

Blueprint for the future of Youth Justice

Have Your Say

March 2013



Foreword

Through its Safer Streets Crime Action Plan, the Newman Government made a commitment to get tough on crime.

As part of this plan, in the first year of Government the Newman Government has delivered a raft of criminal law reforms aimed at toughening up sentences for offenders and breaking the cycle of youth crime.

Queensland is a great state with a strong justice system, but there remain many opportunities to make Queensland communities safer and for young people and their families to demonstrate their full potential.

This Government is committed to continuing to listen to the community on this issue and is keen to hear what you have to say.

This document introduces a broad review of the youth justice system through 2013-14 which will culminate in the Government delivering a Blueprint for the Future of Youth Justice in Queensland. It also gives the community a chance to provide feedback on the types of reforms they consider necessary to address youth crime issues in Queensland.

It is important that we work together to fight crime and make our streets safer for Queensland families. I encourage you to read this document and have your say.

Jarrod Bleijie MP

Attorney-General and Minister for Justice

March 2013

How you can have your say

To have your say, please complete the attached survey, fill out your details and either:

- a) Return to your Local Member of Parliament
- b) Post to: Assistant Director-General, Youth Justice
Department of Justice and Attorney-General
GPO Box 149
Brisbane QLD 4001
- c) Fax to (07) 3033 0872
- d) An online version of the survey is also available for completion at www.qld.gov.au/youthjusticesurvey

OR

To respond to the questions raised in this discussion paper. You can provide a written submission through until 30 June 2013. Post your responses to:

- a) Email to: youthjusticeblueprint@justice.qld.gov.au
- b) Post to: Assistant Director-General, Youth Justice
Department of Justice and Attorney-General
GPO Box 149
Brisbane QLD 4001

Introduction

There is widespread community concern about crime in Queensland and communities are seeking more effective responses to youth crime, in particular. This Government has delivered the first step towards reforming the youth justice system with the introduction of the trial of youth boot camps and the announcement of a review of the *Youth Justice Act 1992* as part of the Government's Six Month Action Plan (January to June 2013).

Delivering a youth justice system that leads the nation is innovative, engaged with community, respects victims, is transparent and measures its successes, will require transformational strategies beyond those that have already been announced.

The next 12 months will be used to listen to community members and other interested parties within the justice system to determine ways to deliver more effective and efficient youth justice responses.

Developing a Blueprint for the Future of Youth Justice will provide an action-plan to transform the youth justice system and break the cycle of offending that causes so much distress in our communities.

The Blueprint for the Future of Youth Justice will address the concerns raised by community members and justice system interested parties while working within the context of the current fiscal environment. Strategies will be developed in line with the following themes:

- Boot Camps
- Youth Justice Act Review
- Effective sentencing options
- Early Intervention and Diversion
- Responding to causes of crime
- Managing demand for youth justice services
- Improving youth detention services
- Effective non-government investment.

Through collaboration, innovation, community input we will develop a youth justice system that will deliver safer communities while getting value for money from every dollar spent on youth justice in Queensland.

Why are young people offending?

- drug and alcohol use
- mental health problems
- low educational achievements
- exposure to violence during childhood
- severe and long-term neglect and family dysfunction

What can we do to respond to the causes of youth crime?

What do we want from our youth justice system?

The Queensland Government would like to see:

- ✓ Young people held accountable for their actions and facing consequences for their offending
- ✓ Safer communities in Queensland
- ✓ Opportunities for young people and their families to turn their lives around
- ✓ The revolving door of detention centres close

Tough on Crime

What we've done so far

Mandatory life imprisonment for repeat child sex offenders with a minimum non-parole period of 20 years('two strikes policy')

Non-parole period increased to 20 years imprisonment for murder.

Implemented an Early Intervention Youth Boot Camp on the Gold Coast and a Sentenced Youth Boot Camp in Cairns

Non-parole period of 25 years imprisonment for murder of a police officer.

Non-parole period increased to 30 years imprisonment for multiple murders.

Penalty for serious assault on a police officer increased to 14 years.

Minimum \$5,500 fine and two year licence disqualification for evading police.

New minimum mandatory sentences for trafficking, supply and unlawful possession of illegal firearms.

Offender levy that applies to all criminal matters.

Additional \$2 million in funding allocated to the organizations that support victims of crime.

Abolished the Murri Court, the Drug Court and the Special Circumstances Court ensuring that there is one court for all Queenslanders.



What we're doing

The Newman Government recently introduced a number of bills in Parliament that contain more key law and order reforms. The Newman Government will:

Force criminals to explain how they acquired their wealth or face its confiscation.

Introduce drug trafficking declarations aimed at stripping convicted drug traffickers of their assets.

Require drug traffickers to serve a mandatory minimum 80% of their sentence.

Increase the maximum penalty for aggravated supply where an adult supplies a dangerous drug to a child under 16 years - an offender will be liable to a maximum penalty of 25 years to life imprisonment, depending on the type of drug supplied.

Create a new offence of trafficking in precursors (substances used to manufacture dangerous drugs).

Ensure the law keeps pace with emerging developments in the manufacture and supply of dangerous drugs including synthetic drugs.

Introduce the toughest anti-hooning laws in the nation, with cars clamped and off the road for a first offence and cars forfeited or crushed for any subsequent offence.

Crack down on graffiti crime by mandating that offenders remove graffiti and increase the maximum penalty for graffiti crime from 5 to 7 years.

Enable a victim to read their victim impact statement before a sentencing court where it is reasonable to do so in the circumstances.

Increase penalties for child exploitation material offences and other child sex offences and provide for a new offence of 'grooming' in the Criminal Code.



Boot Camps

It was an LNP Election Commitment to introduce a two year trial of youth boot camps. The Newman Government has delivered on this commitment with the first two boot camps commencing in early 2013. The goal of the boot camps is to instill discipline, respect and values in the young person while working with the young person and their families to address the causes of their offending and support them into learning or earning.

The Government decided to trial two different types of boot camps.

A sentenced boot camp allows the courts to sentence a young offender to a boot camp order. This new sentencing option gives Courts an option instead of sending the young person to detention. The first sentenced boot camp is available to young people living in the Cairns area and by late 2013 there will be one available to young people living in the Townsville area.

Question: Is the sentenced boot camp a good way to stop the cycle of youth crime and close the revolving door of youth detention?

Question: Are there other ways to stop the cycle of youth crime and detention for young people who are committing serious or repeat crimes?

A voluntary early intervention boot camp has also been developed. The goal of this boot camp is to stop young people from starting a criminal life. The young people referred to this boot camp are demonstrating behaviours that indicate they are on the path to becoming a young offender. There is an early intervention boot camp operating on the Gold Coast and by late 2013 there will be one in Rockhampton and one in Hervey Bay.

Question: Is the early intervention boot camp a good way to get young people back on track and back in school?

Question: Are there other ways to get young people back on track?

The trial will be evaluated to determine if it reduces re-offending and entry into the youth justice system before the Government considers whether to roll out boot camps to other locations.



Youth Justice Act Review

The *Youth Justice Act 1992* governs the way young people are dealt with by the law when they offend. The Queensland community has been vocal in expressing concern that young people are getting a 'slap on the wrist' for the crimes they commit and this is influencing young offenders' disregard for the law.

As part of the Government's Six Month Action Plan (January to June 2013) the Government has committed to a review of the *Youth Justice Act 1992*. The review will examine

- expanding the existing naming laws so that the names of repeat young offenders can be made public;
- making breach of bail an offence to reduce the number of repeat young offenders;
- allowing courts access to a person's juvenile criminal history when sentencing them as an adult, so the court can see their full criminal history.

Question: What other areas should be reviewed to try to reduce the number of young people committing crimes?

Quick facts from 2011-12

- There were 413,399 young people in Queensland aged 10-16. 4,053 young people had an offence proven in court.
- The Childrens Court of Queensland dealt with 1,762 charges against 358 young people.



Effective sentencing options

The Government wants to make sure that the courts have sentencing options that work to reduce future offending and reflect community expectation.

Already the Government has introduced a Boot Camp Order as a new sentence option which gives courts a further alternative to sentencing a young offender to detention. This order is aimed at repeat young offenders already entrenched in the justice system

In late 2012 the Attorney-General introduced Graffiti Removal Orders as another new sentencing option under the *Youth Justice Act 1992*. When passed by Parliament the Graffiti Removal Orders will require every young person, aged 12 and above, found guilty of a graffiti offence to clean up graffiti as part of their sentence. This order is designed so the offender gives back to their community.

Consideration is also being given to removing the principle that when sentencing a young person for an offence detention should be the last resort. This principle applies when a young person is arrested as well as when they are sentenced. The removal may allow courts to consider a broader range of options when sentencing young offenders.

The evidence shows that sentencing a young person to detention does not stop their offending behaviour; in fact it often makes it worse. Sentencing options available to the court needs to ensure the young person experiences appropriate consequences for committing the offence while still providing an opportunity for rehabilitation. If the penalty is too harsh it risks propelling the young person further into the justice system and worsening their offending behaviour. If the penalty does not address the offending behaviour it will not have any effect and the young person is more likely to continue offending.

Question: Are there new options the court should have available to them when sentencing young people?



Responding to causes of crime

Young people entrenched in the justice system and those who are at high risk of becoming entrenched often have a range of things happening in their lives that influence their criminal behaviour.

These young people have often experienced

- child abuse and neglect,
- exposure to domestic or family violence
- had severe and long-term family dysfunction in their childhood years.
- homelessness,
- drug and alcohol misuse,
- poor mental and physical health,
- inter-generational poverty and unemployment, and
- low levels of education.

All the evidence shows that when a young person experiences these things without receiving any help, committing crimes is often the next step in life.

Question: How can sentencing better address the causes of the young persons' offending?

When a young person enters the youth justice system the sentence they receive has a focus on rehabilitation. This involves not only addressing the offence/s they committed but also the causes behind it.

Question: What else could be done to address the causes of crime for young people already in the justice system?

Agencies across Government are responsible for providing services to assist in reducing homelessness and drug and alcohol misuse, increase education and employment outcomes and protect children from neglect and abuse.

Question: How can government and non-government services deliver a more coordinated response to young people and their offending?



Managing demand for youth justice services

The developmental maturity of young people and the complex causes of crime mean that the young people involved in the youth justice system need more intense responses than adult offenders to break the offending cycle.

Queensland has two youth detention centres. It costs \$660 per day to house a person in a youth detention centre. Over the past year these detention centres have been full on a regular basis. On average 70% of young people in the detention centres are held there on remand waiting to be sentenced by a court and only approximately 10% ever receive a sentence of detention. This places significant pressure on the youth justice system, and is a significant burden in terms of resources.

One option to manage demand on youth detention centres is to automatically transfer young offenders to adult prison when they turn 18. This is being considered as part of the review of the *Youth Justice Act 1992*.

There are other ways to manage the demand on the system. These include looking for ways to better support young people so they can be released on bail and not re-offend and looking at how the legal system can move young people through the system quicker.

Question: What new ways could support young people on bail to stay out of trouble?

Question: How could the legal system be improved so young people charged with a crime are dealt with quicker?

Quick facts from 2011-12

- Compared to the previous reporting year this represents a 15.2 per cent decrease in the number of young people dealt with, but also 5.3 per cent increase in the number charges heard.
- 10% of young people who committed an offence committed nearly half (47%) of all offences committed by a young person.



Early Intervention and Diversion

The Government's goal is to stop young people from offending and re-offending. The most cost effective way to do this is to intervene before a young person enters a life of crime..

This can be achieved best by intervening early in a young person's life to divert them from the justice system and address underlying issues. The Government's Commission of Inquiry into Child Protection is looking at ways to strengthen the Child Protection system. With approximately 70% of young people in the youth justice system known to the child protection system, improving responses to child protection should assist in diverting young people from the justice system.

For those young people coming into contact with the youth justice system there are a number of mechanisms used to divert them from the justice system. For example, police are able to caution a young person rather than arrest them. Rather than going to court, a young person can participate in a police referred youth justice conference where the victim can participate and an agreement reached on what the young person will do to make amends for their actions rather than going to court. The recent commencement of the early intervention youth boot camp is another initiative to that may divert young people from entering the youth justice system.

Question: What other strategies are there to intervene early and prevent young people starting to offend in the first place, or to prevent them from continuing to offend?



Effective non-government investment

Responses to young people and their families that provide a consequence for offending and help to address the causes of offending are currently provided through government services and partnerships with non-government organizations.

There are many different ways services can be provided to the community. For example private operators can be contracted or government may work in partnership with non-government organisations and businesses to deliver services to a particular group, such as young offenders.

The Government is reviewing its existing resource allocation and is looking for new ways to invest in the non-government sector to provide more cost efficient and effective services to young offenders and their families.

Question: To assist young people to stop offending what kinds of services or programs are needed and who is best placed to deliver these services?

Question: How can future investment in youth justice enable the most efficient and effective delivery of services to young people?



Improving detention centre services

The safety of the community, providing consequences for offending and preparing young people to live productively in the community are considerations that are key to the operation of youth detention centres.

When a young person enters youth detention they are required to participate in a routine that provides structure and discipline. Young people attend a regular school on site where the focus is generally on quickly improving basic reading, writing and vocational skills. It is not uncommon for 15 year old young people to have a reading age of three or four. Programs are also provided that address their offending behaviour and promote health, self-respect and responsibility for their behaviour.

Question: What types of programs should be available inside detention centres and on release from detention?

It is a reality that young people in detention generally have behavioural problems. The management of this behaviour presents challenges to detention centre staff and, in the interest of the safety and security of staff, other detainees, and visitors, new options for managing behaviour should be explored. While the focus will remain on reinforcing positive behaviours, young people also need to understand that there are consequences of their behaviours both in detention and in the community.

Question: What types of discipline should be used in detention centres? Is it valid to withhold access to some activities or privileges to demonstrate to young people that there are consequences for their behaviours?

Transition to ongoing community-based support and the establishment of links with their community is a critical part of the youth detention process if a young person is to succeed in making a positive contribution and community safety is to be preserved. Research indicates that the gradual transition of a young person back into their community while they are still in youth detention is the most effective means of reintegrating a young person back into the community and that reintegration should begin as soon a young person is admitted to youth detention.

Question: Would it be appropriate for young people in detention to be granted a leave of absence, or in some cases early release, ie to attend work? What might need to be considered to make this a viable option?

Quick facts from 2011-12

- 82% of young people successfully completed their community orders compared with 75% in 2009-10.
- During 2011-12 there were 1,621 admissions to detention centres made up of 773 young people. On average there were 137 young people in detention each day. On average 63% of these young people were Aboriginal and Torres Strait Islanders

Written submissions are invited on the questions raised in the Discussion Paper

Deadline for submissions is 30 June 2013

If you have any questions regarding this discussion paper or your written submission you can email the following address:

youthjusticeblueprint@justice.qld.gov.au