeks to address criminogenic causes in the young person's life that commences prior to their release from custody.

Recommendation 2

The post-detention transition program developed under Recommendation 1 should form part of a broader approach by the Queensland Government to target investment in a developmental approach to crime prevention. Programs and services developed as part of such investment must address risk factors and promote protective factors associated with youth crime. At a minimum these should tackle the known factors associated with involvement in the youth justice system (family dysfunction, domestic and family violence, drug and alcohol use, education disengagement, mental health issues, housing instability and poverty), and should promote continuity of support and of relationships with key individuals whether the young person is in custody or in the community. This will require a coordinated and focussed, whole-of-government approach that draws on, and integrates existing housing, employment, health, education, mental health, justice and federally-commissioned programs.

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Section 1 – Scope and methodology

Purpose of this report

This report is a Queensland Family and Child Commission (QFCC) Examination Review. An Examination Review aims to extensively research, analyse and synthesise systemic issues. It provides a comprehensive analysis on what is known about an issue and the broader system policy, program, practice and reform environment. It is informed by consultation with stakeholders and insights from children, families, the sector and the public. Further, it adopts a quantitative and qualitative mixed methods approach to discover what lies behind an issue of concern.

This review set out to understand what supports and services would prevent young people from reoffending following their release from detention. It achieves this through documenting the experiences of young people and families. It follows a number of reports published by the QFCC about how Queensland responds to children who commit criminal offences,³ and aims to build on the growing evidence of what works and what needs to change to address the reasons why children and young people enter the youth justice system.⁴

In April 2023, the QFCC commenced this review following concerns that:

- in 2020-21, 91.26 per cent of children returned to sentenced supervision within 12 months of release from detention;⁵
- data published in 2023 shows the percentage of young people who reoffended within 12 months following release from Queensland youth detention centres was between 84 per cent and 96 per cent;⁶ and
- findings from previous QFCC reviews that have raised concerns about the effectiveness of detention, supports and services in rehabilitating and reintegrating young people following detention.⁷

This review considers how transition requirements and supports are giving effect to the rehabilitative and reintegration objectives of the *Youth Justice Act 1992* (YJ Act), specifically whether they are addressing and/or meeting the needs of children, families and communities and thereby diverting young people from recidivist behaviour.

Although a period of detention for a young person removes them from the community and, for that period of time, can minimise reoffending, a period of detention on its own has no rehabilitative impact on a young person. In fact, detention increases the risk of reoffending when a young person returns to community. This means strong

³ Queensland Family and Child Commission (2021) *Changing the sentence: Overseeing Queensland's youth justice reforms*. Retrieved from <https://www.qfcc.qld.gov.au/sites/default/files/2022-06/QFCC%20Changing%20the%20Sentence%20lo%20res%20spreads.pdf>; Queensland Family and Child Commission (2022) *Yarning for change: Listen to my voice*. Retrieved from <https://www.qfcc.qld.gov.au/sites/default/files/2022-11/Yarning%20for%20Change.pdf>; Queensland Family and Child Commission (2023) *Who's responsible: Understanding why young people are being held longer in Queensland watch houses*. Retrieved from <https://www.qfcc.qld.gov.au/sites/default/files/2023-12/FINAL%20-%20Watchhouse%20Review%20-%20Who%27s%20Responsible%20-%20November%202023.pdf>.

⁴ Justice Reform Initiative (2023). *Alternatives to incarceration in Queensland*. Retrieved from [JRI Alternatives QLD FULL REPORT.pdf \(nationbuilder.com\)](https://www.nationbuilder.com/jri-alternatives-QLD-FULL-REPORT.pdf)

⁵ Australian Institute of Health and Welfare (2023). *Young people returning to sentenced youth justice supervision 2021-22*. Retrieved from <https://www.aihw.gov.au/reports/youth-justice/young-people-returning-to-sentenced-supervision/data>.

⁶ Australian Institute of Health and Welfare (2023). *Young people returning to sentenced youth justice supervision, 2021-22 supplementary data tables, Table s17*. Retrieved from <https://www.aihw.gov.au/reports/youth-justice/young-people-returning-to-sentenced-supervision/data>.

⁷ Queensland Family and Child Commission (2021). *Changing the sentence: Overseeing Queensland's youth justice reforms*. <https://www.qfcc.qld.gov.au/sites/default/files/2022-06/QFCC%20Changing%20the%20Sentence%20lo%20res%20spreads.pdf>; Queensland Family and Child Commission (2022). *Yarning for change: Listen to my voice*. <https://www.qfcc.qld.gov.au/sector/monitoring-and-reviewing-systems/young-people-in-youth-justice/yarning-for-change>; Queensland Family and Child Commission (2023). *Who's responsible: Understanding why young people are being held longer in Queensland watch houses*. <https://www.qfcc.qld.gov.au/sites/default/files/2023-12/FINAL%20-%20Watchhouse%20Review%20-%20Who%27s%20Responsible%20-%20November%202023.pdf>.

investment in processes and supports to effectively transition young people from detention back to community are critical to deliver on the objectives of the youth justice system.

Children and young people who have been through detention are at more risk of committing offences when they return to the community. Australian research also shows detention separates children and young people from important relationships including families. It exposes them to negative peers and increases their risk of further custody. Detention makes it harder to return to education and limits future employment opportunities. Detention also comes at a significant cost to the community — in Queensland it costs about \$1,500 per child, per day. A combination of other comprehensive strategies, even delivered intensively, will be significantly more cost effective.⁸

Review methodology

The Terms of Reference (see Appendix 1) for this review, established six steps:

1. Gather and analyse data about the cohort of young people who transition back to community to understand the type of offences, time spent in detention, sentencing rates and reoffending.
2. Examine transition procedural requirements, practices and programs (i.e. case planning, child participation, case management, family meetings and the services connected with the child and family) in Queensland, and review research and interjurisdictional models to consider opportunities to strengthen outcomes for children, families and the community.
3. Speak with children, young people, families, community and the youth justice sector to explore how practices and programs are delivered and experienced on the ground and what supports are available to young people exiting detention that maximise the success of their transition back to community and what learnings they can share.
4. Identify the common elements of practices, programs and services that are achieving the strongest outcomes for children, families and community and meeting the underlying needs that cause offending behaviour, and produce case studies that emphasise the positive outcomes that young people are experiencing.
5. Determine which measures are required to monitor the success of transition to the community that reduce re-offending.
6. Prepare a report on the findings about what works and provide recommendations to address any gaps in policy, practices and programs and outcomes for young people.

The QFCC received ethics approval from the Children's Health Queensland Hospital and Health Service in 2021 to undertake interviews with young people in detention and updated this approval in mid-2023 to reflect the requirements of *Exiting Youth Detention*.

In April 2023, the Principal Commissioner wrote to the then Director-General responsible for Child Safety and Youth Justice⁹ advising of the commencement of this review and provided a copy of the Terms of Reference.

⁸ Queensland Government (2018). *Working together changing the story: Youth Justice strategy 2019-2023*. Retrieved from https://desbt.qld.gov.au/data/assets/pdf_file/0022/17149/strategy.pdf.

⁹ Following the Machinery of Government changes in 2023, the department responsible for Youth Justice changed from the Department of Children, Youth Justice and Multicultural Affairs to the Department of Youth Justice, Employment, Small Business and Training.

Consultations

The QFCC spoke to:

- 66 young people in, or recently released from detention;
- 44 frontline workers across Queensland – 20 community-controlled organisations, 20 government programs, service centres or detention centres, and four non-government organisations; and
- six family members – three fathers, two mothers and an aunty.

Of the young people interviewed:

- 77% were male;
- 86% were aged 15–17 years, with 11% aged 13–15 years (two young people did not state their age); and
- 45 (or 68%) identified as Aboriginal and/or Torres Strait Islander.

Participation was voluntary, with the QFCC using semi-structured one-on-one interviews and focus groups. Stakeholders involved in the review helped the QFCC identify suitable participants, and some young people felt more comfortable participating in a group. Most young people had an experience of exiting detention at least once, although young people who were experiencing their first stay in detention were not prevented from participating.

Young people were invited to share insights relating to their detention experience, and families and stakeholders were asked about their experiences supporting young people who were exiting detention. The interview questions for young people, families and the workforce are included in Appendix 2.

QFCC staff spoke to young people, families and the workforce in:

- Meanjin and surrounds (Brisbane), including Logan and Inala;
- Thul Garrie Waja/Gurrumbilbarra (Townsville);
- Bindal Country (Burdekin);
- Gimuy (Cairns);
- Kalkadoon Country (Mt Isa);
- Darumbal Country (Rockhampton); and
- Waiben (Thursday Island).

It is important to understand the limitations of this study when interpreting the findings and results. For example:

- This report has drawn on small numbers of young people, workers and family members which means we cannot be confident that the views are representative of all young people, workers and family members who have contact with the youth justice system. In particular, this report reflects interviews with only a very small number of family members. Recruiting family members to participate in this project was difficult.
- Limitations inherent in an interview methodology, particularly with young people, did not enable us to explore all aspects of individual contributing factors that may relate to why young people may be in detention. For example, young people are unlikely to discuss issues relating to cognitive impairment, foetal alcohol spectrum disorder or neurodiversity. While the criminological literature suggests these are associated with young people who come to the attention of the criminal justice system, disability-specific support needs for young people leaving detention were not able to be explored as part of this project.

Section 2 – Overview of youth justice in Queensland

This section sets the context for this project. It outlines the criminal justice response to young offending and provides a brief description about the cohort of young people who commit criminal offences and are sentenced by the Childrens Court of Queensland.

The Queensland youth justice system

The YJ Act sets out how young people who offend in Queensland are to be dealt with. The basis of the administration of youth justice, as set out in YJ Act, is the Charter of youth justice principles (contained in Schedule 1 of the YJ Act) which sets out 21 principles that form the foundation for responding to youth offending. The Charter was introduced to safeguard and uphold the rights of both young people, victims and the community, with specific focus on reflecting contemporary ideologies and laws¹⁰ that should underpin decisions made about children involved in the youth justice system. The Charter is set out in Appendix 3.

Of specific relevance to this project are Principles 9, 18 and 21(h). Principle 9 requires that a child who commits an offence should be:

- held accountable and encouraged to accept responsibility for the offending behaviour;
- dealt with in a way that will give the child the opportunity to develop in responsible, beneficial and socially acceptable ways;
- dealt with in a way that strengthens the child's family; and
- dealt with in a way that recognises the child's need for guidance and assistance because children tend to be dependent and immature.

Principle 18 outlines that a child should be detained in custody for an offence, whether on arrest, remand, or sentence, only as a last resort and for the least time that is justified in the circumstances. As outlined by the Youth Justice Reform Select Committee (the Committee) in its draft report of April 2024, there are divergent views across the community about the impact of this principle and any potential change to it.¹¹ The Committee noted they had not received evidence about how further legislative change to this principle would improve community safety and suggested further examination could be undertaken about the issue.

On 1 May 2024 the Premier announced the Queensland Government's intention to amend the wording of principle 18 to read 'a child should be detained in custody, where necessary, including to ensure community safety, where other non-custodial measures of prevention and intervention would not be sufficient, and for no longer than necessary to meet the purpose of detention.' This raises two issues:

1. Whether amendment to this principle will be accompanied by a legislative description of the purpose of detention (currently there is no definition of the purpose of detention within the YJ Act, although the only purposes for which a sentence may be imposed by a court, as outlined in section 9 of the *Penalties and Sentences Act 1992*, would be relevant – punishment, rehabilitation, deterrence, denunciation and protection of the community).
2. Whether the phrase 'ensuring community safety' acknowledges that young people cannot be released from a period of custody without there being any investment made to change their circumstances and their behaviour. Community safety through addressing reoffending can only really be achieved if the investment is

¹⁰ Including both local (i.e. *Queensland Human Rights Act 2019*) and international (i.e. United Nations Convention on the Rights of the Child).

¹¹ Youth Justice Reform Select Committee (2024). *Interim Report: Inquiry into ongoing reforms to the youth justice system and support for victims of crime*. Report No. 1, 57th Parliament. Retrieved from [5724T612-1B7E.pdf \(parliament.qld.gov.au\)](https://www.parliament.qld.gov.au/5724T612-1B7E.pdf).

made in services and supports to address reasons why they engage in offending, and to assist them reintegrate back into the community.

A third youth justice principle that is highly relevant to this project is Principle 21(h), which requires that a child who is detained in a detention centre should receive appropriate help in making the transition from being in detention to independence.

These principles enshrine the importance of effective **rehabilitation** and **reintegration** of young people **transitioning** from detention back to the community, with reductions in recidivism and upholding of community safety. The youth justice principles are interrelated and reflect that Queensland cannot effectively protect the community and help change the trajectory for a young person leaving detention unless they receive effective support to address the factors that led to their offending.

***Rehabilitation** refers to “Identifying and addressing the underlying causes of criminal conduct, by changing an offender’s personality, attitudes, habits, beliefs, outlooks or skills to stop them from reoffending”.¹²*

***Reintegration** refers to “The provision of intervention, service coordination, and support at all critical points to an offender returning to the community”.¹³*

***Recidivism** refers to repeated criminal offending.*

The Queensland youth justice system’s focus on rehabilitation and reintegration is different from responses to adult offending, reflecting the different maturity levels of children and young people. Over the last decade, neuroscience has demonstrated that the human brain does not reach full maturity until at least the age of 25 years.¹⁴ A young brain has an under-developed ability to regulate emotions, mitigate impulsivity and understand consequences, and necessitates a different response compared to responses applied to adults.

Offending by young people in Queensland – a statistical description

The age-crime curve

The ‘age-crime curve’ – the pattern of offending across the lifespan – is one of the most consistent observations in criminological research, demonstrating that offending behaviour drops significantly as age increases.¹⁵ Figures 1–4,¹⁶ drawn from work undertaken by the Queensland Government Statistician’s Office (QGSO), shows that the age-crime curve is observed, albeit to differing levels, when looking at offenders (Figure 1) and overall offences (Figure 2), as well as when rates are broken down by personal (Figure 3) and property offences (Figure 4). In this context it is important to note that while the age-crime curve also holds true for Aboriginal and

¹² Australian Law Reform Commission (2010). *Criminal law*. Retrieved from <https://www.alrc.gov.au/publication/family-violence-a-national-legal-response-alrc-report-114/4-purposes-of-laws-relevant-to-family-violence/criminal-law/>.

¹³ Australian Law Reform Commission (2018). *Transitioning into the community*. Retrieved from <https://www.alrc.gov.au/publication/pathways-to-justice-inquiry-into-the-incarceration-rate-of-aboriginal-and-torres-strait-islander-peoples-alrc-report-133/9-prison-programs-and-parole/transitioning-into-the-community/>.

¹⁴ Queensland Government Statistician’s Office (2021). *Youth offending: Research brief*, Queensland Treasury, p.7. Retrieved from [Youth offending \(qgso.qld.gov.au\)](https://www.qgso.qld.gov.au/youth-offending).

¹⁵ Queensland Government Statistician’s Office (2023). *The age distribution of crime by offence type in Queensland*, Queensland Treasury. Retrieved from [The age distribution of crime by offence type in Queensland \(qgso.qld.gov.au\)](https://www.qgso.qld.gov.au/the-age-distribution-of-crime-by-offence-type-in-queensland)

¹⁶ Ibid, p. 8-9.

Torres Strait Islander peoples, First Nations young people commence involvement in the criminal justice system in greater numbers in younger years than non-Indigenous young people.

Figure 1: Age-specific rates of offenders, Queensland

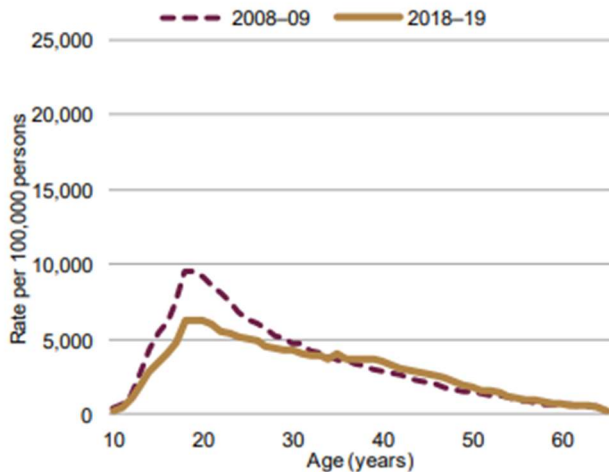


Figure 2: Age-specific rates of offences, Queensland

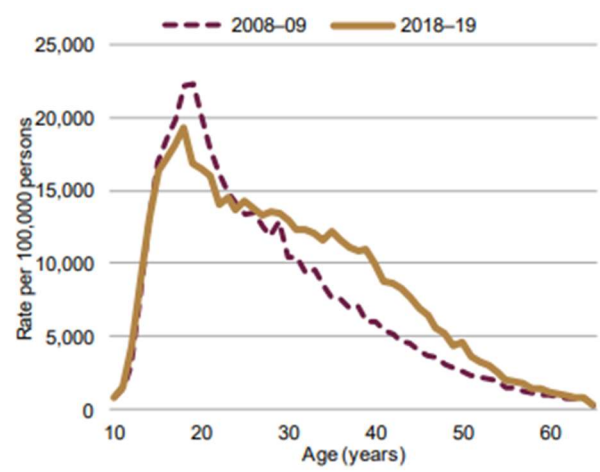


Figure 3: Age-specific rates of personal offences, Queensland

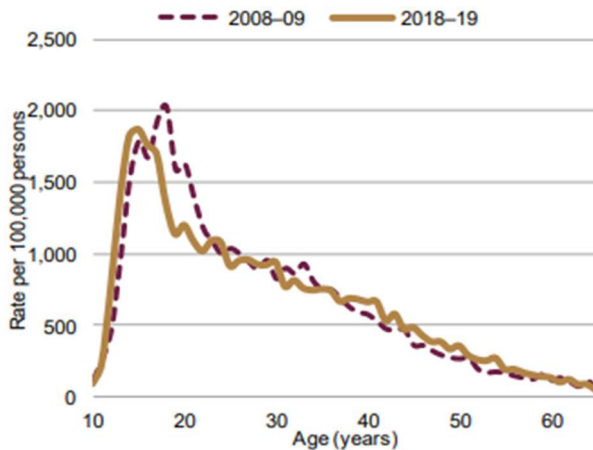
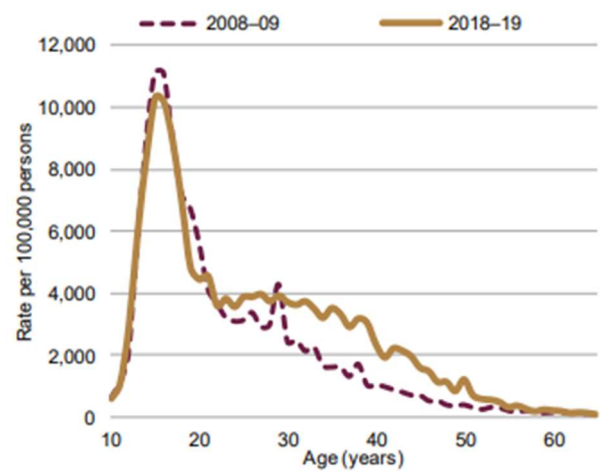


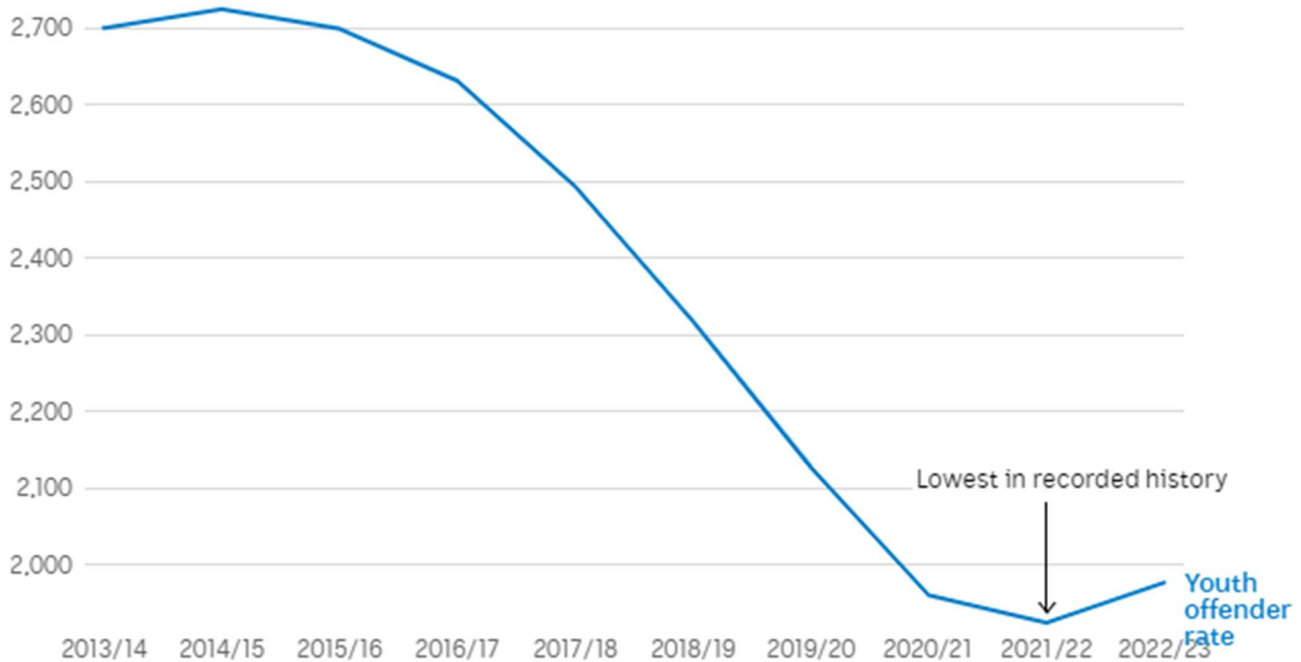
Figure 4: Age-specific rates of property offences, Queensland



The trend of declining youth crime

Of the total number of unique offenders in Queensland in 2022–23, 18.4 per cent were children aged 10–17; this age group comprised 11.9 per cent of the population.¹⁷ While there has been a small increase in the number of unique offenders in the most recent financial year (the number of unique young offenders increased by 8.6%, with the adult equivalent group increasing by 8.4% between 2021–22 and 2022–23), this comes at the end of a significant fall in the number of unique young offenders over the last decade (Figure 5).

Figure 5: Queensland's unique offender rates per 100,000 population



Source: Kenji Sato, 2024

Types of offences committed by young people

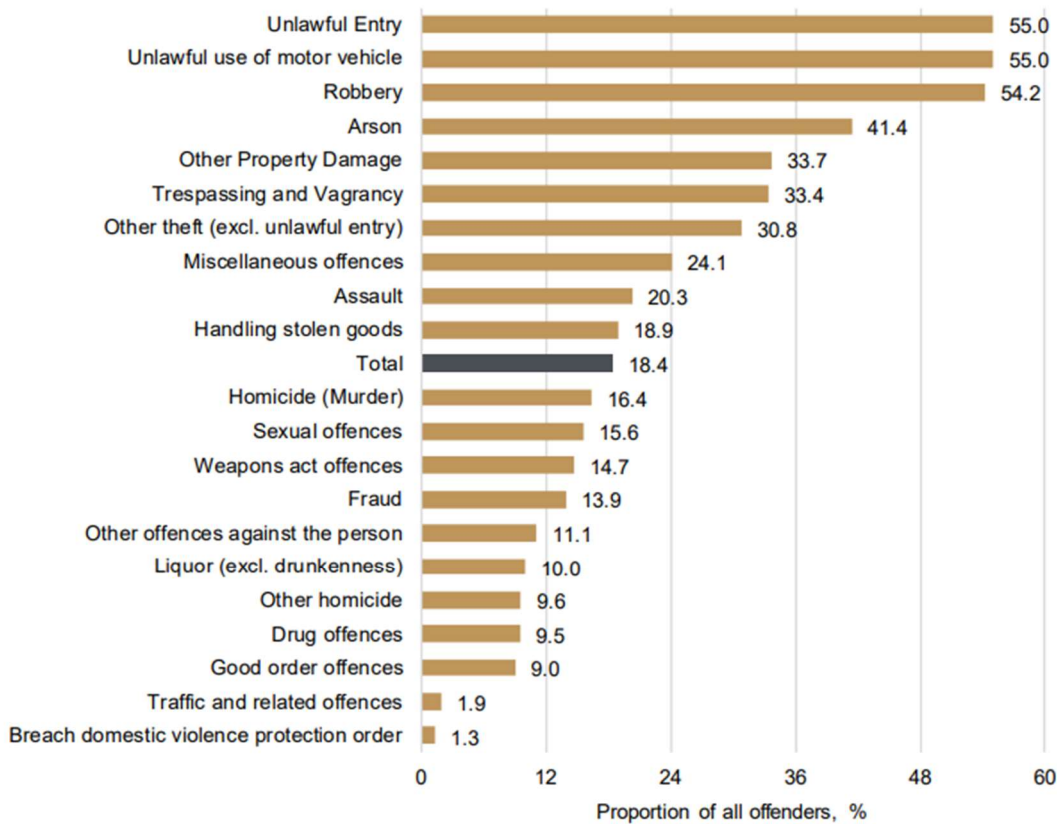
The nature of the offences committed by young people are also different than those committed by older offenders. Young people are considerably more likely than adults to commit property offences (65.8% of offences committed by young people in 2022–23 were property offences, compared to 24.9% of adult offences),¹⁸ with the top three offences committed by young people being 'other theft' (22.4%), unlawful entry (18.9%) and unlawful use of a motor vehicle (13.4%).¹⁹ Figure 6 demonstrates the proportion of young offenders across a range of offence types – young people in fact comprised over half the number of offenders recorded as committing unlawful entry, unlawful use of a motor vehicle, and robbery.

¹⁷ Queensland Government Statistician's Office (2024). *Crime report, Queensland, 2022–23*, Queensland Treasury, p.69. Retrieved from ggsso.qld.gov.au/issues/7856/crime-report-qld-2022-23.pdf

¹⁸ Ibid, p.65–68.

¹⁹ Ibid, p.68.

Figure 6: Children as a proportion of all offenders by offence type, 2023-23



Source: Queensland Government Statistician's Office, 2024

Offending coming to the attention of police

During 2022–23, Queensland Police completed 47,507 arrests of young people.²⁰ Of those arrests:

- 34,179 arrests (72%) involved males and 13,284 involved females (28%); and
- 22,973 arrests (50.9%) involved First Nations young people and 24,196 (48.4%) involved non-Indigenous young people.

Police cautions were administered to 15,515 young offenders in 2022–23, representing an 8.2 per cent increase from the previous year.²¹ Theft and theft-related offences accounted for 26.6 per cent of cautions.

Restorative justice conferencing reduced over the 2022–23 period with a total of 2,164 young people being referred, a three per cent decrease from the previous year.²² Of those 2,164 young people, 43 per cent were First Nations young people, representing a slight year-on-year increase. The offences most often referred to restorative justice were theft and theft-related offences (30.8%).

While the rate of young offending in Queensland has been steadily decreasing since 2008, the arrest rate per young person arrested has steadily increased, climbing from 3.9 arrests per young person in 2019 to 4.7 arrests in

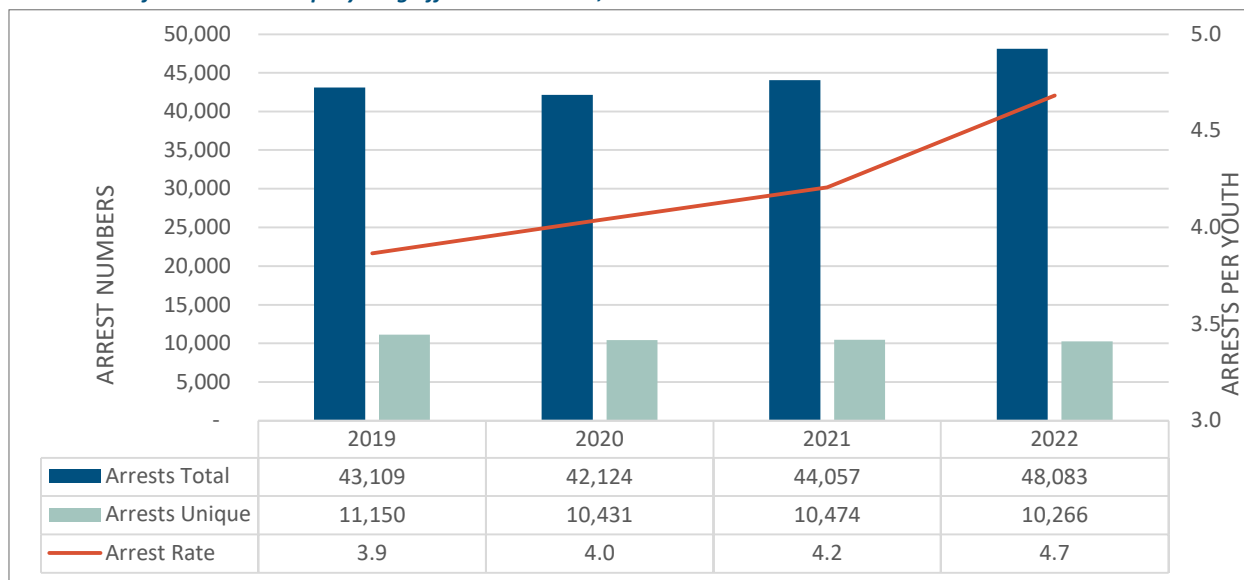
²⁰ Queensland Police Service, unpublished data request

²¹ Queensland Courts (2023). *Childrens Court of Queensland Annual Report 2022-23*. Retrieved from [Childrens Court Annual Report 2022-2023 \(courts.qld.gov.au\)](https://courts.qld.gov.au).

²² Ibid.

2022. This higher rate over time suggests that a core group of young people were offending more often and being arrested more frequently year-on-year.²³

Figure 7: Number of arrests and unique young offenders arrested, 2019–22



Source: Queensland Police Service unpublished data request cited in the QFCC's report *Who's Responsible: Understanding why young people are being held longer in Queensland watch houses*

Sentencing outcomes

Data provided in the Childrens Court of Queensland Annual Report 2022–23 identifies that the majority (78.9%) of the 5,791 adjudicated appearances of child defendants resulted in a conviction.²⁴

Once a young person has been found guilty of an offence before the court, the court may sentence the young person to:

- an unsupervised order – a reprimand, good behaviour order or a fine;
- a community-based order supervised by Youth Justice – a graffiti removal order, a restorative justice order, a probation order, a community service order or an intensive supervision order; or
- a detention order – a period of supervision in a detention centre followed by a period of supervised release in the community or the period of supervision in a detention centre suspended for the opportunity to complete a conditional release order in the community.

Other orders can also be made – an order for restitution or compensation, or a disqualification order (which can stop a child from having or getting a driver's licence for a period of time).²⁵

More information about the sentencing of children for criminal offending can be found in the Queensland Sentencing Advisory Council's publication *Guide to the sentencing of children in Queensland*, which sets out the

²³ The Australian Institute of Health and Welfare reported that, from Jul 2020 to Jun 2021, 91.3 per cent of Queensland youths aged 10–16 were re-incarcerated within 12 months of completing previous sentenced detention. This was a consistent annual increase from 2019–20 (87.3%) and 2018–19 (81.8%). Source: Australian Institute of Health and Welfare (2023). *Young people returning to sentenced youth justice supervision, 2021–22 supplementary data tables, Table s15*. Retrieved from <https://www.aihw.gov.au/reports/youth-justice/young-people-returning-to-sentenced-supervision/summary>.

²⁴ Queensland Courts (2023). *Childrens Court of Queensland Annual Report 2022–23*, p.27. Retrieved from [Childrens Court Annual Report 2022–23 \(courts.qld.gov.au\)](https://courts.qld.gov.au)

²⁵ Queensland Sentencing Advisory Council (2021). *Guide to the sentencing of children in Queensland*. Retrieved from [Guide to the sentencing of children in Queensland \(sentencingcouncil.qld.gov.au\)](https://sentencingcouncil.qld.gov.au).

options available to the courts when sentencing children. Their publication *Kids in court* demonstrates that the majority of sentences imposed on children are non-custodial penalties.²⁶ Table 1 demonstrates that the most common penalties imposed by the courts on child defendants in 2022–23 were probation and reprimands, with a detention order being imposed in 7.7 per cent of matters.

Table 1: Convicted appearances of child defendants by most serious penalty, all courts

Most serious penalty	Appearances	% of total appearances
Detention*	352	7.7
Conditional release	279	6.1
Community service	417	9.1
Probation	1,449	31.7
Treatment orders	17	0.4
Fine	26	0.6
Compensation	11	0.2
Good behaviour	485	10.6
Disqualification of drivers licence	102	2.2
Reprimand	1,431	31.3
TOTAL	4,569	

Source: *Childrens Court of Queensland Annual Report 2022-23*

* Includes imprisonment, intensive correction and intensive supervision orders.

Youth Justice supervision

The Department of Youth Justice (YJ) has identified that 3,398 young people had at least one proven offence in 2023.²⁷ Of these, the majority (70%) were male, 54 per cent were Aboriginal and Torres Strait Islander, and 66 per cent of proven offences related to property offending. While 1,604 young people were on supervised orders, a further 1,511 young people were on community-based orders.

The Youth Justice Reform Select Committee report, citing a YJ submission, identified that, of those young people under their supervision:

- 45% were disengaged from education, employment and training;
- 53% had experienced or been impacted by domestic and family violence;

²⁶ Queensland Sentencing Advisory Council (2021). *Kids in court: The sentencing of children in Queensland*. Retrieved from [Kids in court: The sentencing of children in Queensland](https://www.kidsincourt.qld.gov.au/). (nla.gov.au).

²⁷ Queensland Department of Youth Justice (2024). *Youth Justice Pocket Stats 2023*. Retrieved from [2023 Youth Justice Pocket Stats](https://desbt.qld.gov.au/) (desbt.qld.gov.au).

- 33% had at least one mental health or behavioural disorder (diagnosed or suspected);
- 30% had been living in unstable and/or unsuitable accommodation;
- 27% had at least one parent that had been held in adult custody;
- 27% had a disability (assessed or suspected), including 17% with a cognitive or intellectual disability;
- 19% had an active Child Protection Order; and
- 78% used one or more substances.

Among the states and territories, young people in Queensland comprised 35 per cent of all young people under YJ supervision and 35 per cent of all young people under community-based supervision.²⁸

Aboriginal and/or Torres Strait Islander young people

On an average day in 2022–23, in Queensland:²⁹

- First Nations young people comprised 7.7% of those aged 10 to 17 in the general population, but 66% (or 777) of those of the same age under YJ supervision;
- First Nations young people aged 10 to 17 were 24 times as likely as non-Indigenous young people to be under supervision (178 per 10,000 compared with 7.4 per 10,000); and
- First Nations over-representation was lower in community-based supervision (23 times the non-Indigenous rate) and higher in detention (29 times the non-Indigenous rate).

Young people in detention

The rate of young people in detention in Queensland is significantly higher per capita than the national average. On an average day in 2022–23, there were 828 young people in detention in Australia, with 310 young people in detention in Queensland. The rate for young people in detention was 2.7 per 10,000 in Australia compared to 5.0 per 10,000 in Queensland.³⁰ Queensland children comprise 21.7 per cent of the total cohort of children aged 10–17 years across Australia, but comprise 31 per cent of children in detention in Australia.³¹

Nationally, there is a trend of declining youth detention. Over the 5 years from 2018–19 to 2022–23, the national **number** of young people aged 10 and over in detention on an average day fell by 13 per cent (from 952 to 828), while the **rate** of young people aged 10–17 declined by 15 per cent (3.2 to 2.7 per 10,000). During this same period the national rate for Aboriginal or Torres Strait Islander young people aged 10–17 in detention declined from 32 to 30 per 10,000, while non-Indigenous rates declined from 1.4 to 1.1 per 10,000.³²

In contrast, detention of young people is increasing in Queensland. Over the 5 years to 2022–23, on an average day in Queensland, the number of young people in detention rose by 22 per cent and the rate fluctuated between 3.6 and 5.0 per 10,000 young people aged 10–17.³³

Since the introduction of legislative amendments to the YJ Act in 2020, the focus on remanding repeat offenders has continued to strengthen, shifting from presumption in favour of bail towards presumption against bail for

²⁸ Australian Institute of Health and Welfare (2023). *Youth Justice in Australia 2022–23 – Numbers and Rates of Young People Under Supervision*. Retrieved from [Youth justice in Australia 2022–23, Numbers and rates of young people under supervision - Australian Institute of Health and Welfare \(aihw.gov.au\)](https://youthjusticeinaustralia2022-23.numbersandratesofyoungpeopleundersupervision-aihw.gov.au).

²⁹ Ibid.

³⁰ Ibid.

³¹ Australian Bureau of Statistics (2024). *Quarterly population estimates (ERP), by state/territory, sex and age, Q3, 2023*. Retrieved from <https://explore.data.abs.gov.au/>.

³² Australian Institute of Health and Welfare (2023). *Youth Justice in Australia 2022–23 – Summary*. Retrieved from [Youth justice in Australia 2022–23 Summary - Australian Institute of Health and Welfare \(aihw.gov.au\)](https://youthjusticeinaustralia2022-23.summary-aihw.gov.au).

³³ Australian Institute of Health and Welfare (2023). *Youth Justice in Australia 2022–23 – Queensland*. Retrieved from [Youth justice in Australia 2022–23, Queensland - Australian Institute of Health and Welfare \(aihw.gov.au\)](https://youthjusticeinaustralia2022-23.queensland-aihw.gov.au).

repeat offenders. The removal of the principle of detention as a last resort is expected to further increase the numbers of young people in detention.

Table 2: AIHW data - comparison of young people in sentenced detention nationally and in Queensland for 2022-23

AIHW sentenced data nationally	AIHW sentenced data for Queensland
<p>In 2022–23:^{34, 35}</p> <ul style="list-style-type: none"> 16.0% were in sentenced detention during the year. 24.7% of young people were in sentenced detention on an average day. the rate of young people aged 10 to 17 in sentenced detention was 0.5 per 10,000 on an average day. 58.4% of young people in sentenced detention had an end reason of 'released on bail' and 28.3% had an end reason of 'completed'. 57% of all young people in sentenced detention on an average day identified as being Aboriginal or Torres Strait Islander. 	<p>In 2022–23:</p> <ul style="list-style-type: none"> 14.9% were in sentenced detention during the year. 11.9% of young people were in sentenced detention on an average day. rate of young people aged 10 to 17 in sentenced detention was 5.0 per 10,000 on an average day. 85.3% of young people in sentenced detention had an end reason of 'released on bail' and 14.1% had an end reason of 'completed'. 71% (or 201) of all young people in sentenced detention on an average day identified as being Aboriginal or Torres Strait Islander.

Unsentenced detention

The vast majority of young people in detention are unsentenced, meaning they are awaiting the outcome of their legal matter or sentencing. In Queensland in 2022–23, an average daily proportion of 88.5 per cent of young people in detention were unsentenced.³⁶

In 2022, across all Queensland detention centres, young people spent an average of 48.8 nights in unsentenced detention, with a median of 29.3 nights (the significantly higher average indicates there are some young people serving very long periods of detention, which is not reflected by the average alone).³⁷ Average nights spent in unsentenced detention has slightly decreased since 2019. After seeing a significant decrease in 2020 (likely due to the COVID-19 pandemic), the average has now increased annually to near 2019 numbers.

Average nights spent in sentenced detention was 66 in 2022. Numbers have remained relatively stable since 2019, though the 2022 average is the highest across this period.³⁸

³⁴ Australian Institute of Health and Welfare (2023). *Youth Justice in Australia 2022-23 – Detention*. Retrieved from [Youth justice in Australia 2022-23, Detention - Australian Institute of Health and Welfare \(aihw.gov.au\)](https://www.aihw.gov.au/reports/youth-justice/youth-justice-in-australia-2022-23-detention). Notes: In some states and territories, a minimum duration of sentenced detention applies before a young person may be considered eligible for supervised release or parole. This affects the results and comparability.

³⁵ Young people may be in sentenced and unsentenced detention on the same day.

³⁶ Australian Institute of Health and Welfare Youth Justice National Minimum Dataset 2000–01 to 2022–23, Table s111.

³⁷ Queensland Department of Youth Justice, unpublished data request cited in Queensland Family and Child Commission (2023) *Who's responsible: Understanding why young people are being held longer in Queensland watch houses*. Retrieved from <https://www.qfcc.qld.gov.au/sites/default/files/2023-12/FINAL%20-%20Watchhouse%20Review%20-%20Who%27s%20Responsible%20-%20November%202023.pdf>.

³⁸ Ibid.

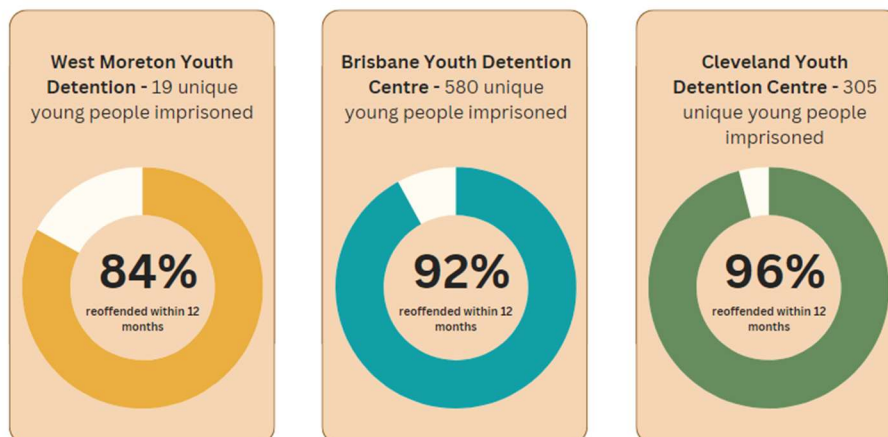
Table 3: Average nights spent unsentenced and sentenced: all detention centres, 2019–22

Unsentenced				Sentenced			
2019	2020	2021	2022	2019	2020	2021	2022
52	33	40	48.8	62	63	61	66

Source: Department of Youth Justice (QLD) unpublished data request cited in the QFCC's report *Who's Responsible: Understanding why young people are being held longer in Queensland watch houses*

Reoffending

In 2021, for the 12 months following release, 68.6 per cent of young people on sentenced supervision aged 10 to 16 years returned to sentenced supervision. When considering those young people who were alleged to have committed another offence, almost all (96%) young people who were released from Cleveland Youth Detention Centre (CYDC) committed another offence in the 12 months following their release. Compared to 92 per cent of young people from Brisbane Youth Detention Centre (BYDC) and 84 per cent of young people from West Moreton Youth Detention Centre (WMYDC). Detaining young people, service delivery in custody and transition processes are clearly having little impact on reducing reoffending rates.

Figure 8: Percentage of young people who were alleged to reoffend within 12 months of release, by detention centre, 2021

Source: Queensland Parliament, 2022³⁹

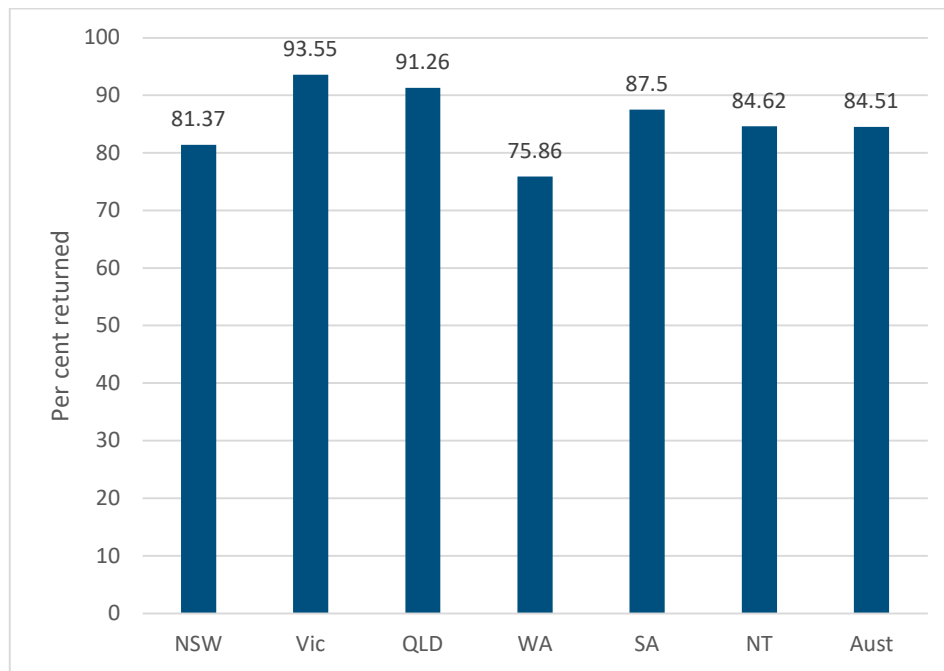
In 2020–21, Queensland had the second highest percentage of young people returning to sentenced supervision after release from detention, at 91.26 per cent, following Victoria (Figure 9). The percentage of young people who reoffend following detention within 12 months in Queensland has been consistently high (Figure 10).⁴⁰ This suggests either that Queensland's existing approach to rehabilitation and reintegration, and therefore preventing reoffending, is largely ineffective, or that there is an unjustified assumption about the rehabilitative prospects of detention.

³⁹ Queensland Parliament (2022). Question on Notice No. 1270. Retrieved from

<https://documents.parliament.qld.gov.au/tableoffice/questionsanswers/2022/1270-2022.pdf>.

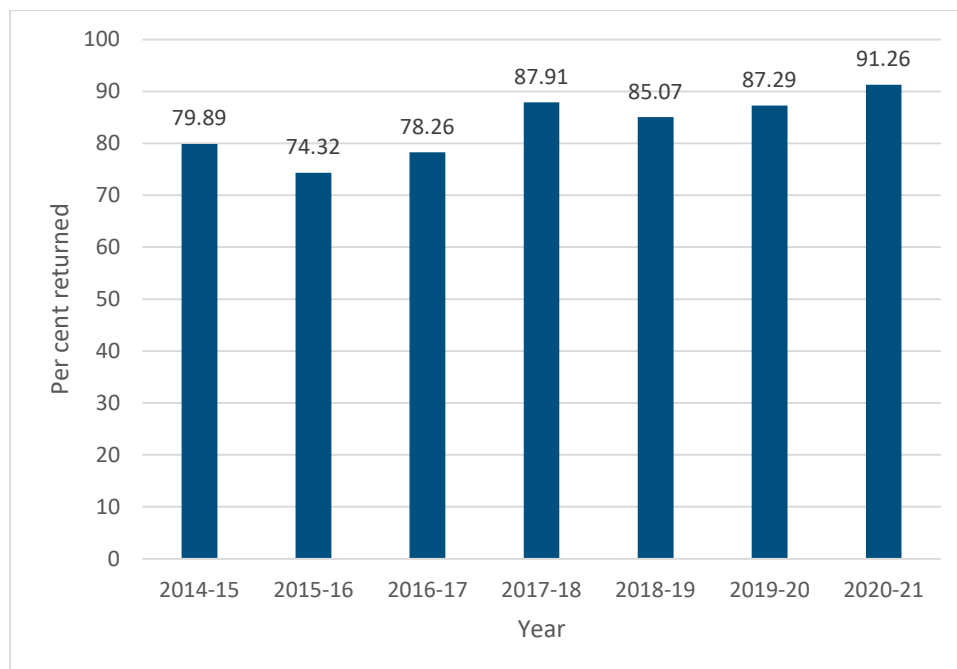
⁴⁰ Australian Institute of Health and Welfare (2023). *Young people returning to sentenced youth justice supervision, 2021–22 supplementary data tables, Table s17*. <https://www.aihw.gov.au/reports/youth-justice/young-people-returning-to-sentenced-supervision/data>.

Figure 9: Percentage of young people released from detention who return to sentenced supervision within 12-months of release by state, 2020–21⁴¹



Source: Australian Institute of Health and Welfare, 2023

Figure 10: Percentage of young people released from detention who return to sentenced supervision within 12-months of release, Qld, 2014–15 to 2020–21⁴²



Source: Australian Institute of Health and Welfare, 2023

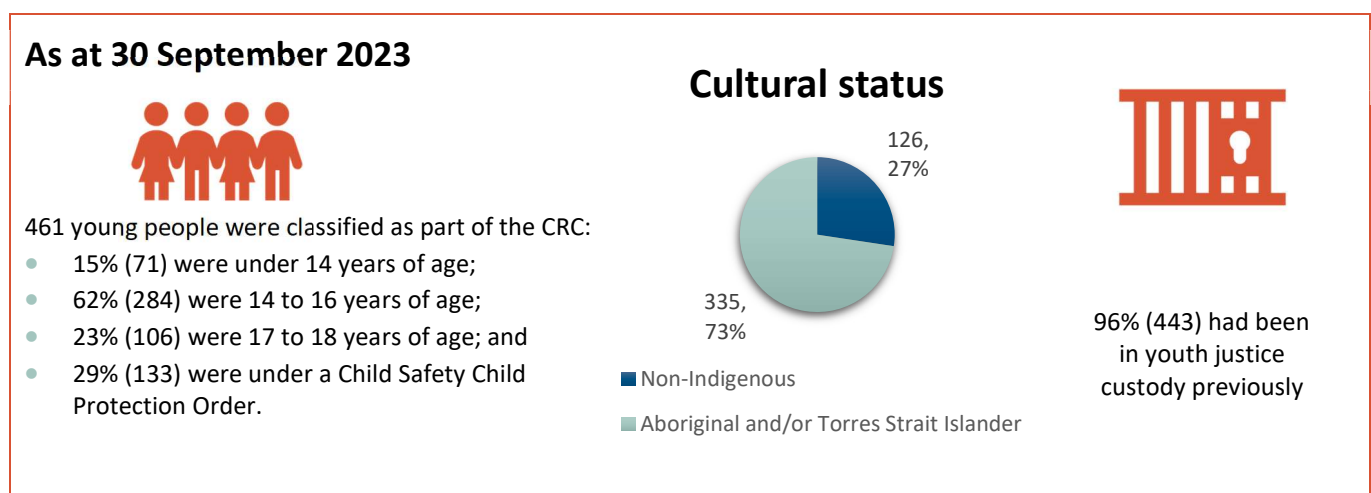
⁴¹ Due to the small numbers reported in Tasmania and the ACT, these states have not been included.

⁴² Due to the small numbers reported in Tasmania and the ACT, these states have not been included.

The Collaborative Response Cohort

As of 30 September 2023, 461 young people were classified by YJ as part of the Collaborative Response Cohort (CRC) (often referred to as the Serious Repeat Offender Cohort).⁴³ Of the young people classified as part of the CRC, 443 had previously been in detention.⁴⁴ The entrenched nature of the offending behaviour of the CRC cohort is indicative of a likely more complex need profile, with any improvement to community safety to be gained by intervening with these young people likely to be contingent on provision of a high level of supports and intervention strategies.

Figure 11: Demographics of the Collaborative Response Cohort



Summary of findings

- The YJ Act includes the Charter of youth justice principals – 21 principles that inform the administration of youth justice that were introduced to safeguard and uphold the rights of young people, victims and the community. The principles enshrine the importance of effective reintegration and rehabilitation of young people transitioning from detention back into the community, towards reducing recidivism and ensuring community safety.
- On 1 May 2024, the Queensland Government announced its intention to revise Principle 18 to remove the requirement that children be detained as a last resort. The proposed amendment would enable a child to be detained in custody ‘where necessary, including to ensure community safety’. The proposed amendment raises a number of issues, including the need to clarify the purpose of detention, and whether ensuring community safety also includes necessary supports to change a child’s circumstances and address risks of re-offending.

⁴³ Queensland Parliament (2023). Question on Notice No. 1266. Retrieved from <https://documents.parliament.qld.gov.au/tableoffice/questionsanswers/2023/1266-2023.pdf>.


Note: YJ previously referred to this cohort as Serious Repeat Offenders. YJ staff informed the QFCC that this term has now changed. YJ previously referred to this cohort as Serious Repeat Offenders. YJ staff informed the QFCC that this term has now changed.


⁴⁴ Ibid.

- Patterns of offending in Queensland reflect the age-crime curve, where offending behaviour falls significantly as age increases. While the rate of young offending in Queensland has been steadily decreasing since 2008, the rate per young person arrested has steadily increased. This suggests that a core group of young people were offending more often and being arrested more frequently year-on-year.
- The rate of young people in detention in Queensland is significantly higher per capita than the national average, and is increasing, despite national trends showing decreasing rates of youth detention. Of young people with at least one proven offence, significant proportions have disengaged from education, training or employment, have experienced domestic and family violence, have mental health issues, or insecure housing.
- The vast majority of young people in detention are unsentenced.
- In 2020–21, Queensland had the second highest percentage of young people returning to sentenced supervision after release from detention, at 91.26 per cent. The percentage of young people who reoffend following detention within 12 months in Queensland has been consistently high, indicating that Queensland's existing approach to rehabilitation and reintegration, and therefore preventing reoffending, is largely ineffective, or that there is an unjustified assumption about the rehabilitative prospects of detention.
- The Collaborative Response Cohort, often referred to as the Serious Repeat Offender Cohort, identifies young people whose offending is considered sufficiently serious and frequent to pose a significant threat to community safety. The complex circumstances and needs of this cohort necessitate intensive and specialised supports to achieve any improvement in community safety.

▲ Case study: We interviewed Bailey, 15 years old

	Engaged in education?	Previously suspended or expelled from school?	Engaged in unpaid employment?	Engaged in paid employment?
	✓	✓	✓	✗

	Health:	Cultural and holistic wellbeing:
	<p>Diagnoses:</p> <ul style="list-style-type: none"> multiple mental health diagnoses while in detention. <p>History of substance use.</p>	<ul style="list-style-type: none"> Proud of her culture and her identity. Learns about her culture from her mum and from her grandfather before he passed.

	Family environment:	Family support:	Needs:
	<p>Primary carer: Dad</p> <ul style="list-style-type: none"> Mum lives and works overseas. Has a younger sibling. 	Dad identified need for earlier support for Bailey and family.	<ul style="list-style-type: none"> Family recently experienced homelessness. Financial struggles.

	Admissions:	Most recent transition plan:		
		Aware?	Involved?	Family included?
	5	✓	✓	✓

Bailey's story

Bailey is a young person with a migrant background. She lives with her Dad (Patrick) and younger sibling. Her Mum lives and works overseas. Bailey's proud of her culture and how head-strong her people are.

Throughout primary school Bailey excelled, getting along well with her peers and teachers. Upon starting high school, she met and was introduced to new peers. Bailey was suspended within her first week of high school. She was eventually expelled from this school.

Bailey's behaviour started to escalate towards offending and using substances. Despite Patrick's efforts to support Bailey, youth justice and the court systems were overwhelming to navigate. Patrick felt that support was offered too late, once Bailey was in the youth justice and court system rather than when she was first getting into trouble. This was also felt when the family experienced homelessness and financial difficulty – Patrick had trouble accessing services that could help.

Since becoming involved with youth justice, Bailey's been admitted to detention five times. While in detention, Bailey was diagnosed and started receiving treatment for multiple mental health disorders. After Bailey's release from her fourth admission, she was attending an alternative school, where she was able to undertake work experience twice a week. Bailey found that her busy routine of school and work experience during the week, coupled with family plans on the weekend meant she didn't have time for "criminal friends". The 72-hour plan initiated on release, along with support from her family, YJ worker, Intensive Case Manager and school staff also helped her get back into a good routine. She didn't commit further offences.

On release, Bailey was given bail conditions that included a curfew. This is something she has struggled with. Bailey was charged with a breach of bail offence under the new legislation and readmitted to detention. Bailey had not committed a criminal offense but had breached her bail condition of a curfew due to walking out of the house after an argument with Patrick. Bailey had complied with her other conditions of reengaging with school and her training. She has recently been released from detention, and her work experience provider has indicated that they would like Bailey to continue her work with them.

Bailey's most recent bail conditions again include a curfew, which she struggled with in the past. She's trying her best to comply with conditions and recently had some family time with Mum.



I hope the future holds a job that can just help with money problems and stuff, help my Dad with money problems. I want to be helpful. I hope that I become a Youth Worker when I'm older. And I wanna become a mum.



Section 3 – The evidence for changing offending behaviour

This section provides background about the need for an early intervention and prevention framework to address the causes of crime, and describes the literature on how risk and protective factors work together to increase or decrease the likelihood that a young person will come to police attention and enter the youth justice system. The section concludes by providing background about theories of behaviour change that frame how we support young people out of the youth justice system.

Early intervention and prevention is crime prevention

Any discussion about youth offending must acknowledge that a failure to adequately invest in a well-planned, holistic family support service system that can identify and respond to emerging needs will inevitably lead to increased funding in tertiary responses such as child safety and youth justice responses.

While it seems curious to be talking about prevention and early intervention as part of a report that focuses on transitions from detention, evidence of the link between addressing risk factors and preventing young offending is well established. Successful transition planning is, in fact, crime prevention. A more holistic focus for transition from detention should focus on the supports that need to be in place for families and communities to address risk factors for their young people, which in turn can impact positively on preventing younger siblings from engaging in offending behaviour.

The need for a consistent framework for prevention and early intervention has been a long-held focus of evidence-based strategies to address young offending. The crime and justice environment and debate in Queensland has not changed in decades, as evidenced by the introduction to a 1997 report entitled *Pathways to prevention*:

The media pay a great deal of attention to crime in Australia. For example, The Courier Mail regularly reports on Queensland's 'crime wave', with stories often focused on the plight of victims and the inadequacy of laws and penalties. To select one story from hundreds with the 'get tough' theme over the past few years, under the caption 'Weak laws share blame for upsurge' the Courier Mail on March 17, 1994 discussed claims that under the Queensland Penalties and Sentences Act 1992 it was virtually impossible for the courts to imprison young offenders 'no matter how serious the crimes involved are'...

One popular approach that is currently being adopted in all parts of Australia is increased expenditure on the criminal justice system. In Queensland, for example, prisoner numbers have nearly doubled in the last five years (Criminal Justice Commission, 1997), and the Government is conducting an extensive publicity campaign to warn juveniles that the penalties for criminal offending have recently been increased...⁴⁵

The report goes on to advocate for establishing a policy framework for developmental prevention, a type of prevention that aims to reduce risk factors and increase protective factors that can impact on an individual's pathway through life, with a particular focus on their propensity to engage in criminal behaviour. This approach to prevention sees life as marked by a series of phases, a series of points of change and a series of 'transitions'. While transition out of custody is the focus of this review, there are transition points throughout life that are important opportunities for prevention – the transition from baby to toddler, the transition from home to preschool, from preschool to primary school, and then to high school and so on. At each of these more sensitive developmental points there is the potential to implement deliberate supports for children and families to manage these transitions successfully and achieve positive outcomes.

⁴⁵ Homel (1999). *Pathways to prevention: Developmental and early intervention approaches to crime in Australia*, Griffith University, pp.2-3.

Within this context, 'early intervention' can mean intervention earlier in the pathway rather than earlier in life. A young person can still be the subject of an early intervention program or service despite being a considerable way down the path of offending. Two examples of programs that adopt a developmental prevention approach are Communities That Care and PROSPER. These programs have been extensively evaluated and show robust evidence of success in Australia.

The arguments for early intervention and prevention are largely two:

1. **It's economically smart.** Early intervention and prevention invests money to save money – the *Pathways to prevention* report makes a strong argument that the costs of crime outweigh the costs of investing in prevention.
2. **It's more effective than a criminal justice response.** Early intervention and prevention initiatives have a stronger evidence-base for success than punitive measures put in place as the ambulance at the bottom of the cliff. Once a young person has a custodial experience, they are overwhelmingly more likely to reoffend and have more custodial experiences.

It has been argued by Ross Homel in more recent times that primary prevention of youth crime has not been a focus in Queensland, or indeed anywhere in Australia, since the 1990s. The QFCC would support policy development and relevant investment in early intervention and prevention by the Queensland Government, which should involve multiple portfolios as well as collaboration between the Commonwealth, state and local government jurisdictions. Part of this investment could and should be focused on transition from detention.

Risk and protective factors for offending

Young people in the youth justice system often present with serious and multiple inter-related needs, where the reasons for their offending behaviour are complex.⁴⁶ Research identifies that young people who offend have often experienced family dysfunction and trauma.⁴⁷ Exposure to abuse, neglect, violence, housing instability and inconsistent parenting are common and are key contributors to family involvement with youth justice.⁴⁸ Research also describes high rates of psychological disorders, mental health issues and disability among the Youth Justice population.⁴⁹ When these family and individual factors are compounded with the developmental challenges of regulating moods, impulses and behaviours that are also often present, it can mean a high risk of young people exhibiting challenging behaviour and offending across multiple environments.⁵⁰

Disconnection from pro-social environments and peers is a key risk factor for offending behaviour. Issues such as family dysfunction, poverty and involvement in the child safety system can limit or remove the ability for young people to participate in pro-social activities such as sport and recreation, arts programs, youth groups and other opportunities to engage with pro-social peers. In school and education settings, youth justice cohorts can struggle with learning and behavioural difficulties resulting in poor school achievement and absence of school

⁴⁶ New South Wales Department of Attorney General & Justice (2012). *Youth on Track: Need and service analysis*. Retrieved from www.youthontrack.justice.nsw.gov.au

⁴⁷ Lambie I & Randell I (2013). 'The Impact of Incarceration on Juvenile Offenders'. *Clinical Psychology Review*, vol 33, 448 – 459.

⁴⁸ Clark H & Mathur S (2016). *NDTAC Transition Toolkit 3.0: Meeting the Educational Needs of Youth Exposed to the Juvenile Justice System*. Retrieved from <https://oese.ed.gov/files/2021/04/NDTAC-TransitionToolkit-3.0.pdf>.

⁴⁹ O'Neil, S., Strnadova, I & Cumming, T (2018). *Transition Planning Framework for New South Wales Youth in Custody*. UNSW Sydney, NSW Department of Education, NSW Department of Juvenile Justice: Sydney. Retrieved from <https://unsw.edu.au/entities/publication/1215b8ff-db42-4e20-8b36-b705e20ea89b/full>; Clark H & Mathur S (2016). *NDTAC Transition Toolkit 3.0: Meeting the Educational Needs of Youth Exposed to the Juvenile Justice System*. Retrieved from <https://oese.ed.gov/files/2021/04/NDTAC-TransitionToolkit-3.0.pdf>; Lambie I & Randell I (2013). 'The Impact of Incarceration on Juvenile Offenders'. *Clinical Psychology Review*, vol 33, 448 – 459.

⁵⁰ Lambie I & Randell I (2013). 'The Impact of Incarceration on Juvenile Offenders'. *Clinical Psychology Review*, vol 33, 448 – 459.

attachment.⁵¹ Consequently, at a time when sensation seeking, risk-taking and peer influence is strong, exposure to anti-social peers, criminal lifestyle and pro-criminal attitudes presents a heightened risk for engagement in offending behaviour.⁵² These findings are corroborated by young people themselves, who self-report the risk that their environments and internal needs present the backdrop to participation in offending.⁵³ Further, the “what works” literature has found that targeting the criminogenic risk factors of attitudes and orientations, personality and behaviour and peers and relations is critical to addressing offending behaviour.⁵⁴

There are, however, differences in the pathways leading young women and Aboriginal and Torres Strait Islander young people into the youth justice system. For young women, research highlights higher rates of psychological disorders and mental health and experiences of trauma through exposure to high-risk family and social environments as risk factors for offending.⁵⁵ For Aboriginal and Torres Strait Islander young people, who experience entrenched over-representation in Australian justice systems, intergenerational trauma and racism and discrimination are widely recognised as presenting risks for offending.⁵⁶ Compounding these issues is a lack of equitable access to supports and environments that can address these factors.

Protective factors have been identified that can influence a young person’s exposure to risks and reduce the likelihood of participating in offending behaviour (see Figure 12 below).⁵⁷ Young people can present with similar risk factors but differ in reoffending due to the presence or absence of protective factors.⁵⁸ Family context and the relationship between parent and young person is a key protective factor.⁵⁹ The structure, support and functioning of the family affects behaviour, with characteristics such as parental supervision and parental involvement considered protective.⁶⁰ Research has demonstrated healthy parent-child bonding can have positive impacts during developmental phases and buffer behavioural issues such as aggression.⁶¹

For Aboriginal and Torres Strait Islander young people, maintaining a strong cultural identity is a key component of positive social and emotional wellbeing.⁶² The strengthening of cultural connection can act as a protective factor for young people through promoting resilience, building self-esteem, and strengthening connection to family, community, and cultural traditions.⁶³ It has been recognised by researchers that “...assessing protective

⁵¹ O’Neil, S., Strnadova, I & Cumming, T (2018). *Transition Planning Framework for New South Wales Youth in Custody*. UNSW Sydney, NSW Department of Education, NSW Department of Juvenile Justice: Sydney. Retrieved from <https://unsworks.unsw.edu.au/entities/publication/1215b8ff-db42-4e20-8b36-b705e20ea89b/full>; Clark H & Mathur S (2016). *NDTAC Transition Toolkit 3.0: Meeting the Educational Needs of Youth Exposed to the Juvenile Justice System*. Retrieved from <https://oese.ed.gov/files/2021/04/NDTAC-TransitionToolkit-3.0.pdf>; Lambie I & Randell I (2013). ‘The Impact of Incarceration on Juvenile Offenders’. *Clinical Psychology Review*, vol 33, 448 – 459.

⁵² New South Wales Department of Attorney General & Justice (2016). *What Works with Young Offenders*. Retrieved from <https://www.nsw.gov.au/legal-and-justice/youth-justice/youth-on-track/publications>.

⁵³ Barnert E et al. (2015). ‘Incarcerated Youths’ Perspectives on Protective Factors and Risk Factors for Juvenile Offending: A Qualitative Analysis’. *American Journal of Public Health*, vol 105 (7), 1365 – 1371.

⁵⁴ Garcia-Gomis et al. (2017). ‘Risk Factors and Youth Recidivism Prediction in General and Property Offenders’. *Psychiatry, Psychology and Law*, vol24 (2), 308 – 318.

⁵⁵ Bloom, Owen & Covington (2003). *Gender-Responsive Strategies: Research, Practice, and Guiding Principles for Women Offenders*. Retrieved from <https://info.nicic.gov/nicrp/system/files/018017.pdf>; Lambie I & Randell I (2013). ‘The Impact of Incarceration on Juvenile Offenders’. *Clinical Psychology Review*, vol 33, 448 – 459.

⁵⁶ Australian Institute of Health and Welfare (2021). Aboriginal and Torres Strait Islander Stolen Generations aged 50 and over: Updated analyses for 2018-19

⁵⁷ New South Wales Department of Attorney General & Justice (2016). *What Works with Young Offenders*. Retrieved from <https://www.nsw.gov.au/legal-and-justice/youth-justice/youth-on-track/publications>.

⁵⁸ Ibid.

⁵⁹ Office of Juvenile Justice and Delinquency Prevention (2015). *Protective Factors Against Delinquency*. Retrieved from www.ojjdp.gov/mpg.

⁶⁰ Ibid.

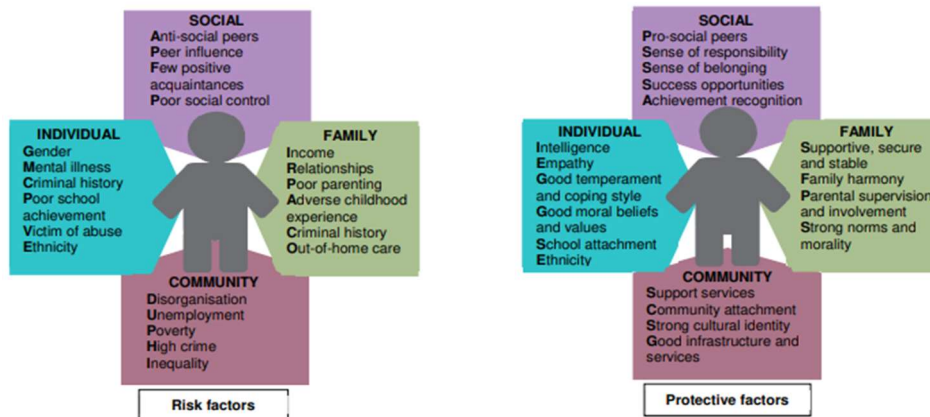
⁶¹ Ibid.

⁶² Shepherd et al. (2018). *The impact of Indigenous cultural identity and cultural engagement on violent offending*. BMC Public Health. Retrieved from https://researchbank.swinburne.edu.au/file/a47dad9-cba5-4af6-aa52-bb54c379b31f/1/2018-shepherd-the_impact.pdf.

⁶³ Ibid.

factors may improve the accuracy of risk assessments, provide a more balanced perspective, enhance offenders' motivation to change and guide intervention planning".⁶⁴

Figure 12: Risk and protective factors for young offending



Source: Queensland Government Statistician's Office, 2021

Understanding behaviour change in a youth justice context

Achieving behaviour change in young people can only be successful when it is voluntarily adopted and internally motivated. The stages of behaviour change model published by Queensland Health outlines six steps people move through to change behaviour and habits and integrate change into their life:⁶⁵

1. Pre-contemplative/unaware: the person is not interested in change, cannot see the need to change and has no intention of doing anything differently.
2. Contemplative: the person recognises there is a problem and that they can and should do something to change their behaviour to make their life better.
3. Preparing: the person realises how serious their situation is, has made a decision or commitment to change and is currently completing any 'pre-change' steps with a view to making the required change within the next month.
4. Action/trying: the person has made real and overt change or modification to their life. While the chances of relapse and temptation are very strong, there is also openness to receiving help and support. Usually, after about six months, the person moves from the action stage to the maintenance stage.
5. Maintaining: the person works to consolidate any change in their behaviour to prevent relapse. The former behaviour is now seen as no longer desirable and a number of coping strategies have been put in place and are working. This stage requires patience to avoid personal and environmental temptations. There is a need for the person to remind themselves of the progress that has been made already and to stay on the course of change. The risk of lapsing is substantially less than in earlier stages.
6. Termination/advocacy/transcendence: the person has an understanding that going back to old habits or behaviours would not feel right and are no longer perceived as desirable. The person may help others along the behaviour change path. During this stage, relapse can occur, but it is not seen as a failure but rather as a learning opportunity to help strengthen coping strategies and support mechanisms.

⁶⁴ Vilijoen et al. (2018). 'Assessing Protective Factors for Adolescent Offending: A Conceptually-Informed Examination of the SAVRY and YLS/CMI'. *American Psychological Association, Society for Clinic Psychology*, vol 27 (5).

⁶⁵ Queensland Department of Health (2007). *Stages of Behaviour Change*. Retrieved from [Stages of Behaviour Change \(health.qld.gov.au\)](https://health.qld.gov.au/stages-of-behaviour-change)

Behaviour change can take time for young people to achieve, and relapse to undesirable behaviour can and does occur. The continued and unwavering support from those closest to the young person is important throughout the change process.

There is a significant body of research about how to address young offending behaviour. Models of offender rehabilitation, notably the Risk Need Responsivity (RNR) model and the Good Lives Model,⁶⁶ offer evidence-based frameworks to identify needs and target areas for intervention to change behaviour.

Research has demonstrated that significant reductions in offending can be achieved when the RNR model is applied to practice.⁶⁷ Research has shown that successfully implementing all three RNR principles into service delivery can contribute to up to 35 per cent reductions in reoffending.⁶⁸ The model stipulates:

- intensity of service delivery is most effective when matched to a young person's assessed risk level (assessment completed with a validated tool such as the Youth Level of Service (YLS)/Case Management Inventory (CMI));
- a young person's service response should be matched to the highest criminogenic need areas identified by the risk assessment tool; and
- to effectively target the identified highest criminogenic need areas, a young person should be engaged in evidence-based and informed programs and services in a way that is responsive to their individual characteristics and needs.⁶⁹

Youth justice populations, particularly those in custody, often present with a high or very high risk of reoffending and multiple high risk criminogenic need areas. As a result, it is important to have intensive contact with this population and prioritise and sequence the highest risk criminogenic need areas for rehabilitation interventions. It is recognised that there are eight (commonly referred to as the "central eight") criminogenic need domains: offending history; family circumstances and parenting; peer and relations; education/employment; substance use; leisure recreation; personality/behaviour and attitudes/orientations.⁷⁰ Research has shown that the strongest and most reliable predictors of reoffending are pro-criminal behaviours and attitudes and anti-social peers/relations.⁷¹ These intrinsic factors are considered easier to shift with evidence-based and informed programs and services, compared to extrinsic factors such as family and parenting, or education and employment. The consistent delivery of evidence informed and based programs and services that target anti-social attitudes, behaviours and emotional regulation aligns with the evidence on effective strategies to reduce offending.⁷²

To work effectively, a collaborative and planned approach is required with young people, families and stakeholders. To secure the buy-in of young people and families, it is important for ongoing consultation to occur and feedback to be sought on the plans and goals for service delivery. Assisting young people to identify their individual capabilities and motivations, and tying these into planning, can be effective to increase motivation to change and participation in interventions. For families, where they can be supported to understand the risks and needs of the young person, participate in planning and review of service delivery, and reinforce concepts with young people at home, it is more likely that behaviour change can occur.

⁶⁶ Information about the Good Lives Model can be found at www.goodlivesmodel.com.

⁶⁷ Bonta J & Andrews D (2007). 'Risk-Need-Responsivity Model for Offender Assessment and Rehabilitation'. *Rehabilitation*. Vol 6. 1-22.

⁶⁸ Ibid.

⁶⁹ Dowden C (1998). 'A Meta-Analytic Examination of the Risk, Need and Responsivity Principles and their Importance Within the Rehabilitation Debate'. Carleton University.

⁷⁰ Bonta J & Andrews D (2007). 'Risk-Need-Responsivity Model for Offender Assessment and Rehabilitation'. *Rehabilitation*. Vol 6. 1-22.

⁷¹ Garcia-Gomis et al. (2017). 'Risk Factors and Youth Recidivism Prediction in General and Property Offenders'. *Psychiatry, Psychology and Law*, vol24 (2), 308 – 318.


⁷² Baglivio et al. (2018). 'The search for the holy grail: Criminogenic needs matching, intervention dosage, and subsequent recidivism among serious juvenile offenders in residential placement'. *Journal of Criminal Justice*, vol 55, p 46-57.

Working with young people and families helps to identify the individual characteristics and needs to be considered when delivering programs and services to young people. Collaborative discussion can help with identifying options for adjustment of service delivery to better respond to young people's gender, cultural, developmental, and cognitive needs and can help build capacity for ongoing engagement. Working in culturally sensitive and responsive ways is particularly important when working with Aboriginal and Torres Strait Islander young people and families.


Summary of findings


- Evidence of the link between addressing risk factors and preventing young offending is well established. Successful transition planning is crime prevention. A more holistic focus for transition from detention should focus on the supports that need to be in place for families and communities to address risk factors for their young people.
- Earlier intervention provides significant return on investment compared to the costs of crime, and is more effective than the criminal justice response. QFCC would support policy development and relevant investment in early intervention and prevention by the Queensland Government, involving multiple portfolios, collaboration between the Commonwealth, state and local government jurisdictions and including transition from detention.
- Justice-involved young people often present with serious and multiple inter-related needs, and reasons for their offending behaviour are complex. Young people who offend have often experienced family dysfunction and trauma, abuse and neglect, housing instability and have high rates of psychological disorders, mental health issues and disability. When compounded with the developmental challenges of regulating moods, impulses and behaviours, the risk of young people exhibiting challenging behaviour and offending across multiple environments escalates.
- Disconnection from pro-social environments and peers is a key risk factor for offending behaviour. Exposure to anti-social peers, criminal lifestyle and pro-criminal attitudes presents a heightened risk for young people's engagement in offending behaviour.
- Specific risk factors for young women engaging in offending behaviour include higher rates of psychological disorders, mental health issues and experiences of trauma through exposure to high-risk family and social environments.
- Specific risk factors for offending among Aboriginal and Torres Strait Islander young people include intergenerational trauma, racism and discrimination, which are compounded by a lack of equitable access to supports and environments that can address these factors.
- Protective factors that can influence a young person's exposure to risks and reduce the likelihood of offending behaviour include parental supervision and parental involvement, and healthy parent-child bonding.
- For Aboriginal and Torres Strait Islander young people, strengthening cultural connection can act as a protective factor through promoting resilience, building self-esteem, and strengthening connection to family, community and cultural traditions.
- Achieving behaviour change in young people can only be successful when it is voluntarily adopted and internally motivated. Change may take time and ongoing support from trusted people in the young person's life is vital, including during relapses into offending.
- Significant reductions in offending can be achieved with the successful implementation of the RNR model which can contribute to up to 35 per cent reduction in reoffending.
- To be effective, supports need to be designed in collaboration with the young person, their family and other stakeholders.

Case study: We interviewed Billy, 19 years old

	Engaged in education?	Previously suspended or expelled from school?	Engaged in unpaid employment?	Engaged in paid employment?
	×	×	×	✓

	Health:	Cultural and holistic wellbeing:
	Diagnoses: <ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Good understanding of their identity. • Strong family.

	Family environment:	Family attachments:	Needs:
	<ul style="list-style-type: none"> • Youngest of 6 siblings. • Both parents worked. • Witnessed DFV. 	<ul style="list-style-type: none"> • Close with older brother and older sister. 	<ul style="list-style-type: none"> • Practical support. • Distraction/diversionary activities such as work.

	Admissions:	Most recent transition plan:		
		Aware?	Involved?	Family included?
	Not sure	×	×	×

Billy's story

Billy is a proud 19-year-old of a migrant family. Billy is the youngest of six siblings. His family is close, and both his parents work hard to provide for their family. Like any family, there were challenges that they faced but Billy clearly articulated that he did not come from a 'broken home'. He enjoyed learning but he did not enjoy the school environment. Billy started disengaging from school during primary school and met peers who he started getting into trouble with.

Billy was 12-years-old on his first admission to detention. Billy did not have a high number of detention admissions but each of his admissions were for a long span of time. Between the ages of 12 and 17 the longest period that Billy spent in community was six months.

During his last admission to detention, Billy was sentenced with six months left to serve. Billy was supported to connect with a prospective employer but his interview with the employer was cancelled due to having an altercation with another young person in detention. Billy's reintegration plan was approved a week before he was released, which essentially meant that he exited detention with nothing in place.

Billy was released from detention and was supported by a community member (Allan) that he had met while in detention. Billy had met Allan during his first admission. Allan was not a paid employee of Youth Justice but a community member passionate about supporting young people. This passion led Allan to visiting regularly and connecting with young people while they were in detention.

Billy was supported by Allan to meet with the employer, and he was able to secure employment the week after his release. Whilst Billy is no longer at that place of employment, he has worked ever since his last release. Billy and Allan agreed to remain connected for a year. Throughout this time, Billy and Allan would be in each other's corner. Time spent together would depend on need and purpose. Through Allan, Billy was able to connect and broaden his social connections and opportunities.

It has been two years since Billy has been in detention. He has had no further involvement with Youth Justice. Billy is confident that his days of detention are over. Although he had the ability to make change, he could not have done this without the relationship and support from Allan. His friendship with Allan remains and is likely to continue for many more years to come.

**"But you can read (people, workers)...Don't be a fake [...], Be real...
If you have to be taught how to be friends with someone, you're
pretty shit. Do life together."**

Billy on how to build trusting relationships

Section 4 - Transition from detention

This section sets out Queensland's policy response for supporting young people as they transition from detention back into the community. It provides a list of programs and interventions aimed at improving life outcomes for young people, areas where success might be found, and the effectiveness of planning for release across other Australian jurisdictions.

Exiting detention in Queensland

Legislation

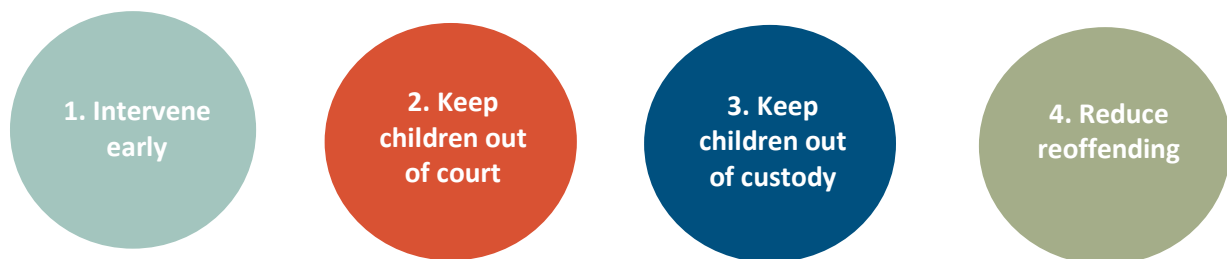
Section 302 of the YJ Act requires YJ to establish programs and services to help reintegrate children who have committed offences and monitor these to ensure program benefits are aligned with the principles.

The YJ Act prioritises the importance of families and communities in the rehabilitation and reintegration of young people, with particular emphasis on Aboriginal and Torres Strait Islander communities.

The Charter of youth justice principles (Schedule 1 of the YJ Act and set out in Appendix 3) outlines that programs and services should be designed and implemented in a way that allows young people to be reintegrated into the community and continue education, training and employment.

Youth Justice Strategy 2019–23

Acknowledging that this strategy has now formally lapsed, the *Youth Justice Strategy 2019–2023* (the Strategy) provides a comprehensive framework for responding to youth offending. It has four pillars:



The Strategy outlines the need to “ensure that young people in detention are provided health, rehabilitation services and programs, are supported to develop education and vocational skills and are assisted to transition effectively back into their families and communities, and to adulthood.”⁷³

The Pillar 4 priority is to ‘reduce reoffending’ by prioritising actions that ensure children and young people who are repeat offenders “get responses, punishments and support that work to stop reoffending and enable successful reintegration with their families, culture, and communities”.⁷⁴

⁷³ Queensland Government (2018). *Working together changing the story: Youth Justice strategy 2019-2023*. https://desbt.qld.gov.au/data/assets/pdf_file/0022/17149/strategy.pdf.

⁷⁴ Ibid.

Youth Justice processes to plan for effective transitions from detention to community

Once a young person is admitted to a young detention centre, their rehabilitation and support needs are outlined in an individualised service response plan, developed alongside the young person and reviewed on a regular basis to determine progress towards rehabilitation goals. This case plan uses the RNR model which aims to identify and address the drivers of offending behaviour and develop a response through evidence-based assessments, supported by professional decision-making and a robust case management framework aimed at supporting the holistic rehabilitation objectives of young people. It includes a summary of criminogenic needs, interventions, reflections and future plans.⁷⁵ The YJ case management framework is designed to ensure a service response that:

- is proportionate to the young person's risk of reoffending;
- targets identified criminogenic need areas; and
- is responsive to individual characteristics and needs.

Transition and reintegration planning are incorporated into case management. This process involves an integrated service delivery response between caseworkers, cultural supports, transition officers, education facilitators, mental health practitioners and the young person's family and/or support to prepare a young person for successful transition into the community to achieve holistic and consistent service delivery.⁷⁶

The *Youth detention centre operations manual* (the manual) outlines the requirements of transition planning and reintegration activities and the role of transition staff.⁷⁷ The manual states that transition planning should:

- provide young people with access to programs and services that promote their reintegration;
- be considered from the moment a young person enters detention as well as throughout;
- facilitate, where appropriate, a series of reintegration activities designed to progressively prepare the young person for release into the community for those on longer orders;
- support the concept that detention is a process not a place; and
- be underpinned by the ultimate goal of seamless service delivery when a young person exits detention.

Youth detention centres provide opportunities for rehabilitation through:

- change-orientated programs;
- social and life skills programs;
- cultural programs;
- education;
- speech and language pathology assessment and intervention;
- psychological assessment and intervention;
- drug and alcohol counselling;
- general and mental health assessment and support;
- sport, recreation and fitness programs and activities;
- daily routine;
- behaviour support framework;
- independent life skill development; and

⁷⁵ Queensland Department of Youth Justice, unpublished data request.

⁷⁶ Ibid.

⁷⁷ Queensland Department of Youth Justice (n.d). *Youth Detention Centre Operations Manual*, unpublished.

- health and wellbeing support.

This review has not undertaken any assessment of the consistency, availability or quality of the programs and services listed as being available to young people in detention. Understanding the nature and effectiveness of individual interventions was beyond the scope of this report, and the extent to which the manual is delivered in practice in the way it is outlined could not be determined.

Rehabilitation activities are designed to be culturally appropriate, delivered in a culturally safe way and tailored to consider the inherent trauma of young people. The YD-1-16 Youth detention – Restorative practice, Youth Detention Centre Operational Policy states that YJ is committed to the use of restorative practices in youth detention centres to support the safety, wellbeing and rehabilitation of young people. YJ also recognises that restorative practices promote staff safety.

Restorative practices are guided by the following principles (In line with the Australian Association of Restorative Justice):

- Cause no further harm, by:
 - being trauma-informed and tailored to the needs of all participants, considering age, gender, culture, personal circumstances, developmental level, abilities/disabilities and cognitive functioning;
 - being culturally safe and supportive of the needs of Aboriginal and Torres Strait Islander people;
 - proactively building, maintaining and repairing relationships;
 - ensuring youth detention centre staff role model positive behaviours and maintain professional boundaries;
 - mitigating risk, ensuring restorative processes are facilitated safely and effectively; and
 - ensuring detention centre staff are trained to competently implement restorative principles and responses into their work practice.
- Work with those involved, rather than doing things to or for,⁷⁸ by:
 - supporting a collaborative approach to problem-solving and conflict resolution;
 - involving people in restorative processes that have been most impacted by a behaviour or incident; and
 - empowering young people to be actively involved in resolving conflict and developing their communication and prosocial skills.
- Set relations right, by:
 - providing incidental, informal and formal restorative processes and techniques that assist with addressing real or perceived conflict; and
 - considering the needs of each individual and the nature of the behaviour/incident to determine whether relationships between participants involved in a restorative process may:
 - be improved or repaired;
 - reduce conflict; or
 - result in meaningful outcomes, providing an agreed way forward.⁷⁹

⁷⁸ The Operational Policy notes this is in accordance with the Social Discipline Window (Paul McCold and Ted Wachtel).

⁷⁹ Queensland Department of Youth Justice (2024). *Youth Detention Centre Operational Policy: Youth Detention – Restorative Practice*. Retrieved from [YD-1-16 Restorative practice \(desbt.qld.gov.au\)](https://desbt.qld.gov.au/yd-1-16-restorative-practice).

All detention centre staff should use restorative practice skills as a way of working with young people and each other. Restorative practices can be considered in a broad range of circumstances including as part of integrated case management to support young people's transition from detention to the community.⁸⁰

The YD-1-2 Youth detention – Behaviour support, Youth Detention Centre Operational Policy outlines the key principles of the behaviour support framework to include cultural considerations, trauma informed practice and human rights, where behavioural expectations are clear and consistently enforced and positive behaviour support, engagement and communication builds rapport and will improve behaviour.⁸¹

According to YJ, a young person is supported holistically to prepare for their re-entry to the community through:

- developing independent living and social skills, coping and problem-solving skills, individual decision-making, self-esteem and self-management through programs, activities and unit based responsibilities;
- assistance with practical reintegration needs including go cards, identification, Department of Housing applications and school enrolment;
- facilitating interactions between young people, their families, community or mentors;
- introducing young people to new support systems and services and/or reconnecting with existing community services (e.g., Centrelink, school, place of employment, the local Police-Citizens Youth Club, sporting clubs, cultural and religious groups); and
- off-centre reintegration activities, including work experience and visits to services, approved through risk assessment and leave of absence processes.⁸²

Reintegration activities are designed to ensure support is individualised to meet a young person's needs, and to connect young people with support services in the community. Young people from regional and remote areas of Queensland should be given the opportunity to participate in meaningful reintegration activities that are transferable to their community. Activities may include off-centre work experience, shopping trips or visits to community organisations, Centrelink and other social supports.⁸³

Specific transition staff (see further information about Transition Officers in the section below on Facilitation) working within detention centres are employed through either YJ or the Department of Education and are responsible for:

- assisting young people in their transition from detention to the community by linking them with employment, training and educational opportunities;
- participating in the development of vocational, educational and employment related reintegration plans for young people and helping them identify goals in this area;
- developing young people's understanding of career pathways;
- promoting the employment, training and education of young people released from custody by establishing networks with agencies relevant to the young person's goals;
- completing job applications, entry requirements for jobs and employers' requirements and expectations; and
- helping young people to identify and address barriers to participation in employment and education such as lack of secure housing, access to transport and childcare.

⁸⁰ Ibid.

⁸¹ Queensland Department of Youth Justice (2023). *Youth Detention Centre Operational Policy: Youth Detention – Behaviour Support*. Retrieved from [YD 1 - 2 Behaviour support \(Youth detention centre operational policy\) \(desbt.qld.gov.au\)](#).

⁸² Queensland Department of Youth Justice, unpublished data request.

⁸³ Queensland Department of Youth Justice (n.d). *Youth Detention Centre Operations Manual*, unpublished.

The first 72-hours of a young person's release from custody is a critical period, where the risk of reoffending can escalate unless sufficient supports and supervision are already in place. A 72-hour release plan is available for young people who are at high risk of reoffending after exiting custody under the Multi-agency Collaborative Panel (MACP) model. These plans may also improve planning with key stakeholders and information sharing with police. Importantly, the plans provide for the structured engagement of young people regarding what to expect when they are released and the development of their own plans for responding to triggers or stressors in the first 72-hours post-release. The plans can include re-engagement with education, training or employment, involvement in therapeutic services, cultural programs, social and sporting activities, family and community-based activities, reporting to case managers and meeting the obligations of their YJ orders.⁸⁴

Once a young person has been released from detention, linkages with community-based services that match the risk and needs profile of each young person will be dependent on the availability of services and programs within the community. Many of these services and supports are beyond the scope of YJ responsibility and may not be available or accessible by young people in the community.

Services and programs

Youth Justice programs

YJ has a suite of evidence based and informed programs that aim to address criminogenic needs and specific offending behaviours in both community and detention settings. Programs include:

- Transition 2 Success (T2S);
- Intensive Case Management (ICM);
- Changing Habits and Reaching Targets;
- Black Chicks Talking;
- Young, Black and Proud;
- Aggression Replacement Training;
- Emotional Regulation and Impulse Control; and
- Rethinking Our Attitudes to Driving (ROAD).⁸⁵

Additionally, YJ delivers a range of interventions aimed at improving outcomes across cultural connection, health, participation in learning and engagement in employment, housing stability, family relationships and connection to community. Programs include:

- Navigate Your Health;
- Adventure based program;
- Get Set for Work;
- Breakthrough for Families;
- Youth Engagement Alliance;
- Link and Launch Pilot Program;
- Youth Skills Program;
- Intensive Bail Initiative;
- MACPs; and

⁸⁴ Queensland Department of Youth Justice, unpublished data request.

⁸⁵ Queensland Government (2023). *Programs and supports to help change behaviour*. Retrieved from <https://www.qld.gov.au/law/sentencing-prisons-and-probation/young-offenders-and-the-justice-system/youth-detention/helping/programs-and-supports-to-help-change-behaviour>.

- On-country.⁸⁶

Again, it is important to note that this review has not undertaken any assessment of the consistency, availability or quality of these programs and services, nor has this report sought to document how many young people engage in these interventions and whether all young people can access these programs equitably.

Community initiatives

In addition to these government-funded and led programs, individual communities are coming together to help address youth crime rates. For example, community patrol groups and after-hours services are being provided in Palm Island, Mornington Island and North Queensland:

- Palm Island's Community Patrol Group has demonstrated positive outcomes, with police data showing only four unlawful entry offences were reported on the island in June 2023, compared to 30 in March before the patrol began.⁸⁷
- In 2023, Mornington Island's residents began undertaking night patrols to try to reduce youth crime rates whereby Mayor Kyle Yanner says they saw success within the first three months. This initiative also tackles the issue of low employment opportunities on the remote island.⁸⁸

Emerging success

Intensive Case Management (ICM) is showing promising results. ICM is a culturally appropriate case management approach that has emerged from the implementation of the Youth Justice Strategy for high-risk young people and their families.

The program was evaluated by the Nous Group in 2022 showing that ICM is more effective than alternative programs in reducing reoffending and achieving positive outcomes at the family and systems level, as well as achieving positive economic benefits for the criminal justice system and broader community.⁸⁹

Evaluation outcomes show:⁹⁰

- More than 40% of young people subject to ICM have not reoffended since completing the program. For some young people this is a period of more than 3 years.
- ICM reduced the 6-month reoffending count by 51% for young people engaged in the program. This is a 22% greater reduction than the comparison group who received different supports.
- There has been an average (median) reduction of 51% in the frequency of offending.
- There has been an average (median) reduction of 72% in the proportion of crimes that involve harming another person.
- There is a positive cost-benefit to the justice system and the community of \$9.8–19.1 million, when considering losses incurred due to youth crime.

⁸⁶ Queensland Government (2018). *Working together changing the story: Youth Justice strategy action plan 2019-2021*; Queensland Government (2022). *Youth Justice initiatives*. Retrieved from <https://desbt.qld.gov.au/youth-justice/partnerships/initiatives#:~:text=Youth%20Justice%20initiatives%201%20Alcohol%20and%20other%20drug,...%208%20Specialist%20counselling%20services%20...%20More%20items>.

⁸⁷ Herald Sun (2023). *How this QLD town got their troubled kids back on track*. Retrieved from https://www.heraldsun.com.au/subscribe/news/1/?sourceCode=HWEB_WRE170_a_BIN&dest=https%3A%2F%2Fwww.heraldsun.com.au%2Fnews%2Ftownsville%2Fpalm-island-residents-reveal-how-theyre-getting-their-towns-troubled-kids-back-on-track%2Fnews-story%2F1fb9f3c679848cda396d3ffa0f8c79d&memtype=anonymous&mode=premium&v21=HIGH-Segment-1-SCORE.

⁸⁸ Australian Broadcasting Corporation (2023). *Specially trained Mornington Island residents patrol streets at night to combat youth crime*. Retrieved from <https://www.abc.net.au/news/2023-09-20/mornington-island-residents-on-night-patrol-lower-youth-crime/102874148>.

⁸⁹ Queensland Department of Youth Justice, Employment, Small Business and Training (2023b). *Intensive case management evaluation*. Retrieved from <https://desbt.qld.gov.au/youth-justice/evaluations/intensive-case-management>.

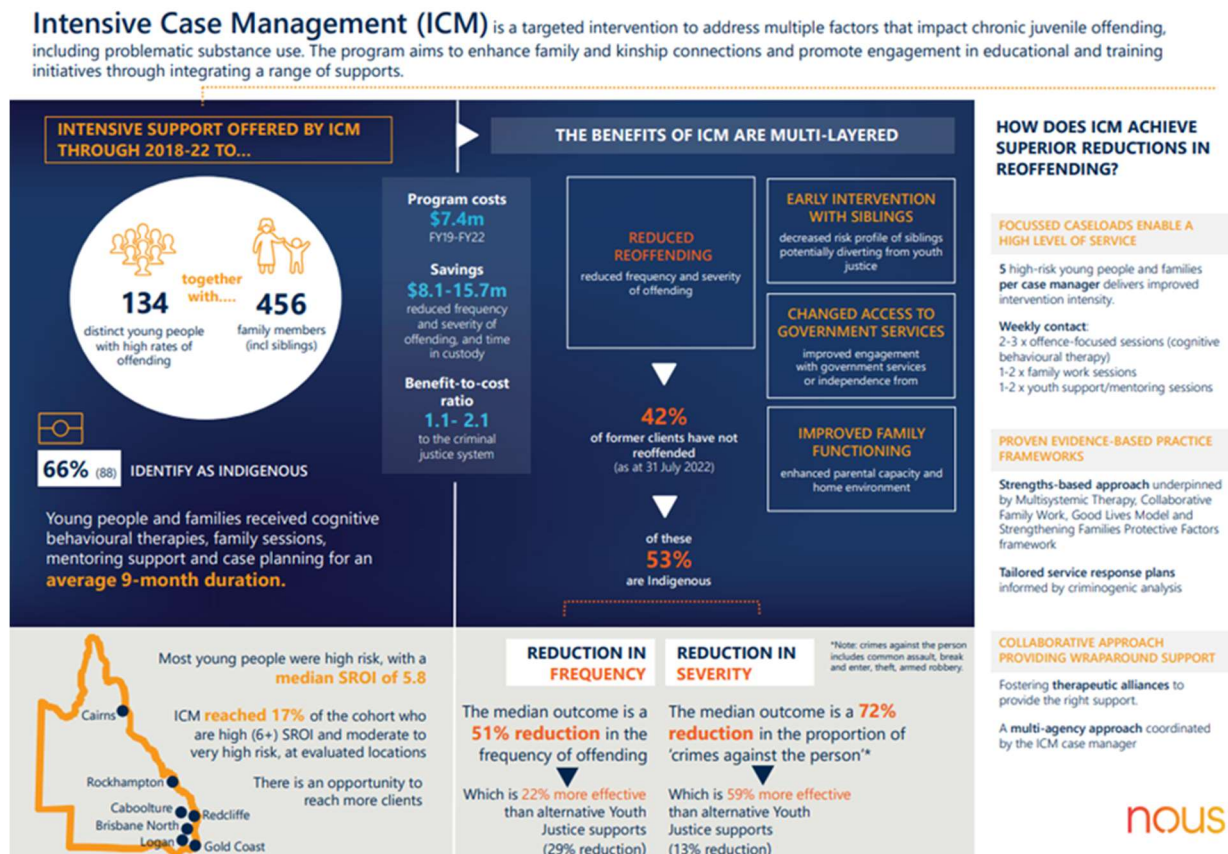
⁹⁰ Ibid.

- Early intervention with siblings as part of the program helped to lower their risk profile, potentially diverting them from the youth justice system.
- Young people's family functioning was improved with enhanced parental capacity and home environment.
- Justice system gains were made with changed access to government services, including improved engagement with services or no longer needing a service.

Sustained and intensive support, individually tailored strengths-based plans and therapeutic, collaborative and family-inclusive approaches have helped this program to be effective. These elements align with insights from young people, families and the sector gathered in this review about what makes transitions successful.

The cost of detention-based supervision per young person is \$1,834 per child per day and the costs of community-based supervision is \$304 per child per day. The approximate cost of the ICM program between 2019-22 for 90 participants was \$7.4m. The evaluation concluded the economic benefit of reduced reoffending frequency and severity for the criminal justice system ranged from \$8.1-15.7m (benefit for each \$1 spent: \$1.10 to \$2.10). The economic benefit increases to \$9.8-19.1m when considering the wider societal benefits of reduced reoffending (benefit for each \$1 spent: \$1.30 to \$2.60).

Figure 13: Infographic summary of Intensive Case Management evaluation outcomes



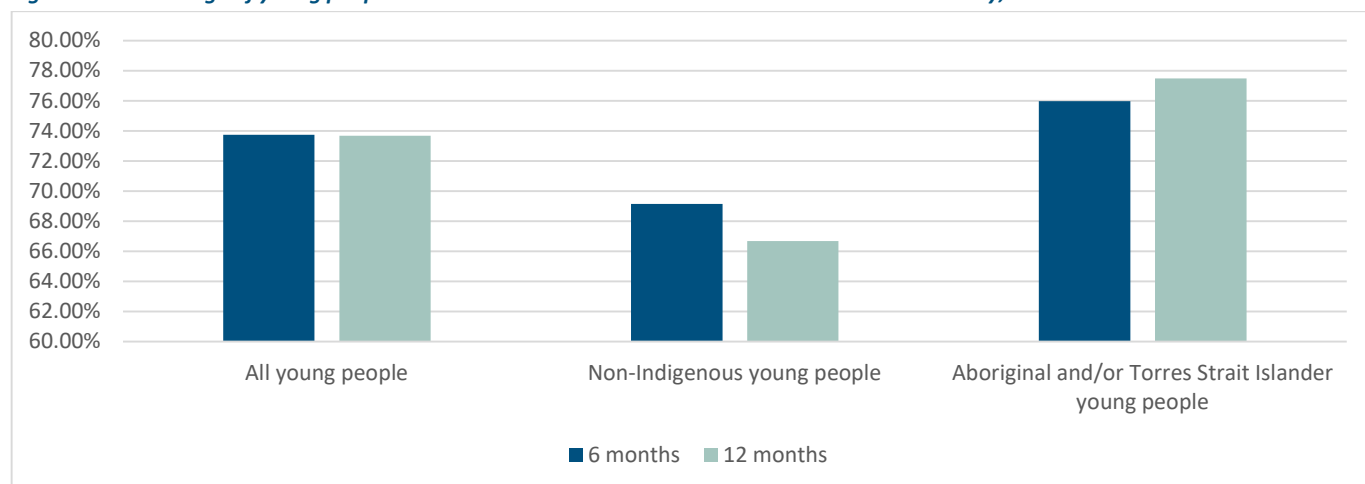
Source: Queensland Department of Youth Justice, 2023⁹¹

⁹¹ Ibid.

Transition planning in other Australian jurisdictions

Successful transition from detention and supervision is a complex challenge for most jurisdictions. Nationally, almost three-quarters (74%) of young people who were released from detention returned within 12 months.⁹²

Figure 14: Percentage of young people who return to detention within six and 12 months nationally, 2021



Source: AIHW Youth Justice National Minimum Dataset (YJ NMDS) 2000–01 to 2021–22⁹³

The QFCC found that New South Wales, the Northern Territory and Tasmania mention transition planning or similar specifically within their policy and practice framework settings. Other states and territories do not have any public record of processes relating to transition planning.

New South Wales

The NSW *Collaborative case management of young people in custody* manual provides a clear process for the case management of young people. The manual outlines the steps to be taken if a young person is on remand for longer than two weeks, including developing a case plan by administering the YLS-CMI to determine risk and needs, identifying with the young person any issues or goals, and consulting with the young person's family. The case plan is then implemented through conducting intervention programs and case conferences.

If a young person is sentenced to further detention, 'discharge planning' is started depending on the young person's scheduled release date. The manual outlines a clear handover between detention staff and community caseworkers should occur at least two weeks prior to release. Young people should also commence regular leave to prepare them for release, and case plans should continue.⁹⁴

Northern Territory

The Northern Territory also uses YLS-CMI to help develop young people's case plans. The Northern Territory's *Youth justice policy determination 4.1: Case management, assessment and throughcare services* outlines the importance of case plans being young people centric, and development of the plan includes the young person's family and other professionals working with the family. The case plan should include the needs of the young person, actions to address these and who is responsible for completing the actions.

⁹² Australian Institute of Health and Welfare (2023). *Young people returning to sentenced youth justice supervision, 2021–22 supplementary data tables, Table s14*. <https://www.aihw.gov.au/reports/youth-justice/young-people-returning-to-sentenced-supervision/data>.

⁹³ Ibid. Data for young people who were returned within 12 months includes young people who were returned within 6 months.

⁹⁴ New South Wales Government (Communities and Justice) (2022). *Case management policy*. Retrieved from https://www.nsw.gov.au/sites/default/files/2022-06/Case_Management_Policy.pdf.

'Throughcare planning' is mentioned in the policy as being focused on rehabilitation, being a multi-disciplinary approach that is individualised to the young person and client centric. The policy does not go into detail about how throughcare planning is implemented.⁹⁵

Tasmania

Tasmania's *Youth justice blueprint 2023-34*, developed as part of their youth justice reform, emphasises the importance of a collaborative, multidisciplinary and holistic approach. The blueprint outlines the intent of achieving a throughcare approach that facilitates and supports transition between services, facilities and the community. It is noted that the throughcare approach should commence at the earliest possible opportunity and follow young people throughout their youth justice journey. The blueprint aims to shift youth justice responses to a public health approach, rather than a statutory response.⁹⁶

Summary of findings


- In Queensland, the YJ Act requires that young people who have committed offences are supported to reintegrate into their communities, and emphasises the importance of families and communities in both reintegration and rehabilitation.
- Although now lapsed, the *Youth Justice Strategy 2019–2023* (the Strategy) provides a comprehensive framework for responding to youth offending. Its pillars include intervene early, keep children out of court, keep children out of custody, and reduce reoffending.
- Queensland YJ is focused on reducing reoffending through alignment of service delivery, both in custody and community, to the RNR model. A young person's rehabilitation and support needs are outlined in an individualised service response plan, which aims to identify and address the drivers of offending behaviour and develop a holistic, rehabilitative response.
- Transition and reintegration planning are a fundamental part of case management. This involves an integrated service delivery response between caseworkers, cultural supports, transition officers, education facilitators, mental health practitioners and the young person's family and/or support to prepare a young person for successful transition into the community.
- This review has not undertaken any assessment of the consistency, availability or quality of the programs and services listed as being available to young people in detention.
- Rehabilitation activities are designed to be culturally appropriate, delivered in a culturally safe way and tailored to consider the inherent trauma of young people. Restorative practices are employed in youth detention centres to support the safety, wellbeing and rehabilitation of young people and the safety of staff.
- Government funded and led YJ programs are delivered in both community and detention settings and aim to address criminogenic needs and specific offending behaviours, and improve outcomes across cultural connection, health, participation in learning and engagement in employment, housing stability, family relationships and connection to community.
- Individual communities have also developed localised support programs to help address youth crime rates.
- Successful transition from detention and supervision is a complex challenge for most jurisdictions. Nationally, almost three-quarters of young people who were released from detention returned within 12 months.


⁹⁵ Northern Territory Government (2018). *Youth Justice policy determination 4.1: Case management, assessment and throughcare services*. Retrieved from https://tfhc.nt.gov.au/_data/assets/pdf_file/0010/497035/Youth-Justice-Policy-Determination-4.1-Case-Management,-Assessment-and-Throughcare-Services.pdf.


⁹⁶ Tasmania Government (2023). *Youth Justice Blueprint 2024-2034: Keeping children and young people out of the youth justice system*. Retrieved from <https://publicdocumentcentre.education.tas.gov.au/library/Shared%20Documents/Youth-Justice-Blueprint.pdf>.

- New South Wales, the Northern Territory and Tasmania mention transition planning or similar specifically within their policy and practice framework settings. Other states and territories do not have any public record of processes relating to transition planning.

Case study: We interviewed Koby, 18 years old

	Engaged in education?	Previously suspended or expelled from school?	Engaged in unpaid employment?	Engaged in paid employment?
	×	×	×	✓

	Health:	Cultural and holistic wellbeing:
	<ul style="list-style-type: none"> Grief after the passing of his Nan. Feels shame talking about his mental health. Exposure to DFV at a young age. 	<ul style="list-style-type: none"> Proud of his culture and cultural identity. Grew up spending time on <u>Country</u>, with his family teaching him about his culture. Enjoys going out bush with family. Enjoys opportunities to engage in

	Family environment:	Family support:	Needs:
	Primary carer: <ul style="list-style-type: none"> maternal Nan. Attachments and connections: <ul style="list-style-type: none"> Nan, mum and brothers. 	<ul style="list-style-type: none"> Transition support through CCO. 	<ul style="list-style-type: none"> Mum doesn't have housing. Koby is living semi-independently, but highlighted he is struggling with the cost-of-living.

	Admissions:	Most recent transition plan:			Family YJ and CJS involvement:
		Aware?	Involved?	Family included?	
	3	✓	✓	✓	✓

Koby's story

Koby is a proud 18-year-old Aboriginal young person who grew up in Northern Queensland. Koby and his younger sibling grew up with their Mum (Denise) and Dad. They grew up going out bush and learning their cultural practices with their father. This love and connection to country and culture was instilled at a young age and remains with Koby today.

When the relationship between Koby's parents began to break down, Denise started experiencing DFV. Denise reached out to her mother (Koby's Nan) and asked Nan to take Koby and his sibling, as the family household was not safe for them. During Denise's attempts to leave the relationship, Denise started to struggle with alcohol use. Prior to this, Denise had worked and had not drunk or smoked.

Nan enrolled Koby and his sibling in mainstream schooling. Koby did well in school and achieved good grades. He began boarding school when he entered high school and attended until Year 10. This was the year his Nan passed away. Koby and the rest of the family struggled deeply with the passing of his Nan. Koby dropped out of school shortly after.

With the loss of Nan, Denise assured Koby and his sibling that she would be there for them. She 'stopped everything' and focussed on Koby and his sibling. Koby met a young person that he would eventually start committing crime with. Mum tried her best to support Koby and his brother, but Koby was admitted to detention three times since he started offending in 2020. After one of these admissions, Denise sent him to spend time with family out bush on Country, during which Koby didn't offend. After his second release, Denise relocated with her children to give Koby a fresh start. A breach of his curfew condition saw Koby back in detention.

Koby was released from his most recent admission in 2022 on bail with an electronic monitoring device. Koby and his family were referred to a community-controlled organisation for Youth Justice Family Led Decision Making (YJ FLDM). Despite the career change of his YJ FLDM Practitioner, Koby's worker continued to support Koby and Denise. Koby was supported to access a traineeship and Denise was supported to apply for housing and get onto the public housing list. Denise and Koby were staying with family members. Eventually they were able to secure hostel accommodation. The trust and relationship built between them helped Koby to take the leap into starting his apprenticeship.

Koby and his family felt that the support they were offered did not help their immediate needs e.g. Koby accessing Centrelink so that he could work towards secure income. The types of programs offered were not linked to real life opportunities for work or relevant to his interests, meaning he didn't want to engage with them. Koby's Mum thinks that more programs on Country where Koby could learn about his culture would be better suited.

Koby has now completed all his orders successfully and has not had any further interaction with Youth Justice.

"[In the future I'll] end up with a job, having my own place. [I need] just the support and the dedication to do it and like the patience."

Section 5 - What we heard

This section provides an overview of young people's experiences exiting detention. It includes direct quotes from young people that describe their challenges exiting detention, as well as what might make for a more successful transition. It also includes insights from family members and the workforce. Unless otherwise labelled, most comments in this section have been made by the 66 young people we interviewed.

Risk factors for entering the youth justice system

The pathways that lead young people into and out of detention are complex and varied. The young people we interviewed were asked what was happening when they started offending. This part of our report describes the most commonly discussed issues faced by the young people we spoke to.

Poverty

While young people may not always be able to articulate the reasons for their behaviour, it was clear that growing up in poverty was a strong element of their involvement in criminal offending.

People say, oh "why do you steal? You shouldn't steal", but half of us have no parents to buy us stuff...like our parents can't even support themselves.

My Dad's in jail, he's not going to buy you nothing.

Just bein' real angry like... comin' from bad homes and shit... goin' to school every day with like, nothing. Like we had no... Like, [...] going to school with you know, nothing, and not even school... like, I was embarrassed... I was embarrassed to go to school, like that's fucked, and then I just got angry, all the time...I was just always angry.

Not having the perfect household, not have a bag on your back when you go to school, lunch in your lunchbox. Not even... shit like that.

Housing insecurity

Lack of stable housing is inextricably linked to poverty. Some of the young people spoke about this issue as well.

We've lived everywhere. I've moved from house to house so many times, sometimes not a proper house, in a long time.

Just, well, movin' around, like every three months. So that's why I started stealing cars... to sleep in... Then, um, like probably up to the last month, I've been livin' on the streets.

That's why I just don't want to stay there...I've been in the system since I was little... in the Child Safety thing since what... since 2022, that's all. 'Cause like the whole time, they couldn't catch me... I was everywhere... They just make you... not feel welcome. I feel like a burden, everywhere...

Children who have experienced instability in their family situation, who have experienced severe financial stress and unstable housing and homelessness, or whose family members have an experience of criminal offending and incarceration are at increased risk of engaging in offending behaviour.

Family dysfunction

A key issue raised by young people we talked to was family dysfunction. Many of our interviewees were in the care of the state or had been 'kicked out of home' by their families, often at a young age. Some young people reported having been completely failed by the adults in their lives who were responsible for their care and safety: as one young person said: 'It's the parents – it's the guardian's responsibility'. Young people reported how experiences of family dysfunction and exposure to substance use in the home have impacted their mental health and life decisions.

For the past two years it has been hard for me to change because I've had a lot of emotional problems like, haven't had like a close connection with my family like that's kind of fucked with my head.

This family that they [parents] were close with, they let them raise me and then they took me back for a couple of years and after that we started fighting and they started kicking me out and then I started hanging out with the wrong people and then I came here.

If we had a good family, we'd be fine. Like, I'd be fine, like if I had a good family, like...all my family's just broken, like they're all fucked. They're all...split... All drug addicts...that's what we're surrounded by...drug addict parents, like, you know.

Oh, sort of just...got kicked out of home [at age 11] and that, you know, and just also like I just started usin' drugs and then, yeah...then started getting in trouble with the law.

Some interviewees spoke specifically about their own personal experiences of violence, and how this influenced their own decision-making.

Most kids don't like getting flogged, or mistreated or stuff like that. So, that's why you have the counsellors and that. That's why they go out and steal.

Yeah, domestic violence. Didn't really want to see it so only way was to do crime. The way I looked at it.

When I first started getting into trouble, mmm, I watched Mum get bashed and then I was hanging around the wrong crowd, and got on the gear.

...fighting and homeless issues and everything...parents fighting and all that. And boom... whole life, fighting and shit. And violence and shit and fighting and boom.

Tragedy and grief

Many of the young people we interviewed had experienced significant grief and loss from deaths in their families.

I was doing amazing and then my Dad passed away and then I started hanging out with the wrong people and I started doing crime... I was in Resi for three...only a couple of years now that they've got...put...got put back with my Stepdad and then um, I went back into Resi and I was left...so.

Mum was looking after 'em. And um, yeah, she passed away, and it impacted me and started doing crime and stuff, with the boys, and then that...like the house started getting empty there, where I was staying. So, like, hardly had any food and just started breaking in it for money, yeah...

My brother passed away and then, yeah, just got into drugs, and then bang...got locked up...started doin' crime and stuff.

Over the last three years lots of people passed away...lots...I've had at least 15 people... And we don't know how to talk about it properly.

Pretty much just grief. I lost a family member and I was going to drugs and that to help with the pain.

One young person told their story of their mother's death, occurring on the same day he had been taken into custody for a breach of bail conditions:

...for some reason they [the police] came at 5:30, and it was meant to be 6:00, and my Mum was sitting at the front [of the house] and... said like "yeah... they already came" and I sat there crying. And I thought 'why you sitting out the front?' and "I'm waiting for the ambulance". I said, "you right?", "nah, I don't feel right, I'm going back to hospital", oh yeah, I'm...Police rocked up same time as ambulance and I gave Mum a hug, I started crying. And she said to me... I heard her say... "I love you, my boy, stay strong". Next, came in... that afternoon, came in, and I lay down and went to sleep and woke up the next morning...and I don't know how to use the phones, so two of us...staff, brang me down here to where these kind of services, so I called Dad...talked to my Dad and was like... heard them crying. I said "Dad, why they cryin'?", and he said, "sorry mate, your mother passed away last night at 12 o'clock" and I said, "what?", yeah I started cryin'... couldn't stop crying... went back to my room, cryin'. Then got released, maybe four days later and then went to the funeral week or two later but I didn't want to go 'coz I was fuckin' that

sad and from the anger because I was disappointing myself... But I ended up going' and I didn't want to leave, yeah. And when I left, I thought, fuck it, what's the good being good for...I'm just going to go all the way now.

Involvement with Child Safety

For many of the young people we interviewed, family dysfunction or breakdown due to the loss of a sole caregiver has resulted in an out-of-home care experience, and/or a residential care placement.

It's like we were growin' up in Child Safety and that... and being taken from my Mum, and that, just made me want to do crime.

I was in a foster home for nine years and then they had issues with their marriage and they put me in a ...share home because they thought I was the reason, and I was hanging out with the wrong people, and that's when I ended up in this.

So when I was two I got taken off my Mum because she was a drug addict and she wouldn't look after us. And then I went into a foster family and they weren't treating us right either so we got taken off them and put into custody of my Grandma and then she wasn't treating us right either, so then I got taken off here when I was like, 11. And ever since then I've been in and out of resi⁹⁷ and then I was 12 when I first came in here and I've been coming here ever since.

No 'cause like, Child Safety, like distanced me away from them [family] and like I can't see them and stuff, like not even talk to them. Get them on my list. I got to through a process...takes like weeks...

I self-placed with my Mum because um, my brother passed away in a resi care house and just being around it just brings up the thought of it so I self-place with Mum and now when they give me a place, when I just run away so they don't bother to give me a placement anymore.

I've been here for like, two months and I'm still waiting for my Child Safety to get approved for me to see my little brother.

Mixing with the 'wrong crowd'

Like all humans, and like the majority of young people regardless of their family relationships, many of the young people we interviewed crave human connection. If connections are forged with other young people in similar situations, with whom they strongly identify, poor decisions are inevitable. Many of our young interviewees spoke about 'mixing with the wrong crowd' as a key driver to their offending.

I couldn't surround myself with positive people, even though my Mum, like she doesn't drink or doesn't smoke or anything, but like, the young people...I wanna hang around someone my age, you know...all of those young people on the Island, in the community, they all do wrong things, you know, and how am I supposed to do something right, when they all do something wrong, you know?

I decided...yeah, just hanging around the wrong people...yeah, just hanging around the wrong people and just going out, stealing cars.

Everywhere, there's heaps of crime mate...I don't know. Every time I get out right, there's like stolen cars pullin' up to the front of my house, beeping... tellin' me to get in and it's like, I end up getting in. Like when I first get out right, like I don't really get in 'em. And then eventually I just get like, I get sick of being out, in the freedom, I just get in stolen cars and just go run amok.

Interviewer: What do you need to stay out of detention?

Young person: New Friends

Yeah I started hanging around my big brother's mates... started following them. My big brothers used to tell me to fuck off, go home, stop following us. Yeah, I used to be a hard head, still follow them, and that shit.

⁹⁷ Young people in the care system refer to a residential care placement as 'resi'.

I reckon I had just, like, bad friend group, yeah. I was looking up to bad people, yeah...started getting into trouble, it's from meeting them.

I started doing crime when I was about age 11 just because people in my neighbourhood was. Yeah, just hanging out with my mates, they're like family from other houses like, you know, yeah... not like family. Yeah but their Mum is like cool as fuck, you know, like their family and I just started hanging out with the wrong crowd...

And then, yeah, I just started hanging out with the wrong crew. And slowly fell into the street life.

One young person was able to reflect on their realisation that their peer group had not only been a negative influence, but had in fact led to exploitation.

Maybe some friends thought they were there to support me but turns out they were just using me.

As depicted in Figure 8, the vast majority of young people who transition from detention to community in Queensland reoffend within 12 months.

Substance use

As outlined earlier in this report, the majority of young people in youth detention have used drugs. Our interviews with young people indicate that drug and alcohol use is normalised among their peers, and that breaking drug dependence is very challenging.

Feel good... just taking drugs and just doin' bad shit. I know it sounds bad, but to me, it's normal. Normal to me. I mean it's normal to do that shit.

Drug use. Being able to afford drugs. Yeah, so started stealing shit, breaking into houses.

I started, like, chroming and stuff, because I wanted to fit in, and then I got addicted to that, then I stopped that and I got on to drugs and then I found like a way to like, support myself with that...for anxiety and depression, so I do Yandi a lot...

Soon as you are out, someone's gonna offer you drugs, and it's hard to say no, and you just go through the same shit.

Um, I started smoking, like cigarettes and that when I was eight and then um, I just did Marijuana when I was 12 and then I did Ice at the age of 15.

Impact on mental health

A number of comments made by young people indicated they were experiencing mental health difficulties, particularly feelings of hopelessness about the future.

They just think like, fuck it, well at least they're not hurting other people. Yeah, we're not. We might not be hurting other people, but you know, it's fucking up our mental health, it's fucking up the way that we look at stuff.

[I'm] constantly on guard.

I'm used to all the shit things that happened in my life, you know, it happened over and over and over. And um, I'm kind of used to that cycle.

Feels like I don't have a soul anymore... just feels like I don't have any emotion, feels like numb, like so when I come in here like, it... it doesn't really bother me... well it does but I can't do anything about it so I just sit there, watch time go by...I don't know, it doesn't really phase me.

We just sit down, smoke drugs, fuckin' drive as... stealin' cars. Bad shit, everyday, you know. Fuck, my life.

It feels like it's over, for me.

The young people we interviewed reported experiencing poverty, family breakdown and dysfunction, violence, homelessness and a devastating lack of stability in their lives. The circumstances this cohort find themselves in have led to challenges in their mental health, substance use and dependence, disconnection from family, community and culture, and almost complete disconnection from education. Most of these circumstances are

beyond their control. Children have limited ability to influence their family environments, being placed in out-of-home care, housing instability, parental dynamics, lack of financial resources, the death of a primary caregiver or the pace of their cognitive development.

The experiences leading up to their involvement with the criminal justice system mean these young people are likely to enter custody addicted to substances, often having been victims of family and domestic violence and family dysfunction, having had experiences in the care system, and experiencing mental health challenges, trauma and disconnection from education and employment.

For a young person to leave the custodial environment with any hope of disrupting their criminal offending, planning for release, and delivery on these plans must effectively address their needs and history, and provide supports to keep them out.

Building strong communities where there is economic security and opportunity for families, and where young people are valued and are motivated to contribute to society will provide the fundamental basis for pro-social behaviour.

Acknowledging the underlying circumstances of a young person's life does not provide an excuse for their behaviour nor does it ignore the rights of victims. There is no justification for illegal behaviour, but there is a critical need to develop appropriate responses that can lead to prevention, rehabilitation and restoration – and ultimately reduce the level of crime in Queensland. A period of detention does not by itself resolve the issues that led a young person to offend; and in fact, is more likely to compound them. Returning children from detention to situations that have not changed is unlikely to enable change to be made or sustained.

Reoffending rates tell us that interventions to prevent reoffending are ineffective

If a period of time in detention was effective at keeping the community safe, there would be no reoffending by young people once they leave detention, however, the majority of young people we interviewed (58 out of 66) had been in detention multiple times, with a number of interviewees unable to remember how many times they'd been detained. Only four of the 66 young people we interviewed were in detention for the first time. Another four young people had been in detention twice. Young people talked about the challenges of breaking the cycle of offending and the inadequacy of supports available.

It started off with mucking around, wagging school, and I was stealing at the shops, and went to bottle'os, and fuckin'...it...it wasn't enough..... oh, fuck...mad. Then I started doing, (code blue) shit, and then, after that then I got arrested then then first time coming in, then got out. couple of days later, same stuff and...in and out again. In...out for a week, or two...back in.

Yeah because I kept getting let out of the watchhouse and I asked my lawyers "how come I can't go home?", they were like "you can't go home", I was like, "what do you mean, I have to go home", they were like, "no, you are going to detention centre". Oh, fuck. Then I was a bit nervous, I was thinking, oh fuck, I didn't know what it was like in here... So I kept on thinking...yeah, kept on doing it. Then I came in here, I started stressing out...I don't want to be in here...then I kept coming back and I just got used to being in here then, yeah, so I don't stress, I just kick back.

I know I need something...I need something, I do...to stay out of there. But it's like every time I come back here it just leads me into trouble and back in the Watch house...go back into Cleaveland, I just repeat myself, doing the same thing over and over.

Experiences of planning for release - too little, too late?



Case study – Ineffective planning and management for release

Daniel is a 16-year-old male who is on his sixth admission to detention. Daniel has had previous case plans during previous admissions. One of his goals is to find employment. Daniel has expressed frustration with the lack of follow through. One of the goals was not actioned for over a year. Daniel shared:

“They (workers) always sayin’ that they are going to do this and that but like I’d just be waiting for months, and they wouldn’t follow through, they would just say it and not do it.”

In 2016, an Independent Review of Youth Detention was initiated following a series of specific incidents that occurred in detention between 2013–15. In its 2017 response to the review, the Queensland Government outlined a number of significant reforms that had been undertaken since the original incidents had occurred. Among other initiatives, this included discussion about the development of specific transition plans for young people: “enhanced role of Transition Officers in detention centres to develop transition plans for when young people leave detention – engagement with education, health, employment and necessary therapeutic services/supports.”⁹⁸ While this suggests that all young people in detention are supposed to have a dedicated transition plan for their release, YJ has advised that transition plans are not separate from case plans, which are developed with young people, relevant service providers, family and significant social supports.

The experiences of the workers, families and young people we interviewed, however, suggest that processes for individualised release planning lack priority, rigour and clarity. Young people, families and the workforce told the QFCC there needs to be improvement in the active involvement of young people and their families, access to and monitoring of case plans regarding transition from detention, effective facilitation of transition from detention and bail conditions and programs.

Access to and monitoring of post-custody support

Some young people expressed considerable frustration about the adequacy of the support they receive after they have left detention.

Case workers don't do nothing. They just sit on their arse, behind a computer, don't they? They're not supporting you, they are only helping you get your orders up aren't they. And then once you are done, they are done. Like [name]... I don't even go to T2S anymore... I've been out for more like a year, she still hasn't told him that she pick me up and bring me to this.

Child Safety sent me to a house, and then all the kids were going off in the house, like trying to stab the workers and shit when I got there, so I left. So I had to go and the lady who picked me up dropped me off at my mate's house and my mates were all doing drugs, so the day I got out, I got on drugs. Like they are fucked... they're fucked... like the shit, when you get out of here it's fucked, you've got no support, like YJ, what are they going to do, give you a gift voucher, they can't even give you anywhere to go, like, so you'll be out homeless still but you've got a 50 dollar Woollies gift card, know what I mean. And people say "oh why do you come back in here... don't come back in here",

⁹⁸ Queensland Department of Justice and Attorney-General (2017), *Government response to the independent review of youth detention*. Retrieved from <http://www.youthdetentionreview.qld.gov.au/governments-response-to-the-report.pdf>, p.3.

but they don't know how hard it is for half of us kids when we do get out, like because there is no support.

You go to this house...you go to this house, and, goodnight, see ya. Get out... no phone, no nothing...in a house with a bunch of randoms.

Give you your bus money from here when you get out, and then, whatever you have in your property...that's it.

Young people identified that having a plan ahead of their release from custody would help them transition back to the community, and spoke about having employment opportunities ready to start when released being particularly beneficial.

We asked our interviewees whether they had a plan made. Less than half (25 out of 66) of them could identify they had a plan either in a previous detention period or their current period. The considerable majority (60 out of 66) were either unable to recognise they had a plan or found the plan to be ineffective, including 19 of the 25 young people with plans.

Young people on remand, or with a short sentence, feel their release plans are currently unhelpful, instead reporting that they are being released with no real plan or support. Court processes were reportedly hindering the development of plans, which are often completed only a few days prior to release.

Young people and workers shared that plans are not often followed through when the young person is released, and they are not actively monitored or reviewed.

The plans don't...don't really work. The plans give you like, get a job, go to school, go to Youth Justice, but then when you get out, they don't even help you, like, look for a job. (Young person)

There is a lot of disruption, there is a lot of lack of continuity of service, there's a lack of continuity of housing, education, health, to help support that family and how that looks for that young person. If they don't have a really solid 72-hour plan in place, or they may do...get released, and then ongoing continuity of care, their risk of reoffending, goes through the roof and that's what I witness as, like, when you look at the recidivism. (Worker)

Ten young people shared that they found it difficult to stick to the plan once they were back in the community as they struggled with homelessness or housing instability, had the negative influences of their friends, or did not have the right mindset to change. Workers shared the need for intensive support for young people when transitioning back to the community, to help them address their needs and follow through with their plans.

Just, well, movin' around, like every three months. So that's why I started stealing cars...to sleep in. (Young person)

Eight young people reported they did not feel that YJ supported them to follow through with the plan. Workers that we spoke to agreed with this, stating that the plans are often not actioned. Both young people and workers shared that having help for young people while in detention to establish pathways and supports for when they are released would be helpful, as well as developing trusting relationships while in detention that will support their transition back to the community.

Yeah, but they never like follow through...like Youth Justice...they said like they was going to get me a job for the whole year and then didn't. (Young person)

You know, kids in custody, every man and his dog comes out of the woodwork wanting to work with them and promising them the world and then there's no follow through, um, after they leave. (Worker)

Workers reported that communication and coordination issues between detention staff, YJ Service Centre staff and other stakeholders means young people are being released without a handover process, resulting in a lack of continuity of care and a drop in the intensity of support for young people. Non-YJ agencies reported not being involved in the development of a young person's plan but being expected to support YJ to implement the plan on their release day. Workers suggested improving communication between stakeholders and ensuring the

continuity of connection to family, community and non-YJ supports while in detention would result in more effective transitions.

Being told the day of release, you're part of the 72-hour plan, without support (...) You are such a surprise in their transition planning or support agencies in the community are not even invited or told that they are part of the transition plan. (Worker)

Participation and individualised planning

Active participation of young people (and their families) needs to be central to the development of a case plan if we are to change the circumstances that contribute to offending and break the cycle of reoffending. This also ensures young people are accountable for their own behaviour change and the actions in their plan. It provides visibility about who will be helping them to action the plan, and how to access the supports they might need after release.

Young people, families and workers reported that participation in planning is inadequate, leading to plans that are inappropriate. Of the 25 young people who stated they had a plan currently or the last time they were released, there were significant variations in the degree of participation in its development. A group of 15 young people reported they were involved in the development of the plan, and only 11 were aware of what was in it. YJ has advised that family and stakeholder inclusion in transition, reintegration and case planning is how they approach these processes, but there are a range of barriers to this engagement, including stigma and shame, family dynamics and scheduling challenges.

Only two of the six family members interviewed recognised that their young person had a plan. Neither of these family members found them effective. Both family members said the plans did not consider their family circumstances.

Eight of the workers specifically said that plans are ineffective.⁹⁹ It was identified that current planning is not the right model or method for individual young people, and that to be more effective the plans need to be tailored to the needs of young people and their families. Only one of the six family members interviewed said they were involved in developing their young person's plan.

Feel like, if I don't have a plan, you just go back to old habits. You got to have something new, ready, so as soon as you get out, you're doing that thing straight away...you kind of stop yourself from going back to the old habits and you know, you progress on to something new. (Young person)

They want the families to react with Youth Justice to, to, to get these kids on the straight and narrow, but you don't hear from the Youth Justice. Well we don't hear from Youth Justice until it's time for him to be released. (Family member)

It needs to involve family, it needs to involve everyone, it's not just the young person. Or it is really unfair. (Worker)

Planning is inadequate

Many young people and workers interviewed by the QFCC reported that planning routinely failed to address the holistic needs of the young person, and that many foundational needs for successful reintegration into the community were not being met. These included stable housing and a Child Safety placement in proximity to community and work opportunities, information sharing with other support services, and structured supports that transition smoothly from those available during detention. YJ has advised there is a shortage of suitable

⁹⁹ Note not all workers interviewed are currently directly included in case planning but do support young people transitioning from detention to the community.

Department of Housing accommodation and barriers with the application process for this type of housing, but they work closely with the Department of Housing to resolve these issues wherever possible. It is also important to acknowledge the challenges associated with organising access for young people who have been in detention to suitable programs and interventions in the community that match their criminogenic needs. Relevant programs, services and supports may not be available in the timeframe required, or may simply not be available in the location where the young person will be residing.

For those young people who were living in residential care prior to coming into custody, there is uncertainty about where they will be placed when released, making it difficult for workers to line up supports and referrals. For these young people, as well as those struggling with homelessness or unstable housing, it is difficult to put things in place when they do not have a home, placement, or housing to return to.

So we can be trying our best to try and plan something, for example, we had a young person that we assumed was going back with a relative to Gold Coast, ah, and there were plans in place around that and at exit, that young person was sent to Toowoomba. So, you know, we can't do anything about that, but...and I also understand that we can't be told all of that, um, but that makes things difficult. (Worker)

The fact that they are stuck in survival mode. The fact that these kids haven't had a stable house for six, seven years. Ah, the fact that they are still exiting detention without a house, that's an issue. That is again...how can I do an exit plan, get this kid employment, if they don't have a house? What's the point of getting a kid a job in the Gold Coast if Child Safety is...has booked them out to be in Toowoomba. (Worker)

The workers we interviewed spoke about the need for a transition that focuses on all the young person's needs and can provide a routine for the young person similar to the routine they had in detention. Staff reported that while in detention, young people receive the structured support they need, but when released, this falls away. Interviewees suggested transition processes should, at a minimum, holistically address health, housing, educational and cultural support when young people are released, and that case management, review and supports should intensify, not reduce.

There are a lot of community-based services to do with counselling, housing, programs, even DV support, psychology and basic counselling services, there's [Alcohol and Other Drug rehabilitation], you know lots and lots of counselling type of connection services like Micah Projects and lots of Indigenous groups as well that help support and follow up after an individual is released from prison. I think something similar needs to be incorporated with our young people because our young people don't have the autonomy or the support. (...) So, I think that needs to pick up for young people, that intensity upon release, I don't think that's there for our young people. (Worker)

Facilitation

Currently there is one First Nations Transition Officer in BYDC, and one in CYDC. There are also Transition Officers employed by the Department of Education who work in youth detention centres to help reengage young people in education. YJ states that these positions are not solely responsible for reintegration, which is undertaken by numerous staff, including YJ Service Centre caseworkers. It is important that staff are recruited that can genuinely understand the circumstances of young people in detention, the majority of whom are Aboriginal and Torres Strait Islander. Hiring staff that reflect the cultural backgrounds of young people in detention improves trust and working relationships with the young peoples' families.

Facilitation is important for planning. The Transition Officer role is beneficial, and creating more of these positions that allow staff to get to know young people while in detention, build a trusting relationship with them, and then support (to the extent possible) the implementation of the plan after release would help address many of the current issues with plans. Transition staff would be able to engage and manage organisations that are helping to address the different needs of the young person and ensure their family is also involved in support.

I feel like the transition space is something we could really make positive change with if it's done properly and if everybody is on the same page. However, nobody is on the same page, and everybody is running a different race...

Like the fact that we've got one Identified Transition Officer in a detention centre makes no sense. There is an over-representation of Aboriginal and Torres Strait Islander young people and we don't have enough identified positions on the ground in client services and transitions. (Worker)

Long periods of unsentenced detention make planning for release difficult



Case study – Impacts of unsentenced detention on mental health

Tyrone is a 17-year-old male who has had 16 admissions to detention. Tyrone shared how unsentenced detention affected his mental health. Not knowing what is happening impacts Tyrone's mental and emotional well-being. This greatly impacts his sense of hope and adds to his overall thoughts of feeling numb and having no emotion. Tyrone says that despite it bothering him, he can't do anything about it, so he just sits there, and watches time go by.

Tyrone shared:

"It is frustrating, not having that...um, not having that um, information. Just being left to just sit in here when we probably don't need to be sitting in here it's just that no one's followed up stuff, like no one's...no one's done their job properly."

A stakeholder has also expressed that long periods of unsentenced detention raised concerns about a young person's brain development stating that without any certainty it would be challenging for them process what's happening around them in that present time.

When a young person is charged with an offence they can be held in detention while awaiting a court appearance or awaiting sentencing after being found or pleading guilty. Young people told us being on unsentenced detention (also known as remand) is a time of uncertainty because they do not know when they may be released from detention or what their near future will look like. They said that having long periods of time on unsentenced detention felt 'unfair' and that being in detention awaiting a sentence outcome did nothing to help address what led to their offending.

Workers interviewed by the QFCC also shared the impact of unsentenced detention on case planning. The unpredictability of when a young person may be released makes planning difficult for staff, as they often cannot put everything the young person has identified in place before they are released.

But we also acknowledge too that 85 per cent of our kids that we have are on or not, so we don't know when they're going to get out and like to see that hey there here today, the next day, bail application and boom, they're gone. And so to try and set all that stuff up for them is really difficult. (Worker)

The following impacts of unsentenced detention were identified by young people, their families and the workforce:

Positive impacts of unsentenced detention for young people	Adverse impacts of unsentenced detention for young people
<ul style="list-style-type: none"> • Opportunity to stop substance and alcohol use. 	<ul style="list-style-type: none"> • Negatively affects mental health and can lead to harmful behaviour. Young people may plead guilty to crimes they did not commit or have difficulty remembering the crimes they are charged with because they have been on unsentenced detention for a long period of time. This can cause great distress for a young person. Poor mental health and cognitive impairments makes it difficult for young people to truly understand the gravity of their plea once in court.
<ul style="list-style-type: none"> • Time to think. Unsented detention can provide an opportunity for young people to think positively about the future and help build hope. 	<ul style="list-style-type: none"> • Not enough time to talk with their legal representative about court dates and possible court outcomes. Families are often left with the responsibility of communicating with legal representatives and relaying information back to the young person. • Miss out on spending time with family. • Unable to work. • Not eligible for the same support and opportunities given to young people serving a sentence. This means young people on unsentenced detention can be unprepared when they leave detention.

Unsentenced detention, or remand, was spoken about negatively by 31 of the 43 interviewees who discussed it. One young person spoke positively about unsentenced detention, saying they appreciated the opportunity to stop using drugs. One young person said they had mixed feelings about unsentenced detention, as it affects their mental health negatively, but builds hope by giving them a chance to think positively about the future. The 18 other young people spoke negatively about unsentenced detention.

A group of 13 young people said that not knowing when they may be released or what their near future will look like is difficult. The effects of unsentenced detention on mental health can be compounded by insufficient communication with legal representatives, leaving young people in the dark about when their next court date may be and the possible outcome.

Young people expressed frustration about missing out on time they could be spending with family or working. Young people shared that being kept in unsentenced detention for long periods of time is unfair and mentally damaging. They also believe that it doesn't address the root causes of their offending.

It is frustrating, not having that...um, not having that um, information. Just being left to just sit in here when we probably don't need to be sitting in here it's just that no one's followed up stuff, like no one's...no one's done their job properly. I don't know, like the Government doesn't really care if we're just sitting in here waiting for months to get sentenced.

Ten young people told us they cope with unsentenced detention by trying not to think about it.

Like, I don't know...I don't really focus on that stuff as much...like, I focus on...like I'll be present...I don't focus on that stuff it's just because that day might not come, you know. And I just think, I get...even though I might not be getting out soon...I get everything ready for that day like...instead of putting it off and waiting until last minute.

Families of the young people are often left to manage the uncertainties that unsentenced detention bring. The responsibility of communicating with legal representatives is placed on families who are then having to relay information back to their young people. Three family members also voiced concern for the impact unsentenced detention has on their young person's mental health.

She has really stressed-out anxiety...they're not even letting them out that much anyway too so I think it's very unfair what they are doing to them considering, like I know that they...that they do wrong but you know, but there is an answer too, you know. (Family member)

One young person we interviewed told us that he could not access reintegration programs because he was unsentenced. YJ has advised that all young people are offered opportunities for reintegration, and that transition and reintegration planning are integrated into broader case planning with young people in detention, from the day they enter into custody and regardless of their sentencing status. It is unclear why this young person was under the impression that being on remand prevented him from having access to reintegration planning.

I've been here like, nearly two years, November make the second year, so that's the whole reason I know that, like you can't get reintegration, you got to be sentenced.

Adjournments and lengthy court processes result in young people having difficulty remembering the crimes they were charged with, and workers expressed concern that young people may be pleading guilty to crimes they did not commit.

A young person said to me next door, he literally said to me, "there's three charges there where I literally was not involved. I was not involved in that. And I had to plead guilty because I want to get out, I don't want to be staying in here. I don't know how long that's going to take before that goes to trial" and it does take...it does have a harmful effect, on...on them. It does psychologically and emotionally traumatise these kids. (Worker)

Workers also spoke about how many young people have cognitive impairments, which are not well considered during court processes. The combination of court delays and cognitive impairments of young people makes it difficult for young people to truly understand the gravity of their plea once in court.

You'll go through the plea agreement, with...with the young person, you'll be going through all the charges, and they don't remember the actual charge, so they can't conceptual...particularly with our really impaired young people...they have...their cognitive function just does not function like everybody else so they're just staring at this piece of paper. (Worker)

YJ has advised that staff are aware of these issues and continue to provide communication and disability support information to judicial officers regarding the challenges of communicating with this cohort of young people. YJ Court Coordinators¹⁰⁰ also have access to Easy English Youth Justice information to provide to young people who have communication issues, including those with suspected or diagnosed disability. The QFCC also acknowledges that Legal Aid Queensland has also developed Blurred Borders Queensland – a set of visual and plain English resources – that help Aboriginal and Torres Strait Islander peoples understand the law and their legal rights. Efforts to raise legal literacy among people who are drawn into the criminal justice system will no doubt continue to be developed to ensure those appearing in court have a complete understanding of their situation.

Bail conditions impact successful transitions and cause further criminalisation



Case study – Impact of bail conditions failing successful transitions

Family members shared their frustrations regarding their 16-year-old son, Jarrod's bail conditions. Family shared that Jarrod had failed his curfews on multiple occasions and could not understand why the courts and Youth Justice would continually apply this condition.

¹⁰⁰ YJ has advised that the role of the Court Coordinator is to represent the Director-General in youth justice court matters, provide advice and act as a consultant to other departmental staff to promote a high standard of departmental services to courts and clients. Court coordinators provide post-court advice to young people, families/carers, stakeholders and relevant YJ staff as well as comprehensively complete post-court documentation and case notes.

Competing priorities such as shift work and other children in the household left Jarrod's family feeling this responsibility was difficult to maintain. They did not feel that his case manager was considering what they were saying or approaches they had suggested to reach a mutually beneficial solution. They shared "They will not stay home; they want to go out with their mates and do what their mates are doing. How do you stop that. I don't have the answers. They get paid big bucks, I don't. Now they want me to do curfew."

Jarrod was 11 years old when he was first admitted to detention. After being released from his 11th admission to detention, Jarrod attended an initial intake meeting with his family present. At this meeting, Jarrod asked his Youth Justice case manager why he was constantly being put on curfews, they knew he didn't like them, they made him 'want to break the law'.

Jarrod completed four days of his bail conditions before non-compliance led to another admission to detention.

For young people on remand, many are released after their court date on bail, or they may be sentenced to an order instead of further detention.

For 13 young people, the conditions of bail and orders were thought to be unachievable. Curfew is a common condition imposed as part of bail and orders, where a young person must be at their home between particular times. It is a decision made by a court to mitigate an unacceptable risk that a young person, if released on bail, might reoffend or fail to appear in court at the next hearing. Curfew is a condition that was discussed as being extremely challenging for young people, especially a 24-hour curfew. Two young people and four family members spoke about their difficulties with curfew.

Some of the young people we spoke to had been charged with breach of bail due to not meeting the curfew requirement, although no other offending had occurred. The difficulty young people have in complying with conditions such as curfew is causing further criminalisation, rather than deterring them from offending. Ten unsentenced young people commented that struggling with bail conditions means they no longer want to apply for bail. Similarly, sentenced young people spoke about how they would rather serve their full sentences than be released on orders.

It's a set up. So I would rather just do my time. Get sentenced on probation or something.

There's no point of me even getting out you know and I'll commit more offences, so I might as well just stay in here and do the time for the offence that I'm already in here for.

Every time like I come in here I just ask...I just ask for a...I just ask to get sentenced. Because I don't like getting out on bail...every time I get out on bail I just mess it up.

Once a young person serves their full sentence, there is no statutory authority for YJ to continue their involvement with the young person. This means that additional supports offered by YJ can only be delivered if the young person voluntarily agrees to engage with them. Otherwise, the young person would need to find and arrange their own support services.

Misunderstandings about bail or order conditions may also be contributing to lack of compliance. Five workers shared that young people seem to be signing for bail and orders without properly understanding the conditions, so as to get released.

So they're like see you next week, see you Monday, when the kids getting released Friday...yeah...it...they view this as a joke, to them, they don't...it is very rare that kids take it seriously. There is also, you know, projects in place because the bail conditions are very much, you know, not written a plain...in a way that young people are going to respond to

them... (Worker)

For young people who are living with their families, individual family members are expected to be able to monitor their young person's compliance with their bail or order. Five family members we interviewed explained they find this difficult as they have other responsibilities such as raising their other young people, working or attending to cultural responsibilities.

The issues associated with complying with bail conditions raises the question of whether or not young people have clarity about what they have agreed to when considering bail. It cannot be assumed that all young people have been supported appropriately to participate meaningfully in legal proceedings and to provide fully informed consent to agree to the conditions that are proposed. YJ has advised that a range of easy English fact sheets and other resources are available to help young people understand the nature of the orders being considered, to ensure they have access to sufficient information to enable them to consent. Given the highly charged atmosphere of the court, and the relatively short amount of time a young person spends with a legal advisor, however, even a series of easy English fact sheets may not be sufficient.

Most orders require young people to participate in activities to stop them from reoffending and to help connect them with their family and community in a positive way.¹⁰¹ Young people report the activities and programs they participate in as part of their orders are not meaningful to them, they do not address the causes of their offending behaviour, nor do they facilitate more positive involvement in their community.

ROAD¹⁰² is a...like...it's a driving offence thing, ah, to keep kids from stop stealing cars, doesn't make sense it...it's dumb. They talk about what cars do you want and like, it don't make sense like, that program is not helpful...

For example, one group of young people reported they are often picked up by YJ and taken to sit in the park for hours as part of their order conditions. These young people said they would rather be going to a program, getting help to access services such as Centrelink or working on life skills. Other young people stated they would be taken to their YJ Service Centre during their activity time, with no activity planned. Although being in the presence of YJ staff means young people are not offending at that moment, this activity fails to address the causes of their previous behaviour or to help them positively engage with their community.

YJ just set you up to fail, that's how I see it... You're just bored, like you go there to do your order and shit like you have to do it, but it's just like, if you're going there to do something you actually wanted to do, you'd actually go there.

Having young people with lived experience of involvement in the youth justice system participate in the design and evaluation of program responses has the potential to lead to more meaningful and effective programs for this cohort of young people.

Designing interventions for change – elements for success



Case study – Meaningful supports to meet reintegration needs

18-year-old Derrick has been involved with Youth Justice from the age of 10. This is his 15th admission. Derrick advised that if and when plans for his release occurred, it was focused on

¹⁰¹ Queensland Government (2018). *Youth Court Orders*. Retrieved from <https://www.qld.gov.au/law/sentencing-prisons-and-probation/young-offenders-and-the-justice-system/sentencing-young-offenders/youth-court-orders>

¹⁰² The ROAD program – Re-thinking our attitude towards driving – is an evidence-based behaviour change program that targets young people with motor vehicle offences, or who are risk of becoming involved with motor vehicle offences. It identifies and explores motivations behind unsafe motor vehicle behaviour and challenges thoughts and behaviour associated with them. It also helps increase young people's empathy for victims.

programs. Derrick has found the programs offered by Youth Justice are not helpful, they are repetitive and they “don’t make sense”. Derrick thinks helpful programs would include “programs like...maybe try and get them into TAFE. Ah, programs teachin’ them about rentals and all that, like gettin’ houses”.

Derrick would like to complete a boiler maker qualification in the future but says his biggest barrier to achieving this goal is securing stable accommodation and employment. Without stable accommodation Derrick says he will not be able to establish the necessary routine required to source and maintain employment and achieve his other life goals.

Most of the young people we spoke to, despite their extremely challenging circumstances, did express a desire for change. Many recognised that the path they were on was destructive and would not lead them to the goals they had for their lives. We asked young people what they would tell their younger selves, with some surprising and heartfelt responses that indicate that a life of crime is, on reflection, something they never wanted for themselves.

Thinking about whatever I wanted to do. Whenever I wanted to do something with myself or... or I would be in and out of prison for the rest of my life. I don't want to do that anymore. I just want to be different compared to my family. Growing up doing the same shit that everyone else has done.

I just want like I just want to have like a stable life. I don't want to be... I don't want to be rich, it'd be good but I just want enough money that I can you know, I can go have a good time, with it, you know. I... I don't really care about that... about that sort of shit, I just want to have a good life, I just want to be known as a good person... I just want to be known by heaps of people and known as a good person.

I see myself getting married, finding a nice wife... I mean finding a nice, beautiful wife, and then getting married and having four kids, buying a house and starting a fundraiser for poor people, starting a charity... I'm gonna get into that type of thing.

This time I get released I want to... like, I want to be independent, like I want... I want somewhere to go and actually feel welcome. I want, like, clothes... I want a job, like I want a job and be able to work my... you know, work for money, instead of having to steal stuff.

Yeah, a house, a job... stable job, stable job, stable house, like, reconnecting with family, yeah, like that's... no bad people like no negative, like you said, nothing. I want to be, happy and like...

I want some day in the future to come back here and tell my story to all these kids here too, know what I mean? So they don't feel bad about what they been in for you know, because there's a lot of people out there that had a bad relationship and like in the past you know?

Definitely stay in school. (Laughter), nah... should have, ah... should have stayed in school. Auto shop, few services, that kind... I don't know Bro... should have went to school, yeah. Get a certificate. Get a job. Oh I should have dropped out of Year 10 and get an apprenticeship... by the time I'm 20 have my own business, know what I mean?

I don't know, a job, good source of income. Like enjoy something, don't have to go and steal it, you can, like, save up, won't take you too long to save, yeah.

Like starting a new job, so you don't have to go straight back into crimes.

I want to like, work and get more money because it feels good earning it.

Like, I want a normal life now, not in and out of jail, this and that and getting all the runs and getting high and going this and that, want a normal life and a nice car and work.

In the future I'll end up with a job, having my own place. [I need] just the support and the dedication to do it and like the patience.

Regret

While some interviewees expressed bravado about their situations, there were also a number of discussions where young people were clearly aware they were causing harm and showed remorse for their behaviour.

I think crime is boring. What's the point of going out every night late and stealing other people's belongings and shit. Got to feel guilty about that. Like you wouldn't want people walking into your house and stealing your things, how would you feel.

I was lookin' on the news there was that youth crime like, the leader... that guy, he didn't say that he hated youth, he just said that he wants it to stop and he wants... like he wants something... to help us... he doesn't hate us as individuals, he just hates what we are doing. So like that kind of gave me like a little perspective of like, oh yeah, sweet. Well not everyone hates us but hate what we are doing. But there is some people that just think well if you steal cars well we hate you. I reckon some...some people just want us to change and stop... stop stealing, yeah that is what they work for and when you are home that is their safe space and you don't expect a group of teenagers to run through your house and steal your car when you've got kids upstairs.

I just feel bad us takin' from people.

They can do whatever they want, boy, but when you get in trouble, and if you have like, like criminal history Bro...you can't...you can't erase that out. Because that will be stuck with you for a while.

Look I'm 19 now Bro... don't even want to touch the drugs anymore... I'm just over that. I get like real big in here and real skinny when I get out. It's like...I look like a little 10 year old. It's yuck mate.

...yeah, and then, just keep doing it because I love the adrenalin rush and stuff but like the first couple of times I came in here this year I started to realise it's not good any more...like it's not the right thing to do, you know, you...you should work for your stuff because when you work for your stuff you look after it more and you appreciate it more because you worked hard for it, 'cause like, I've just grown up so your mindset changes.

Programs

Programs are available in detention to help young people achieve change. After release, many young people participate in other YJ programs as a condition of their orders. When asked about programs, young people, families and workers expressed a need for changes to content, process and access, and emphasised the centrality of creating connections to program design. It is important to note that programs, services and supports that young people need access to following their release from detention are not necessarily provided by YJ, but are often delivered by a wide variety of other government and non-government agencies.

Content

To create change, young people told us that the content in programs needs to be meaningful to them. Many of the current programs do not interest young people, causing them to disengage. Six young people said none of the programs were helpful, while eight young people said they were not interested in any programs. Young people reported they do voice their opinions about what programs or opportunities they are or are not interested in and why, but do not feel their views are listened to.

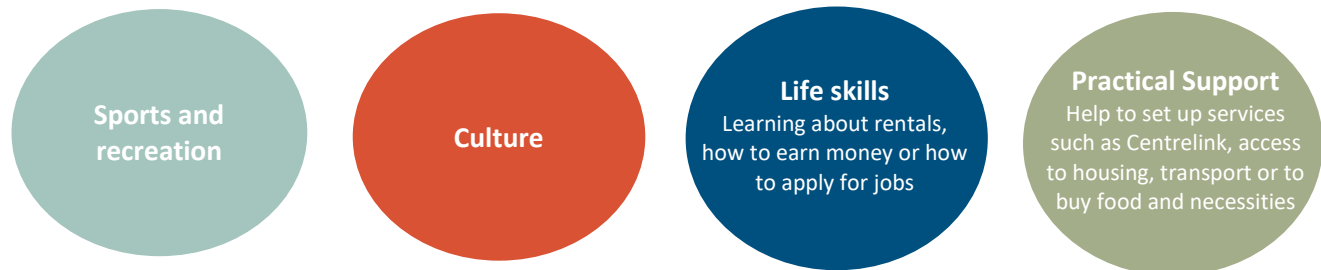
Some young people said that because they have had multiple admissions to detention, they've done the same programs multiple times. The content in these programs remains the same each time the young person engages in the program, causing young people to believe they are a waste of time. ROAD was one program that was raised by two young people as being particularly repetitive.¹⁰³

Had the same programs since I've ever seen YJ...just, same shit. It's legit like actually the same thing every time and

¹⁰³ QFCC understands that the ROAD program is based on Cognitive Behavioural Therapy, and may include repetition as part of its practice.

it's not workin' so why do they keep it? It's just common sense.

YJ has advised that young people participate in programs tailored to meet their criminogenic needs, and if they have not completed a program, or their criminogenic needs have not changed, it is likely they will be undertaking the same program. Young people spoke about the components of current programs they find most meaningful and helpful:



Although addressed in the *Youth detention centre operations manual* as being important, young people from regional and remote areas of Queensland told us that while some programs are enjoyable, they do not translate to opportunities in their community of origin. For example, some young people completed training in barista skills, and although they enjoyed it, there was no café in their community, so there was no realistic outcome from the opportunity (although it is acknowledged that the general skills being learned, such as communication, multi-tasking and organisational skills, would be relevant to a number of employment contexts).

Ah yeah, I'd ask for T2S in Doomadgee...some other programs for us to do. I'd have been back there if they'd do it. I wish they'd do T2S in Doomadgee.

As every young person and their needs are different, programs need to be developed with the ability to tailor content to ensure it is relevant for individual young people. Programs that are meaningful and helpful to young people in addressing their needs and the root causes of their behaviour will be more successful in preventing reoffending, improving the circumstances of young people and achieving reintegration.

Process and access

A common concern raised by participants about detention and community-based programs was the inability for young people on unsentenced detention to access reintegration activities. Six young people and two workers reported examples where a young person had shown interest in engaging in a program but were unable to enrol because of their sentencing status. YJ has advised that programs are not dependent on sentencing status with the exception of sexual offending programs. It is unclear why these young people and workers thought their sentencing status excluded them from enrolling in a program.

They reported that access to programs, including cultural programs, can also be restricted due to their behaviour or the behaviour of other young people. Conflict between young people can also prevent access to programs. These access barriers result in young people spending time in detention without any real opportunities to learn how to change. YJ has advised that young people subject to program restrictions for whatever reason are provided alternative programs or delivery in other suitable locations. YJ undertakes a weekly assessment of program restrictions which is conducted by a committee of multidisciplinary representatives responsible for the development of individualised management plans. YJ has advised that all risk reduction strategies aim to maximise meaningful engagement as far as possible.

Young people, families and workers suggested that programs undertaken during a period of detention should be continued in the community. This would allow young people to stay engaged, with relationships built between the young people and workers being able to continue post-release.

Young people identified barriers to their participation in current community-based programs, including:



Transport issues



Lack of housing



Lack of trusted workers



Substance use

We had a plan, perfect...employment, um, independent living... everything like that set, ready to go. This kid was full IDs... his brother picked him up and they do the shot in the car park of the BYDC. And that shot is intravenous meth use so as far as transitional plans, anything like that... I can't compete with meth. (Workforce)

I don't wanna sign in, like, keep going to YJ two times a week. 'Cause sometimes I don't got money for the bus, because I stay a long way from YJ; I'm staying outside of Cairns, and like, I don't got money to catch the bus, and my mum doesn't own a car. (Young person)

Barriers to access are particularly difficult for young people living in regional and remote areas of Queensland. While young people exiting detention prefer to return to their communities of origin, the programs they are required to complete as part of their order, or programs they find helpful (such as T2S) are not run in their community. Equitable access to programs and services across regional and remote Queensland is an ongoing issue.¹⁰⁴ Delivering programs to young people from regional, rural and remote communities who are trying to improve their behaviour continues to be a critical challenge that needs to be addressed. The QFCC acknowledges there are very small numbers of young people returning from detention to a remote community and that delivering a program like T2S for one or two individuals would clearly not be cost-effective or sustainable. In these situations, however, working across other government and non-government agencies to identify suitable interventions, or to become increasingly innovative in how appropriate activities and programs can be delivered becomes critical.

For successful continuation of programs that a young person has accessed in the community, they need to be designed to transition to an environment very different from a custodial setting. Young people must have their needs and barriers to participation addressed to ensure they can successfully participate and complete interventions designed to support behaviour change.

Creating connection

Almost every interviewee talked about the importance of connection. Much as many of our interviewees spoke about the loss of connection with family in their lives, many more spoke about those connections that were working for them, the connections that might redeem and rehabilitate them.

...some of the other boys, we were talking and stuff and one thing we had in common was um, like the reason we came back in was because of the staff because they actually do care about us and they, um, yeah, they do actually, you know they don't actually look at us as fuckin'...as...as you know, youth...youth criminals, they just look at us like friend, know what I mean, I reckon if they saw us on the outside we feel like we could go out with them for the day and do something...like, anything you know, just go kick a ball at the park, or a...whatever, go do something fun. I reckon that would help because they...they're like you know, "you are doing great bro, we're proud of you", like make us feel like we're doing something good, you know. Yeah...yeah...(whispering)...stop the crying basically...

I don't get visits because it's too far and my Mum and my Aunty don't have a car so I can't see them...I don't really

¹⁰⁴ Queensland Productivity Commission (2017), *Service delivery in remote and discrete Aboriginal and Torres Strait Islander communities*, Retrieved from [Service-delivery-Final-Report.pdf \(treasury.qld.gov.au\)](https://www.treasury.qld.gov.au/Service-delivery-Final-Report.pdf).

like to call anyone either while I'm in here. I like to call my Mum or my Auntie sometimes. But I...I think it's better when you don't call people when you are in here because when you call people that's when you start thinking about...you start thinking about them and then you start fuckin' you know, getting emotional and shit so you just don't call them. You know they...they're doing their stuff out here and we're doing our stuff in here. And you'll end up seeing each other when you get out anyway so...unless it's your mother...when you call...when you call them up just not gonna bring them...bring them any closer so see it's fucked.

My mates, get out, first thing get high and boom just talking about our feelings and we all come from similar background and shit, all connected, know what I mean?

...just close family, 'cause basically like, you know, they're the only ones that want the best for me, know what I mean? Like all my friends and shit, couldn't give a fuck for me, don't care...they don't give a fuck, like, unless I'm benefiting their situation, eh, they don't care about me, you know...you know what I mean, like, you know, like my...my Auntie's, like she's my number one supporter of me...

...having my family too, and um, seeing my brothers when I can, or when I'm on the outside...um, just having that connection with them. Um because I got taken away from my foster home...me and him sort of lost that connection.

For one interviewee, repairing family relationships that have been fractured was such a priority, he related his heroic efforts to reunite with lost family connections following exit from detention:

Recently when I got out now and I was like I say to him this, "I'm jumping out around the corner" and she's like "what for" and I said "because I just finish doing four months in the detention centre, I want to go see my family, I don't want to go home with you and sign a piece of paper. She was like, "nah, just come back there I will phone my boss and see if I can get approval". I said, "fuck that, what if you try to get approval and he says no? ... I was like, "Miss, if you was locked up in your cell nearly every single day and you can only talk to your family on the phone of course you are going to do the same thing I am doing right now" and she's like, "no", and she started driving faster ... so I started getting frustrated so I started to open up the door and she was driving with the door open and "shut the door" and I was like "no you pulling over this car over, you can't stop me, that's my rights, youse can't stop me from seeing my family." And she kept saying some shit, I was like, "you know that's the rule, you can't stop kids from seeing their family", then she was like, "yeah, I know". I was like, "pull up then", then she kept driving...then she pulled up and I jumped out....

The craving for connection, and the opportunity to forge positive relationships should play a central role in helping young people reintegrate into the community. Building existing relationships into case management of young people while in custody should be central to the work done to re-build and strengthen young people's sense of security, identity and belonging. Having a worker who can build strong relationships with young people and their families while a young person is in custody is also integral to the engagement of young people and to the overall success of programs. This was evidenced in comments made by young people about particularly successful relationships they had built with individual workers or within individual programs.

My YJ worker. Me and her are close...I don't feel like she's my YJ worker. Yeah, me and her are close. I haven't been close with a worker before, yeah, she's good. And she, like cries, every time I get locked up. No YJ worker like does that.

My Case Manager is Tanya. She's acts like my Mum, but she doesn't yell at me. She is just supportive and disappointed when I do wrong, but I get that.

You've got to interact with your case workers before you get released. Because they break things down for you enough to understand locked up and that, they are with you.

A good worker would be someone that...I...I could tell stuff...I could talk to them about stuff and they could keep it confidential, you know, like...I feel...I work with...I could, you know, have banter with and um, you know, and get along...

...makes you like mentally strong and stuff. And like you...like different days of the week you go to the place and you talk about how you are feeling and how the week has been. Like if you are struggling you...you tell them, like you are struggling and stuff and they just help you out. And I actually thought that...you know think that they care about me

so I just kept going and I actually ended up enjoying it, I don't know just started rocking up every day, every chance I get...bang go back there, fuck it, they helped me a lot. Still coming up here, stay to see me because when I get out they want me to come back because they said they see a future in me and they see that I've got potential it's just that I'm using my potential for the wrong things. I've just got to put my focus and my energy into something else...

My Dad he's always there. And YJ workers...he's like my uncle. Like he cares a lot. He sat on a train with me from [XXX] all the way to [XXX] just to drop me off. That's...I reckon that's a kind thing to do but, just so I didn't have to sit by myself on the train.

Meaningful programs and connections with workers that begin in detention and continue into the community are most likely to achieve positive engagement and longer-term impact on behaviour change. This is acknowledged as difficult considering geographic challenges when young people move back to their communities of origin. By the same token, incorporating existing positive relationships that young people already have outside of detention (including the ability to continue existing case work with a worker that has commenced while in the community) into the work that is done to address criminogenic factors while a young person is detained, as well as involving them in case planning should be prioritised.

Cultural connection is integral to rehabilitation

Another critical element of connection that needs to be built into any rehabilitation approach is cultural connection. The young people we interviewed were asked what made them feel proud of their culture. Particularly for Aboriginal and Torres Strait Islander young people, and young people from culturally and linguistically diverse backgrounds, pride in culture is a central element of creating strength, support and direction.

The good things about where I live is we have a lot of culture, we still go live out bush, um, we still do dances for our festival...like every year...and we still do cultural things, but the people on the island, they lost hope in each other, you know?

I mean being proud to be me is not being in my community, if that makes sense? Like, having my culture, like learning everything about my land and my law and um, especially like what makes me very proud, because my sister has two kids and I always...when I get out, I want to get a house down here, so I can get them off her you know, and she can come down if she wants you know, but I actually want them to keep away from Mum, and I'll teach them everything but you know, I don't want them growing up in a bad community, but I want them, I want to teach them about all their languages back home, on the island and who they related to who, and what Strait skin, and what, tell them who I are, and who they are and where they come from because on the island they have other islands around it too and other islands are, um, the people like them too...like back in the days them, um, moved them...Aboriginal people from other islands and bring them on ours, you know, like mine and that was like traumatising, listening to my ancestors stories, from how the...they thing, you know, but I'm actually really proud because I have my nephews to talk to and tell them about their culture, and my son, he's only two...my big sister's eldest son, he's only two and he knows his [...dance, and his songs and that makes me very proud.

Like proud to be, Aboriginal, you know. I like my art, like I love dancing and singing and stuff and I like stories and that, from the Elders, it's mad.

Sudanese? I love...I love my culture, straight up. Know what I mean. Wouldn't want to be anything else. Proud to be who I am.

African Youth Council...they understand me. Other services with that shit about going to a job they don't do shit...'cause they don't understand me. When I go to YJ, they don't know nothin' about me. It is...some of them are not there for you type shit. They just there for money. The African Youth Council, they volunteer, know what I mean. To help the generation. Know what I mean. Like your people help your kids. Like the generation will put them on the right track. I know the actual general actually from Newcastle actually want to help us.

I'm Aboriginal, South Sea Islander. I'm proud to be Aboriginal because you've got that support from your culture and you can actually engage with it. Ah, South Sea, ah, that's Vanuatu, but I don't really know that side of the family unit. And um, yeah you've actually got that support and encouragement from that side of the family as well.

Where I come from you take pride in who you are. And where you are from. They are really head strong about that here. Especially my Mum. I learnt that from my Mum and with Grandad...growing up. And stuff like that, before they passed...Grandad passed.

Used to make me happy. And like we used to do stuff with my cousins, we used to go out hunting and stuff...going out hunting everyday when I was over at the Palm. But then when I got disconnected, from them, then I started...through being lost I started finding like, other people I can get along with and do the stuff I used to do with my cousins, like going out and that and then it was for other reasons that stealing cars and stuff, yeah, so I got caught up in that. 'Cause I was looking for someone I could relate to and stuff, yeah, get along with.

Community attitudes towards youth crime create a sense of hopelessness

Community perspectives

Young people, families and workers were asked how they felt their community views young people. People from every location other than Waiben (Thursday Island) agreed that their community holds negative views towards young people. Young people involved in crime are acutely conscious of this. A number of interviewees spoke about the impact of feeling the subject of community anger and fear, and the constant sense of being judged.

It's related how people talk to you and how they talk to you when they meet you and their body language and their facial expressions. They could be racist. Those little things, like...if somebody don't like me I'll...like, I'll pick it up straight off...just on their body language and the way that they look at you. If they are a negative person, if they are going to support you or not.

They think just bad, they think we are terrible. They don't look at some people who are trying to change lives and that, you know, just look at the ones that are doing bad and that...makes it worse for everyone else who's trying to make a change in their life.

The hate...I feel like they hate us but they don't understand, like the reason why we are doing this stuff, yeah. They're not like accepting, like are we doing it for selfish reasons... Like we are doing it for fun you know. Like some of us actually do it because we got nowhere to go.

...'cause I don't got no connection to community and I don't...like I don't think they respect me...they don't know me...this...and that's how I can do anything I want...

They run us down. Like we should be in here, like they don't really know our life story, you know like what most of us have been through. Not pointing out anyone, most of these girls don't have homes or, you know, anyone to talk to and end up staring at social media and stuff...

Oh I don't know, they hate me. You walk down the street, they all give you dirty looks and shit. Feels shit... Just shame.

When they run us down they don't know what we've done...what we've been through... what we went through when we was growin' up too. And they just see it as us young... crime, and shit but they don't really see the other side of us, you know.

[Don't] just sit there and judge us over a photo... actually sit there and get to know us. Listen to what we've got to say instead of just trying to judge us over the news. It's just shit (inaudible 6:16.0) guarantee any person that comes in there... and they've lived a perfect life... they're gonna see that we...none of us have lived a perfect life, in here. We've all fuckin' been through shit that not everyone else has been through. So it's pretty shit.

Having a sense of belonging is incredibly important to young people. Community perception is something that all of Queensland needs to work to change. This was a finding in the QFCC's *Changing the sentence* report, which concluded that YJ should consider reviewing its communication and media approach to ensure it includes collaboration with and up-skilling of other organisations to help deliver its messages to the broader community

more effectively. Those involved could include non-government organisations working in the system, community members, and children or adults who have come through the system and are out the other side.¹⁰⁵

If a young person has no sense of belonging or loyalty to their community, reoffending is unlikely to change.

Racism

Negative community sentiment towards young people who offend is particularly compounded for young people of colour.

Like no one else can get a job, 'cause you know what I mean. People of colour like me...get a job 'cause everyone looks down on you, know what I mean.... You get a job and you are the only colour...in that place and 100 per cent, yeah, "look at this dumb XXXX" know what I mean? So who the fuck wants to put themselves in those shoes? Look down like a dumb XXXX, nah, fuck that... You just know. You walk into the thing, you thought...you feel the air...there is tension there.

Sometimes it's like, I feel like fuckin'...feel like I'm dangerous, good ways...sometimes I feel like I'm dangerous because I be standing next to someone at the shops and they'd look at me and they'd grab their kid, or something. Like, move away from us...

Started at school too. Havin' fights, then I started getting into stealing cars. Started from there, and it was like... [At school] They were racist, it was because I was a black kid, not like other kids.

I want to go home when I get out because I know people...especially black people, are like...in communities...they'll try put you down, by their words and they'll try and make you fight them, even if you don't want to fight them and you don't want trouble, they'll make you fight them...they...they'll talk about your whole family.

Family members and workers both reported Aboriginal and Torres Strait Islander young people experience racism within their communities relating to youth crime. This includes young people who are not involved with the youth justice system, with strong community assumptions that Aboriginal and Torres Strait Islander young people are involved in local crime.

There's a lot of judgment...a lot of judgment with our First Nations young people. A lot of kids are painted as criminals, when they are not and that's what the language is, "little criminals, little...". We need to start seeing them as a young person who's on struggle street and needs some support. (Worker)

It's not only black kids out there doing things. Why is everything focused on the Indigenous kids, we aren't they doing it to the white kids as well because they're doing it as well. (Family member)

Some Aboriginal and Torres Strait Islander young people and their families do not feel valued or safe within their communities, feeling that the community does not like or want them in the area.

My children are Indigenous...no one likes them but, I don't know... but um, there is a lot of racist...racism in...in Townsville. (Family member)

Soon as you walk out on the street, somebody wants to run you over because you're black and that's what it feels like. (Family member)

Experience with police

Negative community views and constant public debate about the adequacy of responses to young offending inevitably impacts police practice and police interactions with young people in the community. A number of young people reported acrimonious relationships with police.

Yeah, I've had experiences with like no...cops said, yeah, like sweet and then said like stop, come here, then I've

¹⁰⁵ Queensland Family and Child Commission (2021). *Changing the sentence: Overseeing Queensland's youth justice reforms*. Retrieved from [Changing the sentence | Queensland Family and Child Commission \(qfcc.qld.gov.au\)](https://www.qfcc.qld.gov.au/changing-the-sentence).

turned around walked up to them and they've like mad, just grabbed me, chucked me on the ground, hey, jumped on top of me, put their knee into my back just for no reason at all but just because they don't like me, because like, you know, I've been in cop chases with them and shit and they just hate me so...I don't care... ..when the Police they want to do this shit to me when they are supposed to be following their own laws and they don't even do that, well who says that I can't go out and rob someone, who says I can't go out and break into someone's house?

Given their role as the gatekeepers to the criminal justice system, police have a special responsibility to ensure young people are dealt with fairly and respectfully. They are the strongest representation of 'the system' and 'the government' to young people, and their interactions with young people convey powerful messages about whether police and the broader youth justice system are fair and trustworthy.

Media contribution

Young people and workers spoke about the media's contribution to community views about young people. Young people expressed their frustration at the media's portrayal of them, where the stories only consider the crime and not the broader circumstances of the young person involved.

You get the YJ workers that talk on the news, and they say the reason why we are bad or something...but they don't actually know the reason. And I think the other reason they think we are reoffenders is because we are bored with our lives...it's because they don't give us enough stuff to do, or they didn't do the stuff that we want them to set out for us to do. (Young person)

The image portrayed by the media and the workers at BYDC is horrible. They don't understand these kids are in survival mode, don't have homes, don't have support, don't have love, don't have mothers, so...to hear that they are bad, this and that, no kid wants to be bad. (Worker)

Workers reported that the media sensationalises young offenders. They recalled stories portrayed as youth crime, which were actually adult offending. This contributes to the negative views the community have of young people, perpetuating a belief that young people are engaged in more offending than they actually are.

The media will really do what they can do to really stretch out that youth crime problem, and you'll see like a 19 year old speeding down a highway, wrapping a car around a tree and they'll go, a teenager...and then instantly you go...teenager, car, must be stolen, where are the parents, youth crime, through the roof...why aren't they in school...they forget they're a 19 year old adult. So that...they'll say teenager, just to put that back on youth. (Worker)

My Dad was a victim of crime...adult crime, and they knew...Channel 7 came around, you know, "we want to interview you for the crimes" and he did that...comes out, hear it on the news, and he was in the youth...some youth crime...he was talking about something that was done by an adult and they took out snippets of what he had said and said it was youth crime. And I was like...how was that youth crime, it was an adult. About a 27-year-old. (Worker)

Oh like I see it on the news a lot like youth crime stuff...like they play like the same thing over and over again, but when you see like an adult steals a car, they play it once on the news and that's it but any of us steals a car they play it like four times, like throughout like a period of about a week, they play it over and over. (Young person)

Vigilantism

Incidents of vigilantism were described by some young people we interviewed, who spoke with concern about the potential to be the subject of community violence.

One of my mates got his legs snapped by vigilantes. My brother got bashed with a baseball bat and jumped all over for stealing cars. I seen it with my own eyes that they got chased by vigilantes.

It's not good, it's not a good talk, eh for the community and 'cause some of them want to take it into their own hands too, like vigilante type shit, yeah.

I don't know, I just feel a bit...I felt a bit like, watched over, yeah. Um, yeah. Feel a bit frightened.

Negative community attitudes towards young people, fuelled by negative media reporting, can and in some cases does result in violence and vigilantism aimed at individual young people. There is a shared community responsibility to address this over-heated environment to reduce the risk of vigilantism and the continuing message to our young people that they are not welcome in our community.

Place-based community-collective reintegration strategies are needed

Community insights

Stakeholders around Queensland spoke about the needs of the community and the young people they work with. Despite common experiences in each location, local needs are unique to each place. Discussions in different locations highlighted the integral work that community-controlled organisations are undertaking to support community. This section highlights a selection of services available in different locations, some of which are provided by government, some by non-government providers. It is important to note that these are examples of programs that have different purposes and that target cohorts with different risk and need profiles.

Gimuy (Cairns)

It is important that those that have connection, influence and relationships with young people, families and their community are involved in decision-making. First Nations Collective is an example of community coming together to address what is important. First Nations Collective was established by First Nations organisations in Gimuy to address the over-representation of First Nations young people and families in both the child protection and youth justice systems. First Nations Collective is committed to securing a place at the decision-making table for First Nations people.

Waiben (Thursday Island)

Stakeholders shared that true support in Waiben requires having a presence in the community. Fly in and fly out models are not conducive to collaboration. Meaningful engagement requires having a relationship with the community, which is most effective when there is an ongoing presence in the community. The timeliness of service responses is affected by models that have call centres on the 'mainland' and are not locally managed, e.g. accessing certain emergency services or assistance - calls are handled by staff on the mainland and are then patched through to local services or authorities on Waiben.

If you want to be in a community, you have to be in the community. (Worker)

Connection to culture is strong in the Torres Strait Islands and plays an important role in shaping the lives of its children, young people and families.

There are limited opportunities for tertiary education or employment in the Torres Strait Islands which forces young people and/or their families to relocate if they want to pursue further opportunities. Often local employment opportunities are awarded to people outside of the community. Training and equipping community must be costed into community development programs and support.

The Thursday Island Community Justice Group is providing community-driven responses to reducing the over-representation of its community in the justice system. The Thursday Island Community Justice Group leverages its reach through the relationships it has across Waiben and surrounding Island communities.

Climate change, cost of living, housing and employment opportunities are areas of concern for stakeholders and the community.

Darumbal Country (Rockhampton)

Community organisations in Darumbal Country were concerned about the rise of vigilante behaviour and the impact this has on young people and families. Vigilante behaviour was impacting all young people with innocent young people being targeted. Community members feared that if this continued someone would be seriously injured or worse.

‘Our Space’ is a safe space for local young people and families within Stockland Rockhampton Shopping Centre. Our Space is committed to engaging with local young people and families to reduce youth disengagement. It is designed to be a space for early intervention activities, community connection and information sharing.

Our Space evolved out of diversionary activities that were facilitated outside of Stockland Shopping Centre. Having a designated space within the shopping centre fosters a true sense of inclusivity and acceptance rather than being relegated to the outskirts of the shopping centre.

Thul Garrie Waja/Gurrumbilbarra (Townsville)

Community-controlled organisations such as Townsville Aboriginal and Islanders Health Service, Lighthouse and Townsville Basketball, are addressing the need for after-hours support and activities for young people in Thul Garrie Waja/Gurrumbilbarra. Flexible hours of service delivery enable the service to meet the needs of vulnerable young people in the community.

Grass roots organisations shared that those who have influence, connection and relationships with community are not always the ones funded for service delivery. Funding processes are often allocated to larger organisations with established structures and capacity to engage in the funding process. Community members recommend funding be allocated to community organisations that have relationships with the community.

Bindal Country (Burdekin)

BAYWATCH (Burdekin Area Youth Watch) is a locally funded program located in the small town of Ayr, 85 kilometres south of Townsville. BAYWATCH has received international recognition for its dedication to young people in the Burdekin region. Its success is attributed to the collaboration of community members, Police Liaison Officers and emergency services. Despite having limited resources and funding, the team has managed to provide a safe space for young people for over 30 years to enable their participation in diversionary activities. This includes supporting young people in their developmental needs, connection to community and pro-social activities.

BAYWATCH is proactive in addressing areas of concern for the community. For example, BAYWATCH provides early intervention to any young children that have been exposed to Domestic and Family Violence (DFV) by inviting them to their afternoon activities. This allows services to support families in addressing any DFV concerns and creating a safer environment for their children with a focus on keeping families together.

Kalkadoon Country (Mount Isa)

In Kalkadoon Country, Traditional Owners and community organisations who are actively supporting young people gave some valuable insight into what is happening for young people in community.

Stakeholders and Traditional Owners shared that it is important for support to be delivered in a comprehensive manner for children, young people and families. Practitioners need to weave empowerment into their practice, for example moving away from ‘doing for’ and towards ‘working with’, allowing families to decide what supports they need.

We've got to be very mindful of who we're talking to and what we're talking about, and we need to be coming down onto their level of understanding. We've got to make sure that when we are talking to our own people that we don't lift our standard up in our vocabulary either. (Traditional owner)

Meanjin and surrounds (greater Brisbane area)

In Meanjin, staff from detention centres and non-government organisations shared their experiences in supporting young people both with the transition out of detention and in the community.

Staff discussed the importance of building strong relationships with the young people they work with. Currently, support of a young person following their release is provided by community case workers, rather than the detention centre staff that have supported them while in custody, and who young people have often grown to trust. Staff from non-government organisations told us they found success when meeting and building relationships with young people while they were still in detention, allowing them to continue these relationships with young people after their release. YJ has advised that a number of government and non-government organisations are encouraged to, and do regularly visit young people to provide ongoing support and intervention while they are in custody, and are actively engaged in case planning wherever possible. The QFCC is unsure how common it is for external service providers to be involved with case planning for young people in custody, but discussions we had with young people did not appear to suggest this was common practice.

There is service availability for young people leaving detention in Meanjin and surrounding areas, although stakeholders shared that this sometimes means multiple services are doing the same thing for a young person.

I'm finding that a lot of people have good intentions but communication's lacking. There's six, seven people doing the exact same job, so wasting time that way whereas if they just communicated properly one person can do one thing, one can do another and get more positive results. (Worker)

Better coordination and communication between organisations would allow for better servicing of young people, resulting in an easier time for young people and their families and more successful overall outcomes.

Staff in Meanjin consistently spoke about the need for transitional housing. It was highlighted that young people are being released into the same or similar circumstances to when they were admitted. The people the QFCC spoke to consistently raised the idea of housing that provided education on life skills and other areas of interest, access to health, help with connecting with culture and constant support for young people after their exit. The need for age specific and culturally appropriate alcohol and other drug support services was also raised.

Summary of findings

- Family and relational difficulties are prevalent at the time many young people offend, as are poverty, housing and homelessness, drug and alcohol use and negative peer groups. This means that needs for bereavement counselling, school-based responses to anti-social peer networks and family violence and conflict services and programs need to be assessed and addressed within planning for release.
- Policies and interventions to reduce and prevent reoffending are ineffective. The majority of young people we interviewed had been in detention on multiple occasions.
- Planning for release is reported to lack priority, timeliness, rigour, clarity, individualisation, participation, collaboration and monitoring. Plans were reported by some to be unhelpful. Planning for release should be led by the person or organisation with the best relationship with the young person and their family and can offer relational continuity.
- Stakeholders and young people report that quality transition processes, facilitation and intensive structured supports could make a big difference in young people's lives.
- Court processes and delays hinder the ability of workers, young people, and their families to plan for exiting detention. Lengthy court processes are not compatible with rehabilitating or reintegrating young people back into their communities.

- The uncertainty of being on remand has negative impacts on young people's mental health. Young people are exiting detention with higher levels of uncertainty when they have served a long period of remand and are sentenced and then released from court.
- Young people report that bail conditions are not realistic and they would prefer to serve their full sentence rather than being released under conditions they know they cannot comply with. Young people should be supported to participate meaningfully in legal proceedings to ensure they can provide informed consent when it comes to bail undertakings.
- Young people expressed significant interest in making change in their lives, to achieve employment, successful relationships and economic security.
- Case planning and programs must consider the young person's local community context.
- Providing programs to young people while in detention is an opportune time to engage them while they are free from drugs and alcohol and other negative influences. Access to programs in detention is impeded by conflict among young people, staff shortages and lockdowns, although YJ advises that alternative arrangements are always actioned to ensure ongoing access is managed.
- Stakeholders interviewed across Queensland articulated that meaningful connection to young people, families and community are necessary for effective engagement and support. Community driven and led solutions are likely to be most effective.
- Place based reintegration strategies reduce barriers to successful transitions.

Section 6 - Conclusion

The QFCC asked young people, their families, and workers that interact with them, what young people need to stay out of detention. The response was clear: **young people need specific, individualised, intensive, and holistic support long-term, which is provided by trusted workers who communicate well and will not give up on them.**

The circumstances and experiences of young people in contact with the justice system are complex, and effective exits from detention, including breaking the cycle of reoffending and achieving community safety, requires effective support that addresses these circumstances and experiences. This means that planning for release needs to ensure that the young person has safe and stable housing, and to consider additional needs including substance use, trauma, mental health, poverty, family and domestic violence, cultural connection, community location, services and infrastructure, and re-engagement with education, employment, pro-social peers and activities. Although the issue of mental illness and cognitive disability and impairment were not issues discussed directly by our young interviewees, evidence from the YJ census and AIHW data indicates that these factors impact a significant number of justice-involved young people.

We heard that young people crave connection with someone who understands them and their life trajectory, that they do have aspirations for change and stability, and that they are deeply affected by public attitudes towards them. We heard that local, community-led reintegration strategies are likely to have the greatest impact, and that young people were most likely to stay engaged with transition programs where they had a strong connection with a worker.

We also heard that many rehabilitation and reintegration programs offered to support transition from detention did not feel relevant or meaningful, and that young people experiencing unsentenced detention had more limited options for support, which was exacerbated by the difficulty in planning a transition during the uncertainty of being in remand. Workers and families reflected that communication between YJ and other agencies and support services made it difficult to effectively develop or deliver plans.

Planning for release and delivery appears, according to those we interviewed, to be meagre and unambitious. There is clearly a focus on the first 72 hours after release from detention (for those who are at high risk of reoffending) without strong and continuing support to a young person from the commencement of detention, throughout custody, and in the weeks and months following release.¹⁰⁶ There appears to be little involvement of children and families in developing plans for release that might provide a platform for rehabilitation, and young people appear generally to be returning to situations where nothing has changed.

There are community-based initiatives that have attempted to deliver locally-specific responses to this cohort of young people, and these need to continue and to be funded. In addition, a return to a focus on investment in early intervention and crime prevention, which includes transition from detention, should be considered as part of a broader developmental approach to a whole-of-government crime prevention framework.

We need to be more ambitious.

The QFCC makes two recommendations that respond to the findings of this report and that build on other calls for reform. In its 2022–23 Annual Report, the Child Death Review Board recommended that YJ articulate Queensland's Detention Operating Model, and that the Queensland Government commits to its publication. This provides an opportunity to understand how detention centres are embedding the Charter of youth justice principles, and achieving the new formulation of Principal 18 (that detention should be for 'no longer than

¹⁰⁶ YJ has advised that case planning does encompass transition planning. It is also important to acknowledge there is no statutory authority for YJ to continue to be involved with a young person unless there is an ongoing order in place. Once a sentence has been serviced, YJ no longer has a statutory role to play.

necessary to meet the purpose of detention’ – that is, that community safety is achieved through a real commitment to supporting young people address the factors that led them into offending).

These recommendations would also give effect to Recommendation 36 of the Youth Justice Reform Select Committee’s interim report, ‘that the Queensland Government fund a minimum 12 month transition plan for every child and young person transitioning back into the community after detention which is skills, education and health focused, including residential accommodation options. This will require the Queensland Government to identify suitable existing infrastructure for the residential education and training aspects.’

Without a stronger focus on achieving real change in the lives of young people who are held in custody, both while they are in detention and for a considerable period after their return to the community, we cannot achieve community safety.

Recommendation 1

The Queensland Government fund and deliver a dedicated 12-month post-detention transition program that incorporates in-home family interventions and effective engagement education, training and employment. Entry to this program should commence as part of case management of every young person as soon as they enter detention and should prioritise both their, and their family’s direct participation. Program delivery must incorporate family and community participation that seeks to address criminogenic causes in the young person’s life that commences prior to their release from custody.

Recommendation 2

The post-detention transition program developed under Recommendation 1 should form part of a broader approach by the Queensland Government to target investment in a developmental approach to crime prevention. Programs and services developed as part of such investment must address risk factors and promote protective factors associated with youth crime. At a minimum these should tackle the known factors associated with involvement in the youth justice system (family dysfunction, domestic and family violence, drug and alcohol use, education disengagement, mental health issues, housing instability and poverty), and should promote continuity of support and of relationships with key individuals whether the young person is in custody or in the community. This will require a coordinated and focussed, whole-of-government approach that draws on, and integrates existing housing, employment, health, education, mental health, justice and federally-commissioned programs.

Insights to indicators framework: Adopting a holistic approach

The needs communicated by young people, families and workers are similar to the model of multisystemic therapy (MST). MST is a community-based program with the philosophy of ‘one child, one plan’, and is delivered in the young person’s home or community, rather than out of multiple offices.¹⁰⁷ It identifies the root causes of offending and works holistically across health, education, housing and other relevant systems. MST involves the young person’s family, with interventions are being tailored to the needs of individual families and young people.¹⁰⁸ Facilitators have a low case load, and the intensive nature of MST allows strong, trusting relationships to be developed. It also allows families and young people to have access to support 24-hours a day, seven days a week.¹⁰⁹

Research into the effectiveness of MST shows a significant reduction in the risk of re-arrest.¹¹⁰ Young peoples’ general health and wellbeing also improve, with studies into MST showing reduced substance use, increased family cohesiveness and improved academic performance.¹¹¹

We have used the principles of MST to develop the *Insights to Indicators* framework. This framework provides a summary of the matters young people, families and workers have reported as the most important issues for successful transitions from detention to the community. These issues have been grouped into seven domains: Connection; Stability; Identity and culture; Hope and future; Health and wellbeing; Participation and individualisation; and Systems accountability.

While the QFCC acknowledges that YJ has its own well-developed case management approach and operational performance framework in place, we offer the following framework for consideration during any review or future upgrade to existing approaches.

¹⁰⁷ Australian Institute of Criminology (2002). *What works in reducing young people’s involvement in crime? Review of current literature on youth crime prevention*. Retrieved from <https://www.aic.gov.au/sites/default/files/2020-05/what-works-in-reducing-young-peoples-involvement-in-crime.pdf>.

¹⁰⁸ Ibid.

¹⁰⁹ Western Australian Child and Adolescent Health Service, Australian and New Zealand Journal of Family Therapy (2016). *An evaluation of multisystemic therapy with Australian families*. Retrieved from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5599972/pdf/ANZF-37-443.pdf>.

¹¹⁰ Australian Institute of Criminology (2002). *What works in reducing young people’s involvement in crime? Review of current literature on youth crime prevention*. Retrieved from <https://www.aic.gov.au/sites/default/files/2020-05/what-works-in-reducing-young-peoples-involvement-in-crime.pdf>; Timmons-Mitchell et al. (2006). *An independent effectiveness trial of multisystemic therapy with juvenile justice youth*. Retrieved from https://www.tandfonline.com/doi/abs/10.1207/s15374424jccp3502_6; Western Australian Child and Adolescent Health Service, Australian and New Zealand Journal of Family Therapy (2016). *An evaluation of multisystemic therapy with Australian families*. Retrieved from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5599972/pdf/ANZF-37-443.pdf>.

¹¹¹ Australian Institute of Criminology (2002). *What works in reducing young people’s involvement in crime? Review of current literature on youth crime prevention*. Retrieved from <https://www.aic.gov.au/sites/default/files/2020-05/what-works-in-reducing-young-peoples-involvement-in-crime.pdf>; Timmons-Mitchell et al. (2006). *An independent effectiveness trial of multisystemic therapy with juvenile justice youth*. Retrieved from https://www.tandfonline.com/doi/abs/10.1207/s15374424jccp3502_6; Western Australian Child and Adolescent Health Service, Australian and New Zealand Journal of Family Therapy (2016). *An evaluation of multisystemic therapy with Australian families*. Retrieved from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5599972/pdf/ANZF-37-443.pdf>; Sheerin et al. (2020). *An evaluation of mechanisms of change in multisystemic therapy for juvenile justice-involved youths a decade following treatment*. Retrieved from <https://pubmed.ncbi.nlm.nih.gov/32726483/>.

Insights to indicators framework

Connection Young people are connected to family and community	Stability Young people have stability in their lives and relationships.	Identity and culture Young people are connected to culture and Country.	Hope and future Young people and families participate in meaningful activities that influence positive futures.	Health and wellbeing Young people have their health, wellbeing and family needs addressed.	System accountability System is accountable for meeting the needs of the people they are designed to support.
<p>Opportunities to utilise their strengths and abilities in their community.</p> <p>Support to recognise and address interpersonal relationships and their impacts.</p> <p>Opportunities to connect and reconnect with family.</p>	<p>Consistency and continuity in positive young person-worker relationships.</p> <p>Continuity of family/carer/parent support to provide positive and consistent behavioural guidance.</p> <p>Engagement or reengagement in positive social structures such as education and employment.</p>	<p>Meaningful connections to culture are established, maintained and supported.</p> <p>Champion personal strengths, interests and abilities.</p>	<p>Establish, maintain, and support connections to meaningful activity in their community.</p> <p>Identify and address basic life skills needed for independent, familial, and communal function.</p> <p>Identify and address intergenerational factors impacting their hope and future.</p>	<p>Support and provide stable housing and access to material basics.</p> <p>Identify and support their grief and loss experience.</p> <p>Option of transitional housing.</p> <p>Specialised support to recognise and address their DFV, AOD and mental health experience.</p>	<p>Plan for reintegration at point of admission, not at sentencing.</p> <p>Source and enable community partners to:</p> <ul style="list-style-type: none"> • identify best lead for reintegration with young person and family; and • ensure continuity of planned actions and responsibilities. <p>Plans for reintegration must be clear and accessible for all young people exiting detention.</p>
Participation and individualisation Planning is individualised for the young person, family and community context. Young people and families are empowered to lead decisions.					
Case planning developed using the family led decision making principles.			Planning is relevant to young person's strengths, interests, and ability context.		
Integrate young person and family's needs, views and wishes.			Support tailored to young person and family's current stage of change.		

CONNECTION

Connection means supporting young people in maintaining connections that are important to them.

Relationships with staff can make or break a young person's engagement with support. Young people and families shared the importance of having trust in their support workers. A good worker should communicate openly and frequently with young people and their families and support them to access the help and services they need. Workers need to show young people and their families that they truly care about them, with many young people identifying that they felt some workers were only there for the money.

They know what's best for me, but they know it's stressing me. They don't say it though, they'll say it once and that's it. Someone who doesn't give up or someone who doesn't get tired with you.

Young person

In addition to this, connections with family and the community must be built into transition planning and support provided to young people.

Practical examples of what connection looks like to young people exiting detention include:

- finding someone that connects well with an individual young person, and building their re-entry to the community around that relationship – whether it be a family member, mentor, teacher or worker;
- where positive relationships with detention centre or program staff have been forged while a young person is in detention, facilitating continued contact after they exit;
- exploring employment options in their local community to help them feel connected and valued in a work team and community;
- having the ability to contact and seek support from their family or other significant people as often and whenever they need, both while in detention and then on exit; and
- identifying and exploring alternative peer supports and connections for young people while in custody, with a plan for how to forge new relationships and peer groups once the young person has exited – this can include exploring team sport options or other formalised activities for young people, introducing a peer mentor to support the young person in their transition to a new peer environment.

I reckon if [detention staff] saw us on the outside, like we could go out with them for the day and do something...like, anything you know, just go kick a ball at the park, or whatever, go do something fun. I reckon that would help because they...they're like you know, "you are doing great bro, we're proud of you", like make us feel like we're doing something good, you know.

Young person

STABILITY

Stability means that even if a young person is in detention, they have stability in other areas of their lives and relationships.

Achieving stability for young people should be a key goal for transition planning. In terms of the supports offered to young people after they detention, finding a worker who can support a young person for up to 12 months is ideal. Given the strong anti-social patterns that have usually formed for this cohort (criminal peer networks, reliance on drugs and alcohol), stability in support to maintain any momentum for change that has been sparked by a stint in custody is critical.

They know what's best for me, but they know it's stressing me. They don't say it though, they'll say it once and that's it. Someone who doesn't give up or someone who doesn't get tired with you.

Young person

Elements of stability should also be extended to daily routines, housing, income and family connection. Busy routines for young people who are newly released appear to be very important to them. If there is motivation for change, periods of time with 'nothing to do' are a key driver for young people to reconnect with old ways of behaving that lead them back to offending. While the focus remains on the first 72 hours after release from custody, stability will never be achieved. Case planning is only going to be successful if it provides for an intensive 12 months of a young person's life after detention.

You've had so many good Indigenous workers in there and especially male, which these boys need, and they're gone...every person that he had has gone because you are too busy about keeping the (...) Case Workers on but not the Indigenous workers that work with the kids. I said, yeah, the Indigenous workers they cop the crap when they come to the home, but they are respectful. I said, you guys don't even come there to cop the crap.

Mother of a young person

Practical examples of what stability looks like to young people exiting detention include:

- having workers able to continue to support them when they have been admitted to detention, and having this support continue after they exit;
- where positive relationships with detention staff have been made, the opportunity to remain connected after they exit;
- actively facilitating contact and support from their family or other significant people as often and whenever they need;
- having educational and training opportunities that equip them with skills that are relevant to the employment options in their community;
- connecting with employment opportunities in their community;
- connecting with sporting, fitness, art, music, cultural, or other positive recreational activities in the community; and
- support for their family to know how to provide positive guidance to them after their exit.

I reckon if [detention staff] saw us on the outside, like we could go out with them for the day and do something...like, anything you know, just go kick a ball at the park, or whatever, go do something fun. I reckon that would help because they...they're like you know, "you are doing great bro, we're proud of you", like make us feel like we're doing something good, you know.

Young person

IDENTITY AND CULTURE

Identity means young people know who they are and where they are from. They are supported to establish or maintain their connection to family, community, culture and country. Their involvement with Youth Justice does not define them.

It is especially important to ensure that services hire and retain Aboriginal and Torres Strait Islander staff. Aboriginal and Torres Strait Islander young people and their families need workers who understand their culture and are genuinely capable of providing the support they need. Having Aboriginal and Torres Strait Islander staff will improve trust between young people, families, and the workforce, and can help to reconnect and reengage young people with their cultural identity.

You've had so many good Indigenous workers in there and especially male, which these boys need, and they're gone...every person that he had has gone because you are too busy about keeping the (...) Case Workers on but not the Indigenous workers that work with the kids. I said, yeah, the Indigenous workers they cop the crap when they come to the home, but they are respectful. I said, you guys don't even come there to cop the crap.

Mother of a young person

Practical examples of what identity looks like to young people exiting detention include:

- knowing where they are from and their mob or cultural community;
- access to their birth certificate and other identifying information where appropriate;
- developing their cultural knowledge and understanding of their family and community history;
- having connections to Elders and/or significant members of their cultural community;
- learning what they are interested in, whether this be for learning, work, or hobbies;
- finding their strengths and how to use these positively;
- recognising attributes of their relationships with friends or family that may be negative, and finding ways to healthily navigate these without having to lose contact; and
- understanding how they can contribute to their community positively and feel a sense of belonging in their community.

I'm getting older and I'm starting to connect with the spiritual side of myself and just knowing that, like the generations before I was here, there was other people here that provided for the Earth and that. I just want to learn more about my culture, because I got taken from my Mum when I was six months old, so I don't know much around my culture or my identity.

Young person

HOPE AND FUTURE

Hope and future means that young people have a positive feeling of expectation in what lies ahead for them. They are supported to imagine, reimagine and forge a life that is important to them.

Young people need opportunities for work, education and training, and programs that are specific to young people who are transitioning out of the youth justice system. Planning for these opportunities and the support to engage in them needs to begin while young people are in detention and follow through into community.

*I need work experience, like at a café and that. I like hospitality and I got my cert in barbering while I was in BY[DC] so I'm gonna do like a barbering thing when I get out. Go apply to barbers and that.
(...)*

They need more practical programs you know instead of doing book work. Like none of us have gone to school, why are we gonna sit there and do book work for a program, why don't we get out and do something else you know practical?

Young person

Practical examples of what hope and future looks like to young people exiting detention include:

- being helped to connect or establish pathways that connect to employment opportunities;
- maintaining meaningful connections to their families;
- learning and developing life skills that are meaningful to them e.g how to navigate the rental market, how to do their tax, getting their driving hours up etc; and
- being supported to understand and navigate family dynamics and the impacts on them.

Keep myself on track with school, get an education, I dunno get a job and do things right for myself but at the moment things are goin' a bit wrong.. they're goin' wrong.. (...) but the thing is I can't do it on my own.

Young person

HEALTH AND WELLBEING

Health and wellbeing means that young people have their mental, physical, emotional, cultural, spiritual and developmental needs identified and addressed. They are supported to identify the best ways of addressing their needs.

Holistic support is necessary for young people exiting detention. This needs to involve and include their family and address their health and wellbeing, culture, education, housing, transport, financial and material needs. Many young people are released from detention with no secure housing, a lack of transport, no source of income, no meaningful activity such as sport, training or employment, and a family who do not have the means to give the support needed. These issues are often exacerbated for young people returning to regional or rural areas of Queensland. Support service delivery needs to be consistent and equitable for all young people across Queensland.

I needed lifts and that too, you know transport. Like mentally too, 'cause like being nervous when I got outta there I wasn't used to it. Like seeing people I never seen in ages. I was that nervous I couldn't even really speak to my mum.

Young person

Practical examples of what health and wellbeing looks like to young people exiting detention include:

- support that is trauma informed;
- having comprehensive health checks and assessments to identify the root cause of any issues;
- mental health services that are accessible to young people upon their entry to the youth justice system;
- being supported to participate in recreational activities;
- exiting to a safe home or dwelling with access to food, clothes, and basic necessities;
- transitional housing options for young people requiring structured routine;
- continued access to equal levels of support in detention through to community;
- having guided pathways to access support and services (e.g. counselling, sexual health and puberty, healthy relationships, AOD, DFV etc); and
- ongoing maintenance of their cultural identity and practices

He just needs support, he wants people to understand him and like, help him, and yeah. He feels like...he feels lonely and the only reason he's hanging around people that just like, look after him and shit but they're like bad peers at the same time, yeah.

Young person reflecting on their younger self

SYSTEM ACCOUNTABILITY

System accountability means that the system is accountable for meeting the needs of the people they are designed to support.

The people we spoke to highlighted the difference in support that young people receive while in detention compared to in the community. While in detention, young people have intensive 24-hour support and have their basic needs met. Currently upon release, most young people are returning to the same situation they were in before their admission, which for many is the reason for their offending. To successfully address the need of young people and reduce chances of reoffending, support on the outside needs to more closely match the support received while in detention.

I say like I feel like I don't want to get out because I feel too used to it, being in here, and she (YJ worker) said "you'll be okay" but then like I was okay the first couple of weeks but then because I got bored a few weeks in and I didn't have that much programs happening and what, like what happens in here. I didn't have like, discipline, on the outside and so I think that is what really fucked it up.

Young person

Practical examples of what system accountability looks like to young people exiting detention includes:

- young people's time in detention being utilised for reintegration from the beginning of their admission onwards, regardless of their sentencing status;
- considering staff from non-government, community-controlled organisations, and Youth Justice to determine the best person to lead a young person's case plan;
- not limiting young people's access to reintegration as a behaviour management tool, either for their actions or the actions of others in their unit;
- having a clear guideline for what should be considered when case planning;
- ensuring that actions and responsibilities are not forgotten once the young person exits detention, and instead are followed through with; and
- having support in place for as long as a young person needs.

We need support that can actually help us like getting jobs and getting houses and stuff...like stuff that we actually need. We need people who are actually willing to help us because they come in and say they are going to help us get jobs and stuff but they don't actually help us.

Young person

PARTICIPATION AND INDIVIDUALISATION

Participation and Individualisation means that young people are involved in the decision-making processes regarding their life. They are supported in ways that are meaningful to them, their families and community.

Support for young people needs to move away from a 'one-size-fits-all' approach. It needs to take into consideration the unique needs of each young person, including their family situation, level of education, mental and physical health and ability, culture, living location, goals and aspirations. Some young people may want to return to mainstream education, while others may want to go straight into paid employment. Some young people may not be ready for either, but support should still be provided to meet them at their current stage of change and address the issues that are leading them into crime. This support needs to be continued for as long as the young person needs.

Ah, fitness programs, cultural programs, like doing stuff that I was interested in, you know. Like if you give...if you give the boys something that they don't want to do obviously they're not going to do it, obviously they are going to go away and do something else.

Young person

Practical examples of what participation and individualisation looks like to young people exiting detention includes:

- identifying and listening to young people and their families;
- enabling and empowering young people and their families to address their shared concerns;
- support being provided by those that have the best relationship with them;
- clear and timely communication with young people around what's happening and any changes;
- information, education and support being delivered according to young people's situation, cognitive ability and change readiness; and
- co-design of young people's plans according to young people's strengths, interests and ability.

Listen to the kids, actually like listen to what they say. Don't just do a book about, like your job. And tell them like...they are probably like scared because you are going to tell the courts and that...then...actually listen to them and hear what they got to say I reckon.

Young person

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Appendix 1 – Terms of Reference

Terms of Reference

Exiting Detention - A system review of the experiences of young people, and their families about transitions from detention to community

March 2023

Review Background

The Queensland Family and Child Commission (QFCC) is concerned about the number of children who re-offend following release from youth detention and whether transition supports are meeting the needs of children, families and communities and diverting young people from re-offending.

1. Queensland has the highest youth detention rate in the nation.
 - On any given day in 2021-2022, an average of 267 young people were in detention.¹
 - On an average day in 2020–2021, only 12% of young people were in sentenced detention in Queensland compared to the national average of 30%.²
2. According to Queensland data, the re-offending rate following a period of detention is high:
 - For the 12 month period ending 30 June 2021, 585 distinct young people completed a detention period in Brisbane Youth Detention Centre (BYDC). Of those young people, 92% were alleged to have committed another offence in the 12 months following their release.³
 - For the 12 month period ending 30 June 2021, 19 distinct young people completed a detention period in West Moreton Youth Detention Centre (WMYDC). Of those young people, 84% were alleged to have committed another offence in the 12 months following their release. This 12 month period only reflects six and a half months of operation, with WMYDC becoming operational in December 2020.⁴
 - For the 12 month period ending 30 June 2021, 310 distinct young people completed a detention period in Cleveland Youth Detention Centre (CYDC). Of those young people, 96% were alleged to have committed another offence in the 12 months following their release.⁵
 - 56.8% of young people, aged 10-16 years at time of release from sentenced supervision, returned to sentenced supervision within 12 months.⁶
3. Within Queensland's small group of young offenders, young people categorised as serious repeat offenders accounted for 17% of young people convicted and 48% of the charges.⁷ The QFCC has made several findings in its systemic reviews of the youth justice system about the need for intensive support for young people exiting

¹ [C Justice - Report on Government Services 2023 - Productivity Commission \(pc.gov.au\)](https://www.pc.gov.au/reports-and-issues/c-justice-report-2023)

² Australian Institute of Health and Welfare (2022) Youth Justice in Australia 2020–21, catalogue number JUV 138, AIHW, Australian Government. <https://www.aihw.gov.au/getmedia/10da194d-5756-4933-be0a-29d41743d79b/aihw-juv-138.pdf.aspx?inline=true>

³ [1270-2022.pdf \(parliament.qld.gov.au\)](https://www.parliament.qld.gov.au/1270-2022.pdf)

⁴ [1270-2022.pdf \(parliament.qld.gov.au\)](https://www.parliament.qld.gov.au/1270-2022.pdf)

⁵ [1270-2022.pdf \(parliament.qld.gov.au\)](https://www.parliament.qld.gov.au/1270-2022.pdf)

⁶ AIHW 2021, *Young People Returning to Sentenced Youth Justice Supervision, 2019-20*, Cat. no. JUV 137, Canberra.

⁷ Childrens Court of Queensland 2022, *Childrens Court of Queensland Annual Report 2021 – 22*, [cc-ar-2021-2022.pdf \(courts.qld.gov.au\)](https://www.courts.qld.gov.au/cc-ar-2021-2022.pdf)



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detention, particularly serious and repeat offenders, due to a combination of factors including drug or alcohol dependency, school or employment problems, and/or an absence of appropriate care and support for poor health, trauma or family dynamics.

4. The *Youth Justice Strategy Action Plan 2019-2021* has four pillars: Intervene early, Keep children out of court, Keep children out of custody, and Reduce re-offending.⁸ Access to timely, quality and effective transition practices and services that commence while a child is in detention and extend beyond their period of detention must be in place to reduce the ongoing need for additional investment in detention capacity.

Review purpose

This review will be informed by a review of policy, research, practice, data and the experiences of children, family, community and the frontline workforce to examine whether transition supports have a positive impact on outcomes for children, families, communities and re-offending rates.

Terms of Reference

The terms of reference of this review are to:

1. Gather and analyse data about the cohort of young people who transition back to community to understand the type of offences, time spent in detention, sentencing rates and re-offending;
2. Examine transition procedural requirements, practices and programs (i.e. case planning, child participation, case management, family meetings and the services connected with the child and family) in Queensland, and review research and interjurisdictional models to consider opportunities to strengthen outcomes for children, families and the community;
3. Speak with children, young people, families, community and the youth justice sector to explore how practices and programs are delivered and experienced on the ground and what supports are available to young people exiting detention that maximise the success of their transition back to community and what learnings they can share;
4. Identify the common elements of practices, programs and services that are achieving the strongest outcomes for children, families and community and meeting the underlying needs that cause offending behaviours, and produce case studies that emphasise the positive outcomes that young people are experiencing;
5. Determine which measures are required to monitor the success of transition to community that reduces re-offending; and
6. Prepare a report on the findings about what works and provide recommendations to address any gaps in policy, practices, programs and outcomes for young people.

Out of scope

- Section 9(2) of the *Family and Child Commission Act 2014* states it is not a function of the QFCC to investigate the circumstances of a particular child, young person or family.
- The QFCC's review will not review the implementation of the Youth Justice Strategy however data and information about progress may be used to inform this review.

Review process and management

1. The review will be undertaken in a timely, and objective manner and will proceed in accordance with the principles of natural justice.
2. The review is to be contained to the scope outlined in the terms of reference with a succinct findings report to be produced in the first quarter of 2023-24.

⁸ [Youth Justice Strategy Action Plan \(cyjma.qld.gov.au\)](https://www.cyjma.qld.gov.au)
www.qfcc.qld.gov.au

3. The QFCC will request information under section 35 of the *Family and Child Commission Act 2014*. The QFCC System Reviews Team is delegated the authority to access information obtained by the Principal Commissioner for the purpose of this review.
4. Interviews with children, young people and the sector will be conducted under the *Yarning for Change – the voices of the children, families and communities involved in or at risk of involvement in the Queensland youth justice system* ethics (Ref HREC 21/QCHQ/78741). Interviews with First Nations people will be conducted or supervised by a First Nations person.
5. Strict confidentiality will be maintained under the provisions of sections 36 and 37 of the *Family and Child Commission Act 2014*. Confidential information obtained in the course of this review will not be disclosed, communicated, published or permitted to be disclosed, published or communicated except as necessary for the proper conduct of the review, preparation of the report and as required or permitted by law.
6. The System Reviews team will consult with Government and Non-Government agencies and Community Controlled Organisations (CCOs), professionals, community and children and young people in conducting the review.
7. The Principal Commissioner will provide a copy of the draft report including its findings and recommendations to agencies involved in the conduct of the review for comment.
8. The Principal Commissioner will provide a final report including its findings and recommendations to the Attorney-General, and Minister for Children, Youth Justice and Multicultural Affairs.

Luke Twyford
Principal Commissioner
Queensland Family and Child Commission
3 / 4 / 2023

Appendix 2 – Interview questions

Young people

1. Can you tell me your story? What was happening when you started to get into trouble?

Possible prompts

- How old were you when that started happening?
- Did you have family around?
- What was happening at home?
- What was happening at school? – can prompt about how felt about school, missing school, getting suspended/expelled
- How were you feeling about your life?
- Do you think you had to grow up too fast?
- Do you think trouble started when you started to hang around with a new group of friends?

If the conversation starts but stalls prompt with - And then what happened?

(If the child is Indigenous)

- Were Indigenous staff or community members involved?
2. Thinking about your life – what's been positive? What helps you feel good about your life?
3. Thinking about the place where you live – what's good about it? What could make it a better place for people your age?

Possible prompts

- Have you got a child safety worker?
 - Have you always lived here or have you moved around a lot? (If moved around – ask what has been the best place you have lived? What did you like about it?)
 - What are the good things about the place you live– people and places and things to do?
 - Is there enough to do at night or on the weekends or over the holidays?
 - Can you tell me how people your age are spoken about and treated in your community?
 - Do you feel like you belong in your community?
 - Do you feel respected and valued in your community?
4. What's helpful when you are getting ready to be released?

Possible prompts:

- Was there a plan made?
 - Did you know what the plan was?
 - Did someone talk to you about what you and your family needed?
5. On the day that you got out, who was there to pick you up?

Possible prompts:

- Where did you spend your first night?

6. What's life like on the outside – what's good and what's challenging?
7. What do you need to stay out of detention?
8. Did you do any programs that were helpful? What made them helpful?
9. Who are the people who are helpful? What made them helpful?
10. Was there any support you got that wasn't helpful?
11. Did you need anything else that wasn't provided?
12. Did you need anyone else that wasn't available?

Possible prompts

- What things did they do? How did they act? How did they treat you?
- Did you feel like there was enough cultural support?

If they say no-one or nothing was helpful

- Think about someone you trust – what are the things they say or do or how they treat you that makes you trust them?
- If they say they've never trusted anyone prompt with - If you were to trust someone – what would they have to do to help you trust them? If you think about the people who have let you down what did they do?

All participants

13. What makes you feel good in life?
14. What makes you proud to be an Aboriginal person / Torres Strait Islander person (where relevant)?
15. What makes you feel strong and keeps you strong?
16. What do you hope the future will hold for you? What do you need to help you get there? What will stop you?

Possible prompts

- School – Do you want to finish school? What help would you need to do that? What's been a positive time at school? What made it good?
 - Getting a job – What sort of work would you like to do? What help do you need getting a job?
 - Health – Is there anything healthwise that would stop you achieving your goals? What help would you need to be healthy?
 - Culture – what helps you to grow in your culture and who you are?
17. Knowing what you know now, what would you tell your younger self?
 18. What do you think other young people should know?
 19. What would you like to tell the bosses of youth justice or the people who are in charge?

Families

1. Can you tell me your story? What was happening when your child started to get into trouble?

Possible prompts

- How old were they when that started happening?
 - Did you have anybody to help you or support you when this started?
 - What was happening at home?
 - What was happening at school? – can prompt about school experiences for child and adult, child missing school, getting suspended/expelled
 - Did you ever have any concerns about their health?
 - Did you try to get any help for them? Where did you go? What your experience?
 - Do you think trouble started when they started to hang around with a new group of friends?
2. Thinking about this community – what's good about it for children? What could make it a better place for them?

Possible prompts

- Have you always lived here or have you moved around? (If moved – can prompt with how many places, best place they have lived and why, reasons for leaving)
 - What are the good things – people and places and things to do?
 - Is there enough to do at night or on the weekends or over the holidays?
 - Can you tell me how people your child's age are spoken about and treated in your community?
 - Do you feel like you and your child belong in your community?
 - Do you feel that you and your child is respected and valued in your community?
3. What do you think helps keeps children strong in detention?
 4. What's helpful when they are getting ready to be released or after they are released?
 5. Was there a plan made for your young person exiting detention?
 6. Were you aware of what you and your young person needed to do and how you would be supported?
 7. What 's missing and what do you think they need?
 8. Who are the people who have been helpful to you or child? What made them helpful?
 9. What support did you get offered that was and wasn't helpful?
 10. What support do you need as a parent/caregiver to help guide your young person when they come home?

Possible prompts

- How did they act? How did they treat you and your child? What things did they do?
 - What would you have liked to have happened that would have been helpful?
11. What do you think makes you and your child feel strong and keeps you both strong?

12. What do you hope the future will hold for your child? What do you think they need to get there? What will stop them?
13. When you think of your child what do you worry about most? What needs to change to help you feel positive about their future?

Possible prompts

- School – Do you want them to finish school? What help would they need to do that?
 - Getting a job – What sort of help do they need to get a job?
 - Health – Is there anything healthwise that would stop them from achieving their goals? What help would they need to be healthy?
14. What do you think needs to happen in your child's life so they stay out of trouble?
 15. What would you like to tell the bosses of youth justice or the people who are in charge?
 16. Top three needs for young people exiting detention and their families that if addressed, will create long term change?
 17. Top three needs for young people exiting detention and their families to ensure they can comply with bail conditions to prevent re-offending?
 18. What is your biggest worry for the children and young people in your community? What do you think are the biggest barriers that may prevent young people from long term change?

Workforce

1. What is happening for children and families that you work with?

Possible prompts

- What is happening at school for the young person?
- What is happening in the broader circumstances? Home, family, health, family group offending.
- What support is available for children and families? Is it the right kind of support?
- How easy is it for children and families to get help?

If the conversation starts but stalls prompt with - And then what happened?

2. Thinking about this community – what's good about it for children? What could make it a better place for them?
3. Thinking about your workplace – how does your workplace get young people to participate in the support that they receive?
4. Thinking about your own work or practice – how do you get young people to participate in the support you provide?

Possible prompts

- What are the good things – people and places and things to do?
- Is there enough for kids to do at night or on the weekends or over the holidays?
- Can you tell me how children are spoken about and treated in your community?

Detention

5. What do you think helps keeps children strong in detention?
6. What's helpful when they are getting ready to be released or after they are released?
7. At this point in time, do you think that transition case management and supports that are put in place for children and families are effective?
8. What makes them effective or ineffective?
9. What impact does unsentenced detention have?
10. What approach is needed for repeat offenders?
11. Are there things missing you think they need?
12. Have you directly supported a young person leaving detention? What was helpful? What was not helpful?

Possible prompts:

- E.g. for point 6: What did they do? How did they act? How did they treat the kids?
- E.g. for point 7 What are the things they do? How do they treat the kids? How do you know they are helping?
- E.g. for point 8: Frequency, intensity, targeted to need, flexible and accessible. Administered by the right agency?

Community supervision

Thinking about the type of support that is available in your community for children and families who have experienced detention to prevent re-entry:

13. Who are the people who are helpful? What makes them helpful?
14. What programs do you think are helping to reduce re-offending and/or improve the lives of children and families
15. Is there support offered that you think isn't helpful?
16. is there other support they need?

Possible prompts:

- Eg for point 11: Explore relationships rather than individuals

Thinking about the future for the young people that have exited detention and their families:

17. Top three needs for young people exiting detention and their families that if addressed, will create long term change?
18. Top three needs for young people exiting detention and their families to ensure they can comply with bail conditions to prevent re-offending?
19. What is your biggest worry for the children and young people in your community? What do you think are the biggest barriers that may prevent young people from long term change?

Possible prompts

- School – What help would they need to do that?
 - Getting a job – What sort of help do they need to get a job?
 - Health –What help would they need to be healthy?
 - Housing – What housing help do they need?
20. What do you think you needs to happen so the children in your community stay out of trouble?
 21. What would you like to tell the decision makers within the youth justice sector?
 22. What's your best advice in how to build strong and trusting relationships with young people and families that you are working with?

Appendix 3

Charter of youth justice principles

Youth Justice Act 1992 Schedule 1

1. The community should be protected from offences and, in particular, recidivist high-risk offenders.
2. The youth justice system should uphold the rights of children, keep them safe and promote their physical and mental wellbeing.
3. A child being dealt with under this Act should be—
 - (a) treated with respect and dignity, including while the child is in custody; and
 - (b) encouraged to treat others with respect and dignity, including courts, persons administering this Act and other children being dealt with under this Act.
4. Because a child tends to be vulnerable in dealings with a person in authority, a child should be given the special protection allowed by this Act during an investigation or proceeding in relation to an offence committed, or allegedly committed, by the child.
5. If a child commits an offence, the child should be treated in a way that diverts the child from the courts' criminal justice system, unless the nature of the offence and the child's criminal history indicate that a proceeding for the offence should be started.
6. A child being dealt with under this Act should have procedures and other matters explained to the child in a way the child understands.
7. If a proceeding is started against a child for an offence—
 - (a) the proceeding should be conducted in a fair, just and timely way; and
 - (b) the child should be given the opportunity to participate in and understand the proceeding; and
 - (c) the proceeding should be finalised as soon as practicable.
8. The youth justice system should give priority to proceedings for children remanded in custody.
9. A child who commits an offence should be—
 - (a) held accountable and encouraged to accept responsibility for the offending behaviour; and
 - (b) dealt with in a way that will give the child the opportunity to develop in responsible, beneficial and socially acceptable ways; and
 - (c) dealt with in a way that strengthens the child's family; and
 - (d) dealt with in a way that recognises the child's need for guidance and assistance because children tend to be dependent and immature.
10. A victim of an offence committed by a child should be given the opportunity to participate in the process of dealing with the child for the offence in a way allowed by the law.
11. A parent of a child should be encouraged to fulfil the parent's responsibility for the care and supervision of the child, and supported in the parent's efforts to fulfil this responsibility.

12. A decision affecting a child should, if practicable, be made and implemented within a timeframe appropriate to the child's sense of time.
13. A person making a decision relating to a child under this Act should consider the child's age, maturity and, where appropriate, cultural and religious beliefs and practices.
14. If practicable, a child of Aboriginal or Torres Strait Islander background should be dealt with in a way that involves the child's community.
15. Programs and services established under this Act for children should—
 - (a) be culturally appropriate; and
 - (b) promote their health and self respect; and
 - (c) foster their sense of responsibility; and
 - (d) encourage attitudes and the development of skills that will help the children to develop their potential as members of society.
16. A child being dealt with under this Act should have access to legal and other support services, including services concerned with advocacy and interpretation.
17. A child should be dealt with under this Act in a way that allows the child—
 - (a) to be reintegrated into the community; and
 - (b) to continue the child's education, training or employment without interruption or disturbance, if practicable; and
 - (c) to continue to reside in the child's home, if practicable.
18. A child should be detained in custody for an offence, whether on arrest, remand or sentence, only as a last resort and for the least time that is justified in the circumstances.
19. A child detained in custody should only be held in a facility suitable for children.
20. While a child is in detention, contacts should be fostered between the child and the community.
21. A child who is detained in a detention centre under this Act—
 - (a) should be provided with a safe and stable living environment; and
 - (b) should be helped to maintain relationships with the child's family and community; and
 - (c) should be consulted about, and allowed to take part in making, decisions affecting the child's life (having regard to the child's age or ability to understand), particularly decisions about—
 - (i) the child's participation in programs at the detention centre; and
 - (ii) contact with the child's family; and
 - (iii) the child's health; and
 - (iv) the child's schooling; and
 - (d) should be given information about decisions and plans about the child's future while in the chief executive's custody (having regard to the child's age or ability to understand and the security and safety of the child, other persons and property); and
 - (e) should be given privacy that is appropriate in the circumstances including, for example, privacy in relation to the child's personal information; and

- (f) should have access to dental, medical and therapeutic services necessary to meet the child's needs; and
- (g) should have access to education appropriate to the child's age and development; and
- (h) should receive appropriate help in making the transition from being in detention to independence.

Example for paragraph (h)—

help in gaining access to training or finding suitable employment