



PEAKCARE QLD

YOUNG
PEOPLE'S
VOICES

Submissions 2023-24

PEAKCARE HAS SPOKEN WITH BOYS AND GIRLS
IN QUEENSLAND'S YOUTH DETENTION CENTRES
MANY TIMES IN 2023 AND 2024. THE YOUNG
PEOPLE PARTICIPATED VOLUNTARILY AND
AGREED TO HAVE THEIR WORDS INCLUDED IN
THE SUBMISSIONS.

PeakCare has provided feedback to :

1. the Youth Justice Reform Select Committee about Youth Justice Reform in Queensland
2. the Community Safety and Legal Affairs Committee about the Queensland Community Safety Bill 2024
3. the Department of Youth Justice about the draft Youth Justice Strategy

YOUNG PEOPLE'S BACKGROUNDS

YOUNG PEOPLE
TOLD US:

Children and young people who come into contact with the criminal legal system often come from backgrounds of significant disadvantage and maltreatment. Findings from the Australian Child Maltreatment Study indicate that Australians who experience childhood maltreatment (physical abuse, sexual abuse, emotional abuse, neglect and exposure to domestic violence) are significantly more likely to develop mental disorders, engage in high-risk behaviours and require more extensive health services.[1]

Consequently, PeakCare believes that true community safety can only be achieved through substantial investments in public health and wellbeing.

[1] The prevalence and impact of child maltreatment in Australia: Findings from the Australian Child Maltreatment Study: 2023 Brief Report - The Australian Child Maltreatment Study [ACMS]

"It's annoying when people do crime just to fit in, but they have a loving mum and dad and a nice home. If I grew up with a happy family I wouldn't do it."

"It's not like mum and dad don't want to be good parents, they're struggling too. My mum has nine of us. The generation above us are all single and on drugs and their parents were too. The way you've been shown love is the way you show love."

"All I want is to get woken up nicely in the morning, sit around a dinner table and get asked about my day."

"I can't cope with watching my mum struggle to get food on the table. I steal to help her out."

"We're not blaming other people for our crimes. We didn't have what we needed when we were kids but it was our normal. It was normal for everyone I knew."

"My little brothers need me but I'm in here. I wish I didn't grow up. I thought everything was normal when I was a kid but it wasn't. I had to grow up too fast."

BREACH OF BAIL AS AN OFFENCE

"BREACH OF BAIL BEING AN OFFENCE SETS US UP TO FAIL. WE DON'T GET A SAY IN WHAT OUR BAIL CONDITIONS WILL BE AND WE KNOW WE CAN'T COMPLY WITH THEM SO WE ASK OUR LAWYERS NOT TO APPLY FOR BAIL."

Adolescence is a time of social and identity development. When young people make mistakes, we need to surround them with people who can role model different choices, not other people on the same path. Punitive approaches to youth crime are not making Queensland safer.

Being charged with breaching bail conditions, the threat of spending time in a watch house and the current model of youth detention in Queensland have not been shown to deter children from engaging in crime.

Furthermore, more than 90 per cent of children who leave youth detention are charged with a new offence within a year.[1]

[1] Queensland Parliament [2022]. Question on Notice No. 1270.
<https://documents.parliament.qld.gov.au/tableoffice/questionsanswers/2022/1270-2022.pdf>

ELECTRONIC MONITORING

There is no evidence that Electronic Monitoring Devices prevent crime or prevent re-offending. Research has shown that Electronic Monitoring is expensive and ineffective, [the technology is unreliable, and it does not reduce crime]. It breaches human rights of privacy and freedom of movement, is stigmatising, coercive and ignores the increased impact on women and contributes to the criminalisation of First Nations peoples and people on low incomes. Electronic Monitoring is not the only alternative to incarceration.[1] However, electronic monitoring can be used as an alternative to custody.

[1] https://www.parliament.vic.gov.au/490c8f/contentassets/bd97f76daf7a4a8dbf8ffa6bc9e2999d/attachment-documents/155._attach3_foundation-for-alcohol-research-and-educationfare_redacted.pdf



FOR



"I'd get an ankle monitor if I got out [of youth detention] faster."



AGAINST



"No way, they're embarrassing. Little kids and families can see them in public. They're for men. Even if it's a stealing charge they'd be stereotyping us, like we're violent or something."



PRO CHOICE



"I think ankle monitors should be for people who want them."

REMAND RATES

"BEING ON REMAND STOPS US GETTING JOBS. I HAVE A GOOD EMPLOYER LINED UP BUT I DON'T KNOW WHEN I'M GETTING OUT AND I DON'T KNOW HOW LONG HE'LL WAIT."

PeakCare recommends the continuation of a strong focus on reducing court processing timeframes, with the goal that most children placed in youth detention centres are sentenced rather than on remand, which will support them to prepare to return to our communities.

In 2022-23, 88 per cent of young people in Queensland's youth detention centres had not yet been sentenced for their offences and almost 50 per cent of children were not required to serve further time in custody when they were sentenced.[1]

[1] Childrens Court of Queensland Annual Report 2022-23
<https://documents.parliament.qld.gov.au/tp/2023/5723T2106-255C.pdf>

VICTIMS OF CRIME

Some victims of crime feel empowered by being part of the decision making about what happens to the young person whose offending has affected them. The most impact a victim of youth crime can make is by helping young people understand the impact of their offending.

Child victims of crime need trauma-informed universal and targeted services to break the cycle of harm and the use of violence. Children in the youth justice system are likely to have been the victims of crime.[1] Almost half of all victims of child offenders are themselves aged 18 years or younger, and one in four victims is between 10 and 14 years old, making it the most prevalent victim age group.[2]

[1] Zavala, E. (2018). Target Congruence Theory and the Victim-Offender Overlap Among Male Youths. *Victims & Offenders*, 13(7), 1013-1032. <https://doi.org/10.1080/15564886.2018.1520765>

[2] Childrens Court of Queensland Annual Report 2022-23 <https://documents.parliament.qld.gov.au/tp/2023/5723T2106-255C.pdf>

"We're victims too. I'm a victim of being shown drug use when I was little. I'm a victim of growing up with violence."

"I don't think victims should make decisions about what happens to us. That's what judges are for. They have the experience looking at everything about our lives and what happened and they know the law."

"I had a school friend come over and she asked, 'why is your dad bashing your mum?' I told her 'they're just fighting'. It was normal for me but she hadn't seen that before."

"I did a few restorative justice conferences but at the last one my victim came and talked about how they felt. I felt really bad for them and it made me think about what I had done. I think about that a lot."

REPRESENTATION OF YOUNG PEOPLE IN THE MEDIA



"PEOPLE SHOULDN'T JUDGE PEOPLE. DON'T JUDGE A BOOK BY ITS COVER."

"THEY WOULDN'T LAST A DAY IN OUR SHOES."

"THEY JUST PUSH US TO THE SIDE. THEY PUT US IN HERE AND FORGET ABOUT US."

Queensland's youth justice system is heavily influenced by media narratives and political responses to these stories. The problem with sensationalised media narratives on complex social issues, such as youth offending, is that they invariably lead to short-term problem solving.[1] We need to speak about the system that we are trying to improve, not demonise the people in it.

[1] Fatouros, H. (2016) "Is Our Youth Justice System Really Broken?" Human Rights Law Conference 22 July 2016.

FIRST NATIONS LED PROGRAMS

Aast government policies and intergenerational trauma have resulted in a lack of trust in government-delivered services. The non-government sector is well placed to deliver services to First Nations young people due to their ability to gain the trust and support of families and community members.

Programs developed and operated by First Nations people have been shown to work, and PeakCare strongly advocates for the growth of funding to local communities through justice reinvestment initiatives, including community-controlled organisations, private industries and interested community members.[1]

[1] Palmer, D. (2016). 'We know they healthy cos they on country with old people': Demonstrating the value of the Yiriman Project Maranguka Justice Reinvestment Project, Bourke, NSW, evaluation report,
<https://researchrepository.murdoch.edu.au/id/eprint/42383/1/Yiriman%20Project.pdf>.

"WHEN YOU DO A CULTURAL PROGRAM WITH ELDERLY YOU JUST RESPECT THEM AND LISTEN TO THEM. WHENEVER MY MENTAL HEALTH IS BAD AND I FEEL REALLY DOWN IT'S FAMILY AND CULTURAL SUPPORT THAT MAKES ME BETTER. IT'S NOT THE PROGRAM THAT MAKES A DIFFERENCE BUT THE PEOPLE."

HEARING YOUNG PEOPLE'S VOICES

PeakCare supports the recommendations in the Queensland Family and Child Commission's Child Rights Report – A Spotlight on Youth Justice and recommends that children in and with a history of involvement with the youth justice system are part of decision-making processes when making changes to the system.[1]

[1] https://www.qfcc.qld.gov.au/sites/default/files/2023-08/QFCC_Child_Rights_Report_1_YouthJustice_1.pdf

"US ABORIGINAL PEOPLE, WE'RE FIRST GENERATIONS. WE SHOULD HAVE A SAY BY NOW."

"FIRST, SIT DOWN AND UNDERSTAND US. WE NEVER HAD ADULTS SIT DOWN AND TRY TO LISTEN TO US SO WE'VE HAD TO BE THERE FOR EACH OTHER."

"BUILD A BOND. ASK WHAT WE WANT."

YOUNG PEOPLE WITH DISABILITIES

Often, children enter youth detention settings with undiagnosed disabilities.[1] An increase in Aboriginal and Torres Strait Islander health workers in youth detention would prioritise children's focus on understanding how their disabilities, mental health concerns and executive functioning contributes to their offending, which is critical for rehabilitation.

There is a strong link between disability and youth offending and therefore early diagnosis and support can be a protective factor, reducing the risk of entry into the youth justice system later in life.[2]

[1] Thompson, K. C., & Morris, R. J. (2016). *Juvenile Delinquency and Disability* (1st ed. 2016.). Springer International Publishing. <https://doi.org/10.1007/978-3-319-29343-1>

[2] Wilson, J., Zha, A., & Weleff, J. (2021). 22.1 Fifty Years of Publications on Youth Offenders With Intellectual Disabilities: A Bibliometric Analysis. *Journal of the American Academy of Child and Adolescent Psychiatry*, 60(10), S198-S198. <https://doi.org/10.1016/j.jaac.2021.09.206>

"WHEN I WAS SEVEN, I WAS DIAGNOSED WITH ADHD. IT WAS GOOD BECAUSE SOMETIMES WHEN I GOT FRUSTRATED, SOMEONE WOULD TAKE ME OUT OF THE CLASSROOM FOR A WHILE FOR A RUN AROUND OR SOMETHING. I THOUGHT I WAS STUPID BUT I'M NOT. I JUST HAVE A TROUBLE UNDERSTANDING A LOT OF WORDS ON A PAGE."

WHAT ELSE COULD HELP

Solutions to youth crime cannot be effective without young people's involvement. Responses need to be tailored by the individual needs, hopes and aspirations of the young person. When young people are released from custody, they need a network of supportive people who can be there to help them reintegrate into the community.

ROLE MODELS

"We need good role models. They should pay for more role models and less juvis [youth detention centres]. Sometimes I go out and I tell myself I'm not going to do crime or get into fights. I'm just going to kick back. Then something happens and I get angry or I don't have a ride home and everything changes really quickly. I need someone to call when that happens."

MENTORS

"I needed someone to call, like a mentor, when I got out last time. I got out, went back home to live with mum and started a new job that I really liked. I did the job for one day and that night my friend called and asked me to do crime with him. I didn't want to let my friend down so I went with him. I wish I had someone else to call that night, or someone to take me fishing or something the next day. I was arrested and came back in after only one day out."

PRO-SOCIAL ACTIVITIES

"Ask us what we are interested in. Help us try out new activities we want to do. When I started doing crime it was fun. We need a different adrenaline rush."

EMPLOYMENT

"I want to buy stuff with my own money. If I get a job I would feel so proud of myself. I want to give mum money I didn't steal but I made myself."

THANK YOU TO ALL THE
YOUNG PEOPLE WHO HAVE
RAISED THEIR VOICES.

PEAKCARE STRONGLY BELIEVES THE VOICES AND PERSPECTIVES OF YOUNG PEOPLE WITH EXPERIENCE OF THE YOUTH JUSTICE SYSTEM SHOULD GUIDE THE YOUTH JUSTICE SYSTEM AND WE WILL CONTINUE TO ENSURE OUR SUBMISSIONS TO THE QUEENSLAND GOVERNMENT AND PARLIAMENTARY COMMITTEES ON YOUTH JUSTICE ARE BASED ON THESE VOICES.