

DEPARTMENT OF JUSTICE AND ATTORNEY-GENERAL
MEMORANDUM

TO: David Mackie, Acting Director-General
FROM: Sean Harvey, Assistant Director-General, Youth Justice
SUBJECT: Referrals of alleged criminal offences committed against young people in youth detention to the Queensland Police Service
DATE: 3 June 2015

PURPOSE

To seek your **approval** regarding the letter at **Attachment 1** to the Queensland Police Service (QPS), regarding referrals of alleged criminal offences committed against young people while detained in a Queensland youth detention centre.

BACKGROUND

In accordance with the chief executive's obligations under section 263 of the *Youth Justice Act 1992* to ensure the safety and wellbeing of young people in youth detention; youth detention centres refer any alleged criminal offences that may have been committed against a young person in youth detention to the QPS.

Given the Department of Justice and Attorney-General's statutory requirements and duty of care to young people in youth detention, this information is referred even in circumstances where a young person does not wish to make a complaint to the QPS.

This position to refer alleged criminal offences to the QPS with or without a complainant is enshrined in departmental policy.

In the absence of a complainant, QPS has advised that it will not take any further action in relation to referred matters.

ISSUES

Young people in youth detention represent a highly vulnerable cohort of Queenslanders. A majority of these young people have substance abuse issues, mental health issues, a history of domestic and family violence, and are disengaged from education, employment and accommodation when they enter youth detention. For some of these young people, their time in youth detention becomes cyclical, with a pervasive pattern of release and re-entry to detention. This can create a sense of institutionalisation for young people who become engrained in the youth justice system, and in particular the custodial environment.

Briefing Officer	David Herbert A/Director, Youth Detention Operations and Outlook Services	Approved by	Sean Harvey Assistant Director-General, Youth Justice
Telephone	(07) 3033 0819	Date	26 May 2015



Accordingly, young people in youth detention may not always feel adequately able to represent and advocate for their own best interests. This may particularly be so in the context of personal histories of trauma, victimisation, and institutionalisation. A young person may not recognise, or feel willing to report, a criminal offence committed against them; but this does not mean that it did not occur or that they are not a victim.

The attached letter requests that the QPS re-considers its position and seeks consideration of how we might move forward jointly in addressing these referrals of alleged criminal offences.

The letter notes a preference that each allegation of a criminal offence committed against a young person in a youth detention centre is investigated to determine the appropriate action required, in the context of the nature of the alleged offence.

In practicality, this would equate to QPS following up on approximately 10 referrals a year, in addition to those where the young person is a willing complainant. This practice would assist in preventing the further victimisation of young people in youth detention, and would ensure that these young people are given a voice even where they may be unable to speak up for themselves.

The attached letter seeks feedback from QPS on the best way to move forward with this issue and invites a meeting to discuss this matter further if required.

RECOMMENDATION

That you **approve** and **sign** the letter to QPS (**Attachment 1**) regarding referrals of alleged criminal offences committed against young people while detained in a Queensland youth detention centre.

<input type="checkbox"/> Noted	<input type="checkbox"/> Approved	<input type="checkbox"/> Not Approved
Signed:		
David Mackie Acting Director-General		
Date:		

Briefing Officer	David Herbert A/Director, Youth Detention Operations and Outlook Services	Approved by	Sean Harvey Assistant Director-General, Youth Justice
Telephone	(07) 3033 0819	Date	26 May 2015



Department of Justice and Attorney-General
Office of the Director-General

In reply please quote: 544572/2, 2890093

4 JUN 2015

Mr Ian Stewart
Commissioner
Queensland Police Service
GPO Box 1440
BRISBANE QLD 4001

State Law Building
50 Ann Street Brisbane
Queensland 4001 Australia
Telephone (07) 3239 3520
Facsimile (07) 3239 3474
www.justice.qld.gov.au

ABN 13 846 673 994

Dear Mr Stewart *Ian*

I am writing to you to seek clarity on the Queensland Police Services' (QPS) response to referrals of alleged criminal offences committed against young people while detained in a Queensland youth detention centre.

As you are aware, young people in youth detention represent a highly vulnerable cohort of Queenslanders. A majority of these young people have substance abuse issues, mental health issues, a history of domestic and family violence, and are disengaged from education, employment and accommodation when they enter youth detention.

For some of these young people, their time in youth detention becomes cyclical, with a pervasive pattern of release and re-entry to detention. This can create a sense of institutionalisation for young people who become entrenched in the youth justice system, and in particular the custodial environment.

It is in this context that I write to you to reconsider the QPS' current practice for addressing alleged criminal offences that are committed against young people in a youth detention centre.

As you would be aware, requirements established under the *Youth Justice Act 1992*, oblige youth detention centres to refer any alleged criminal offences that may have been committed against a young person to the QPS. This information is referred to the QPS even in circumstances where the young person does not wish to make a complaint.

Referrals associated with a complainant are promptly actioned by the QPS and there are excellent local relationships in place that support this arrangement. However, for referrals made without a complainant, QPS have advised that it will not take any further action (due to the absence of a complainant).

I wanted to bring this matter to your attention, as young people in youth detention may not always feel adequately able to represent and advocate for their own best interests. This may particularly be so in the context of personal histories of trauma, victimisation, and institutionalisation. A young person may not recognise, or feel willing to report, a criminal offence committed against them; however this does not mean that it did not occur or that they are not a victim.

With this in mind, I would welcome your consideration of how we might move forward in addressing these referrals of alleged criminal offences. It is my preference that each allegation of a criminal offence committed against a young person in a youth detention centre is investigated to determine the appropriate action required, if any, in the context of the nature of the alleged offence.

(2)

In practical terms, this equates to approximately 10 referrals a year, in addition to referrals associated with a complainant. This practice would assist in preventing the further victimisation of young people in youth detention, and would ensure that these young people are given a voice even where they may be unable to speak up for themselves. However, I would welcome any alternative thoughts you may have on how we might best address this matter.

I look forward to hearing from you about this important issue. As this potentially represents a need for a change in practice across both of our agencies, I would be happy to meet with you to discuss this issue in greater detail at your earliest convenience.

Should you require further information regarding this matter, please contact Mr David Herbert, Acting Director, Youth Detention Operations and Outlook Services, Youth Justice, Department of Justice and Attorney-General, on (07) 3033 0891, or at: David.Herbert@justice.qld.gov.au.

I trust this information is of assistance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Mackie', written in a cursive style.

David Mackie
Acting Director-General

DEPARTMENT OF JUSTICE AND ATTORNEY-GENERAL
MEMORANDUM

TO: David Mackie, Acting Director-General
FROM: Sean Harvey, Assistant Director-General, Youth Justice
SUBJECT: Youth Justice's role in the key phases of Youth Boot Camp providers
DATE: 21 April 2015

PURPOSE

To provide **advice** on the implementation of the youth boot camp trial.

BACKGROUND

In 2012 as an election commitment the Liberal National Party (LNP) announced they would introduce youth boot camps to address youth crime. The LNP Government implemented two styles of youth boot camp from the beginning of 2013. An Early Intervention Youth Boot Camp (EIYBC) commenced on the Gold Coast, and a Sentenced Youth Boot Camp (SYBC) commenced in Cairns.

In March 2013, the former Attorney-General and Minister for Justice and former Premier announced an expansion of the trial program to three new locations, a SYBC in Townsville and two EIYBCs in Rockhampton and Sunshine/Fraser Coast. An additional \$3.1 million was allocated from internal departmental funds to the expansion of the youth boot camp program, taking the total program funding to \$5.1 million.

Youth Justice (YJ) was responsible for the development and implementation of the youth boot camp trial, including procurement processes. The former Attorney-General provided direction to YJ in relation to timeframes and expectations and endorsed all documentation in relation to undertaking the Expression of Interest (EOI) process.

In August 2013, the former Attorney-General announced the successful providers to operate the new youth boot camp programs. Contracts were signed in September and October 2013. The former Attorney-General directed that the new programs be operational before the end of 2013.

In late 2013 the Queensland Audit Office (QAO) contacted YJ to advise they were undertaking an audit of the procurement process for the expanded sites. In particular they advised they were auditing the process relating to two of the successful providers, Beyond Billabong and Oz Adventures.

Briefing Officer	Daina Fernyhough Principal Program Officer Youth Justice Policy and Programs	Approved by	Nicole Downing Director Youth Justice Policy, Performance, Programs and Practice
Telephone	(07) 3325 392	Date	16 April 2015



ISSUES

(1) Procurement process

Following the former Attorney-General's announcement of the expanded youth boot camp trial, and in recognition of the issues that arose from the first SYBC in Cairns, he directed that the process to invite potential service providers must be less stringent than the first procurement process. The changed process was to provide potential providers an opportunity to offer alternative, innovative options for the delivery the youth boot camp programs.

All EOI documentation, including the selection criteria and selection panel members were endorsed by the former Attorney-General. The procurement process was overseen by an independent probity advisor. The final probity advisor report indicates that the objectives of the state procurement policy were applied and the approach provided an appropriate framework for transparency and accountability for the outcomes of the expression of interest process.

The QAO report on the procurement process for the Youth Boot Camp programs also found that there were no issues with the departmental EOI process that would support a conclusion that it was flawed or the recommendations by the panel were defective.

As the QAO report highlights, the procurement process resulted in four recommendations being made to the former Attorney-General. He endorsed one of these four; the provider for the Rockhampton EIYBC. He did not accept the recommendations for the other three locations and instead determined and announced publicly the successful service providers, including combining the Cairns and Townsville SYBCs, without further consultation with YJ.

(2) SYBC property procurement

Following this announcement YJ commenced a process to identify a suitable property in north Queensland. This was initiated by working with the Department of Housing and Public Works to identify potential properties. When no appropriate properties that met the former Attorney-General's direction relating to remoteness were identified, YJ commenced an EOI process to seek interest from private property owners. There was no property identified through either process by the time the service provider had been announced and their contract signed. Importantly, during this time courts were able to sentence young offenders to a boot camp order and they were being advised that the facilities were not available.

The former Attorney-General directed that the SYBC should commence taking young offenders before the end of 2013. This, in effect, provided less than two months to source a suitable property, negotiate a lease, and both identify and build the necessary infrastructure to accommodate up to seven young people, and adequate staff to manage the young people on a 24/7 basis and to operate programs from.

Briefing Officer	Daina Fernyhough Principal Program Officer Youth Justice Policy and Programs	Approved by	Nicole Downing Director Youth Justice Policy, Performance, Programs and Practice.
Telephone	(07) 325 7392	Date	16 April 2015

A small number of properties were available and were considered. It was very difficult to source a property that would have been remote enough, given the former Attorney-General had indicated that it should be at least 100 kilometres from the nearest neighbour, and further that it would have the necessary security to safely confine youth offenders with complex criminal and sometimes violent backgrounds. Lincoln Springs appeared to be the most viable option for location and cost, however there was no real infrastructure to house offenders or staff and at the same time protect the community. In terms of cost, Lincoln Springs at \$175,000 for the sub lease, compared very favourably with other properties that were seeking between \$300,000 to \$400,000 to lease available land without any of the necessary infrastructure. There is an agreement with the owners of Lincoln Springs for the SYBC to have access to some 26,000 hectares of land which is relevant in terms of adventure based learning and other programs to support young offenders.

The sub-lease for the property was agreed in late October but was not signed by all parties until December 2013. By Christmas 2013, YJ was required to have enough infrastructure in place so the boot camp program could commence as well as appropriate infrastructure to reduce the impact of the displacement of the property owners, who were still running the property as a working cattle station. YJ achieved this; however it was at significant cost due to both the time of year and the timeframe available. The cost of these capital works was approved by financial delegation and briefed up to the then Director-General for noting.

(3) Security at SYBC Centre

In early December 2013, the Mt Fox community which is 51 kilometres from the Lincoln Springs station, raised significant concerns about the location of the SYBC and the requirement for young offenders to be transported through their community. As a result of this, the former Attorney-General directed the Department of Justice and Attorney-General (DJAG) to provide two Queensland Corrective Service (QCS) officers at a cost of \$875,000 and a security system (\$323,000) be installed in all rooms to reduce the likelihood a young person absconding at night.

These costs were not planned nor were they conceived in the original scoping of the program.

sch.3.2 cabinet

Briefing Officer Daina Fernyhough
Principal Program Officer
Youth Justice Policy and Programs

Approved by Nicole Downing
Director
Youth Justice Policy, Performance,
Programs and Practice
Date 16 April 2015

sch.3.2 cabinet

(5) SYBC contract variation

Given that the program was a first of its kind to be operated in a remote location, there were a range of operational issues that emerged in the early implementation period that required immediate resolution. This included issues such as who was responsible for the transportation of young people to and from Lincoln Springs and maintenance and repairs to the youth boot camp centre. The expectation that the program would be delivered as soon as possible did not allow cost planning to be completed and the continual changes in requirements meant that the process of implementing the program was impacted by inability to plan for costs and contingencies.

YJ undertook a review of the original contract and following the implementation of the mandatory boot camp motor vehicle order and allocation of internal funding, entered into new negotiations with the service provider to make clear which party was responsible for what costs and to enable the provision of services to an increased number of young people.

Briefing Officer	Daina Fernyhough Principal Program Officer Youth Justice Policy and Programs	Approved by	Nicole Downing Director Youth Justice Policy, Performance, Programs and Practice
Telephone	(07) 325 392	Date	16 April 2015

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The variation to the contract did increase the cost of the SYBC program to a base amount of \$2.9 million and introduced incentive payments dependent on the achievement of outcomes directly related to a reduction in re-offending. The revised contract incorporates additional costs identified in the early implementation of the program that YJ was paying for including transportation, outfitting costs and repairs that are considered the responsibility of the provider.

Since the commencement of the revised contract, the responsibility of costs has been clear for all parties and no costs associated with the operation of the SYBC program have been incurred by DJAG. YJ remains responsible for utilities of the SYBC centre as the responsible lessee.

(6) Youth Boot Camp evaluation

The LNP Government commitment to trial a youth boot camp program included a commitment to evaluate its outcomes. The Australian Labor Party Government has also committed to undertaking a review the program's outcomes to determine its effectiveness in reducing offending and its value for money.

KPMG has been contracted to complete the evaluation and this includes a cost benefit analysis. This evaluation will:

- determine if the youth boot camp trial is meeting program objectives;
- determine any challenges or strengths in implementation that inhibit or promote achieving the goals of the trial;
- determine if the EIYBC or SYBC is effective in breaking the cycle of crime; and
- assist in decision making regarding the future of the youth boot camp programs.

The cost benefit analysis will evaluate all costs and benefits attributable to the youth boot camp programs and each one will be reviewed separately. This analysis will undertake an initial costing analysis of each program and identify the benefits through stakeholder consultations and data. The initial results will be available to YJ in late May 2015 with final results provided in July 2015. YJ will prepare a submission for the current Attorney-General to seek Cabinet's consideration of evaluation's findings and future of the program.

(7) QAO report

In relation to the QAO audit, YJ provided extensive documentation relating to the development and implementation of the youth boot camp trial over the 18 month period and provided considerable feedback on the draft report prior to its tabling in Parliament on 9 April 2015.

In late 2014 and early 2015 YJ sought clarification from the QAO on a number of instances on the scope of the audit as the original formal advice was the audit related to the procurement of Oz Adventures and Beyond Billabong. However, over the course of the audit, YJ received an increasing amount of officer level requests for documentation relating to the

Briefing Officer	Daina Fernyhough Principal Program Officer Youth Justice Policy and Programs	Approved by	Nicole Downing Director Youth Justice Policy, Performance, Programs and Practice
Telephone	(07) 3325 392	Date	16 April 2015



management of the broader youth boot camp program and the procurement of the Lincoln Springs property.

YJ advised the QAO that they were unable to provide further information until the scope of what appeared to be an expanded audit investigation was clarified with the then Director-General. Once clarification was received, YJ compiled another disc containing a substantial amount of additional material to assist the QAO undertake their audit.

(8) Future considerations

It is clear that throughout the procurement process that transparency, probity and accountability were achieved. All subsequent contract negotiations were carried out through the advice of Crown Law and in terms of purchasing guidelines.

YJ also agrees with all the recommendations of the QAO. Further, while in this case it was very difficult to develop complete budgets when elements of the program were subject to continual change and expediency, YJ will ensure in the future that complete budgets are developed as much as possible in the delivery of programs.

Of course the question of value for money will ultimately be determined by the outcome of the current evaluation and will better inform YJ in any future program development and delivery.

RECOMMENDATION

That you **note** this information.



<input type="checkbox"/> Noted	<input type="checkbox"/> Approved	<input type="checkbox"/> Not Approved
Signed:		
David Mackie Acting Director-General		
Date: / /		

Briefing Officer Daina Fernyhough
Principal Program Officer
Youth Justice Policy and Programs

Approved by Nicole Downing .
Director
Youth Justice Policy, Performance,
Programs and Practice

DEPARTMENT OF JUSTICE AND ATTORNEY-GENERAL
MEMORANDUM

TO: David Mackie, Acting Director-General
FROM: Sean Harvey, Assistant Director General, Youth Justice
SUBJECT: Provision of assistance to Malaysian Government
DATE: 13 January 2015

PURPOSE

That you **note** the assistance provided to the Malaysian Government in introducing diversion and restorative justice.

BACKGROUND

On 19 August 2014, the United Nations International Children's Emergency Fund (UNICEF) Malaysia sent correspondence advising that they are working with government partners in Malaysia to explore the introduction of diversion and restorative justice to their youth justice system.

UNICEF advised that a multiagency task group on diversion, chaired by the Malaysian Ministry of Women, Family and Community Development, had facilitated a series of seminars and workshops to explore the different models of diversion and restorative justice being used across the world.

Along with the United Kingdom's model, Queensland's Youth Justice Conferencing model was identified as being of significant interest due to its history of effectiveness, its strong adherence to restorative justice principles and its credibility established through international research over many years.

To assist them in exploring the Queensland model, UNICEF invited the Department of Justice and Attorney General to send Youth Justice Conferencing staff to Malaysia to provide a presentation on how conferencing works in this jurisdiction. All travel and accommodation expenses were met by UNICEF.

ISSUES

Between the 26 and 29 November 2014, two staff visited Malaysia to provide the required presentation – Mr Martin McMillan, Principal Training Officer Youth Justice Capability and Learning and Mr Craig Jenkins, Manager of Brisbane South Youth Justice Service Centre and Brisbane Youth Justice Conferencing. Both Mr McMillan and Mr Jenkins have extensive experience in Queensland's Youth Justice Conferencing Program and have been involved in the program since its inception.

Briefing Officer	Craig Jenkins Manager, Brisbane South Youth Justice	Approved by	Pam Phillips, Regional Director Brisbane, North and Gold Coast
Telephone	3821 2457	Date	22 December 2014



The presentation was held at the Ministry of Women, Family and Community Development in the city of Putrajaya, the federal administrative centre of Malaysia's capital. It was attended by representatives from various government ministries, academics, federal police, UNICEF, and an international legal consultant.

While in Malaysia, Mr McMillan and Mr Jenkins were invited to attend meetings on the day following their presentation to assist UNICEF and government agencies in discussing the possibilities for diversion and restorative justice in the context of the Malaysian system. At this meeting, our staff was able to provide useful insights into how diversionary measures could be applied in Malaysia and assisted in problem solving potential legislative and cultural barriers to implementation.

The visit went extremely well and there was significant interest in the benefits of Queensland's conferencing model, particularly with regard to its potential to deliver tangible outcomes for victims, divert youths from the courts and reduce justice administration costs. UNICEF has since been in contact with the Assistant Director-General's office to acknowledge the contributions of Mr McMillan and Mr Jenkins and thanked us for enabling their participation.

Assisting UNICEF and the Malaysian Government to explore diversion and restorative justice has provided a unique opportunity to showcase Queensland's Youth Justice Conferencing program and the government's leadership with regard to the pursuit of diversionary justice options.

RECOMMENDATION

That you **note** the content of this brief.



<input type="checkbox"/> Noted <input type="checkbox"/> Approved <input type="checkbox"/> Not Approved
Signed: David Mackie Acting Director-General
Date:

Briefing Officer	Craig Jenkins Manager, Brisbane South Youth Justice	Approved by	Pam Phillips, Regional Director Brisbane, North and Gold Coast
Telephone	3821 2457	Date	22 December 2014

DEPARTMENT OF JUSTICE AND ATTORNEY-GENERAL
MEMORANDUM

TO: John Sosso, Director-General
FROM: Sean Harvey, Assistant Director-General, Youth Justice
SUBJECT: Queensland Ombudsman's investigation into self-harm management in Queensland youth detention centres
DATE: 25 February 2015

PURPOSE

To request that you **approve** this memorandum and **sign** the attached letter (**Attachment 1**) to the Queensland Ombudsman (the Ombudsman), regarding its investigation into self-harm management in Queensland youth detention centres.

BACKGROUND

The Ombudsman first wrote to the Department of Justice and Attorney-General (DJAG) on 26 September 2014 to seek information in regards to the management of the self-harming behaviours of two young people at the Cleveland Youth Detention Centre, namely

sch.4/3/3 name

The Ombudsman noted that the investigation would focus on the systems and processes that DJAG has in place for managing young people at risk of self-harm in youth detention.

On 22 October 2014, DJAG responded to the Ombudsman, addressing the concerns raised in its investigation.

The Ombudsman wrote again to DJAG on 5 February 2015 to advise that it was satisfied with the actions taken by the department in relation to the management of the young people and did not seek to investigate the matter further. However, this letter requested additional information about DJAG's review of the suicide and self-harm framework in Queensland youth detention centres.

ISSUES

The attached response to the Ombudsman's request (**Attachment 1**) outlines the significant work undertaken in this critical area of service delivery to ensure the best possible care is provided to young people in youth detention who demonstrate self-harming behaviours.

The letter outlines that DJAG is strengthening mental health support and service delivery in youth detention centres through:

- the introduction of behaviour support teams in each detention centre to provide specialist case work and therapeutic one-on-one counselling for young people who require mental health support;

Briefing Officer David Herbert
 A/Director, Youth Detention Operations
 and Outlook Services

Approved by Sean Harvey
 Assistant Director-General, Youth
 Justice

Telephone (07) 3033 0891
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Date 24 February 2015



- the implementation of mental health first aid training (to be rolled out in 2015) for operational staff to more effectively prevent, engage and de-escalate a young person at risk of harming themselves;
- the revision of the policy guiding the use of mechanical restraints (**Attachment 2**);
- the strengthening of interagency support and service delivery, via meetings with the forensic child and youth mental health services teams from the Department of Health to ensure appropriate collaborative measures are in place; and
- the introduction of proactive monitoring of suicide and self-harm risk management processes to improve youth detention governance and accountability arrangements.

The letter also advises that a dedicated working group comprised of representatives from both youth detention centres and central office will meet regularly to discuss best practice approaches to managing young people with complex needs. This group will continue to meet throughout 2015.

RECOMMENDATION

To request that you **approve** this memorandum and **sign** the attached letter to the Ombudsman (**Attachment 1**).

<input type="checkbox"/> Noted	<input type="checkbox"/> Approved	<input type="checkbox"/> Not Approved
Signed:		
John Sosso Director-General		
Date:		

Level 17, 53 Albert Street, Brisbane QLD 4000
GPO Box 3314 Brisbane QLD 4001
www.ombudsman.qld.gov.au



Your ref: 542572/1-2697968

5 February 2015

RECEIVED
1 FEB 2015

~~Confidential~~

Mr John Sosso
Director-General
Department of Justice and Attorney-General
GPO Box 149
BRISBANE QLD 4001

Dear Mr Sosso

I refer to my investigation into the administrative actions of the Department of Justice and Attorney-General (department) in managing the self-harming behaviours of two young people at Cleveland Youth Detention Centre. Thank you for your letter of 22 October 2014.

As noted in my letter to you of 26 September 2014, as the then Crime and Misconduct Commission reviewed the department's Ethical Standards Unit investigation into the allegation that young person [sch.4.3.3] had been improperly restrained between 17 and 21 May 2013 and agreed with its finding, I do not intend to investigate the incidents nor review the lawfulness of the action taken.

The focus of this Office's investigation was on the systems and processes the department has in place for managing young people at risk of self-harm. Upon this basis, I requested information and documents, which you provided under cover of your letter of 22 October 2014. Having reviewed the information and documents provided, I am satisfied as to the actions being taken by the department in relation to this issue and do not intend to further investigate at this time.

Notwithstanding this, I note the advice in your letter of 22 October 2014 that the department was in the process of reviewing its suicide and self-harm intervention framework to strengthen the management of acute self-harm and suicide risk and anticipated that this review would be completed by late 2014. It was intended that findings of the review would be incorporated into the department's Youth Detention Centre Operations Manual and policies as relevant. If completed, please provide copies of the amended manual and policies.


I would appreciate your response by 6 March 2015. If you have any queries in relation to this request, please contact Ms Annette Knights, Principal Investigator, on (07) 3005 7032 or investigations@ombudsman.qld.gov.au.

Tel: 07 3005 7000 • Freecall: 1800 068 908 (outside Brisbane) • Fax: 07 3005 7067 • Email: ombudsman@ombudsman.qld.gov.au

If you wish to discuss this letter personally, please contact me on [redacted] or [redacted] sch.4.3.18 ombudsman qld.gov.au.

I wish to thank your department for the cooperation it provided to this Office during the investigation.

Yours faithfully



Phil Clarke
Queensland Ombudsman



Department of Justice and Attorney-General

Youth Justice

Policy

Youth detention - Use of
mechanical restraints
YD-3-7



Policy statement

The department is committed to safely resolving incidents using an intervention response that is proportionate to the level of risk present.

Accordingly, the department has developed a Youth Detention Protective Actions Continuum to guide youth detention operational staff in their responses to incidents to ensure they are proportionate to the level of risk present and are as safe as possible for all people involved.

The use of mechanical restraints is an intervention option provided for in the Youth Detention Protective Actions Continuum.

Similar to the physical and restricted physical holds provided for in the Youth Detention Protective Actions Continuum, the use of mechanical restraints in response to an incident must be used in strict compliance with the relevant provisions outlined in the *Youth Justice Regulation 2003*.

Principles

1. Deciding whether mechanical restraints are appropriate to use in response to an incident

In accordance with the *Youth Justice Regulation 2003*, mechanical restraints can be used if it is reasonably likely that a young person may:

- attempt to escape
- seriously harm themselves or another person
- seriously disrupt the order and security of the centre.

An attempt to escape, cause serious harm to a person or a serious disruption to the order and security of the centre may be reasonably likely in a variety of situations in a youth detention centre environment, including (but not limited to):

- an assault on a person resulting in serious injury
- a self-harming incident that has resulted in serious injury to the young person
- a siege or riot situation that has involved a number of young people physically assaulting other people
- an incident where a young person is threatening other people with a dangerous item and is reasonably likely to carry through on the threat.

Determining whether mechanical restraints are appropriate in the circumstances will vary depending on the each individual incident and accordingly, will require an assessment about the level of risk that exists to people or the order of the centre and the likelihood of that risk becoming a reality.

The responsibility for determining whether mechanical restraints are appropriate in the circumstances is a delegated authority under the *Youth Justice Regulation 2003* and is limited to a few specific supervising positions that are specifically trained in the use of mechanical restraints.

Depending on the type of restraint, the centre director may also need to be notified prior to its use (refer to appendix A for more information).



In accordance with section 21 of the *Youth Justice Regulation 2003*, the authorised officer who determined that mechanical restraints were appropriate in the circumstances, must also ensure the following information is recorded on DCOIS:

- name of the young person
- time and date the mechanical restraints were applied and removed
- the reasons why mechanical restraints had to be used
- why there was no other way to resolve the situation.

Refer to the [Youth Justice Delegations](#) for section 20(1) of the *Youth Justice Regulation 2003* regarding the youth detention operational positions that are also authorised officers.

2. Duty of care obligations when using mechanical restraints

If mechanical restraints are used on a young person, the authorised officer who approved their use must ensure:

- all reasonable steps are taken to use the mechanical restraints in a way that respects the young person's dignity
- the restraints are used for no longer than is reasonably necessary in the circumstances.

Objectives

This policy aims to ensure youth detention centres use mechanical restraints in strict compliance with the relevant provisions outlined in the *Youth Justice Regulation 2003*.

Scope

This policy applies to all situations in which an authorised officer is required to use approved mechanical restraints (refer to appendix A) on a young person inside of a youth detention centre because it is reasonably likely that the young person may:

- attempt to escape
- seriously harm themselves or another person
- seriously disrupt the order and security of the centre.

It is part of a suite of policies and processes developed to support the safe resolution of incidents, including:

- Policy YD-3-4: Youth Detention - Protective Actions Continuum, and
- Chapter three – 'Incident management' of the Youth Detention Centre Operations Manual.

For the purpose of this policy, mechanical restraints refer to actual restraint equipment such as handcuffs, to restrict a young person's movement. It does not refer to physical holds used to restrict a young person's movement.

This policy does not apply to the use of mechanical restraints when a young person is about to leave a youth detention centre under escort by a staff member.

Roles and responsibilities



An authorised officer is responsible for:

- participating in all training relating relevant to the use of mechanical restraints
- maintaining competency in the use of mechanical restraints
- determining whether mechanical restraints are appropriate to use in the circumstances
- ensuring that mechanical restraints are used in accordance with this policy
- demonstrating a duty of care towards young people when using mechanical restraints
- accurately recording the use of mechanical restraints, including the circumstances that led to their use.

The shift supervisor is responsible for:

- verbally reporting the use of mechanical restraint equipment to the centre director or on-call manager (after hours)
- ensuring the accurate and timely recording of the use of mechanical restraints
- ensuring that mechanical restraints are used in accordance with this policy.

The centre director is responsible for:

- approving the use of restraints for self-harming purposes (refer to appendix A)
- ensuring there are local arrangements in place for monitoring the use of mechanical restraints to ensure compliance with this policy
- ensuring that authorised officers receive annual training and are assessed as competent in the use of mechanical restraints.

The Director, Youth Detention Operations is responsible for:

- collecting and analysing data for monitoring purposes about incident trends and providing regular advice to the Youth Detention Governance committee about any emerging issues
- providing practice support and advice to youth detention operational staff and youth detention management about issues relating to compliance with this policy
- reviewing and updating this policy as required.

The Director, Youth Justice Capability and Learning is responsible for:

- ensuring authorised officers have access to annual training in the use of mechanical restraints
- ensuring records are maintained of attendance at training and competence in the use of mechanical restraints.

Authority

Youth Justice Act 1992
Youth Justice Regulation 2003



Delegations

- Assistant Director-General Youth Justice, director youth detention centre, director, Youth Detention Operations - *Youth Justice Act 1992* Section 263 (2), (5) – Issue directions, codes, standards and guidelines for the security and management of detention centres and the safe custody and wellbeing of children in detention. Comply with youth justice principles.
- Assistant Director-General, Youth Justice - *Youth Justice Regulation 2003* Section 19 – chief executive may approve restraints.
- Director, youth detention centre, deputy director, youth detention centre, unit manager (accommodation), unit manager (operations), unit manager, youth detention centre, shift supervisor, youth detention centre, section supervisor, youth detention centre - *Youth Justice Regulation 2003* Section 20 (1) – Authorise staff member to use approved restraints.
- Assistant Director-General, Youth Justice, director, youth detention centre, deputy director, youth detention centre, unit manager (accommodation), unit manager (operations), unit manager, youth detention centre, shift supervisor, youth detention centre, section supervisor, youth detention centre - *Youth Justice Regulation 2003* Section 20 (2)(b) – Circumstances where staff member may use approved restraints.
- Assistant Director-General, Youth Justice, director, youth detention centre, deputy director, youth detention centre, unit manager (accommodation), unit manager (operations), unit manager, youth detention centre, shift supervisor, youth detention centre, court supervisor, youth detention centre, gym instructor, youth detention centre, section supervisor, youth detention centre, structured day coordinator, youth detention centre - *Youth Justice Regulation 2003* Section 20 (4) – Guidelines for use of restraints.
- Assistant Director-General, Youth Justice, director, youth detention centre, unit manager (operations), unit manager, youth detention centre, shift supervisor, youth detention centre, section supervisor, youth detention centre, community assistance project supervisor, youth detention centre, visits coordinator, youth detention centre, youth worker, youth detention centre - *Youth Justice Regulation 2003* Section 21 – Must keep a register.

Definitions

For the purpose of this policy, the following definitions shall apply:

Term	Definition
Authorised officer	Authorised officer refers to a youth detention operational staff member who has a delegated authority under section 20(1) of the <i>Youth Justice Regulation 2003</i> to authorise the use of mechanical restraints
Centre director	Means the director of the youth detention centre
Dangerous item	Refers to a purpose developed object or an everyday object that can be used to inflict harm
DCOIS	DCOIS refers to the Detention Centre Operational Information System
Intervention response	Intervention response refers to any intervention option outlined in the Youth Detention Protective Actions Continuum
Mechanical restraints	Mechanical restraints are actual restraint equipment such as handcuffs, to restrict a young person's movement

Serious disruption to the order of the centre	Serious disruption to the order of the centre refers broadly to circumstances where order may need to be restored in a youth detention centre when the extent of a young person's misbehaviour is: <ul style="list-style-type: none"> • placing the security of the centre at serious risk • placing property or people at serious risk
Serious injury	Serious injury refers to an injury requiring off-site medical attention and treatment and/or an injury requiring ongoing treatment and assessment
Youth detention operational staff	Youth detention operational staff refers to a staff member who has direct care responsibility for young people, for example a youth worker or section supervisor
Youth Detention Protective Actions Continuum	Refers to an incident intervention response framework based on using the proportionate level of response possible in order to safely resolve an incident
Youth Detention Governance committee	Refers to the regular meetings convened between the centre directors and the Director, Youth Detention Operations

Communication strategy

- publish on intranet (all Youth Justice policies to be published on intranet)
- publish on internet
- advise staff to read
- supervisors discuss with direct reports

Links

[Australasian Juvenile Justice Administrators \(AJJA\) service standards for juvenile custodial facilities](#)

[United Nations Rules for the Protection of Young People Deprived of Their Liberty 1990](#)

[Youth Justice Delegations](#)

[Youth Justice Policies](#)

Policy Use of mechanical restraints in a youth detention centre	
Version number	V 1.3
Date of approval	23 February 2015
Approved by	1.0 - Director-General 1.1 – Director-General 1.2 – Assistant Director-General, Youth Justice (clarifying detail only) 1.3 – Youth Detention Governance Committee (review and minor update)
Date of operation	23 February 2015



Policy owner	Youth Detention Operations
Review date	12 months from the date of approval



Appendix A - Approved mechanical restraints

Only the following restraint equipment is approved for use in Queensland youth detention centres:

Approved restraint equipment	Additional conditions	Additional notifications required
Handcuffs – hinged and chain	na	na
Nylon body belt	For self-harming incidents only	Requires centre director to be notified prior to use
Protective helmet	For self-harming incidents only	Requires centre director to be notified prior to use
Lockable zip ties (aka flexi cuffs)	Only when handcuffs are exhausted	Requires operations manager or centre director to be notified prior to use
Ankle cuffs – for use on centre	Only in emergency situations	Requires centre director to be notified prior to use
Approved for specific movements		
Safety escort cable	Safety escort cables are used for evacuations (i.e. for controlled movement when escorting large groups of young people outside of the detention centre).	Requires centre director to be notified prior to use
Ankle cuffs – for use during an escort off centre	Ankle cuffs can be used during a medical emergency leave of absence.	na



Department of Justice and Attorney-General
Office of the Director-General

In reply please quote: 544572/1, 2803440

Your reference: 2014/07783

2 MAR 2015

Mr Phil Clarke
Queensland Ombudsman
GPO Box 3314
BRISBANE QLD 4001

State Law Building
50 Ann Street Brisbane
Queensland 4001 Australia
Telephone (07) 3239 3520
Facsimile (07) 3239 3474
www.justice.qld.gov.au

ABN 13 846 573 994

Dear Mr Clarke

Thank you for your letter dated 5 February 2015 regarding the Queensland Ombudsman's investigation into the administrative actions of the Department of Justice and Attorney-General (DJAG) in managing the self-harming behaviours of two young people at the Cleveland Youth Detention Centre.

I note that based on the information previously provided in a previous letter dated 22 October 2014, you are satisfied with the actions taken by DJAG and do not intend to investigate the matter further.

Your letter also seeks an update about DJAG's review of the suicide and self-harm intervention framework and any further actions taken by Youth Justice to strengthen this process. I am pleased to report that significant work has occurred in this critical area of service delivery to ensure the best possible care is provided to young people in youth detention who demonstrate self-harming behaviours. These initiatives are summarised below.

Strengthening mental health support and service delivery in youth detention centres

DJAG completed extensive research and review in 2014 to identify contemporary best practice approaches in relation to the use of restraints when managing young people demonstrating self-harming behaviours, as well as ways to improve the systemic supports and services to prevent exacerbations of this behaviour.

This work identified that the existing policy framework and risk management systems in youth detention were sufficient, but a greater focus on prevention and early intervention was required. Further analysis identified that improved interagency supports, onsite services and staff training is required to ensure that DJAG's commitment to best practice can be fully realised.

(2)

Introduction of the behaviour support team (BST)

As previously advised, suicide and self-harm in youth detention centres is monitored and managed by a multi-disciplinary suicide risk assessment team (SRAT). When risk of suicide or self-harm is identified, this risk is managed by developing a tailored suicide prevention plan unique to each young person's needs comprised of a schedule of observations, interventions and regular reviews. This ensures ongoing and responsive treatment and management.

This process was enhanced by the introduction of dedicated BSTs at each youth detention centre in 2014. These teams are managed by a team leader and are composed of specialist case work, therapeutic and mental health professionals. BSTs provide one-on-one counselling and care for young people who require mental health support and work closely with the onsite Hospital and Health Service to facilitate additional support and services (including the continuation of this support once the young person transitions back into the community). BSTs also:

- chair the SRAT process and provides psychological and casework assessment of young people with suicide ideation and/or histories;
- provide crisis intervention, psychological and therapeutic treatment within the existing case management framework to assist young people with means of coping and to promote pro-social responses;
- support operational staff to develop behaviour management strategies that meet individual needs of young people dependant on their cognitive functioning, history and learned behaviour to mitigate risk and incident involvement; and
- develop innovative programmatic responses for young people based on trauma informed care practices.

Given that BSTs are a relatively new function in youth detention, its staff will continue to trial new ways of working within the existing service framework to best support young people.

A dedicated working group made up of representatives from both youth detention centres and central office meet regularly to discuss best practice approaches to managing young people with complex needs. This group will continue to meet throughout 2015.

Development of mental health first aid training

As previously advised, responding to suicide and self-harm is a mandatory competency for youth detention operational staff. Accordingly, training and assessment in suicide and self-harm risk is conducted on induction (and thereafter on an annual basis), to ensure operational staff remain proficient in identifying and responding to suicide and self-harm risk. The training is designed to ensure that operational staff are:

- aware of the risk and protective factors specific to youth suicide and self-harming behaviours, including possible triggers and events that may elicit suicidal behaviours;

(3)

- competent in identifying warning signs that may indicate a young person is at risk;
- familiar with the most common methods of suicide attempt and items used to self-harm in the youth detention environment;
- in possession of a comprehensive understanding of the identification and management process for at risk young people;
- aware of individuals and groups who may be more vulnerable to suicide and self-harm risk; and
- aware of and fully understand their roles and responsibilities, and are familiar with the associated procedures for responding to incidents of self-harm and attempted suicide.

In 2015, DJAG will introduce additional mental health training for all youth detention operational staff. This training, referred to as mental health first aid, will:

- improve staff awareness of the broad range of mental health issues that may be present for young people in youth detention;
- educate staff on best practice supervision and incident de-escalation strategies for those young people;
- improve staff ability to provide therapeutic support; and
- reiterate the importance of staff awareness of individual young person triggers that may bring on an episode of self-harming.

The mental health first aid training will empower operational staff to more effectively prevent, engage, and de-escalate a young person at risk of harming themselves. It will also serve to further embed and strengthen the role of BSTs in centre operations. For young people, this will create a system of 'wrap-around' support, with professional and operational staff taking a consistent approach to the management of individual young people.

Use of mechanical restraints

Following research to determine contemporary best practice approaches to restraining young people who are exhibiting extreme self-harming behaviours, the Youth Detention Governance Committee made a determination that the use of suicide risk restraints was not best practice. However, the use of a specially manufactured helmet, handcuffs and body belt (which is used to secure the handcuffs close to the young person's body) may still be necessary in very extreme situations. It is important to note that if such a situation was to occur, emergency medical services may also be called to attend the centre. The young person would be subject to constant supervision. This requires that at least one (often two) staff member be physically present with them at all times to offer emotional support and ensure their physical safety.

Amendments to the relevant policy reflecting this stand on the use of restraints were recently finalised. However, the policy and practice surrounding suicide and self-harm risk management is constantly under review by the aforementioned working group.

(4)

Strengthening interagency support and service delivery

Youth Justice has commenced quarterly meetings with the Department of Health forensic child and youth mental health representatives to improve joint service delivery to young people in youth detention requiring mental health support, including improving access to support for extreme exacerbations of self-harming behaviours.

These meetings are also facilitating long term planning as part of DJAG's Youth Detention Infrastructure Plan 2013-2035, to improve forensic disability and forensic mental health care for young people in youth detention. Currently, there is no forensic disability centre or forensic mental health care facility for people under the age of 18.

These discussions include the exploration of potentially co-locating mental health, disability and youth detention services.

Introduction of proactive monitoring of suicide and self-harm risk management processes

In 2014, Youth Justice implemented a range of initiatives that improved youth detention governance and accountability arrangements, including:

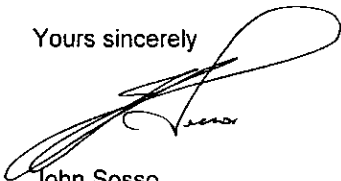
- a performance framework to assist DJAG to identify and build on positive aspects of youth detention service delivery, as well as highlighting areas of service delivery that require further improvement (including a range of performance measures monitoring self-harm incidents);
- regular proactive audits of youth detention services and practices (including SRAT processes); and
- service level agreements between the executive directors of each youth detention centre and the Assistant Director-General, Youth Justice, which clearly stipulate the required performance standards for youth detention centres.

Suicide and self-harm risk management is a critical area of service delivery and accordingly, is reviewed on a formal and quarterly basis, across all three of the initiatives highlighted above.

Should you require further information regarding this matter, please contact Mr David Herbert, Director, Youth Detention Operations and Outlook Services, DJAG, on (07) 3033 0891, or at: David.Herbert@justice.qld.gov.au.

I trust this information is of assistance.

Yours sincerely



John Sosso
Director-General

Enc.

2639935

**DEPARTMENT OF JUSTICE AND ATTORNEY-GENERAL
BRIEF FOR NOTING**

Date 26 August 2014
To **Attorney-General and Minister for Justice**
From Sean Harvey, Assistant Director-General, Youth Justice
Subject Meeting with Federal Minister for Indigenous Affairs
Requested by Internally generated

RECOMMENDATION/S

That you note:

- a. Mr Sean Harvey, Assistant Director-General, Youth Justice will be meeting with Federal Minister for Indigenous Affairs, The Honourable Nigel Scullion, in Canberra on 3 September 2014.
- b. The purpose of the meeting is to discuss opportunities to enhance responses to employment and education issues for young Aboriginal and Torres Strait Islander offenders in Queensland.

BACKGROUND SUMMARY

1. Mr Sean Harvey has accepted an invitation to attend a meeting with Federal Minister for Indigenous Affairs, the Honourable Nigel Scullion, along with the CEO of Beyond Billabong, Mr Boyd Curran.
2. The meeting is scheduled for 3 September 2014 and will primarily discuss funding opportunities for Queensland to support young Aboriginal and Torres Strait Islander offenders engage in employment and educational opportunities, to reduce the likelihood of them re-offending.

ISSUES

3. There is a strong correlation between youth offending and a lack of engagement in education or employment. Aboriginal and Torres Strait Islander young offenders are over-represented at every stage in the youth justice system.
4. Aboriginal and Torres Strait Islander young offenders account for:
 - a. 46% of young offenders with a proven offence;
 - b. 55% of young offenders admitted to a supervised youth justice order; and
 - c. 66% of young offenders in detention on an average day.
5. All young people in Queensland are legislatively required to participate in education until they complete year 10 or reach the age of 16 (whichever comes first) and from 16-17 years of age they must either be earning and/or learning.
6. On 21 May 2014, a study was undertaken of the 1742 young offenders supervised by Youth Justice Services, including offenders in youth detention centres. This study found:

- a. 20% of young offenders attended school regularly;
 - b. 53% were either completely disengaged or attending irregularly;
 - c. 5% have been suspended or excluded from school; and
 - d. 22% of young offenders were engaged in job seeking or employment vocational training.
7. The development of the *Blueprint for the Future of Youth Justice in Queensland* (The Blueprint) paves the way for Youth Justice to improve education and employment access and outcomes for young offenders and subsequently reduce youth crime.
 8. The Blueprint tasks Youth Justice with working more effectively with young Aboriginal and Torres Strait Islander offenders whose needs are more complex and deep-rooted than their non-Indigenous counterparts due to their long-standing experiences of disadvantage across a range of social, economic and health indicators.
 9. Actions relating to employment and education are being taken under the Blueprint include but are not limited to:
 - a. The development of an Education and Employment Program targeted to young offenders.
 - b. The development of targeted strategies to address crime rates in high risk pockets of Queensland such as the Townsville Strategy and the Indigenous Youth Justice Strategy.
 - c. The implementation of the Queensland Youth Boot Camp Trail to, among other projected outcomes, increase education and employment opportunities young offenders and for young people at risk of entering a life of crime.
 - d. The investigation of a youth training centre as a transition from the justice system to become an active citizen.
 10. The purpose of the meeting with the Federal Minister for Indigenous Affairs is to discuss the potential availability of funding to respond to the lack of employment and education programs for young Aboriginal and Torres Strait Islander offenders in Queensland. In particular the potential to utilise funding to invest in a youth training centre.
 11. Mr Harvey will also take the opportunity to share the early successes of the youth boot camp trial and the experiences to date of gaining employment following completion of the program.

EMPLOYMENT IMPACT

12. Not applicable.

CONSULTATION WITH STAKEHOLDERS

13. Not applicable.

FINANCIAL IMPLICATIONS

14. Financial implications associated with any meeting outcomes will be investigated through the implementation of the Blueprint.

POTENTIAL MEDIA

15. Proactive action by the Queensland Government to address education and employment strategies for young Aboriginal and Torres Strait Islander offenders may present a positive media opportunity in the future.

NOTED or APPROVED / NOT APPROVED		
Attorney-General and Minister for Justice		
Comments		
Jarrold Bleijie MP Attorney-General and Minister for Justice	Chief of Staff and Principal Adviser	Policy Adviser
/ /	/ /	/ /

AG

This meeting was organised by Boyd Curran. This provides, potentially, a great opportunity, as the Centre has large amounts of funds potentially available for a youth training centre in QLD. This is only a preliminary meeting, but if productive, will require Ministerial intervention. The object of this meeting is to provide initial input on the success and opportunities provided by the best boot camps. Mr Harvey will also be hearing with DATISMA so that the Dept is aware of the progress.

[Signature]
28.8.14

Contact Officer:	Name: Hannah Cruickshank Position: A/Principal Program Officer Phone: 07 3225 2349 Date: 26 August 2014	Approved by Executive Director:	Name: Sean Harvey Position: Assistant Director-General Phone: 07 3225 2035 Date: 27 August 2014
Approved by:	Name: Nicole Downing Position: Director Phone: 07 3006 4127 Date: 26 August 2014	Endorsed: John Sosso Director-General	<i>[Signature]</i> 28.8.14

Election Commitment CBRC / Cabinet related ECM related

DEPARTMENT OF JUSTICE AND ATTORNEY-GENERAL BRIEF FOR NOTING

Date 12 September 2014
To Attorney-General and Minister for Justice
From Sean Harvey, Assistant Director-General, Youth Justice
Subject Youth and Family Support Service
Requested by Internally generated

RECOMMENDATION

That you note the achievements of the Youth and Family Support Service (YFSS).

BACKGROUND SUMMARY

1. YFSS is a Department of Justice and Attorney-General (DJAG) service that contributes to the reduction of risk for young people entering or progressing through the Youth Justice (YJ) statutory system. YFSS intervention has also contributed to a reduction in the seriousness of some young peoples' offending and a reduction in their sentence outcomes due to positive change at the time of sentence.
2. YFSS target group is children/young people aged 10 to 16 (inclusive) who are at risk of entering or progressing within the YJ statutory system.
3. YFSS work encompasses the child/young person and their family.
4. YFSS area of coverage is the Brisbane North and South YJ Services suburbs including Redlands.
5. Client engagement with YFSS is voluntary and referrals are accepted directly from a client, family member or an agency.

ISSUES

6. Over the 2013 -14 financial year YFSS accepted 139 referrals; 87% of these young people were age 13 to 16 (inclusive) and 62% were male.
7. YFSS engagement with clients is directed and measured by the Outcome STAR framework of intervention. This measure has indicated a positive change in 77% of cases where a Teen STAR has been recorded with young people showing re-engagement with education, training and employment, improvements in family communication, safety and well-being and reduction in drug and alcohol use. Family STARs have shown a positive change in 91% of cases demonstrating improvements in family routine, setting boundaries and responding to behaviour, meeting emotional needs and supporting learning.

8. YFSS also engages young people in the Aggression Replacement Training (ART) program. Over the financial year 39 young people have completed ART over seven programs with one ART program having been run in partnership with the Bracken Ridge State High School and their at risk students. YFSS ART programs also run with a Supporters Program attached for parents and other adults to learn what the ART program consists of and how a young person may demonstrate change. 22 supporters have completed this program.
9. How I think (HIT) questionnaires are applied with young people at the beginning and end of both case work and ART programs to measure cognitive distortions and translate the ratings of Nonclinical, Borderline Clinical and Clinical as a reflection of Low, Medium and High risk for offending. In 100% of young people who complete an ART program their HIT scores had moved from the Clinical 'High' risk to the Non-Clinical 'Low' risk. In case work all young people where HIT has been applied have also shown a significant reduction in their risk level at closure.
10. YFSS has also developed a supportive partnership with the Youth Advocacy Centre and their ParentTEEN program. Over the financial year two ParentTEEN programs have been run with 17 participants completing the program. 100% of feedback from this program has been positive.
11. Further program partnerships are being developed with both mainstream and alternative school in Brisbane to widen the uptake of the ART program for young people with aggressive and violent behaviours. Further options to strengthen parents' involvement in skill development and therapeutic programs are also being explored.

EMPLOYMENT IMPACT

12. Not applicable.

CONSULTATION WITH STAKEHOLDERS


13. Not applicable.

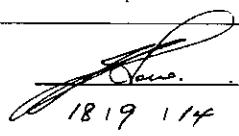
FINANCIAL IMPLICATIONS

14. Not applicable.

POTENTIAL MEDIA

15. Achievements raised in this brief could lead to positive media coverage. To date a number of briefs have been submitted to Communication Services.

NOTED or APPROVED / NOT APPROVED Attorney-General and Minister for Justice Comments		
 Jarrod Bleijie MP Attorney-General and Minister for Justice 24, 9, 14	Chief of Staff and Principal Adviser / /	Policy Adviser / /

Contact Officer: Name: Claire Walker Position: Manager Phone: 0429129945 Date: 2/9/2014	Approved by Executive Director: Name: Sean Harvey Position: Assistant Director General Phone: 3225 2035 Date: 11 September 2014
Approved by: Name: Pam Phillips Position: Regional Director Phone: 0421 610 936 Date: 2/9/2014	Endorsed: John Sosso Director-General  18 19 14

- Election Commitment
 CBRC / Cabinet related
 ECM related

**DEPARTMENT OF JUSTICE AND ATTORNEY-GENERAL
BRIEF FOR DECISION**

URGENT

Date 13 October 2014
To **Attorney-General and Minister for Justice**
From Sean Harvey, Assistant Director-General, Youth Justice
Subject Update to the Premier on the cessation of court-referred conferencing
Requested by Internally generated
Decision required by 16 October 2014

RECOMMENDATION

That you **sign** the letter (**Attachment 1**) to be sent to the Premier as an update on the impact of the cessation of court-referred conferencing.

BACKGROUND SUMMARY

1. On 26 November 2012, in the context of a letter approving a response to the Legal Affairs and Community Safety Committee on the Youth Justice (Boot Camp Orders) and Other Legislation Amendment Bill 2012, the Department of Justice and Attorney-General (DJAG) indicated that cessation of court-referred conferencing was expected to result in:
 - financial savings of more than \$11.2 million over the next two full financial years;
 - the youth conferencing program remaining a successful diversionary and early intervention program;
 - prevention of offending due to the referral of young people to conference at the earliest point in their offending trajectory; and
 - an expected increase in early diversion before young people are charged with an offence.
2. In addition, DJAG undertook to monitor:
 - the numbers of referrals to conference by police;
 - the levels of community based orders to determine any changes in court sentencing practices; and
 - cost savings to ensure that the decision is an effective fiscal measure.
3. On 28 November 2012, the Premier wrote to the Attorney-General requesting that the impact of ceasing court-referred conferencing be monitored closely and that an update be provided in mid-2013.
4. Officer-level contact was made by the Department of the Premier and Cabinet with DJAG in September 2014, during which time an update was sought on this matter.

ISSUES

5. Due to the significant program of renewal to the youth justice system including recent and extensive legislative amendments to the *Youth Justice Act 1992*, an update on the impacts of changes to youth justice conferencing has yet to be provided to the Premier.
6. While data on the number of police referrals is known and has been provided in the attached response to the Premier, further work needs to be undertaken to analyse the impact on costs to government and use of alternative community based orders by courts. It is proposed that findings of this work be provided to the Premier as part of an update on the *Blueprint for the Future of Youth Justice in Queensland's* (the Blueprint) twelve month implementation milestone.
7. Court referred youth justice conferencing ceased in January 2013. All referrals to conferencing in 2013-14 came from police. Unfortunately, police referrals declined by 10% compared to the previous financial year. It is understood that a misperception by police that the youth justice conferencing program had been ceased entirely contributed to this decline.
8. However, 95% of these referrals resulted in a conference agreement and monitoring indicates a high level of satisfaction from conference participants, including victims. This indicates that youth justice conferencing continues to represent a viable diversion program that meets the needs of victims and contributes to restoring the community after crime has been committed.
9. Repositioning youth justice conferencing is in scope as part of the youth justice system renewal agenda. We aim to ensure the program provides justice for victims, addresses the needs presented by offenders and their families and enhances community reintegration. Preliminary work has commenced and enhanced models of youth justice conferencing are set to be trialled in our Brisbane, North and Gold Coasts region.
10. As requested by the Premier, youth justice system renewal will have a focus on early intervention and prevention. In addition to repositioning youth justice conferencing, a number of priority actions for implementation have been identified in the Blueprint.

EMPLOYMENT IMPACT

11. Not applicable

CONSULTATION WITH STAKEHOLDERS

12. Not applicable

FINANCIAL IMPLICATIONS

13. Not applicable

POTENTIAL MEDIA

14. Not applicable.



Reference No: YJPPPP 495-2014
2691530

NOTED or APPROVED / NOT APPROVED		
Attorney-General and Minister for Justice		
Comments		
<i>Letter signed by AG.</i>		
<i>[Signature]</i>		
Jarrold Bleijie MP Attorney-General and Minister for Justice / /	Chief of Staff and Principal Adviser <i>21, 10, 14</i>	Policy Adviser / /

Contact Officer:	Name: Deborah Hinchliff Position: Principal Program Officer Phone: 3237 1564 Date: 7 October 2014	Approved by:	Name: Sean Harvey Position: Assistant Director-General Phone: 3225 2035 Date: 10 October 2014
Approved by:	Name: Toni Craig Position: Acting Director, YJPPPP Phone: 3006 4127 Date: 9 October 2014	Endorsed:	John Sosso Director-General <i>[Signature]</i> 14.10.14

- Election Commitment
 CBRC / Cabinet related
 ECM related



The Hon Jarrod Bleijie MP
Attorney-General and Minister for Justice

In reply please quote: 550488/1, 2691532

21 OCT 2014

The Honourable Campbell Newman MP
Premier
Member for Ashgrove
PO Box 15185
CITY EAST QLD 4002

Dear Premier

Thank you for the opportunity to update you on the impact of the Government's decision to cease court referred youth justice conferencing. I apologise for the delay in providing results of the monitoring activity undertaken by the Department of Justice and Attorney-General.

In my letter dated 26 November 2012, I approved the Government response to the Legal Affairs and Community Safety Committee on the Youth Justice (Boot Camp Orders) and Other Legislation Amendment Bill 2012.

This response outlined expectations that the cessation of court referred youth justice conferencing would result in considerable cost savings over the two financial years following cessation; and that youth justice conferencing would remain a successful diversion program due to police continuing to refer young people to conference at the earliest point in their offending trajectory, thereby preventing future offending.

I can advise that due to the discontinuation of court referred youth justice conferencing in January 2013, all referrals in 2013-14 came from police. Police referrals to youth justice conferencing declined by 10% compared to the previous financial year. It appears that an initial misperception by police that the youth justice conferencing program had ceased entirely contributed to this decline.

However, of the police referrals conferenced, 95% resulted in an agreement being reached at conference, which is an increase from 2012-2013. In addition:

- 99% of conference participants indicated they thought the conference was fair;
- 99% of conference participants were satisfied with the agreement made in the conference; and
- 99% would tell a friend in the same position to go to a conference.

This indicates that youth justice conferencing continues to represent a viable diversion program that meets the needs of victims and contributes to restoring the community after crime has been committed.

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50 Ann Street Brisbane 4000
GPO Box 149 Brisbane
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Telephone +61 7 3247 9068
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(2)

As you are aware, renewing the youth justice system is a priority for me and the development of a Blueprint for the Future of Youth Justice in Queensland (the Blueprint) will detail the renewal agenda. The Blueprint will be the catalyst for the most significant renewal period in the history of the youth justice system. One of the key areas of renewal is the work we do to prevent young people from a life of crime.

Within scope is the repositioning of youth justice conferencing. We aim to ensure the program provides justice for victims, addresses the needs presented by offenders and their families and enhances community reintegration. Preliminary work has commenced and enhanced models of youth justice conferencing are set to be trialled in our Brisbane, North and Gold Coasts region.

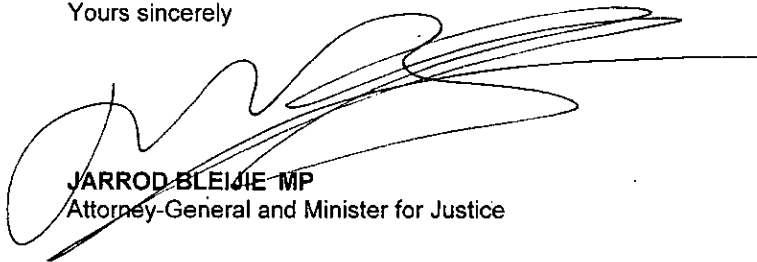
As you have previously requested, the Blueprint has a focus on early intervention and prevention, with these forming two of the four pillars of the Blueprint. In addition to the repositioning of youth justice conferencing, a number of priority actions for implementation have been identified under these two pillars, including:

- identification of a standard risk assessment tool to assess young people at risk of offending and re-offending;
- establishment of referral pathways to support services for young people who are presenting issues within families and schools and young people coming to the attention of police;
- introduction of education and awareness campaigns about the justice system and the consequences of breaking the law;
- creation of a bail system that provides police and courts a safe alternative to reducing remand in detention; and
- expansion of pre-court opportunities for diversion and to further maximise early contacts with the youth justice system, through police or courts, as opportunities to divert young people and their families to support to prevent their future offending.

If the Blueprint is approved for public release, I will undertake to provide an update on the progress of this work as part of a 12 month progress report to Cabinet.

I trust this information is of assistance.

Yours sincerely



JARROD BLEIJIE MP
Attorney-General and Minister for Justice

**DEPARTMENT OF JUSTICE AND ATTORNEY-GENERAL
BRIEF FOR DECISION**

Date 14 October 2014
To Attorney-General and Minister for Justice
From Sean Harvey, Assistant Director General, Youth Justice
Subject Letter of Support for Beyond Billabong project proposal
Requested by Internally generated
Decision required by Thursday, 16 October 2014

URGENT

RECOMMENDATION

That you **sign** the attached letter of support (**Attachment 1**) for Beyond Billabong's proposal for grant funding under the Australian Government's Indigenous Advancement Strategy.

BACKGROUND SUMMARY

1. Beyond Billabong has requested that the Department of Justice and Attorney-General provide a letter of support for its funding proposal to the Indigenous Advancement Strategy grant round.
2. Beyond Billabong is seeking Australian Government investment into a package of integrated projects to extend and enhance existing services to youth offenders and young people at risk of offending.
3. The Indigenous Advancement Strategy consolidates all of the Australian Government's Indigenous policies and programs into five overarching programs. The program streams are:
 - jobs, land and economy;
 - children and schooling;
 - safety and wellbeing;
 - culture and capability; and
 - remote Australia strategies.
4. Beyond Billabong is currently contracted to deliver the Queensland Government's Sentenced Youth Boot Camp program in Lincoln Springs.

ISSUES

5. The grant round for funding under the Indigenous Advancement Strategy will close on Friday, 17 October 2014.
6. Young Aboriginal and Torres Strait Islanders remain heavily over represented in the youth justice system.
7. The draft Beyond Billabong funding proposal requests over \$45million (estimated) from 2015-2020 for:
 - transitional accommodation service for young offenders on the sentenced youth boot camp program in Townsville, Atherton and Cairns;
 - alternate education service for young offenders and youth at risk of offending;

- Vocational Training Centre; and
 - Billabong to Beach Program.
8. Commencing in 2015, the Beyond Billabong proposal will support some of Queensland's most vulnerable and marginalised young people to improve their safety and wellbeing and to help them progress into employment, education or training.

EMPLOYMENT IMPACT

9. The draft Beyond Billabong proposal includes a number of employment targets for each project including:
- 75% of participants completing the Billabong to Beach program transition to employment or further training/education; and
 - 90% of participants completing Beyond Billabong Vocational Training Centre transition to employment or further training.

CONSULTATION WITH STAKEHOLDERS


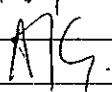

10. Not applicable.

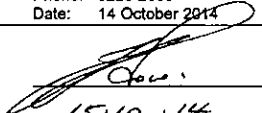
FINANCIAL IMPLICATIONS

11. Not applicable.

POTENTIAL MEDIA

12. Not applicable.

NOTED or APPROVED / NOT APPROVED		
Attorney-General and Minister for Justice		
Comments		
 Letter signed by 		
Jarrod Bleijie MP Attorney-General and Minister for Justice	 Chief of Staff and Principal Adviser	Policy Adviser
/ /	17 10, 14	/ /

Contact Officer:	Name: Ail Mamoce Position: Principal Policy Officer Phone: 3225 2350 Date: 14 October 2014	Approved by Executive Director:	Name: Sean Harvey Position: Assistant Director-General Phone: 3225 2035 Date: 14 October 2014
Approved by:	Name: Nicole Downing Position: A/Director Phone: 3006 4127 Date: 14 October 2014	Endorsed: John Sosso Director-General	 15/10/14

- Election Commitment
 CBRC / Cabinet related
 ECM related



The Hon Jarrod Bleijie MP
Attorney-General and Minister for Justice

In reply please quote: 562345/1, 2693840

20 OCT 2014

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Mr Boyd Curran
Beyond Billabong
PO Box 1706
MILTON QLD 4064

Dear Mr Curran

I am writing to advise of my support of Beyond Billabong's proposal for the 2014 grant round funding under the Indigenous Advancement Strategy.

Youth Justice, Department of Justice and Attorney-General (DJAG) is a Queensland Government agency responsible for administering youth justice in Queensland. DJAG also leads policy development and delivers services to ensure safe, fair and productive work environments which contribute to the social and economic wellbeing of Queenslanders.

It is an unfortunate fact that young Aboriginal and Torres Strait Islanders are heavily over represented in the youth justice system, with this trend of significance within Queensland. A Sentenced Youth Boot Camp initiative, which is a new innovative approach, and a first for Queensland, has been introduced as an alternative for young people, often with complex support needs, to be diverted from youth detention and away from a future life of crime.

Beyond Billabong were identified by the Queensland Government as the provider most capable of delivering the Sentenced Youth Boot Camp in northern Queensland. Their selection was as a result of their demonstrated experience in operating a program in remote and isolated locations and working with young recidivist offenders.

The Beyond Billabong Sentenced Youth Boot Camp has now been in operation for the past 12 months and I can advise that while it is still early days, we are seeing encouraging signs of success.

Young people, the majority of who are Aboriginal and Torres Strait Islander, are re-engaging in school, gaining new employment skills, improving relationships with their family and local communities and addressing their offending behaviour. Critically we are seeing success in reducing the rates of offending when compared with young people who leave a youth detention centre.

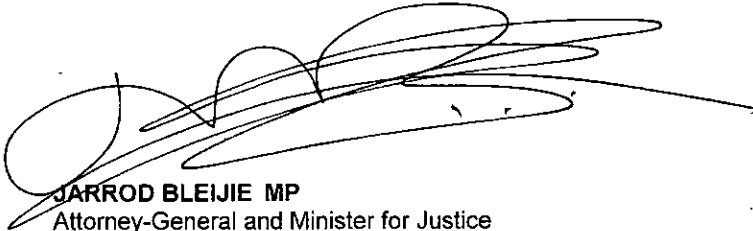
(2)

As supported by research, effective educational, employment and training programs play a critical role in reducing youth offending and re-offending. Access by young offenders to this level of required support has been identified as a key service gap in northern Queensland, with DJAG in strong support of initiatives that increase capacity and expertise of programs and services to address this often forgotten cohort.

Given Beyond Billabong's track record of service delivery, I consider Beyond Billabong to be well positioned to provide complementary training, education and ~~employment support services-Aboriginal and Torres Strait Islander young people at~~ risk of offending or further offending. I also consider Beyond Billabong's proposal to be consistent with achieving the goals of the Australian Government's Indigenous Advancement Strategy.

I trust this information is of assistance.

Yours sincerely



JARROD BLEIJIE MP
Attorney-General and Minister for Justice

**DEPARTMENT OF JUSTICE AND ATTORNEY-GENERAL
BRIEF FOR DECISION**

Date 15 October 2014
To **Attorney-General and Minister for Justice**
From Sean Harvey, Assistant Director-General, Youth Justice
Subject Supervised Community Accommodation - Townsville
Requested by Internally generated
Decision required by **20 October 2014**

RECOMMENDATION

That you **approve** funding of \$877,906 for 12 months to 31 December 2015 for the Supervised Community Accommodation Townsville (SCAT) service which is delivered by Mission Australia.

BACKGROUND SUMMARY

1. On 26 June 2014, you approved funding of \$438,953 for six months for SCAT. The funding will cease 31 December 2014.
2. SCAT commenced in November 2010 and works with a maximum of four homeless young males for up to six months following their exit from the Cleveland Youth Detention Centre. SCAT has also recently started accepting referrals from the sentenced youth boot camp.
3. SCAT provides 24 hour/seven day per week supervised accommodation as well as intensive individual support, drug and alcohol counselling, training, and employment support, independent living skills and conflict resolution.
4. SCAT is recognised as an essential response under the Townsville Youth Offender Strategy to address the spike in youth offending.

ISSUES

5. The current service agreement is due to expire on 31 December 2014.
6. At a meeting with Mission Australia on 8 October 2014, Youth Justice confirmed its commitment to the SCAT, as the service continues to be well positioned to provide strong outcomes in addressing recidivism. At the same meeting, Mission Australia representatives conveyed the urgency of a decision about continuation or cessation of funding given the need to advise staff and initiate an exit strategy should funding cease at 31 December 2014.

sch3.2 cabinet

9. Information from key stakeholders including the Townsville Youth Justice Service confirms that the SCAT is the key service that they refer to in the area and that this service has provided very good results in the area of reducing re-offending and also homelessness prevention. These and other outcomes are validated below.

OUTCOMES

10. Performance data collected by Youth Justice provides clear evidence that SCAT is highly effective. Of the 36 young people who have resided in SCAT to date:
- 88% of young people have reduced re-offending; and
 - 85% of young people have exited to independent accommodation or to family.
11. SCAT also utilises the Homelessness Outcome Star to measure client impact while residing at SCAT. This tool is used to measure change in a client's skills and attitudes to maintaining a tenancy and accommodation, managing money and personal care and living skills.
12. The Outcomes Star shows that SCAT clients have demonstrated improvements in a number of domains including:
- 74% of young people have a greater control over their drug and alcohol use;
 - 77% of young people experienced improved mental health;
 - 59% of young people demonstrated an improved ability to manage their tenancy and accommodation;
 - 74% of parents/care providers demonstrated improved ability to maintain the family's connection to positive social networks; and
 - 80% of young people demonstrated increased satisfaction with meaningful use of time.
13. There are three alternative accommodation services for young people in Townsville funded by other Government agencies:
- Townsville Spharehouse provides crisis and medium term accommodation, support, referral and advocacy for young people aged 16-21 years who are homeless or at risk of homelessness;
 - Townsville Aboriginal and Torres Strait Islanders Services provides crisis and medium term accommodation for young people aged 16-18 years. Day programs are not provided; and
 - Iona Youth Shelter provides crisis and medium term accommodation for young women aged 16 – 21 years who are homeless or at risk of homelessness. It does not provide any day programs and young people have to be out of the residents between 8.30am – 4.30pm.
14. The above services rarely accept Youth Justice clients as they provide placements for young people over 16 years of age, with youth justice clients not deemed a priority. Nor do they provide 24 hour, wrap-around services to address the complex needs of young offenders that the SCAT is able to deliver.

EMPLOYMENT IMPACT

15. Not applicable.

CONSULTATION WITH STAKEHOLDERS

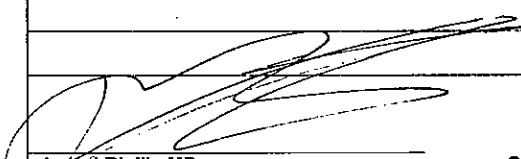
16. Regional stakeholders have been consulted and confirm the value of the SCAT. In addition they report a requirement in Townsville for services that are able to effectively assist chronic offenders with multifaceted needs that cannot be easily be met by mainstream service providers.

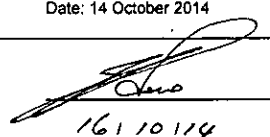
FINANCIAL IMPLICATIONS

17. Youth Justice will internally fund the extension of the service agreement until advice is received on the outcome of Cabinet's consideration of the Blueprint.

POTENTIAL MEDIA

18. There could be possible media attention if funding for the service is not extended due to the nature of SCAT clients and current Youth Justice issues in Townsville.

NOTED or APPROVED / NOT APPROVED Attorney-General and Minister for Justice Comments		
 Jarrod Bleijie MP Attorney-General and Minister for Justice 20/10/14	Chief of Staff and Principal Adviser / /	Policy Adviser / /

Contact Officer: Name: Brad Van Der Ryken Position: A/Manager Phone: 3225 2346 Date: 14 October 2014	Approved by Executive Director: Name: Sean Harvey Position: Assistant Director-General Phone: 3225 2035 Date: 14 October 2014
Approved by: Name: Toni Craig Position: A/Director Phone: 3006 4127 Date: 14 October 2014	Endorsed: John Sasso Director-General  16/10/14

Election Commitment
 CBRC / Cabinet related
 ECM related