

Youth Justice Reforms Review

Final Report

March 2022

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Glossary

5PP	Five-Point Action Plan
CBP	Conditional Bail Program
CLO	Court Liaison Officer (Child Safety)
CSAHSC	Child Safety After Hours Service Centre
CSO	Child Safety Officer
DCYJMA	Department of Children, Youth Justice, and Multicultural Affairs
DJAG	Department of Justice and Attorney-General
EM	Electronic Monitoring
EMD	Electronic Monitoring device
FTE	Full Time Equivalent
HREC	Human Research Ethics Committee
IBI	Intensive Bail Initiative
ICM	Integrated case management
IFP	Intensive Family Partnership
LAQ	Legal Aid Queensland
QFCC	Queensland Family and Child Commission
PPRA	<i>Police Powers and Responsibilities Act 2000</i>
QCS	Queensland Corrective Services
QH	Queensland Health
QPS	Queensland Police Service
QPU	Queensland Police Union of Employees
QT	Queensland Treasury
SMART	Specialist Multi-Agency Response Teams
SNP	Safe Night Precincts
SROI	Serious Repeat Offender Index
TFOLG	Youth Justice Taskforce Operational Leaders Group
YCRT	Youth Co-Responder Teams
YJ	Youth Justice
YJAH	Youth Justice After Hours
YJCC	Youth Justice Cabinet Committee
YJSC	Youth Justice Service Centre
YJTF	Youth Justice Taskforce
YJOLAA	<i>Youth Justice and Other Legislation Amendment Act 2021</i>
YJSORG	Youth Justice Senior Officers' Reference Group

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On behalf of the Youth Justice Reforms Review team, I sincerely thank all those who contributed to this review, from assisting with the planning and preparation through to delivering the report. This includes senior representatives from the Department of Children, Youth Justice and Multicultural Affairs, Queensland Police Service, Queensland Corrective Services, Department of Justice and Attorney-General and Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships.

Many members of the community, local government representatives, youth justice practitioners, police officers, advocacy organisations and other experts in the youth justice field have contributed to this review. We extend our gratitude to all of you. We particularly wish to acknowledge the Aboriginal and Torres Strait Islander Elders, community members and the First Nations Consultative Group who gave so generously of their wisdom and time.

I am particularly grateful to the review team led by Ms Toni Craig, and including Ms Carol McNamara, Ms Helen Matthews, Ms Michaela Roberts, Ms Janette Hull and Ms Grace Gath. Their efforts and commitment were essential to the delivery of this report.

Bob Atkinson AO, APM
Youth Justice Reforms Review
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Executive Summary

This report presents key findings for consideration by the Queensland Government about the delivery of recent youth justice reforms targeting serious, repeat youth offenders, with a focus on implementation and early impacts. It reflects findings from surveys and interviews conducted with key stakeholders in August to October 2021 and data from key government agencies from May to October 2021. As such this report represents an interim report to government about the first six months of effort following commencement of legislative changes on 30 April 2021 that spearheaded the reforms. Other evaluations will be produced for both the electronic monitoring trial and trial of metal detection wands after 12 months of operation.

In 2018, the Queensland Government accepted the following recommendation in a related report of the same year:

Our key finding and recommendation is that the Queensland Government adopt as its policy position for youth justice, four objectives that we have called the 'Four Pillars' framed or 'bookended' by two fundamental principles – that public safety is paramount, and that community confidence is essential.

The 'Four Pillars' are:

1. Intervene early
2. Keep children out of court
3. Keep children out of custody and
4. Reduce reoffending.

Balancing those 'four pillars' together with public safety and community confidence is also an ongoing process.

In the latter part of 2020 and in early 2021, three separate tragedies involving loss of life occurred in Townsville and Alexandra Hills. While the full circumstances varied, all involved three aspects – stolen motor vehicles, young people and dangerous driving.

In responding to these tragedies, the Queensland Government announced in February 2021 a range of legislative changes:

Legislative changes (and trials)

1. Electronic monitoring device as a condition of bail – 12-month trial in five locations
2. Presumption against bail for young people charged with serious offences (show cause)
3. Parent, guardian, or other person's willingness to support a young person on bail
4. Amended youth justice principle that community should be protected from 'recidivist high risk' offenders
5. Codifying the common law principle that offending on bail is an aggravating factor in sentencing
6. A young person cannot be remanded in custody solely because they do not have adequate accommodation or family support
7. Electronic metal detection - powers for police to deliver a one-year trial in Broadbeach and Surfers Paradise Safe Night Precincts.
8. Owner deeming provisions related to hooning in motor vehicles

In announcing the legislative changes, the Premier also announced there would be a review of the efficacy of the changes after six months of operation.

In addition to the legislation, the review's terms of reference specify inclusion of additional services and programs that support the legislation. These were announced in April 2021 and were intended to strengthen community safety outcomes and reduce the risk of young people being remanded in custody in unmanageable numbers.

Some programs were funded for a time-limited period to support the delivery of the electronic monitoring trial while others such as the youth co-responder teams have been in place for some time but have been strengthened or expanded to better target the serious repeat offender cohort.

Policy initiatives

1. Youth co-responder teams – extending joint police and youth justice teams to two new locations to monitor and respond to youth crime and young people who are on bail with conditions
2. Intensive bail support for young people and their families – in five locations, delivered by non-government and Aboriginal and Torres Strait Islander community-controlled organisations
3. Extended conditional bail program – additional night and weekend hours of supervision by youth workers, building on the existing program
4. Youth justice after hours service to coordinate responses for young people charged with offences
5. Additional court resources to deal with matters involving young people
6. Additional legal advocacy resources for young people appearing before the courts
7. Additional youth justice police prosecutors
8. Child safety court liaison officers to provide advice to courts about young people on dual orders
9. Enhanced capacity for youth justice court officers to provide advice to courts

The legislation changes were finalised at the end of April 2021. Thus, the six-month review timeframe for this report is May 2021 to October 2021.

The legislation changes and policy initiatives are intended primarily to provide additional focus and response to the 10 per cent of young offenders who commit almost 50 per cent of serious crimes.

The situation of a relatively small number of people who commit disproportionately large amounts of crime applies equally to adults as well as juveniles and is not unique to Queensland.

This review can, and is only intended to, consider the implementation of the legislation changes and policy initiatives. Further reviews are intended to advise on the longer-term outcomes of the package of reforms and of individual initiatives.

It is important to note that the legislation changes and policy initiatives represent an additional concentration on the 10 per cent of serious repeat offenders and that the ongoing broader approaches of early intervention and diversion remain both intact and effective.

As set out in the report, the review team have in the timeframe available endeavoured to address the eight legislation changes and nine policy initiatives from both a qualitative and quantitative perspective as extensively as possible.

Views and opinions in terms of the qualitative aspects understandably vary. Unsurprisingly the higher levels of public awareness relate to the most publicised areas such as electronic monitoring devices and the metal detection wandering trial.

More broadly confidence in the likely long-term value appears to favour the metal detection wandering trial, hooning legislation, presumption against bail for (alleged) serious repeat offenders and joint police and youth justice youth co-responder teams.

Apart from the legislative changes and policy initiatives, the review identifies three other areas that have made a valuable contribution, namely:

- The Youth Justice Taskforce (YJTF), and, the state-wide communication and leadership exercised by Assistant Commissioner (AC), Queensland Police Service (QPS) Cheryl Scanlon and Senior Executive Director (SED) Michael Drane, Department of Children, Youth Justice and Multicultural Affairs (DCYJMA)
- The Youth Justice Senior Officers Reference Group (YJSORG)
- The Youth Justice Cabinet Committee (YJCC) – providing high level commitment and guidance.

The process concerning major policy changes can be described as involving six steps:

1. The decision at government level to introduce the legislation change and policy direction
2. The related planning and preparation
3. The passage of the legislation and related formal policy approvals
4. The initial progression, issue identification and adjustments
5. The ongoing operationalised progression
6. Outcome evaluations.

This review only relates to points 2, 3 and 4 above. Point 2 appears to have been well managed by the various government agencies involved.

In respect to point 5, this report identifies some opportunities for improvement and clarification.

The eight legislation changes, and nine policy initiatives are understandably at differing levels of implementation and vary in terms of the ability to assess their efficacy. Table 1 provides a summary of the implementation status of all initiatives and potential areas for improvement. As well as feedback from stakeholders, the assessment was based on the available data and relies on the quality and accuracy of this data.

Table 1: Summary of the status, efficacy and opportunities for improvement of reforms targeting serious, repeat youth offenders

Legislative reform	Stakeholder views	Data and other evidence	Considerations for maximising benefit
1. Electronic monitoring as a condition of bail	Limited support, due to concerns about negative impacts on young people and escalation of behaviour. Those who support EM believe it is not being used enough and use should be expanded to other cohorts.	EM well implemented but low uptake. Appears to be used for moderate to high-risk young people. EM has same qualifying offences as 'show cause' which may be impacting uptake. Several defence-initiated suitability assessments did not result in an EM device being ordered.	Further analysis of defence-initiated suitability assessments to identify potential practice improvements. Only consider continuation or expansion for purposes other than bail or other cohorts once further research is undertaken including completion of impact evaluation and exploration of impacts in other jurisdictions.
2. Presumption against bail (show cause)	Moderate to high support from stakeholders	High utilisation, resulting in longer remand periods and increase in young people on remand. Minimal change in percentage of Aboriginal and Torres Strait Islander young people on remand.	Maintain and develop understanding of show cause provisions and their application among staff. Appropriate interventions should be available for serious repeat offenders and intensive supports provided following release from youth detention to avoid if possible, reoccurrence of offending.
3. Parent, guardian, or other person's willingness to support young person on bail	Some support but concerns about parental capacity	Moderate levels of family attendance and willingness to support. Young people more likely to be granted bail when support is indicated. Courts evidenced lower utilisation than QPS.	Parents should be assisted by bail support and other services to better support their children on bail and have personal and family issues addressed.
4. Community should be protected from serious, recidivist offenders	Moderate level of support (but highest of all initiatives)	No data available	In any future communication about the reforms or youth justice legislation, include and describe how it enhances response to serious repeat offenders.
5. Offending on bail is an aggravating factor in sentencing	Moderate level of support	No data available	In any future communication about the reforms or youth justice legislation, include and describe how it enhances response to serious repeat offenders.
6. Unable to remand in custody solely because of inadequate accommodation or family support.	Moderate support, although limited impact expected without significant investment in intensive and culturally safe family support.	No data available	Benefits will be optimised when accompanied by intensive family support. Alternative means of providing intensive family support in locations without a dedicated service could be considered.
7. Hooning - owner deeming provisions	High level of support from the public and moderate level of support from key stakeholders	Type one offences decreased between 2020 and 2021	Continue to monitor impacts over time, identifying appropriate metric to measure impact of legislation.

8. Metal detection wands	Moderate to high levels of support	No evidence of escalating behaviour or displacement of knife offences to other locations.	Clarify and increase transparency of safeguards. Enhance data collection to include Aboriginal and Torres Strait Islander status and ethnicity. Enhance reporting of adult versus child wandering and possession of weapons. Any future decision about expansion informed by independent evaluation and accompanied by community consultation.
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Policy initiatives	Stakeholder views	Data and other evidence	Considerations for maximising benefit
1. Youth co-responder teams (YCRT)	High level of support and positive feedback about operations and engagement. Concerns about 24/7 operation in locations where this coverage does not appear warranted.	High level of utilisation, varying levels of workload across locations, mostly high levels of compliance in bail interactions but Logan consistently lower.	Flexibility with program operationalisation and resourcing to ensure response matches level of demand in particular locations. Skill building for newer YCRTs such as Logan to support staff in their interactions with young people. Expedited communication of policies, procedures and joint protocols.
2. Intensive bail initiative (IBI)	Moderate level of support but low level of awareness about its existence and intent.	Good levels of utilisation for two service that have commenced. No data on intensive bail.	Timely implementation (in any future roll outs) and/or work arounds to deliver intensive family support. Enhance data collection about three elements of service model. Promotion of new services to referring and other stakeholders.
3. Extended conditional bail program (CBP)	Low to moderate level of support. Low level of awareness of initiative and its intent.	Low rate of utilisation.	Consider undertaking a comprehensive review of CBP including the extended program resources.
4. Additional court resources	Moderate level of support but low level of knowledge	Being used appropriately	Continue monitoring demand to inform ongoing resource allocation.
5. Additional legal aid resources	Moderate level of support but low level of knowledge.	Being used appropriately	Ongoing monitoring to determine areas of demand and complexity for future resource allocation.
6. Youth Justice After Hours (YJAH)	Low level of knowledge, moderate level of support. Positive reports from stakeholders using the service.	Data shows good level of utilisation and bail as the most frequent outcome following advice of arrest.	Enhance data collection to show activities and other outcomes.
7. Child Safety court liaison officers (CLO)	High level of support, increase knowledge of role and Child Safety System.	All 16 positions recruited to with permanent recruitment processes underway.	Consider expanding data collection related to the CLO role in youth justice matters and the type of information provided to courts. Ongoing attention to professional development. Potential to share information about the child safety system with court stakeholders.
8. Youth justice police prosecutors	Moderate level of support	Nine of 12 positions recruited, with recruitment ongoing.	Deliver additional training about child protection and youth justice systems. Enhance data collection to include Aboriginal and or Torres Strait Islander status and ethnicity.
9. Enhanced capacity for youth justice court officers	N/A	Recruitment for senior practitioner roles currently occurring.	Monitor impact of senior practitioners on quality of practice once they commence, including seeking views of court stakeholders.

It is imperative in any review of youth justice issues to recognise the disproportionate representation of Aboriginal and Torres Strait Islander young people at all levels. As set out in the report, consultation included obtaining the views of Aboriginal and Torres Strait Islander stakeholders and Elders. We were particularly grateful for the time and contribution of the First Nations Consultative Group which was established for the review.

We also endeavoured to seek data and information that presented the early impacts of these reforms on Aboriginal and Torres Strait Islander young people.

Concerns included that the legislation changes would result in increased levels of prosecution and detention of young Aboriginal and Torres Strait Islander people.

Although too early to conclusively determine the impact after six months, an increase in the over-representation of Aboriginal and Torres Strait Islander young people does not seem to have occurred, with the proportion of these young people on remand remaining the same (or similar) as previous years

A consistent view was the strong desire for Aboriginal and Torres Strait Islander stakeholders and Elders to be involved at all levels (including where there is an intersection with child protection) of decision making related to policy and legislation development as well as operational and oversight roles.

Regardless of the ultimate outcomes of the legislation changes and policy initiatives that are the subject of this report, it is important that new potentially worthwhile initiatives are pursued that will add to a comprehensive evidence-based approach. It is for this reason that this report also canvassed the research literature and the views of stakeholders about broader approaches to dealing with serious, repeat youth offending.

The wide range of issues associated with youth offending are such that it will require ongoing investment and monitoring with respect to both prevention and response. This does not justify or excuse criminal behaviour but underscores the most effective approach contains both elements – to halt or slow the emergence of offending behaviour of future cohorts of young people and at the same time deal with the present offending behaviour of some young people who are causing serious harm in our communities. It is also imperative that rehabilitative approaches are extended to these young people to ensure they do not continue to cause harm and eventually make their way into the adult criminal justice system.

It is also a difficult role for those who work in the operational areas. There is no quick fix or simple solution. Sadly, a child born today with foetal alcohol syndrome into a dysfunctional family environment is likely to be in the child protection and youth justice systems until becoming an adult 18 years later.

Finally, the consultation undertaken in this review identified nine matters that deserve mention. These are described in the report under the heading 'Future opportunities and issues for consideration' and are: electronic monitoring, partnerships with Aboriginal and Torres Strait Islander people, identifying and managing cognitive impairments, developing capability to work with serious repeat offenders, sustained commitment to early intervention, developing place-based responses to preventing youth crime, improved data collection, sustaining an integrated whole of government response and engaging with the Queensland community about youth offending.

1 Introduction

1.1 Background to review

Since 2015, the Queensland Government has invested more than \$600 million in youth justice reforms and amended legislation to support these reforms. Significantly, in 2018 this included 17-year-old young people being brought into the youth justice system, bringing Queensland in line with all other states and territories. Building on this investment, several other major inter-related reforms have occurred in a short period, informed by the *Atkinson Report on Youth Justice* in 2018. The reforms and their timing are shown in Figure 1.

The Atkinson Report contained a key recommendation which the Queensland Government later adopted as its policy position for youth justice, the 'Four Pillars':

1. Intervene early
2. Keep children out of court
3. Keep children out of custody, and
4. Reduce reoffending.

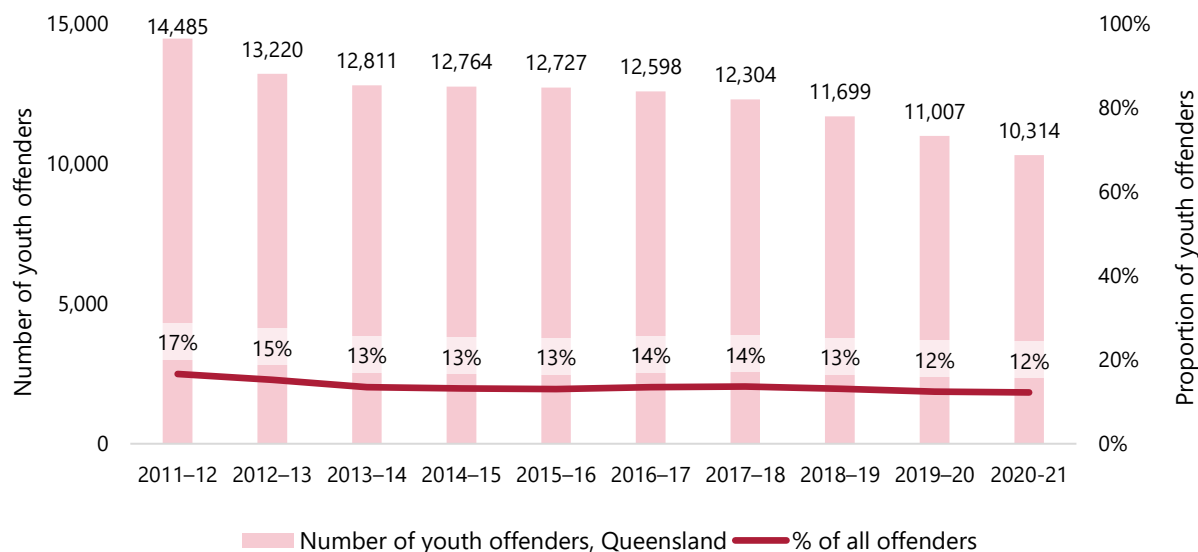
It also recommended that these are framed by two fundamental principles – that public safety is paramount, and that community confidence is essential.

The Atkinson report informed the subsequent *Working Together Changing the Story: Youth Justice Strategy 2019-2023* (Youth Justice Strategy), *Youth Justice Strategy Action Plan 2019-2021* and accompanying investment. This Youth Justice Strategy was configured around the four pillars with multi-agency actions in the action plan aligned with one or more of the pillars. To better target the fourth pillar of the Youth Justice Strategy (reduce reoffending), the Five-Point Action Plan commencing in 2020 was directed at strengthening the policing and community safety aspects of the reform agenda, aimed at serious, repeat youth offenders.

In 2021, \$60.1 million over four years in additional investment was committed to continue programs and services showing positive results under the Youth Justice Strategy including legal advocacy and bail support services and initiatives under the Five-Point Action Plan.

Early indications of success are that this five-year investment in programs has shown improvement in the capacity and capability of the youth justice system, resulting in lower numbers of young people offending and lower numbers being supervised within the youth justice system. Figures from the Australian Bureau of Statistics (2022) for the 2020-21 financial year show the number of youth offenders in Queensland is at its lowest level in a decade (10,314 young people). Young people also make up a decreasing percentage of all offenders, declining from 17 per cent in 2011-12 to 12 per cent in 2020-21. Figure 1 depicts this downward trend in youth offending in Queensland in the past ten years.

Figure 1: Number and proportion of youth offenders in Queensland 2011-12 to 2020-21



Source: Australian Bureau of Statistics (2022). *Recorded Crime – Offenders 2020-21 financial year*.

Notes:

1. A person is counted once per reporting period.
2. ABS uses different counting rules to DCYJMA. ABS calculates a youth's age when they are charged for an offence. DCYJMA calculates a young people's age at the date the offence was committed. ABS data excludes most traffic-related offences due to differences in reporting across Australian jurisdictions. Therefore, ABS data is not directly comparable with data that might appear to be similar from DCYJMA.

The precise reasons for this decline are unknown. However, it may at least in part be driven by increased diversion of young people from the youth justice system as result of investment that accompanied the Youth Justice Strategy Action Plan and reduced reoffending by lower to moderate risk young people. Despite these positive results, there is a small cohort of serious, repeat youth offenders engaging in persistent and high-risk offending.

Approximately 10 per cent of youth offenders in Queensland commit nearly half of all offences committed by young people. The impact of these serious repeat youth offenders adversely affects the community's confidence in the Government's approach to youth crime and identifies potential capability and capacity issues within the youth justice system.

In response to several incidents involving young people committing serious offences while on bail in late 2020 and early 2021, the Government announced further initiatives targeting serious repeat offenders on 9 February 2021. These included a 12-month trial of electronic monitoring devices (EMD) in five locations for young people as a condition of bail, the use of scanning devices to detect knives in the Surfers Paradise and Broadbeach Safe Night precincts (SNPs), further amendments to the *Youth Justice Act 1992* and *Police Powers and Responsibilities Act 2000* to protect the community from repeat offenders and establishing the Youth Justice Cabinet Committee (YJCC). The Government also announced legislation to strengthen owner deeming provisions related to hooning offences and endorsed a Parliamentary inquiry into the use of remote engine immobilisers. This legislation commenced on 30 April 2021, and it is this legislation and accompanying policy initiatives that are the subject of this review. Figure 2 shows this timeline of youth justice reforms.

Figure 2: Youth Justice Reform timeline 2016 to 2022

Youth Justice Reforms Review

Mr Bob Atkinson AO, APM is conducting a review of the amendments made by the *Youth Justice and Other Legislation Amendment Act 2021*. The review focuses on the first six months of implementation and will be completed in early 2022.



Amendments to target serious repeat youth offenders and the presumption against bail

The *Youth Justice and Other Legislation Amendment Act 2021* amended the Youth Justice Act to strengthen accountability for serious repeat youth offenders, including amending the youth justice principle that the community be protected from these offenders, establish a limited presumption against bail, establish a trial of electronic/GPS monitoring as a condition of bail and codify the common law principle that offending on bail is an aggravating factor.



Five-Point Action Plan (5PP)

The Government released a *Five-Point Action Plan* to crack down on youth crime: Tougher action on bail, Police blitz on bail, 24/7 Police Strike Team, Culture-based rehabilitation for Indigenous offenders and Empowering local communities for local community-based solutions.



Amendments to improve the bail process

The *Youth Justice and Other Legislation Amendment Act 2019* amended the Youth Justice Act to reduce the timeframes for proceedings in the youth justice system to be finalised, remove barriers so more young people can get bail appropriately and ensure appropriate conditions are attached to bail.



Working Together, Changing the Story: Youth Justice Strategy 2019-2023

The Government released the *Working Together, Changing the Story: Youth Justice Strategy 2019-2023* which was guided by the *Report on Youth Justice* and built on the existing Queensland Government's policy and strategic direction.



Transition of 17 years into the youth justice system

The *Youth Justice and Other Legislation (Inclusion of 17-year-old Persons) Amendment Act 2016* amended the Youth Justice Act to transition 17-year-olds into the youth justice system. The amendments commenced on 12 February 2018.



Amendments to remove boot camps and repeal other existing policies

The *Justice and Other Legislation Amendment Act (No. 1) 2016* and *Youth Justice and Other Legislation Amendment Act (No. 2) 2016* amended the Youth Justice Act to remove boot camp orders and breach of bail provisions, prohibit the publication of identifying information about a child, make childhood findings of guilt inadmissible in the adult court, reinstating the principle of detention as a last resort, increase the age at which children and young people subject to detention can be transferred to adult corrections from 17 to 18, reinstate a court-referred youth justice conference program and provide for increased flexibility in the delivery of restorative justice interventions.



Revamped Townsville Stronger Communities

Government undertook a comprehensive review of youth justice responses in Townsville. The resulting reforms include a more targeted purpose aimed at early intervention and establishing a Community Reference Group, known as the Townsville Stronger Communities Early Action Group.

Amendments to simplify the bail decision-making process

The *Community Services Industry (Portable Long Service Leave) Act 2020* amended the Youth Justice Act to strengthen and simplify the bail decision-making process to ensure that children who pose an unacceptable risk to the safety of the community must not be granted bail and will be kept in custody.

Amendments to improve the management of children in courts

The *Health Transparency Act 2019* amended the Youth Justice Act to provide for children in the court precinct to be managed in the same way as they are in youth detention centres.

Youth Justice Strategy Action Plan 2019-2021

The Government released the *Youth Justice Strategy Action Plan 2019-2021* to address the Four Pillars identified in Bob Atkinson's 2018 *Report on Youth Justice*.

Atkinson Report on Youth Justice

Mr Bob Atkinson AO APM provided the *Report on Youth Justice* to Government. The Report made 77 recommendations focused on 'Four Pillars' being to intervene early, keep children out of court, keep children out of custody and reduce re-offending.

Townsville Stronger Communities

As part of the Queensland Government's five-point action plan to reduce crime in Townsville, a multi-agency taskforce was created with a mandate to tackle the issue of youth offending. The Action Group coordinates government and non-government services and targets young offenders and at-risk young people aged 8 to 24.

As articulated in the explanatory notes to the *Youth Justice and Other Legislation Amendment Act 2021* (YJOLAA), the purpose of the legislative and program reforms focussed on serious, repeat youth offenders is to improve community safety and increase the accountability of young people on bail by:

- Ensuring they are detained as quickly as possible following serious bail non-compliance
- Improving bail compliance
- Reducing serious bail non-compliance including offending.

The purpose of legislative reforms focused on knife crime and hooning is to:

- Increase the detection of knives and hooning behaviour and apprehension of offenders
- Reduce the harm caused by knife crimes
- Reduce harms caused by hooning.

The Premier announced that former Police Commissioner Mr Robert (Bob) Atkinson AO, APM would report on the efficacy of the full suite of recent reforms, including legislative amendments, within six months of the commencement of legislation. Mr Atkinson was nominated to undertake the review due to his experience and knowledge of the youth justice sector.

The YJCC was established to oversee youth justice matters on behalf of government, involving Ministers with criminal justice and related responsibilities as follows:

- Minister for Children, Youth Justice and Multicultural Affairs
- Minister for Police and Corrective Services and Minister for Fire and Emergency Services
- Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence
- Minister for Education
- Minister for Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships
- Minister for Health.

Analysis of the current service system and feedback from the community earlier in the year identified critical service gaps for serious, repeat youth offenders that included after hours supervision of young people on bail and intensive support to their families. \$38.3 million in new investment was subsequently allocated from May 2021 for new programs and resources to address these gaps and expected pressures on the court, legal advocacy and other parts of the justice system as a result of the reforms.

In addition, Department of Children, Youth Justice and Multicultural Affairs (DCYJMA) and Queensland Police Service (QPS) reallocated existing resources to target the serious repeat offender cohort. This included additional Youth Justice Police Prosecutors (QPS), establishing Senior Youth Justice Court Practitioners in each region and Child Safety Court Liaison Officers (CLOs) for the busier Childrens Courts. These programs and resources are included in scope for this review (see Table 2, section 3.1).

This new investment was in addition to continued investment in initiatives that prevent offending and reduce reoffending by other cohorts of young people as part of *Working Together Changing the Story: Youth Justice Strategy 2019-2023* and the *Youth Justice Strategy Action Plan 2019-2021*.

The conduct of other reviews and evaluations at later points in time – a 12-month review of electronic monitoring, a 12-month review of the metal detection wands at the Gold Coast and an evaluation of the impact of the reform package at two years were also approved.

1.2 Governance for youth justice reforms

The Queensland Government established the YJCC in 2021 to:

- ensure cohesive whole of government responses effectively target the highest risk, recidivist, and most serious young offenders
- make effort to reduce the disproportionate representation of Aboriginal and Torres Strait Islander young people at all stages of the youth justice system
- restore community confidence in youth justice responses in Queensland.

On 9 February 2021, the Premier and Minister for Trade announced the establishment of a Youth Justice Taskforce (YJTF) led by QPS Assistant Commissioner Cheryl Scanlon. The Taskforce is now also supported by Senior Executive Director Michael Drane from DCYJMA.

The purpose of this taskforce is to bring together government and other agency representatives to implement, provide oversight and leadership and to further the youth justice legislative framework and address other pertinent youth justice issues.

Within the YJTF, two supporting groups were established to further the youth justice reforms at strategic and operational levels, these are the Youth Justice Senior Officers Reference Group (YJSORG) and the Youth Justice Taskforce Operational Leaders Group (TFOLG).

The YJSORG meets fortnightly and is a Deputy Director-General / Executive level group. The group provides leadership and oversight of the reforms and other pertinent issues, and reports to the YJCC. The group comprises of senior representatives from QPS, DCYJMA, Department of Justice and Attorney-General (DJAG), Queensland Corrective Services (QCS), Department of the Premier and Cabinet (DPC), Queensland Treasury (QT) and Queensland Family and Child Commission (QFCC). Co-opted agencies including Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships (DSDSATSIP), Department of Education (DoE), Queensland Health (QH) and Department of Communities, Housing and Digital Economy (DCHDE) are also represented.

The purpose of the YJSORG is to:

- Provide whole-of-government strategic leadership and advice to inform the government's responses to target serious repeat youth offenders, including to:
 - Identify risks, blockages and challenges, both present and emerging, and devising strategies to address them
 - Ensure timely, efficient and effective completion of commitments made by YJSORG members
 - Promote and strengthen coordination between agencies to reduce duplication of effort and ensure cohesive responses.
- Provide any support and guidance necessary to any evaluations undertaken.

The TFOLG, which meets fortnightly, brings together government representatives at an operational level to deliver the reforms to the front line. This group is jointly chaired by QPS and DCYJMA. It is comprised of senior representatives from YJSORG agencies plus other co-opted agencies including DSDSATSIP, DoE, QH, DCHDE and others as required.

The purpose of the TFOLG is to:

- Coordinate the response to operationalise the legislative reforms to address repeat youth offending including the trials relating to EMDs and electronic scanning for knives in the Surfers Paradise and Broadbeach SNPs
- Develop structures and governance that supports collaboration across the agencies
- Identify implementation and practice issues and develop cohesive responses to remove blockages
- Identify and support data collection points to assist reviews and evaluations.

The YJTF is required to report to the YJCC as well as reporting to the Minister for Police and Corrective Services and Minister for Fire and Emergency Services on a weekly basis.

1.3 Governance for the review

The scope and approach of the review was approved on 12 July 2021. Although announced in February 2021, Mr Atkinson was formally appointed to lead the review on 27 July 2021.

The terms of reference for the review (**Appendix 1**) specify that Mr Atkinson will jointly report to the Minister for Children, Youth Justice and Minister for Multicultural Affairs and Minister for Police and Corrective Services and Minister for Fire and Emergency Services.

Mr Atkinson also provided fortnightly updates to the YJSORG and monthly updates to the YJTF lead officers, Assistant Commissioner Cheryl Scanlon, and Senior Executive Director Michael Drane.

1.4 Review objectives

The objective of this review is to deliver advice about whether the youth justice legislative changes, anti-hooning laws and metal detecting wand trial are on track to achieve the government's objectives to reduce serious, youth reoffending. It also aims to identify any issues associated with the way the reforms have been delivered to date, potential areas for improvement and any early outcomes.

The review methodology and findings may also be used to inform the 12-month impact evaluation of electronic monitoring (EM) and an outcome evaluation of the reform package to be undertaken after two years.

1.5 Report format

This report is structured in a typical report format with background information, a brief literature review and cross-jurisdictional analysis, a description of the scope and methodology for the review, followed by key findings (three sections), and a discussion of the implications of the findings. Instead of recommendations the report includes conclusions and opportunities for future consideration.

Section 5 provides findings about stakeholder knowledge of the reforms and perceived efficacy of the reforms in addressing serious, repeat offending. Section 6 provides the details of each initiative and its implementation, elaboration on stakeholder views about efficacy and implementation, utilisation and compliance, and areas of strength and areas for improvement. Data and information about any early impacts is also presented, including impacts on Aboriginal and Torres Strait Islander people.

Suggestions from stakeholders about alternative approaches to responding to serious, youth offending are reported, categorised and compared with the research literature at section 7.

Section 8 summarises the results of a state-wide random survey of the Queensland public's knowledge and views about youth and adult crime, their perceptions of safety and their confidence in the youth justice reforms. A full report of the public's awareness and views is contained at **Appendix 11**.

Section 9 presents data that is indicative of early impacts on the youth justice system – most of which is for the six months following commencement of the legislation. This section includes data about remand and bail rates and serious offenders, comparing proportions prior to and following the commencement of the reforms. The data was sourced from DCYJMA, QPS and DJAG.

Finally, section 10 outlines implications and future opportunities the Queensland Government may wish to consider leveraging to comprehensively address serious, repeat youth offending.

2 Literature review and jurisdictional analysis

Relevant literature is summarised in this section with further details provided in the appendices. There is a body of evidence in relation to the use of EM and some research evidence about the use of metal detection wands. However, some of the legislation and programs that have been introduced are specific and developed in response to Queensland's context, therefore relevant research literature was unavailable. As a result, cross-jurisdictional comparisons were undertaken with respect to the legislative reforms and are presented instead of or in addition to available research content. Literature regarding what works with serious young offenders is also included in this section (2.6). We considered it necessary to include this literature due to the large volume of suggestions about other ways of dealing with youth offending, that were received from stakeholders and the general community during the review.

2.1 Electronic monitoring

Research findings about the impact of EM on children and young people show inconsistent results regarding efficacy (for example Bales et al 2012, Pearson 2012 and Weisburd 2015). This is because EM is implemented differently in different places and research on EM measures different outcomes and measures of efficacy. The literature cautions that careful consideration be taken when considering EM's application to children who, due to their age and cognitive development, lack the ability to forward plan or foresee the consequences of their actions. In addition, wearing an EMD can also negatively impact on family relationships, reduce or negate anonymity which is a critical element of the youth justice system, and impede an individual's ability to obtain employment (Weisburd, 2016; Fitzlan Howard 2020). The most conclusive research about EM shows its successful application to monitoring adult sex offenders and adults who had been diverted from prison (Bartels and Martinovic, 2017 and Belur et al, 2020).

Australian research undertaken by Williams and Weatherburn (2022) found different results for EM as a sentencing option in Australia. They examined the efficacy of EM as a sentence compared to a prison sentence for a New South Wales population of adult offenders. The results of this research showed that EM reduces reoffending by 22 percentage points after five years compared with prison and that this effect is partially sustained for up to 10 years. EM was also found to substantially reduce the intensity of offending – a 45 percent reduction in the intensity of offending compared to those who served a prison sentence. It is important to consider and measure other impacts aside from recidivism which on its own does not provide the full picture of impacts. Other studies have identified the net widening effect of EM orders resulting in increased numbers of people in the criminal justice system and greater levels of contravention (Bartels and Martinovic, 2017; Bulow, 2014 and Weisburd, 2015).

Notwithstanding the mixed results, there is insufficient published research to determine the efficacy of EM as a sentencing option for young people. Nevertheless, a range of countries and jurisdictions within countries have decided to apply EM to both adults and juveniles with intended benefits other than long term recidivism reduction. These reasons include providing a more cost-effective alternative to detention or prison, reducing prison populations and allowing offenders to remain in the community and connected to their

natural support systems while being able to actively monitor their behaviour (Weisburd, 2015, Martinovic, 2017). EM is also said to have significant appeal as it provides a greater level of public safety than could be provided under conventional community supervision of offenders (Fitzalan, 2020 and Laurie and Maglionie, 2020).

Three other jurisdictions in Australia utilise EM for children – Western Australia, South Australia, and the Northern Territory for young people on bail. It is also used in New Zealand for young people subject to bail. In New Zealand a joint bail assessment tool (Remand Options Investigation Tool) is being used in several courts that assists all parties to make appropriate recommendations about bail with the benefit of shared information, including EM as a bail condition (Oranga Tamariki Evidence Centre, 2018).

What is clear from the research evidence is that EM should be accompanied by intensive support and supervision to facilitate young people's compliance and avoid further criminalisation. The research also shows that accompanying interventions provide the best opportunity for behavioural change (Fitzlan, 2020).

The equivocal research findings about EM's appropriateness for young people contributed to the Queensland Government's decision to limit the application of EM to 16 and 17-year-olds, who were considered to have an appropriate level of capacity. Limiting EM's application to 16 and 17-year-olds also aligns with an earlier recommendation in the Atkinson Report on Youth Justice (Atkinson, 2018).

Documentation sourced regarding the trial of EM as a condition of bail for young offenders indicates that enhanced supervision and support was intended to be delivered through the additional programs, services and resources to accompany the EM trial. These programs are the extended CBP, YCRT and the IBI incorporating intensive family support.

2.2 Show cause

Normally an accused person has a right to bail, unless the prosecution can satisfy the court that there is an unacceptable risk. When a person is in 'show cause', this position is reversed; the accused person is to be refused bail unless they can prove that release would be appropriate. Under the *Youth Justice Act 1992*, a child is in show cause if they are charged with a prescribed indictable offence while already on bail for an indictable offence. Indictable offences start with offences such as assault and stealing and go all the way up to the most serious offences such as murder. Minor offences such as evading a train fare or shoplifting are not indictable. Prescribed indictable offences are offences attracting a maximum penalty (for an adult) of 14 years or more, and certain other offences such as driving a stolen car.

Show cause provisions for young people and bail exist in several other Australian jurisdictions but operate in conjunction with other legislation, principles, case law, and practice that also inform bail decision-making.

Further, several jurisdictions do not separate matters relating to bail for adults and children. While these jurisdictions include a presumption against bail in instances of serious offences, these do not appear to be specifically targeted at youth re-offending, but instead the serious nature of the offence/s committed.

Because of the complexity of show cause provisions and expertise required to undertake an analysis, it was not possible to provide a detailed comparison of how these operate or their impacts across Australian jurisdictions.

2.3 Parental or family assurances

Only two jurisdictions in Australia – Western Australia and New South Wales – have provisions that place an obligation on a parent or guardian responsible for a child in bail considerations. The West Australian laws are the closest to those now in place in Queensland. They allow a court to consider whether there is a responsible person (a parent, relative, employer or other person) who, in the opinion of the judicial officer or authorised officer, is able to influence the behaviour of the young person and provide the offender with support and direction. They must be willing to enter into an undertaking to ensure the youth offender complies with any requirement of their bail. Under these laws, an absence of a responsible person revokes the right of the young person to be granted bail.

In contrast, the New South Wales laws do not approach the level of specificity required under the Queensland laws for parental or family assurance. Instead, they allow the court to require either a character acknowledgement or financial security for a young person on bail by an acceptable person. An acceptable person can include a family member and the provision requires that the acceptable person regards the accused as a responsible person who is likely to comply with the bail undertaking.

2.4 Metal detection wands to reduce knife crime

There is little in the way of published research regarding the efficacy of portable scanning devices such as those for general crime prevention. However, there is some published research from the United States regarding the efficacy of metal detection scanners in schools to prevent knife crime. A study of seven high quality research papers showed mixed results (Hankin, Hertz and Simon, 2011). Several showed detrimental impacts on student perceptions of safety. One study showed a decrease in the likelihood of students reporting they carried a weapon. An independent evaluation of the Queensland trial is being undertaken by Griffith University, the findings of which may contribute to the formal evidence base.

South Australia, Victoria and Western Australia have provisions in various acts regarding police powers to use electronic scanning devices. In all three, there are limitations on where and for how long these powers can be applied. South Australia and Victoria require a person to be reasonably suspected of possessing or carrying a weapon. In Western Australia the threshold is broader with a person being suspected on reasonable grounds to be committing an offence. Search powers using the wands can be undertaken on children in all three jurisdictions however in Victoria and Western Australia, there are some protections for children – both requiring the presence of parent, guardian or responsible person (in the case of Western Australia) to be present when searching the child.

2.5 Owner onus provisions to reduce hooning

There is no interjurisdictional comparison available and a lack of research regarding the effectiveness of policing responses to hooning. The legislative changes present a practical solution to a gap in the previous hooning laws and are similar to owner onus provisions applied to other simple offences such as speeding.

2.6 Responding to serious youth offending

While responses other than the reforms were not the focus of this review or specified in the terms of reference, there was a significant volume of opinion gathered throughout the review about what else is needed to address serious, repeat youth offending. Participants and respondents who had knowledge of the criminal justice system felt strongly that a multi-pronged approach was needed to tackle both the causes and consequences of serious, offending behaviour. We felt it prudent to provide a brief literature review about what works and what doesn't to offer some analysis and conclusions about these suggestions and highlight the current state of the research literature.

What works

To effectively respond to youth offending, the research literature identifies coordinated multi-agency approaches as essential to reduce crime and reoffending. This allows the specific needs of offenders to be addressed – that is, their individual behaviour within their family and wider community environment. Targeting these different domains simultaneously, allows different risk factors related to criminal behaviour to be holistically addressed, including parenting, low educational/academic achievement, influences of similarly anti-social peers, substance abuse issues and broader structural factors, including poverty and low socio-economic status (Queensland Treasury, 2021).

For the youth offender population, early intervention through diversion and restorative justice programs have been proven to work most effectively to reduce risk factors and divert children away from criminal pathways (Wilson and Hoge, 2012, Larsen, 2014). Australian research has shown that cultural sensitivity is a critical part of any effective response to preventing or responding to offending by Aboriginal and Torres Strait Islander young people (Pooley, 2020). This includes involving Aboriginal and Torres Strait Islander people from the same cultural group (shared place, language, histories or beliefs) as the children and young people they are delivering programs and services to (Fazal, 2014 in Pooley, 2020).

While there is no single program or approach that works in all locations with all cohorts of offenders, there are categories of programs that work better than others. There are also factors that can be controlled in a program's delivery resulting in a greater likelihood of changing offending behaviour and improving other aspects of young people's lives. Interventions also need to address the individual factors that have been shown to cause reoffending. These factors are cumulative so a person with more factors requires more interventions to change their behaviour (Andrews and Bonta, 2010). Research shows that young people with few or none of these factors do not benefit from contact with the criminal justice system because it can negatively influence their identity and expose them to young people with anti-social and attitudes and behaviours (Dishion and Tipsord, 2011). Non-

criminogenic needs such as age, gender, culture, motivation, impairments, and experiences of trauma as well as a person's preferences all need to be taken into account when delivering effective interventions (Higley, Lloyd and Serin, 2019).

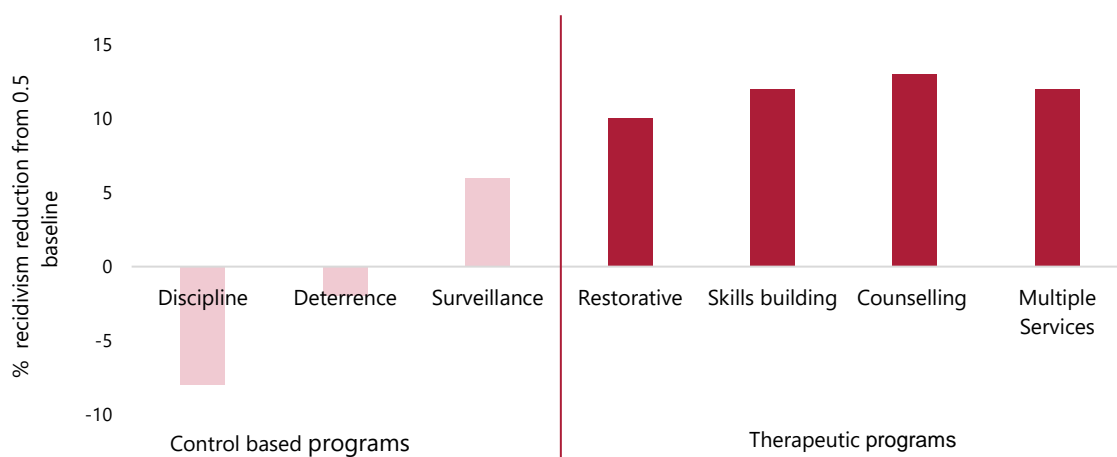
The way in which services and programs are implemented along with the types of programs being delivered have been shown to have a significant impact on the efficacy of programs and services. (Lipsey, Howell, Kelly, Chapman and Carver, 2010; Trotter, 2020). For offending cohorts of young people, the type of program and the risk level of the young person are also important.

Lipsey et al (2010) undertook a meta-analysis of interventions for justice-involved young people and identified categories of programs and services with various efficacy ratings, moderated by the quality of delivery. Their analysis identified the overall program philosophy makes a significant difference to efficacy. Programs with a strong control philosophy such as military style bootcamps or prison visitation programs contribute to, rather than reduce recidivism, while programs that are therapeutic in orientation are more likely to reduce recidivism.

Surveillance programs while generally classified as control based, are an anomaly within this categorisation. They include programs that aim to detect bad behaviour such as intensive supervision and probation. While not specifically mentioned in this research, electronic monitoring would by definition be categorised as a surveillance program. Surveillance programs on their own were found to be somewhat effective at reducing recidivism (six per cent reduction in recidivism) but were not as effective as therapeutic programs. Lipsey et al hypothesise that many such surveillance programs incorporate therapeutic elements, hence delivering this low but positive reduction in recidivism.

Lipsey et al's meta-analytical research breaks each of the broad program types into sub-categories of programs. The approach and program type are shown in Figure 3 along with the extent of recidivism reduction achieved.

Figure 3: Efficacy of control and therapeutic (change-orientated) programs in reducing recidivism



Source: Adapted from Lipsey et al., 2010

Overall, the most effective program categories with a recidivism reduction score (or effect size) of at least 20 per cent include mentoring, behavioural and cognitive behavioural programs.

What works for serious youth offenders

Programs on their own are generally insufficient to facilitate significant change with serious repeat offenders. Because of their high level of risk and complexity of needs, it is critical that programs are of an intensity that matches the severity of these young people's offending and take into account other factors in their environment. Serious, repeat youth offenders that are already caught up in the system require intensive interventions to address their multiple risk factors (Queensland Government Statistician's Office, 2021).

Overall, the literature shows that the success of approaches to reduce serious youth offending is a result of a combination of high-quality preventive and intervention programs delivered at the right intensity across individual, family and community levels. A recent literature review undertaken by Queensland Treasury (2021) identified the following features:

- Keeping children in school and the community wherever possible to prevent further risks for offending
- Choosing targeted interventions that respond to the offender's unique criminogenic risks and needs
- Utilising programs which work in many sectors of the offender's life (school, at home, with friends and in the broader community)
- Incorporating reintegration support and services for individuals in detention so they can re-engage with schooling and job opportunities
- Programs which target changing thought processes in a positive way that are integrated into other programs, so they encourage the offender to change their behaviour and provide alternative solutions to solve problems
- Providing positive reinforcement and support for the offender throughout this process in order to maintain crime reduction effects
- Ensuring programs run consistently and as designed to ensure the greatest chance of success for reducing reoffending
- Performing consistent monitoring and evaluation of these programs to ensure they are operating as efficiently as possible.

(Original sources: Australian Institute of Criminology, 2003; McMasters, 2015)

Effective coordination of responses becomes particularly important for serious, young offenders due to the many and interconnected nature of their risks and needs. See **Appendix 2** for more detail about interventions that reduce the risk of youth reoffending.

What doesn't work

The programs and services that have been most routinely proven as ineffective and, in some cases, harmful are outlined below.

Detention without rehabilitation: When a young offender is sent to detention, their reoffending rates are generally higher than if they were given a community sentence and their detention is more costly than a community-based sentence. A systematic review comparing effects of custodial and non-custodial sentences found that imprisonment was no

more effective than community-based sanctions in reducing reoffending (Villettaz et al, 2015). Other meta-analytic studies find that control orientated interventions such as detention resulted in slight increases in reoffending (Lipsey et al., 2010; Koehler 2013).

In Queensland in 2019-20, the average cost per young person subject to provide community-based youth justice supervision was \$271 and \$1,641 per young person for detention-based supervision (Productivity Commission, 2021).

Enforcing curfews for young offenders: Research from the United States has examined whether enforcing curfews for young offenders is effective in reducing rates of youth offending and general victimisation rates. High-school aged offenders are required to stay at home during the hours of 10pm-5am and are given alternative punishments if they fail to comply with these conditions. This approach has been found to be ineffective. Results show that during curfew hours, crime rates slightly increased, whilst they remained unchanged during daytime hours. The effect of these negative results is the most significant when police presence and check-ups on these offenders is inconsistent (Wilson, Gill, Olaghere, and McClure, 2016).

Bootcamps or 'scared straight' programs: These approaches have been used in the past in Queensland for serious youth offenders and internationally have been found to have minimal or negative effects for reducing reoffending for all offence types (Lipsey et al, 2010). Further research from other jurisdictions has shown that young people exposed to these environments are more likely to be incarcerated later in life (White, 2017; Lipsey et al, 2010; Day and Casey, 2008). It is suggested that these approaches are ineffective because they fail to address the specific personal and social issues young offenders are experiencing which influences their offending behaviour, such as impulsivity and the influence of peers (Australian Institute of Criminology, 2003).

Peer support programs: For high-risk young offenders, peer led support interventions increased reoffending rates of this group by over 20 per cent. This is likely due to the like-minded peer environment that chronic youth offenders are often associated with. On the other hand, multi-component peer support programs were found to reduce physical violence amongst lower risk young offenders at a two-year follow up point when they were combined with a violence prevention curriculum in schools (Edwards, et al., 2015).

Other programs that are ineffective: These include any control orientated interventions and interventions that do not use change-orientated techniques to address the root causes of offending behaviour (Day and Casey, 2008).

3 Review scope and methodology

3.1 Scope of the review

The review is focused on a range of youth justice legislative changes and related policy initiatives to determine their efficacy at six-months post-implementation. This report constitutes advice to government about implementation progress, potential improvements and early advice of short-term outcomes related to:

- EM trial, show cause and other provisions targeting serious, repeat youth offending in the *Youth Justice and Other Legislation Amendment Act 2021*
- New resources, programs and services to support the legislation
- Owner deeming provisions for hooning offences
- Trial of electronic metal detection wands in two Gold Coast SNPs.

The specific legislation and programs captured by this review are outlined in Table 2. Detailed evaluations of individual programs or outcomes were not in scope for the review.

Table 2: Legislative and program reforms in scope for the review

REFORMS	
Legislation	
1.	Electronic monitoring as a condition of bail – 12-month trial in five locations
2.	Presumption against bail for young people charged with serious offences (show cause)
3.	Parent, guardian or other person’s willingness to support a young person on bail
4.	Amended youth justice principle that community should be protected from serious, recidivist offenders
5.	Codifying common law principle that offending on bail is an aggravating factor in sentencing
6.	Young person cannot be remanded in custody solely because they do not have adequate accommodation or family support.
7.	Hooning - owner deeming provisions
8.	Metal detection wands: Police powers for a 12-month trial at Broadbeach and Surfers Paradise Safe Night Precincts
Policy initiatives	
1.	Youth co-responder teams – expanded joint police and youth justice teams to two new locations to align with electronic monitoring trial sites
2.	Intensive bail support for young people and their families in five locations
3.	Extended conditional bail program – additional hours of supervision for young people on bail by youth workers in high demand locations
4.	Additional court resources to deal with matters involving young people
5.	Additional legal aid resources to represent young people appearing in court

Policy initiatives

6. Youth justice after hours service to coordinate responses to young people charged with offences
 7. Child safety court liaison officers – 14 new positions to provide advice to courts about young people on dual orders (or in contact with the child protection system)
 8. Youth justice police prosecutors – nine new positions
 9. Enhanced capacity for youth justice court officers to provide advice to courts
-

3.2 Review questions

The following review questions were agreed as part of the review plan prior to commencement of the review.

1. Process/implementation
 - Have the legislation, programs and coordination mechanisms been implemented as intended/designed?
 - How well are they operating?
 - Have the programs been accessible and suitable for the target population?
 - How have young people been engaged in programs and services?
 - What early issues exist and what has been done to address or mitigate these?
2. Throughput and compliance
 - To what extent have the legislative provisions been applied by courts and police?
 - What types of activities have been delivered and to whom?
 - What were young people's levels of compliance and non-compliance?
 - To what extent were families and carers of young people engaged?
3. How were the legislation and program changes understood and viewed by key stakeholders and the broader community?

Sections 6 and 8 of this report respond to these questions. In addition, as indicated in the program logic, preliminary data is presented that shows changes in key system indicators following commencement of the reforms (section 9). This data also provides important contextual information and a basis from which to measure any changes in future evaluations.

3.3 Methodology

3.3.1 Method

A rapid evaluation approach was selected as most suitable to assess the reforms at six months, which is at a relatively early stage of implementation for reforms of this kind (McNall and Foster-Fishman, 2007). Rapid evaluations have the same robust methodology as a full-scale evaluation but a reduced scope in terms of excluding medium and long-term outcomes and impacts. While this approach does not deliver an assessment of overall policy and program delivery impact, this method identifies immediate issues or concerns to be

addressed, thus contributing towards later outcome evaluations. This review is also intended to facilitate organisational learning so that knowledge about implementation is captured and can be used to improve and build capability. This report does provide some data that was available toward the end of 2021 that is indicative of early outcomes. This is useful information against which progress can be tracked over time.

Rapid reviews can also be used to make suggestions about the types of data and processes that could improve the ongoing monitoring of the legislation and programs. This review does this in response to issues encountered with sourcing data required for the review to inform future evaluations.

3.3.2 Program logic

Program logic maps were developed in consultation with DCYJMA, QPS, DJAG and QCS (**Appendix 3A and 3B**). The maps outline the logical linkages between the issues to be addressed, outputs, the desired short medium/long-term outcomes, and the theory of change and assumptions. This allowed key measures and data sources to be identified that facilitate measurement of the outputs and short-term outcomes.

This review was able to capture some (but not all) data about the extent to which short-term outcomes specified in the program logic have been achieved. These 'outcomes' represent aspects of implementation and utilisation, and gaps or issues affecting implementation and/or resulting in any unintended consequences.

3.3.3 Linkage of review to other evaluations

There are two future evaluations scheduled for the reforms targeting serious repeat offenders; an impact evaluation at 12 months about EM and accompanying programs to support compliance with EM, and a two-year outcome evaluation of the reform package. Both evaluations will be undertaken independently of government. They do not include the metal detection trial or hooning reforms, however, QPS has commissioned a 12-month independent evaluation of the metal detection trial.

It is anticipated that medium term outcomes related to EM will be assessed through the 12-month EM evaluation, whilst long-term outcomes will be assessed in the two-year outcome evaluation. These evaluations may include other indicators identified when planning and engaging with stakeholders about the scope and content of those evaluations. Some outcomes and measures may be assessed at multiple points in time across both evaluations.

3.3.4 Data sources

This review applies a mixed-methods approach to address each of the key review questions and determine whether short-term outcomes are being achieved, using a combination of quantitative and qualitative data. Where appropriate, the different methods are triangulated to strengthen the findings and provide additional context for interpretation of the results.

Appendix 4 identifies the measures and data sources for the review.

Quantitative

Quantitative data sourced for this review includes operational data pertaining to the utilisation of EM conditions, other youth justice legislative amendments, client engagement in new services and programs, and utilisation of the electronic metal detection and hooning legislation and outcomes. This data is held largely by QPS and DCYJMA and to a lesser extent by DJAG and QCS.

Additional administrative data was analysed regarding rates of bail and remand for young people charged with offences, bail compliance and serious repeat offenders – prior to the legislation commencing and following commencement. The period for this data varies from five to seven months following commencement, depending on availability.

Qualitative

Qualitative data collection included information obtained through surveys and structured interviews with stakeholders and documentary analysis of records from the YJTF and YJSORG.

Survey tools were developed and administered using Microsoft Forms, which has online completion capability for users. Questions for stakeholder groups were developed based on short-term outcomes and assumptions identified in the program logic. The questions were designed to focus on respondents' awareness of the reforms, assessment of efficacy, and identify implementation issues and potential opportunities for improvement. The questions for different stakeholder groups varied depending on each group's knowledge, role and involvement in the implementation of the reforms (**Appendix 5**).

Stakeholders surveyed included representatives and staff from:

- Service Delivery: Government, non-government and community-controlled organisation staff involved in the development and implementation of the legislation amendments and program reforms
- Other relevant state government agencies
- Oversight and legal advocacy organisations with an interest or responsibilities for youth justice matters
- Non-government and community-controlled organisations with an interest in or responsibilities for youth justice matters
- Local governments and business representatives impacted by youth and other crime
- The broader Queensland community – a representative sample 2454 people were surveyed about their awareness of the reforms and concerns about youth and adult crime and their perception of community safety
- Queensland Neighbourhood Watch groups.

The following stakeholders were engaged in structured group and individual conversations using an interview guide for this purpose (**Appendix 6**). Like the surveys, questions for these groups varied depending on who they were and their exposure and expertise to the criminal justice system:

- Aboriginal and Torres Strait Islander Elders and respected persons from the five communities where EM is being trialled – Townsville, Moreton, North Brisbane, Logan, and Gold Coast

- Judiciary and Magistracy
- Queensland Police Union of Employees (QPU) and Together Union – representing staff from government agencies involved in the implementation of the reforms
- Special interest groups and individuals.

3.4 Ethical considerations, including cultural appropriateness

The review team was guided in its ethical requirements by the *National Statement on Ethical Conduct in Human Research*, the *Queensland Child Protection Act 1999*, and the *Queensland Youth Justice Act 1992*. Advice was sought from First Nations staff in the Youth Justice Cultural Unit and regional First Nations Action Board within DCYJMA to properly consider and address Aboriginal and Torres Strait Islander cultural values in the design and conduct of the review. The First Nations Action Board provided their support for the review, and its methodology, and confirmed the methods would engage appropriately with First Nations cultural practices.

A First Nations Consultative Group was established for the review and was a key component to ensuring that an Aboriginal and Torres Strait Islander lens was applied to the review process and findings. This group met on four occasions throughout the review, providing valuable input into the review process and interpreting findings.

Information about the research and how collected data would be used was provided to Aboriginal and Torres Strait Islander participants prior to interviews taking place, and informed consent was obtained from all participants. Structured interviews and discussions with Aboriginal and Torres Strait Islander community representatives and staff were undertaken in small, face-to-face group settings. These discussions took place in the locations where the trial of EM and associated programs operated – Townsville, Moreton, North Brisbane, Logan and Gold Coast. They were designed to ensure that the delivery methods were respectful and acknowledged the cultural distinctiveness of the communities in which the interviews were taking place.

Prior to participation, participants were provided with information about the review in a format and language that was culturally appropriate. Aboriginal and Torres Strait Islander participants from remote communities were offered assistance to access technology to complete the survey and/or assistance to complete it from Aboriginal and Torres Strait Islander members of DCYJMA.

Informed consent was sought prior to the start of surveys or interviews, and participants were asked to sign a consent form, co-signed by the Director of the review team. Participants were advised they were free to withdraw from the data collection at any time, including non or partial completion of written surveys or withdrawal from interviews. They were also advised that their identity would not be disclosed in relation to the data or comments provided (**Appendix 7**).

Formal ethics approval was sought from the Prince Charles Hospital Human Research Ethics Committee (HREC). HREC approval for the review was granted on 1 September 2021 subject to approval to commence from the Chief Executive of DCYJMA, received on 6 September 2021. Subsequent amendments to survey instruments were approved by the HREC on 13

September 2021 and to an Information and Consent form for the First Nations Consultative Group on 7 October 2021.

3.5 Limitations of the review

Timeframes: The review was required to be undertaken at six months post commencement of the review. As the reforms commenced in May 2021, the six-month mark was reached at the end of October 2021. While data and information from this period can provide valuable insights into the implementation of the reforms, this is an early stage at which to draw robust conclusions about impacts or efficacy.

For this reason, data presented in relation to key system indicators should be treated as preliminary only and it is recommended that as much data and information is collected as possible for subsequent evaluations. In the absence of additional young people subject to EM, it is suggested that detailed information is obtained about the practice experience from other jurisdictions in Australia and New Zealand.

Absence of views of young people and their families: Interviewing and/or surveying young persons and their families would have been deemed highly sensitive and high risk and would have required undergoing a more extensive ethics application and approval process. Due to the time required for the review, this was not anticipated as possible and not incorporated into the endorsed review plan. Young people and their families will be engaged in the impact evaluation for EM scheduled for later in 2022.

Data availability: Not all data identified as necessary to answer all key questions was available. Some data was manually collated and collected by more than one agency in different ways, some data was not able to be disaggregated by variables such as ethnicity or age and there were issues with reliability caused by error or omission.

Data quality: Operational data systems were established across different agencies, sometimes to measure the same or similar aspects of the reforms. These systems rely on operational staff to collect and accurately record the information. This review relies, for example, on data collected by QPS, DCYJMA and in some cases DJAG regarding show cause provisions, willingness to support, YCRTs, and Youth Justice After Hours service (YJAH). Because of the short lead time for implementation, it was not always possible for complete systems to be in place or for staff to be sufficiently familiar with them. The review team made a choice to use the most complete and accurate data (based on stakeholder advice) to analyse and present. Source data is noted after each table or figure.

Surveys were generally well completed. There were some issues with respondents providing answers to questions about initiatives they were not involved in, and where identifiable, these answers were excluded from the subsequent analysis.

Participants were advised they did not have to answer all questions aligned with ethical research practices and the approval for this review granted by the Prince Charles Hospital HREC.

Representativeness of survey respondents: Response rates differed considerably for different stakeholder groups. The number of respondents to the survey is not representative of the possible number of people that could have responded. Therefore, the views offered by

these groups on their own can only be used cautiously. Where available, data obtained from other sources is used in combination with survey responses to draw conclusions.

There were three major groupings of survey respondents in this review with different levels of knowledge about the reforms:

1. Respondents from service delivery agencies and advocacy organisations involved in or close to the delivery of the reforms and advocacy organisations (moderate to high level of knowledge about reforms)
2. Organisations or individuals with experience working with young people and their families (moderate level of knowledge about the reforms)
3. Members of the community or community groups with an interest in the reforms but a low level of knowledge about the reforms or specific elements.

As a result of these differing levels of knowledge, results pertaining to their efficacy are presented separately in section 6 of this report. The views of the broader Queensland community are sometimes referenced in comparison to other stakeholders but mostly their views are summarised separately in section 8, with a full report of findings at **Appendix 11**.

Table 3 details the survey and data limitations of the review and the strategies to manage or minimise any issues.

Table 3: Survey and data limitations and mitigation

Type of data	Issues	Management
Surveys	Questions answered that were not relevant to their role or to the question	Excluded where possible or moved to a relevant section
Group interviews	Questions not answered	Active facilitation Large group reconfigured into smaller groups of people Follow up by email to obtain responses to missing questions.
Data availability	Not available, partially available or not provided in the form expected.	Data availability canvassed with responsible agencies prior to data request. Data quality noted as a limitation in body of report.
Missing data	Missing or inaccurate survey data - caused respondents not answering questions, answering questions not intended for them or responding to survey questions in different parts of the survey.	Missing data noted in tables. Limitations noted in body of report. Data cleansed where possible.
Data quality – agency operational data	Multiple agencies collect data about some of the initiatives in different ways. There is no single point of truth for several of the legislative changes and some of the program information.	Data compared for accuracy. Collection mechanisms and counting rules explained. Limitations noted in the body of the report and selection of source noted.

Type of data	Issues	Management
Data quality – individual responses	Missing data in surveys, questions answered by respondents who were not in roles where they would be able to answer, questions responded to in different parts of survey.	Ethics approval allowed people to choose what they answered – missing data is presented in tables. Data filtered out in analysis where not relevant or inappropriately answered. Coding process moved data to appropriate questions.
Data volume	Large volume of survey data and length of responses making it challenging to analyse.	Coding scheme developed which allocated responses to data categories. Two-person coding and moderation by a third party. Raw data from community survey about alternative responses was unable to be analysed in this way due to the large volume.
Representativeness of survey respondent groups	The response rate to stakeholder surveys was low for some stakeholder groups.	Noted as a limitation of review. These views were only used as indicative, not used on their own to draw conclusions but in combination with other data.
	Level of knowledge about the reforms is different for different stakeholder groups.	Results of surveys completed by individuals from organisations involved in delivery of reforms presented separately to those not directly involved.

4 Stakeholder participation in the review

Stakeholder surveys

A total of 424 individuals and organisations participated in the review through either the completion of a survey, participation in an individual conversation or in a group discussion. Participation rates are shown in the tables below for each of these mechanisms.

Table 4 shows that 291 survey responses were received from key stakeholders, with 178 (61.2%) from individuals involved in the delivery of the reforms – QPS, QCS, DJAG and DCYJMA. For this review they are called service delivery agencies.

Table 4: Response rate for key stakeholder surveys

Stakeholder group	Number of responses	Proportion of responses
Aboriginal and Torres Strait Islander Organisations	10	3.4%
Business Owners or Business Associations	9	3.1%
Mayors and Local Governments	22	7.6%
Non-government and Community Organisations	31	10.7%
Queensland Neighbourhood Watch Groups	27	9.3%
Service Delivery Agencies	178	61.2%
Other Government Agencies	5	1.7%
Advocacy and Oversight Organisations	9	3.1%
Total response rate	291	100%

Other stakeholders were those with an interest in the youth justice reforms or youth crime including from Chambers of Commerce, Neighbourhood Watch Groups, local governments, Aboriginal and Torres Strait Islander and non-government organisations and other government agencies. Together they comprised 39.8 per cent of the survey respondents.

Staff from service delivery agencies were encouraged to complete the survey if they were involved in the development, implementation or ongoing delivery of the reforms. Furthermore, some components of the survey were requested to be completed only by those involved in delivering specific reforms. For example, there were specific questions targeted to staff from police prosecutions, court liaison officers, youth justice court officers and the police officers involved in delivering the winding trial.

Information from service delivery agency respondents and advocacy and oversight organisation respondents is presented separately to other stakeholder groups, due to their assumed higher level of knowledge about the reforms and youth justice system.

Table 5 shows that of the 178 people from service delivery agencies who responded to this survey, the largest proportion was from QPS (67%) followed by DCYJMA (29.7%).

Table 5: Response rate for service delivery agency respondents

Agency	Number of responses	Percentage of responses
Department of Children, Youth Justice and Multicultural Affairs	53	29.7%
Department of Justice and Attorney-General	1	<1%
Queensland Corrective Services	2	1.1%
Queensland Police Service	120	67.4%
Unspecified	2	1.1%
Total	178	100%

DJAG and QCS nominated one or two individuals with the greatest knowledge of the reforms to complete the survey. Due to the low numbers of staff from these agencies (five in total), it is not possible to compare those agencies responses with others. As a result, in any subsequent tables, figures are not reported specific to these agencies. Instead, their responses are combined with those of respondents who preferred to remain anonymous (unspecified) or, where appropriate, were aggregated into the total figures and percentages for service delivery agencies.

Engagement with Aboriginal and Torres Strait Islander peoples

Specific meetings were held with Aboriginal and Torres Strait Islander Elders and community members in five locations. Table 6 summarises participation in these meetings and shows the level of participation varied considerably by location. Although the meeting at Zillmere had been intended for North Brisbane residents, people from across Brisbane participated. All meetings with the exception of the Gold Coast, which was held in the evening, took place during the day. A payment was also offered to participants at the meetings, who were not attending in a paid work capacity.

Table 6: Participation in Aboriginal and Torres Strait Islander community meetings

Location of community meeting	Number of participants	Percentage of responses
Townsville	20	28.9%
Moreton (Morayfield)	6	8.7%
North Brisbane (Zillmere)	30	43.5%
Logan (Loganlea)	6	8.7%
Gold Coast (Tallebudgera)	7	10.1%
Total	69	100%

In addition to these meetings, 10 survey responses were received from people working in Aboriginal and Torres Strait Islander organisations and input from further 15 individuals who participated in the First Nations Consultative Group over the life of the review project. The First Nations Consultative Group members provided their input via group discussions responding to a structured agenda over three meetings. These meetings were held in September, October, November 2021 and February 2022, with most members participating remotely via Microsoft Teams or by telephone.

Other engagements

Face to face meetings took place with representatives of the QPU in October and the Together Union in November at the respective organisations' premises. Meetings with local government representatives and Mayors from Townsville, Maranoa and Mareeba and the Mt Isa Community Based Action Committee took place remotely via Microsoft Teams in October and November. Face to face meetings were held with other individuals over the same period. Table 7 details participation by these different stakeholders.

An in-person meeting was planned with the Cherbourg Council, however sadly, due to sorry business in that community, this engagement at Cherbourg was unable to occur.

Table 7: Participation in individual and group interviews/discussions

Stakeholder participants	Number of participants
First Nations Consultative Group	15
Unions (Together and Queensland Police Union of Employees)	15
Magistrates and Judges	6
Community Based Crime Action Committee (Mt Isa)	11
Local Governments (Maranoa, Mareeba, Townsville)	11
Other (Homicide Victims Support Group, Ms Sheryl Batchelor, Aunty Rose Elu)	3
Total	61

5 Findings – knowledge and perceived efficacy of reforms

The purpose of this section of the report is to understand stakeholder levels of knowledge of the youth justice reforms. This was important to our interpretation of the findings as knowledge and experience seem to have had a bearing on the assessed efficacy and other views stakeholders conveyed about individual reforms. This section responds to question 3 of the review questions outlined in section 3.2.

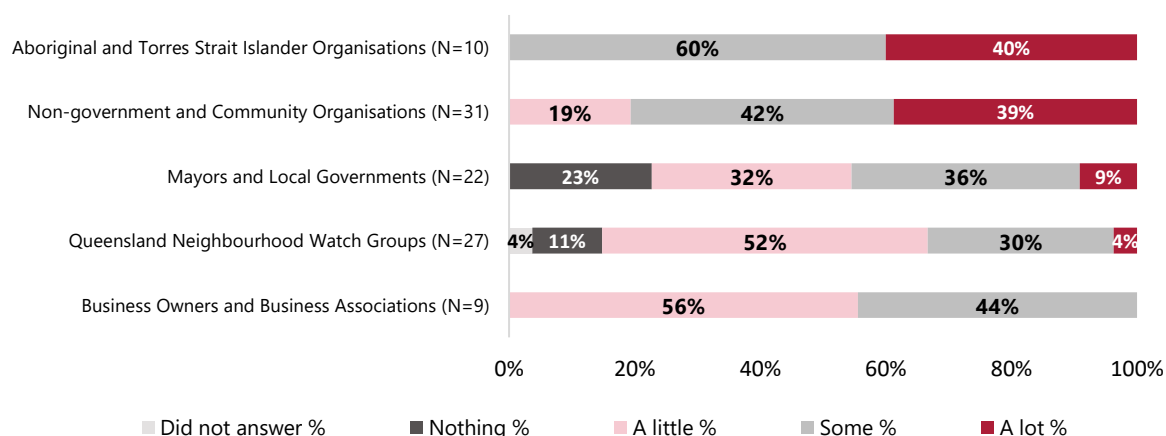
5.1 Knowledge of the reforms

Aboriginal and Torres Strait Islander organisations, non-government and community organisations, mayors and local governments, Queensland Neighbourhood Watch groups and business owners/business associations were asked about their level of knowledge on a rating scale from nothing (no knowledge at all) through to a lot of knowledge.

Stakeholders involved in the delivery of the reforms were not surveyed about their level of knowledge as it was assumed they had reasonable level of knowledge. Other stakeholders and a sample of the Queensland community were asked about their knowledge levels.

Figure 4 shows the percentages of respondents based on their level of knowledge of the reforms in their totality, across these different stakeholder groups.

Figure 4: Level of knowledge of youth justice reforms



Source: Surveys of key stakeholders

Overall, 59 per cent of these stakeholders, when grouped together, had some or a lot of knowledge about the youth justice reforms.

Figure 4 shows stakeholder groups indicated very different levels of knowledge. Respondents from Aboriginal and Torres Strait Islander and non-government organisations were more likely to indicate they had at least some knowledge. They also constituted the highest proportion indicating they knew a lot about the reforms.

Section 8 of this report summarises the findings from a survey of 2,454 Queensland residents. The survey showed that overall the general public’s reported level of knowledge was lower than stakeholders’ surveyed by the review team; 47 per cent of Queenslanders surveyed indicated they knew nothing about the youth justice reforms compared to 59 per cent of stakeholders. Within that sample, Aboriginal and Torres Strait Islander people, those under the age of 45 years and those from Townsville were more likely to report having this knowledge. Awareness was highest for electronic monitoring compared to other initiatives.

5.2 Perceived efficacy of reforms

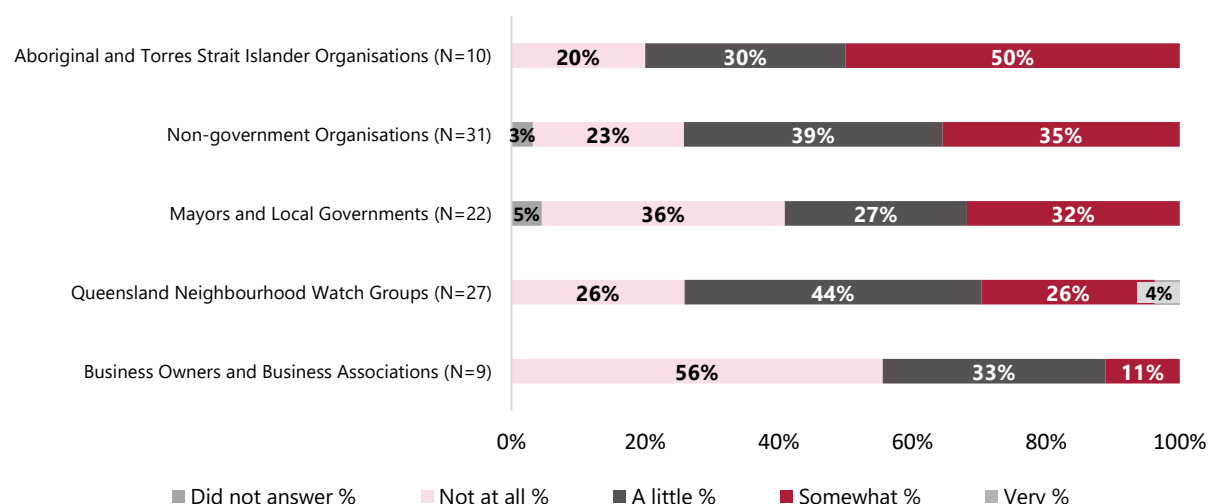
While too early to determine efficacy in absolute terms, stakeholders were surveyed about their perceived efficacy or confidence in the legislative reforms to address serious, repeat offending.

Aboriginal and Torres Strait Islander organisations, non-government and community organisations, mayors and local governments, Queensland Neighbourhood Watch groups and business owners/business associations were asked about their level of confidence in the reforms package to reduce serious, repeat youth offending.

Overall, 69 per cent of these stakeholders were a ‘little’, ‘somewhat’ or ‘very confident’ that the new laws and programs would reduce serious repeat youth offending. This varied from 50 per cent of Aboriginal and Torres Strait Islander organisations having a moderate level of confidence (somewhat) to 11 per cent of business owners (see Figure 5). Although four per cent of Neighbourhood Watch Groups who responded said they were very confident, this only equates to one group out of 27.

Business owners and associations were the least confident of all groups although the number of respondents in this stakeholder group numbered only nine.

Figure 5: Confidence of stakeholders in reforms to reduce serious, repeat youth offending



Source: Surveys of key stakeholders

Respondents from service delivery agencies and advocacy organisations were asked about the efficacy of individual reforms. The question was asked in a similar way for these two stakeholder groups, as it was assumed they would have similar levels of knowledge. Their

effectiveness ratings are presented in Table 8 and Table 9. Table 8 shows the number and proportion of respondents who considered the legislative reforms to be effective in addressing serious, repeat offending.

Table 8: Service delivery and advocacy organisation respondents' assessment of efficacy or confidence in legislative reforms

Legislative reform	Effective	%	Not effective	%
Electronic (GPS) monitoring as a bail condition for young people aged 16 or over	29	16%	157	84%
A limited presumption against bail for serious young offenders (show cause)	76	41%	110	59%
Ability to seek assurances from parents or other person before young person is released on bail	50	27%	136	73%
A lack of accommodation or family support cannot be the sole reason to keep a young person in custody	32	17%	154	83%
Amended youth justice principle that community should be protected from recidivist high risk offenders	87	47%	99	53%
Codifying common law principle that offending on bail is an aggravating factor in sentencing	73	39%	113	61%

Source: Surveys of key stakeholders

Perceived efficacy was low to moderate, with the highest efficacy rating of 47 per cent for the amended youth justice principle that the community should be protected from serious repeat offenders. This was followed by 41 per cent of respondents rating the show cause provisions as being effective, and 39 per cent considering the codification of offending on bail as an aggravating factor in sentencing as effective. The lowest efficacy rating of 16 per cent was for EM as a bail condition for 16 and 17-year-olds followed by a lack of accommodation or family support not being the sole reason for keeping a young person in custody with a 17 per cent efficacy rating. The ability to seek assurances from parents or other persons before a young person is released on bail was considered effective by 27 per cent of respondents.

Section 8 of this report shows members of the public had a higher level of confidence that the reforms would impact on serious, repeat youth offending, with 69 per cent were at least a little confident.

Service delivery agencies and advocacy organisations were also asked about their perceived efficacy of the new youth justice programs, services and resources. Results are presented in Table 9, which shows the number and proportion of respondents who considered these different initiatives to be effective in addressing serious, repeat offending.

Table 9: Service delivery and advocacy organisation respondents' assessment of efficacy or confidence in programs, services and resources

Program	Effective	%	Not Effective	%
New youth co-responder teams	81	44%	105	56%
Intensive bail support for young people on bail and their families	73	39%	113	61%
Extended conditional bail program	52	28%	134	72%
Additional court resources	37	20%	149	80%
Additional legal advocacy resources	30	16%	156	84%
Child safety court liaison officers	32	17%	154	83%
Better skilled youth justice court officers	0	0%	186	100
Youth Justice After Hours service	51	27%	135	73%
Additional youth justice police prosecutors	38	20%	148	80%

Source: Surveys of key stakeholders

Of 186 service delivery agency and advocacy organisation respondents who were surveyed, there were mixed views about the different initiatives. Perceived efficacy was highest overall for the new YCRTs where police and youth justice staff work together, at 44 per cent and the intensive bail support for young people on bail and their families at 39 per cent. 16 per cent of respondents felt additional legal advocacy resources were an effective initiative, while additional CLOs was perceived to be effective by 17 per cent of respondents.

Summary

Overall knowledge of the reforms varied depending on the stakeholder group, with staff of Aboriginal and Torres Strait Islander and non-government organisations reporting the most knowledge. Knowledge was lowest among members of the public.

For service delivery and advocacy organisations who were assumed to have a reasonable level of knowledge of the reforms, confidence in the efficacy of the reforms to reduce serious, repeat offending ranged from low to moderate. For legislative reforms, confidence was highest for the amended principle that the community be protected from serious recidivist offenders. Confidence about the policy reforms among this stakeholder group was highest in relation to YCRTs.

Overall confidence in the effectiveness of the reforms was higher among the public and individuals or organisations more distant from the reforms than those directly involved in their operation.

6 Findings – implementation of reforms

The purpose of this section of the report is to examine the implementation of the reforms and whether they have been implemented as intended. Where possible, the level of utilisation of the legislation, programs and services is examined, along with any early impacts reported by stakeholders or revealed by operational data.

This part of the report responds to review questions two and three (see section 3.2), examining the implementation of the reforms, utilisation and compliance, and stakeholder assessments of legislative or program efficacy.

Information sources consisted of responses provided by government and non-government staff involved in the implementation of the reforms and other stakeholders via surveys and interviews, administrative data, operational records and YJTF and YJSORG records.

This section is structured so that it firstly covers the implementation of youth justice reforms (sections 6.1 to 6.3) and subsequent sections address the other reforms (6.4 the metal detection trial and section 6.5 the anti-hooping reforms).

6.1 Youth justice reforms – overall implementation process

All elements of the legislation commenced on 30 April 2021. Commencement was preceded by contributions from all relevant agencies to Policy and Authority to Proceed, Authority to Introduce (legislation) and submissions for the funding related to the delivery of the legislation and programs. Preparatory work commenced in early February soon after the Premier announced the intention of the Government to introduce new legislation to tackle serious, repeat youth offending and intensified in April 2021 when decisions and funding announcements were made.

Preparatory work involving officers in QCS, QPS and DCYJMA for EM was guided by a project plan. Working groups were established for each major reform. At that stage the various working groups were working towards an anticipated commencement date of 17 April 2021. Joint and single agency procedures were developed and communication and training with staff in the five locations undertaken.

The QPS utilised several internal communication strategies to inform specialist positions and frontline officers about the youth justice reforms and subsequent implementation, including state-wide information sessions; dedicated intranet pages containing written material such as frequently asked questions, guidelines, aide memoirs; internal workplace posts; specialised training packages; and desktop exercises. Information sessions were also provided to external stakeholders including Legal Aid Queensland (LAQ), Magistracy, and the Aboriginal and Torres Strait Island Legal Service.

To support the new EM bail conditions for youth, the QPS together with a Youth Justice speech pathologist translated the bail conditions into simplified English, so young people could easily understand them. The amended bail conditions were endorsed by the Children's Court President and the Magistrates Courts Forms Committee.

On 23 April 2021, the Director-General of DCYJMA emailed judicial officers, legal peak organisations and service providers, the Department of Public Prosecutions (DPP), oversight

bodies, the Youth Justice Strategy Reference Group, First Nation Councils, and community-controlled organisations with detailed information about the reforms with links to the Bill, Explanatory Notes and fact sheets.

On 27 and 28 April 2021, one hour information sessions were delivered across the state to police prosecutors about the legislation reforms. Approximately 30 officers (prosecutors) from around the state attended these sessions, especially Childrens Court Prosecutors. These information sessions included information about the codifying of the common law principle that offending while on bail for another offence is considered an aggravating factor in sentencing. The sessions were also recorded for viewing by officers at a later date.

On 27 April 2021, DJAG hosted a webinar for legal sector stakeholders, including Magistrates and Childrens Court Judges. The President of the Childrens Court, Cairns Childrens Court Magistrate and departmental officers who drafted the Bill presented the details of legislation amendments and responded to stakeholder questions.

The YJTF developed a communication plan to increase public awareness of immediate and long-term efforts, the progress of the reforms and increase feelings of personal safety across the wider community. Communication channels such as media, social media and public forums were and are utilised to inform the Queensland community of the reforms, implementation, performance and subsequent updates. At regional and district levels Assistant Commissioners, District Officers and their respective Commissioned Officers provide regular briefings on operational matters specific to youth crime and the response being provided.

Interaction with front line officers was also key to delivering advice and direction to the workforce on the reforms and changes to practice. The head of the taskforce Assistant Commissioner Cheryl Scanlon provided briefings to the QPS Executive Leadership Team, made personal visits to almost all police districts and in some instances multiple visits to sites with high volume youth crime to brief senior officers, supervisors and front-line staff. Importantly interactions with operational police in each police district were undertaken by both Assistant Commissioner Cheryl Scanlon (QPS) and Senior Executive Director Michael Drane (DCYJMA). The joint interactions were purposeful; they were undertaken to model the joint working relationship considered necessary to achieve collaborative practice.

There was targeted community consultation about the reforms involving QPS and DCYJMA leaders - in Townsville and Brisbane, including with representatives from the Aboriginal and Torres Strait Islander community and staff from Youth Justice Service Centres (YJSC).

DCYJMA delivered information sessions to Managers, Team Leaders and Court Officers within YJSCs, and further discussions occurred in Court Officer Community of Practice meetings on a fortnightly basis during the implementation period. Managers and Team Leaders were expected to communicate with and ensure staff reporting to them were adequately prepared. Communication materials for young people and families were prepared by DCYJMA and were assessed by speech pathologists to ensure they were able to be readily understood.

6.2 Youth justice legislative reforms

The objectives of the *Youth Justice and Other Legislation Amendment Act 2021 (YJOLAA)* were to respond to the characteristics of the offending behaviours of serious repeat offenders which place the community and youth offenders at risk of serious harm or death. Details about each legislative reform, associated implementation process, operationalisation and impacts (where known) are discussed. A summary assessment of each of the eight legislative reforms is provided in Table 10. Further details about individual initiatives directly follow, in order of their presentation in this table.

Table 10: Summary assessment of legislative reforms

Legislative reform	Stakeholder views	Data and other evidence	Considerations for maximising benefit
Electronic monitoring as a condition of bail	Limited support, due to concerns about negative impacts on young people and escalation of behaviour. Those who support EM believe it is not being used enough and use should be expanded to other cohorts.	EM well implemented but low uptake. Appears to be used for moderate to high-risk young people. EM has same qualifying offences as show cause which may be impacting on uptake. Several defence-initiated suitability assessments did not result in an EM device being ordered.	Further analysis of defence-initiated suitability assessments to identify potential practice improvements. Only consider continuation or expansion for purposes other than bail or other cohorts once further research is undertaken including completion of impact evaluation and exploration of impacts in other jurisdictions.
Presumption against bail (show cause)	Moderate to high support from stakeholders	High utilisation, resulting in longer remand periods and increase in young people on remand. Minimal change in percentage of Aboriginal and Torres Strait Islander young people on remand.	Maintain and develop understanding of show cause provisions and their application among staff. Appropriate interventions should be available for serious repeat offenders and intensive supports provided following release from youth detention to avoid, if possible, reoccurrence of offending.
Parent, guardian, or other person's willingness to support young person on bail	Some support but concerns about parental capacity	Moderate levels of family attendance and willingness to support. Young people more likely to be granted bail when support is indicated. Courts evidenced lower utilisation than QPS.	Parents should be assisted by bail support and other services to better support their children on bail and have personal and family issues addressed.
Community should be protected from serious, recidivist offenders	Moderate level of support (but highest of all initiatives)	No data available	In any future communication about the reforms or youth justice legislation, include and describe how it enhances response to serious repeat offenders.
Offending on bail is an aggravating factor in sentencing	Moderate level of support	No data available	In any future communication about the reforms or youth justice legislation, include and describe how it enhances response to serious repeat offenders.
Unable to remand in custody solely because of inadequate accommodation, or family support.	Moderate support, although limited impact expected without significant investment in intensive and culturally safe family support.	No data available	Benefits will be optimised when accompanied by intensive family support. Alternative means of providing intensive family support in locations without a dedicated service could be considered.
Hooning - owner deeming provisions	High level of public support and moderate support from key stakeholders	Type one offences decreased between 2020 and 2021	Continue to monitor impacts over time, identifying appropriate metric to measure impact of legislation.

Metal detection wands	Moderate to high levels of support	No evidence of escalating behaviour or displacement of knife offences to other locations.	Clarify and increase transparency of safeguards. Enhance data collection to include Aboriginal and Torres Strait Islander status and ethnicity. Enhance reporting of adult versus child wand and possession of weapons. Any future decision about expansion informed by independent evaluation and accompanied by community consultation.
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6.2.1 Electronic monitoring legislation and program

Description and purpose

Amendments to the *Youth Justice Act 1992* (s.52AA) introduced a time-limited amendment to allow courts to impose the wearing of an EMD as a condition of bail for young people aged 16 years and over in certain circumstances. Section 52AA (10) provides that this section expires after two years. The explanatory note and public announcements about EMD noted a one-year trial will be independently evaluated after 12 months, to examine the impacts of electronic monitoring on bail condition compliance rates, deterrence from further offending and offender recidivism (if found guilty).

To be eligible for an EMD a young person must:

- be at least 16 years of age
- be appearing for a prescribed indictable offence (either a life offence, an offence which attracts 14 years imprisonment or more or other Criminal Code offences including dangerous driving)
- have previously been found guilty of at least one indictable offence, and
- live in one of the prescribed locations - Townsville, Moreton, North Brisbane, Logan, Gold Coast.

EM has been available since 17 May 2021 when a new regulation in the *Youth Justice Regulation 2016* took effect prescribing the specific postcodes where the trial would operate. Prior to commencement of the regulation, it was estimated that 50 to 100 young people may be eligible for EM, contingent on suitability and court decisions.

If a court is considering an electronic monitoring device for an eligible young person under section 52AA(1)(f) of the *Youth Justice Act*, they must request a suitability assessment to be undertaken by a youth justice court officer. This officer will consider the ability of the young person to comply including their cognitive capacity, the workability of the device where they reside and the suitability of the household in which they reside, including whether there is a responsible adult present in the household. The court will then determine suitability based on these factors.

\$3,819,209 million in funding and 12 Full Time Equivalent positions (FTE) were allocated to QCS to deliver the EM capability and equipment, with a further \$7,450,000 in equity for 2020-21 to establish suitable infrastructure from which to operate EM for children.

Implementation

The Government announced on 9 February 2021 that EM would be made available for serious repeat offenders aged 16 to 17 years as a condition of their bail. Preparatory work for an EM program began immediately with an initial anticipated commencement date in late March. This date was adjusted several times while awaiting parliamentary processes which included a legislative amendment and a regulation to be passed to allow the program to commence. A working group with participation of QCS, QPS and DCYJMA officers was established to develop shared and agency-specific procedures and was guided by jointly agreed tasks.

Stakeholder meetings were held in locations where EMDs were to be trialled, which included information about what the devices looked like and how they worked. All questions and issues raised at these meetings were addressed. A device was shown to stakeholders, with demonstrations about how alerts work, issues with charging, practicalities with activities such as swimming, allergies, and potential damage to the equipment. QCS undertook training across the state at nominated watchhouses within the trial locations to ensure QPS staff were adequately trained in fitting, removal, and device handling.

The review team was told that work of this complexity would ordinarily take several months so the implementation timeframe for this initiative was relatively short. Despite this, the program was established and ready to commence ahead of commencement of the regulation on 17 May 2021. The first young person to receive an EM condition was on 16 September 2021, four months after commencement of the legislation.

The multi-agency working group developed detailed guidelines and information sharing protocols for the operation of the trial. Work flowcharts for QPS and YCRT have been generated outlining roles and responsibilities along with suggested actions.

Operations

The roles for the agencies involved in the operation of the trial are described below.

Youth Justice staff within DCYJMA assess the young person's suitability for an EMD and must do so within one day. They apply criteria outlined in youth justice operational procedures:

- The capacity to understand and participate in the requirements of wearing an EMD on bail (e.g., ensure device is charged and kept in good working order, be contactable by mobile phone)
- Stable accommodation
- Access to a mobile phone, mobile phone reception and electricity supply
- The support of a parent or another person who is willing to:
 - assist compliance and support the young person to comply with the condition
 - notify DCYJMA or QPS of any changes of circumstances that may impact on the young person's ability to comply with the condition
 - notify DCYJMA or QPS of non-compliance with bail conditions.

The assessment form used by DCYJMA staff requires young people to state the EMD requirements in their own words. Youth justice court officers provide detailed information to courts about the suitability assessment and support services to assist with bail compliance, to

assist with their bail determinations. It is estimated that these assessments take about three hours to complete.

When an EMD condition is ordered, if the young person does not have a support person available DCYJMA youth justice staff assist the young person to attend the watchhouse to have their EMD fitted by a QPS officer. DCYJMA youth workers may also supervise the young person through an individualised Conditional Bail Program (CBP), where CBP is a bail condition.

QPS staff are responsible for fitting, removal and storage of the EMDs for the purpose of the trial. This responsibility is currently a function of QPS Watchhouse staff. QPS respond to alerts escalated from QCS. First response officers respond to all high priority 'strap' alerts with the YCRT available to support those officers. QPS officers retain powers to determine if a young person is non-compliant with their bail conditions.

YCRT staff resolve issues and support young people to assist compliance with their EMD bail condition. These teams respond to alerts such as low battery or curfew difficulties when not resolved through telephone contact with QCS staff. If arrest or custodial action is required, the YCRT will contact first response officers to attend and take any action deemed necessary.

QCS staff are responsible for monitoring alerts from EMDs fitted to young people, including contacting the young person by telephone to make attempts to resolve all alerts. QCS, QPS and DCYJMA share information regarding alerts and notifications from the monitoring device through a documented Alert Protocol.

Throughput and compliance

Suitability assessments

DCYJMA has completed nine court ordered and 14 defence-ordered suitability assessments all of which were provided within the required timeframes (one day). Table 11 shows the courts where these were ordered and the outcomes. Of the nine young people where courts requested an EMD assessment, six young people were deemed suitable and three unsuitable. There were three instances where a young person was considered suitable, but a condition was not ordered.

Of 14 defence-initiated assessments, 10 were found suitable but no EMD bail conditions were ordered. It should be noted that the Courts are responsible for making decisions about EMD suitability. DCYJMA commented that in these cases, the young person was either refused bail, granted bail with other conditions or the bail application discontinued due to early sentencing. There would be benefit in undertaking a systematic analysis of each of these cases to determine if any improvements to the process or content associated with suitability assessments would contribute to a greater number of EMDs being ordered.

Table 11: Court and defence ordered suitability assessments, number deemed suitable and number of EMDs ordered 30 April to 9 December 2021

Court location	Court ordered EM suitability assessment	Number deemed suitable	Number EMD ordered	Defence initiated EM suitability assessment	Number deemed suitable	Number EMD ordered
Townsville	6	3	2	5 ^a	2	0
Redcliffe	1	1	1	0	0	0
Caboolture	1	1	0	1	1	0
Pine Rivers	1	1	0	2	2	0
Brisbane				4	3	0
Southport				1	1	0
Beenleigh				1	1	0
Total	9	6	3	14	10	0

^a Two of these assessments were for the same young person

Source: Youth Justice Court and Regional Operations Practice Support, DCYJMA

Young people with electronic monitoring as a condition of bail

To date three young people have had EM ordered as a condition of bail along with a curfew and CBP conditions (see Table 12). These young people resided in the Moreton and Townsville regions. Case studies about each young person are contained in **Appendix 8**.

Table 12: Details of EMD bail conditions ordered since 30 April 2021

	Other conditions	Date EMD fitted	Date EMD removed	Total days with EMD
Young person 1	Curfew, CBP	16/9/2021	10/11/2021	61
Young person 2	Curfew, CBP	8/10/2021	20/10/2021	12
Young person 3	Curfew	18/11/2021	1/12/2021	13

Source: Youth Justice Court and Regional Operations Practice Support, DCYJMA

The following characteristics of these young people are:

- All three young people were either Aboriginal and Torres Strait Islander or non-Caucasian.
- Two young people were assessed as moderate risk of reoffending and one as high risk of reoffending through the Youth Level of Service/Case Management Inventory (YLS/CMI). The YLS/CMI which is the assessment tool used to assess young people's level of risk of offending, has an upper category of Very High Risk. This indicates the three young people who received EMDs were not the most serious repeat offenders originally intended to be targeted by the trial.

There were also a set of shared circumstances surrounding the granting of bail for the three young people in conjunction with the EM bail condition:

- All three were refused bail before the EM bail conditions and were released from custody using the EM as a bail condition. This means that EM may have reduced the need for some bed nights in custody.
- None of the three had been given the opportunity of bail with a CBP condition prior to being subject to an EM condition.

In addition, the following issues were reported to have occurred in relation to young people either being considered for ordered EM as condition of bail:

- One young person experienced a significant change in individual and family circumstances during an adjournment period that rendered them no longer suitable for an EM condition.
- On one occasion in the Townsville Magistrate's Court an EMD was not applied reportedly due to the young person attending a school in an area with no network coverage, although there were other factors that were considered in determining their EM suitability.
- For one young person, the EM reportedly impacted on school attendance and a fear of stigmatisation caused by EM.
- Another young person submitted to the court that they would be unable to gain or participate in employment as the EMD impeded their ability to wear work safety boots. It was subsequently ascertained that work-boots can be worn with an EMD as occurs with adults. The EMD was removed as a bail condition after seven days at a subsequent mention at court for multiple reasons, including that the curfew conditions were no longer workable.

Some other technical and procedural issues were indicated:

- Curfew conditions on the bail undertakings allow for the young person to spend time with another responsible adult approved by their responsible adult outside the curfew period, however, the identity of the responsible adult and whether they have been approved was not possible to establish by QCS EM officers when conducting a curfew alert response over the telephone.
- On one occasion, there was a technical issue related to fitting, requiring a young person to return to the watch house to be re-fitted.

Compliance

Although there were multiple transgressions by these young people while subject to an EMD, triggering alerts¹ to QCS, most were relatively minor. For all three young people, the majority of alerts were baseline inclusion alerts – this means that they were technical issues related to inclusion zones that were able to be rectified by QCS, without involving QPS. Others were inclusion alerts triggered by the young person being outside an inclusion zone

¹ Alerts are categorised as follows:

- Exclusion: an exclusion zone is an area set out by the court where the wearer must not enter (for example, CBD or shopping centre or place where victim or witness resides).
- Inclusion: An inclusion zone is an area set out by the Court where the wearer must remain within their curfew hours.
- Low battery: the device indicates battery power below 25 per cent.
- No communication: device has failed to communicate with the system for one hour
- Strap alert: the strap on the EMD may have been damaged, tampered with or the device removed.
- No motion: the Smart Tag on the device failed to detect or report any motion for 12 hours.

Within each alert category there are three different levels of severity – baseline, level 1 and level 3, with level 3 being the most serious requiring QPS attendance.

during curfew hours, but they were doing so with permission. This indicates the alert data on its own is insufficient to determine compliance.

Interaction of electronic monitoring with other reforms

The uptake of the EM trial is usefully considered in tandem with the show cause provisions and existing provisions regarding community safety. Given that the eligible offences for show cause provisions are the same for EM it is plausible that courts are preferencing this provision and remanding young people in custody to ensure the safety of the community (or welfare of a person), consistent with section 48AAA(2) of the *Youth Justice Act 1992*. This may have contributed to the low utilisation of EM as a condition of bail to date.

Assessment of efficacy

The low number of young people being ordered EM does not allow a comprehensive assessment of efficacy and a further assessment will need to be determined through the 12-month impact evaluation.

Overall confidence in the ability of this reform to address serious youth offending was low at 16 per cent, however, it varied between stakeholder groups as demonstrated in Table 13.

Perceived efficacy varied between 11 and 20 per cent depending on the government agency the respondent worked at. At the time the survey was undertaken in September, only one young person had been placed on an electronic monitoring bail condition and this may have impacted on stakeholder assessments of efficacy.

Table 13: Service delivery and advocacy respondents' assessment of efficacy of electronic monitoring to address serious, repeat youth offending

Agency	Yes	%	No	%	Total
Advocacy Organisations	1	13%	7	88%	8
DCYJMA	6	11%	47	89%	53
QPS	21	18%	99	83%	120
Other	1	20%	4	80%	5
Total	29	16%	157	84%	186

Source: Surveys of key stakeholders

Within this group of respondents, there were 33 who indicated they were directly involved in the trial. Of those, an even lower percentage than the overall group of respondents, 12 per cent, considered that EM was effective at reducing serious, repeat offending.

30 respondents to the survey commented that most young people did not fit the suitability criteria.

What is working well

The process for managing a young person subject to an EM condition is reported as working well now that staff have had the opportunity to test and refine their procedures.

Stakeholders reported that the advantage of the slow uptake of EM as a condition of bail has allowed organisations to resolve issues in the procedures as implementation progressed.

Stakeholders reported the system of alerts was working well for all agencies. The only condition requiring an immediate QPS response is when the strap is removed or tampered with (a 'strap alert'). All other alerts such as low battery or curfew non-compliance are addressed by YCRTs when they cannot be resolved through phone contact by QCS officers with the young person.

Service delivery agency respondents were invited to comment on initiatives or aspects of initiatives they thought were working well. Five respondents noted that the EM trial had improved collaboration across government departments. One respondent commented that the fitting of the EMD itself was working well. Our conversations with staff across all agencies involved in delivering EM support these perspectives.

Potential areas for improvement

Staff involved in the implementation of EM identified several areas for improvement.

Information sharing:

Stakeholders reported that it took four months of weekly meetings to develop information sharing protocols between QPS, DCYJMA, QCS and DJAG. The reported barriers to finalising the protocol included concerns about information sharing provisions in the legislation that governs some agencies, and the ownership and storage of information. There were initial barriers about how to share sensitive and confidential files across agencies, which was subsequently agreed and addressed using the SharePoint system.

Bail condition wording:

QPS developed materials with a DCYJMA speech pathologist at DJAG's request following feedback from the Childrens Court President. The revised bail conditions were accepted and uploaded to the courts case file management system (QWIC) as a template available for use by judicial officers. Specific bail conditions applied depend on individual circumstances; it is not always appropriate to use templates as judicial offices need to consider individual circumstances and ensure the most appropriate conditions are applied. DJAG and other agencies are supportive of ensuring materials are provided to young people in plain English.

There have also been issues identified with bail condition wording related to specific conditions. Experiences with one young person have highlighted the criticality of precise wording that takes into account the implications of who is responsible for the young person and what will facilitate their compliance.

QPS is now working with court staff and prosecutors to provide information and examples of appropriate wording of bail conditions that can be operationalised and monitored to provide to the court.

Alternative use of electronic monitoring:

Several stakeholders suggested that EM could be considered in different forms, for example, as part of home detention, home remand or as part of a Supervised Release Order following a period of sentenced detention. Another suggestion was that an EMD could be offered to young people on remand, once their circumstances had stabilised. Other service delivery agency respondents commented that EM may be more suitable for supervising young people who had been released from detention. The summary of research literature in section 2.1 indicates there is inconclusive evidence about the efficacy of EM as a sentencing order for young people.

Two respondents suggested that EM would be improved by lowering the age limit to 14 years. Another stakeholder considered that by the time young people reach 16, the device is unlikely to sufficiently mitigate the risks of them being in the community. It is important to note that lowering the age of young people subject to EM is not consistent with the research literature regarding EM suitability.

Impacts and consequences

Concerns were expressed about the young people granted an EMD condition to date. The legislation was intended to target the serious repeat offender cohort to ensure community safety while on bail. Stakeholders reported that young people in the eligible cohort are instead being remanded under the provisions of show cause or protection of community safety. While it is not possible to unequivocally substantiate this proposition, the show cause data indicates a high level of uptake of the provisions and stakeholders indicating the provisions were working well. It is also the case that the same offences render young people eligible for EM and show cause.

Of the survey respondents who indicated that they were involved in the trial, five respondents commented that the EMD trial had resulted in good collaboration between agencies and improved community confidence in the monitoring of bail.

Consistent with the low level of perceived efficacy of EM as a means of addressing serious, repeat youth offending, 12 service delivery agency respondents commented that EM was not well accepted, that there was a belief that it would negatively impact on youth and not prevent offending, and that the suitability criteria screen out many young people due to them not having suitable accommodation and support.

Several stakeholders in surveys and community meetings commented that EM was considered by young people as 'cool' and a badge of honour that gave a person 'street cred'. This was seen as potentially contributing to it not being a deterrent for some young people. This may be a matter to be canvassed in the impact evaluation.

Impacts on Aboriginal and Torres Strait Islander people

Two young people who have been subject to an EM bail condition have been Aboriginal young people. In one of the cases, the young person subject to an EMD refused an education enrolment due to concerns about bullying and stigmatisation.

Feedback from members of the Aboriginal and Torres Strait Islander community with respect to this new provision is almost exclusively negative. Participants in discussions across five sites felt EM would disproportionately target First Nations young people and have perverse impacts. These include wearing an EMD being seen either as a badge of honour and not facilitating bail compliance or alternatively wearing an EMD would be stigmatising and not do anything to address the underlying causes of the child or young person's offending or compliance. We were told about young people and adults in their communities discussing the prospect of EM in a way that there would be kudos associated with it.

Two respondents commented that EM was negative for Aboriginal and Torres Strait Islander young people due to the ability to identify them from media reports and negative historical connotations associated with the practice of 'tracking'. It should be noted that following the submissions received by First Nations stakeholders, the Government amended the wording in the Bill and removed the terms 'trackers' and 'tracking'.

Summary

Overall, while the application of EM as a condition of bail has been slower than expected, the implementation process appears to have progressed well. The three responsible agencies have worked well together and the administration of the program has benefited from the time it has taken for courts to progressively order EM conditions. However, information sharing protocols have taken longer than expected to develop.

Because of show cause and EM having the same eligible offences, there are concerns that this is contributing to the low uptake. Across all stakeholders, there is a low level of confidence in EM and its ability to adequately deal with serious repeat offenders and a strong negative view of EM among legal advocates, non-government stakeholders and Aboriginal and Torres Strait Islander people.

While there were several suggestions for expanding the application or changing the eligible cohort for EM, we would caution against doing this without the benefit of a comprehensive impact evaluation and further investigation of its application in other jurisdictions. Furthermore, the research indicates there are serious risks associated with subjecting younger children to EM.

6.2.2 Limited presumption against bail (show cause)

Description and purpose

Section 48AF *YJOLAA 2021* established a presumption against police and court ordered bail (show cause) for a limited class of youth offenders. This amendment was intended to ensure that the community would be protected from the risk posed by a small cohort of serious repeat offenders.

The new section requires police or a court to refuse to release the child from their custody if:

- The child is charged with a prescribed indictable offence, and
- The offence was allegedly committed while the child was released into custody of a parent, or at large with or without bail, or awaiting trial or sentencing for another indictable offence, and
- The child cannot provide good reasons why their detention in custody is not justified.

Prescribed indictable offences under this provision are the same as those for EM, that is, a life offence, or an offence which attracts 14 years imprisonment or more (with one exception), or certain other Criminal Code offences including dangerous driving and unauthorised use of a motor vehicle where the child is the driver.

If after considering the matters, courts or police decide to release the young person on bail, they must record the reasons for doing so. This is similar to the pre-existing requirement (48B) for police and courts to record why a young person is kept in custody.

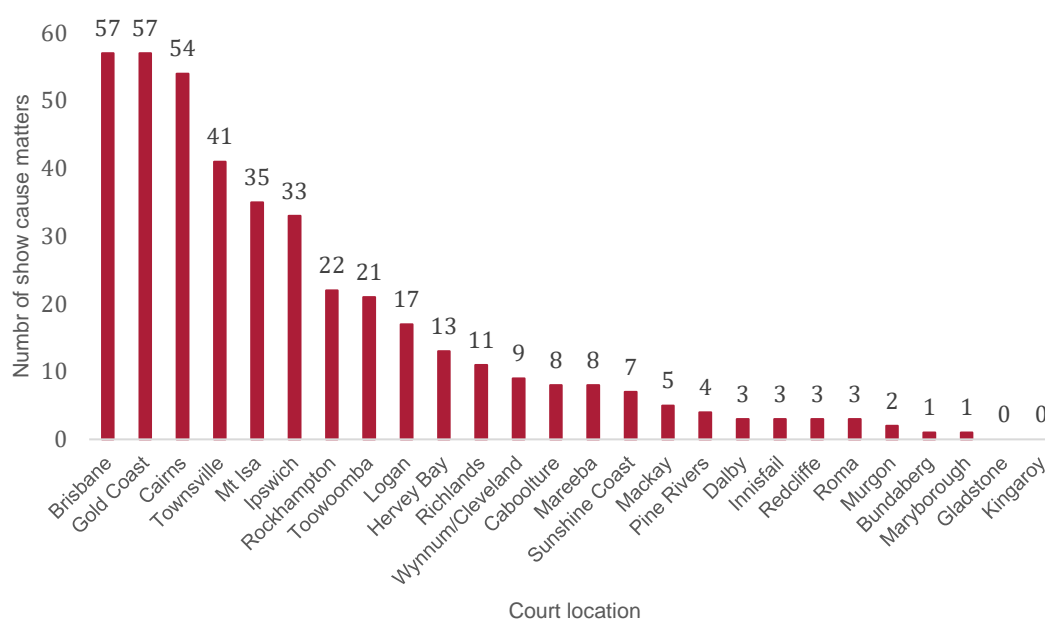
Throughput

QPS *Youth in Custody – Application Data* was largely used for the following analysis as it provided the most comprehensive dataset to analyse the usage of show cause provisions. Data is current at 11 November 2021 and is for the period 17 May to 31 October 2021.²

Of 876 bail applications recorded by QPS, 422 (48 per cent) were recorded as being in show cause. DCYJMA data indicates there were an additional 130 bail applications between 30 April and 16 May 2021, and of those, 54 (42%) were required to show cause.³ In total therefore, there were an estimated 476 show cause matters since the legislation commenced.

Figure 6 depicts the number of matters in show cause for courts across Queensland based on QPS data. Brisbane, Gold Coast, Cairns, Townsville, Mt Isa, Ipswich, Rockhampton and Toowoomba courts had the highest volume of show cause matters, together accounting for almost 80 per cent of show cause matters. Brisbane and Rockhampton had the largest percentage of matters in show cause at 61 per cent. There were also four locations with less than 20 bail applications that had high rates of show cause matters – Hervey Bay, Richlands, Wynnum/Cleveland, Caboolture and Mareeba (data about percentages of show cause matters for all courts is at Table ii, **Appendix 9**).

Figure 6: Number of show cause matters in Queensland Court locations May to October 2021



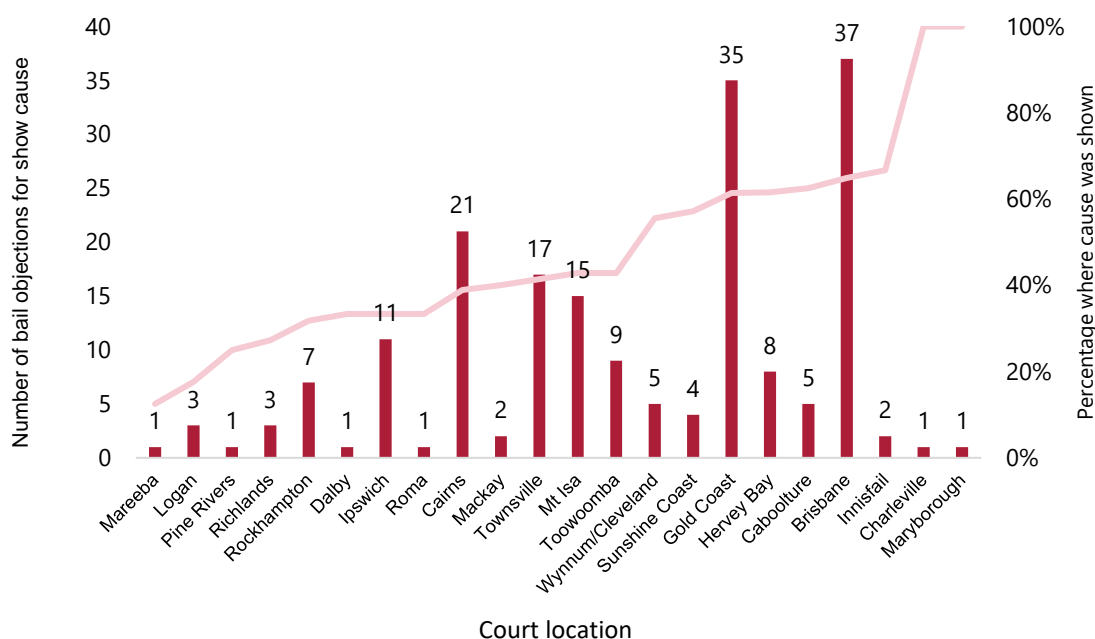
Source: QPS *Youth in Custody Bail Outcomes data*

² The QPS *Youth in Custody Bail Outcomes data* application only captures data about young people appearing before court who have been arrested or charged and where either the watchhouse had not released them on bail or they were remanded in custody by the court on an earlier occasion. It does not capture data about young people diverted by QPS or dealt with by way of a notice to appear.

³ DCYJMA data pertaining to show cause is not collected in the same way as QPS and there are some known data quality issues so this figure should only be considered an estimate.

According to the same data, 45 per cent of matters where young people were in show cause resulted in them being able to show cause (182 of 422). Figure 7 shows the number and proportion of show cause matters where cause was shown across Queensland courts.

Figure 7: Show cause matters resulting in cause being shown May to October 2021



Source: QPS Youth in Custody Bail Outcomes Data

The highest number of matters where cause was shown were Brisbane and Gold Coast, then Cairns, Townsville, Mt Isa, and Ipswich. In some high-volume courts such as Cairns, Townsville, Mt Isa and Ipswich, young people were less able to demonstrate cause than other locations, the percentage being under 50 per cent. The volume of matters did not appear to impact this outcome. For example, Brisbane and Gold Coast Magistrates Courts had the highest number of show cause matters, and also relatively high rates of cause being shown at 65 and 61 per cent respectively.

Figure 7 also shows Logan, Richlands and Rockhampton courts have low rates of young people being able to show cause (under 20 per cent). In addition, Mareeba had nine show cause matters, and only one matter where the young person was able to show cause.⁴

While the reasons for these different results are unknown, it is possible that locations with low proportions of cause being shown have higher levels of disadvantage and/or less capacity to support and supervise young people on bail.

Several service delivery agency respondents commented that the provisions were not well understood by legal representatives and prosecutors in court. They cited examples of bail being objected to where young people were charged with offences that were not those

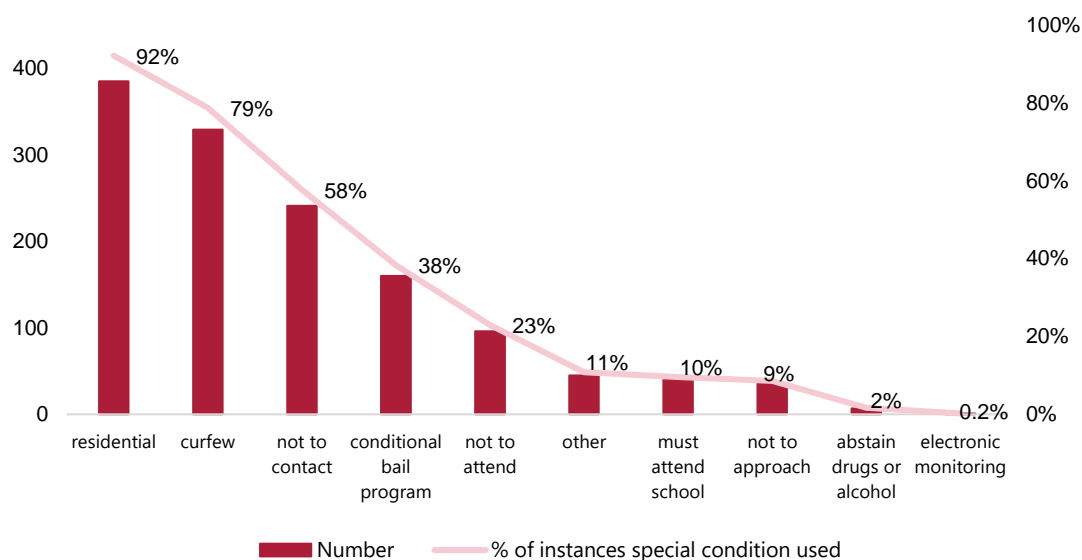
⁴ There were several other courts with a low number of show cause matters, and as a result, the proportion of matters that resulted in cause being shown is not a reliable statistic.

prescribed in the show cause legislation. There was no data available that would indicate the extent to which show cause was being understood and applied correctly.

It is apparent that the courts took seriously the risks associated with young people being granted bail and imposed special conditions for the majority of young people. 91 per cent of all grants of bail captured through the bail application data resulted in special conditions being imposed (418 of 459). Where the young person was in show cause, this was higher again. 94 per cent of matters (173 of 184) where the young person was in show cause resulted in bail being granted with special conditions; with only a slightly lower figure of 89 per cent for matters where young people were not in show cause (245 of 275).

The range of special conditions for all instances where special conditions were imposed, and their relative volume is shown in Figure 8. Residential and curfew conditions were the most frequently imposed bail conditions at 92 and 79 per cent respectively. 58 per cent had conditions not to contact particular individuals and a further 23 per cent not to go to certain places. 38 per cent of instances resulted in a CBP being ordered. There were no differences in the type of special conditions for young people in show cause compared to young people who were not in show cause.

Figure 8: Number and proportion of special conditions where bail was granted



Source: QPS Youth in Custody Bail Outcomes Data

Assessment of efficacy

As seen in Table 14, the show cause legislative amendment was considered effective by 41 per cent of service delivery respondents and received the second highest efficacy rating of all the legislative reforms. QPS staff rated this initiative as more effective than DCYJMA staff.

Table 14: Service delivery and advocacy respondents' assessment of efficacy of 'show cause' to address serious, repeat youth offending

Agency	Yes	%	No	%	Total
Advocacy Organisations	2	25%	6	75%	8
DCYJMA	20	38%	33	62%	53
QPS	53	44%	67	56%	120
Other	1	20%	4	80%	5
Total	76	41%	110	59%	186

Source: Surveys of key stakeholders

Seven respondents from service delivery agencies (seven per cent who commented on initiatives working well) were of the opinion that the presumption against bail for serious repeat offenders charged with prescribed offences worked well, particularly in relation to Unlawful Use of Motor Vehicles offences where a driver could be identified.

Of 876 bail application matters, 417 (48 per cent) resulted in young people being remanded in custody and 459 being granted bail (52 per cent). It appears also that young people in show cause are more likely to be refused bail than those who are not in show cause. However, the data shows that once young people are able to demonstrate cause, they are highly likely to be granted bail. Table 15 shows young people who were able to show cause were granted bail in 184 of 190 matters (97%). Furthermore, 100 per cent of young people who were unable to show cause were remanded in custody. This indicates the legislation is achieving what was intended, that is, young people at high risk, due to factors set out in the legislation, should be remanded in custody.

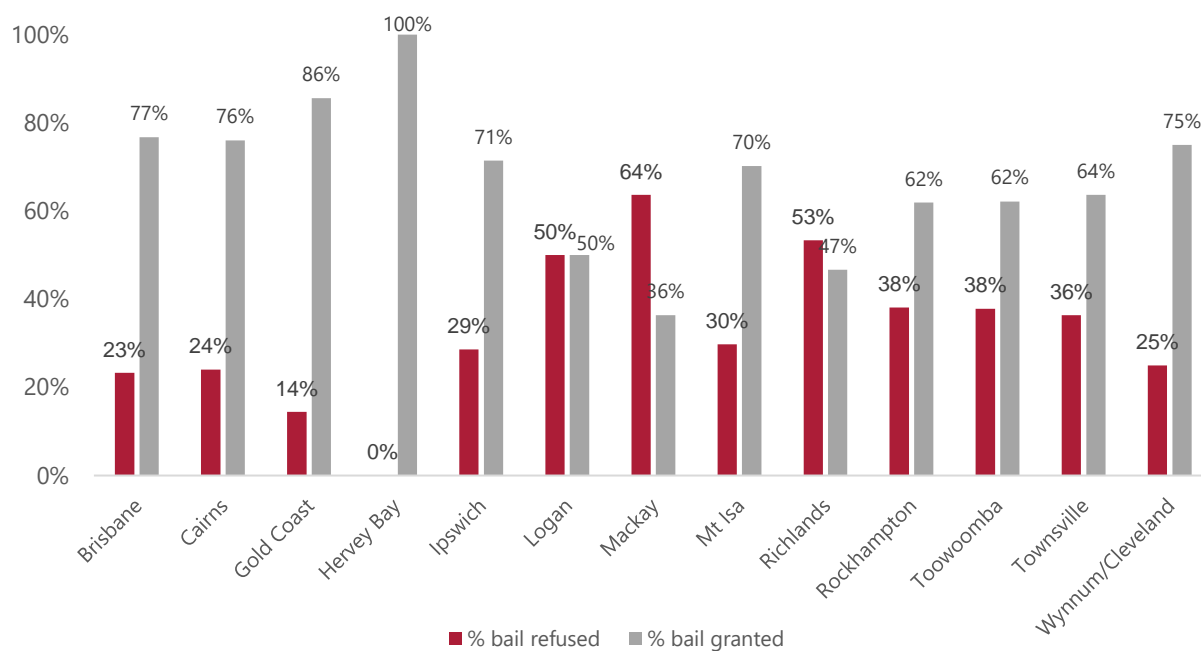
Table 15: Outcomes of bail matters that were in show cause

Bail application outcome	Cause shown	%	Cause not shown	%	Total
Granted	184	97%	-	-	184
Refused	6	3%	232	100%	238
Total	190	100%	232	100%	422

Source: QPS Youth in Custody Bail Outcomes Data

Figure 9 shows the differences in bail outcomes between court locations for cases of young people required to show cause. Data is only presented for courts where 10 or more cases were recorded. Of these courts, the lowest proportion of grants of bail and conversely the highest bail refusals for young people who were required to show cause were at Logan (50%), Richlands (47%) and Mackay (36%).

Figure 9: Proportion of show cause matters with bail refused and granted for selected Queensland courts, May to October 2021



Source: QPS Youth in Custody Bail Outcomes Data

Potential areas for improvement

As noted above, several stakeholders commented on the lack of consistent understanding among court stakeholders of what is meant by show cause. This could indicate a need for an improved understanding of show cause by police prosecutors and legal practitioners, aligned with the legislation.

Impacts and consequences

Several stakeholders commented the show cause provision is resulting in more bail refusals and more children and young people in detention. Data for the period May to October 2021 indicates there has been an increase in the numbers of young people remanded in custody and the average duration of remand in custody has increased (refer to section 9). While it is not possible to attribute changes in remand rates to show cause provisions alone, given its level of utilisation, it is likely show cause has had some impact on this increase.

Impacts on Aboriginal and Torres Strait Islander people

Concern was expressed by survey respondents and Aboriginal and Torres Strait Islander Elders and community members had concerns about the impact of this provision on Aboriginal and Torres Strait Islander young people, resulting in their disproportionate remand in custody. A small minority felt it was important that there were consequences such as this for serious offenders and those who are non-compliant with bail conditions.

QPS bail application data which was used for analysis of other features of the show cause provision does not identify Aboriginal and Torres Strait Islander status so to ascertain any impact, DCYJMA bail data which does capture this, was analysed. According to the DCYJMA data, 66 per cent of young people required to show cause were Aboriginal and Torres Strait

Islander. This is proportionate to DCYJMA data regarding the number of children appearing in court for bail matters – 67 per cent were Aboriginal and/or Torres Strait Islander.

Data about remand numbers shows the proportion of Aboriginal and Torres Strait Islander young people remanded in custody did not increase during the May to October 2021 period compared to previous years. Instead, there was a four percentage point reduction in the proportion of Aboriginal and Torres Strait Islander young people remanded in custody – from 67.4 per cent in 2019 to 63.4 per cent in 2021 (refer to Table 48, section 9).

Summary

Show cause provisions received mix feedback from stakeholders in terms of their application. While some stakeholders considered these provisions straightforward, several considered the provision was not well understood and being incorrectly applied by applicants. This finding indicates there may be opportunity to increase the understanding of these provisions among court stakeholders.

At 31 October 2021 the show cause provisions appear to be contributing to an increase on remand in custody rates. Compared to previous years, there was an increase in the number of distinct young people remanded in custody, an increase in the average duration in custody and an increase in average daily numbers of young people in custody.

While the rate of Aboriginal and Torres Strait Islander young people being remanded in custody has decreased by a small amount, they are over-represented among those in a show cause situation and are over-represented among young people appearing before the courts for bail applications. This is consistent with the long-term over-representation of Aboriginal and Torres Strait Islander young people in the youth justice system.

Whether young people in show cause are refused or granted bail varies considerably by court location, but where young people in show cause are being granted bail, there appears to be appropriate special conditions being put in place to manage their risk of reoffending.

6.2.3 Ability of courts to seek assurances from parents or other persons

Description and purpose

This provision in the *Youth Justice Act 1992* explicitly permits the court or a police officer to take into consideration, when determining whether to grant bail, whether a parent, guardian or other person has indicated willingness to do one or more of the following:

- support the young person to comply with their bail conditions
- advise of any changes in circumstances that may impact the offender's ability to comply with the bail conditions
- advise of any non-compliance with bail.

The definition of 'parent' appears in Schedule 4 of the *Youth Justice Act 1992* as:

- a) a parent or guardian of a child; or

- b) a person who has lawful custody of a child other than because of the child's detention for an offence or pending a proceeding for an offence; or
- c) a person who has the day-to-day care and control of a child.

'Other person' could be an immediate or extended family member, relative, kin, community member, neighbour, employer or a staff member or volunteer from a support service.

The amendment aims to promote a young offender's need to be supported while on bail, and to promote compliance with bail conditions and community safety. It also seeks to mitigate the risk of a young person not having sufficient maturity or capacity to be aware of the reasons and protective factors under the show cause provisions.

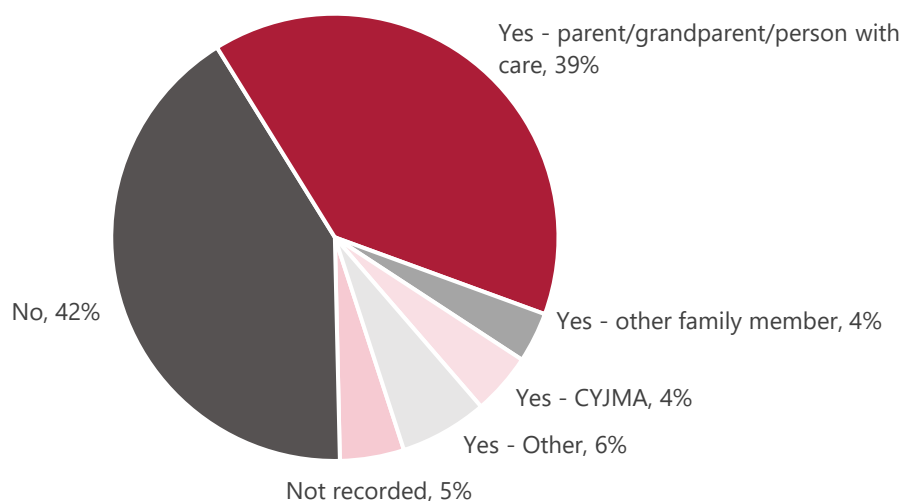
Throughput

From QPS bail applications data relating to appearances between 17 May and 31 October 2021, an indication of willingness to support, from a parent or other person was apparent in 54 per cent of cases (1,079 of 2,003). 43 per cent of appearances had an indication of willingness from a parent or other family member, and 10 per cent from other people including staff from DCYJMA (4 per cent). Figure 10 represents the extent to which indication of willingness provisions were applied to different types of support people.

QPS watchhouse data shows there were another 328 indications of willingness to support for matters where the young person was held in a QPS watchhouse.

When requested by the court, an indication of willingness to support a young person was achieved in another 59 of 161 matters (37 per cent).

Figure 10: Number of cases where indication of willingness to support provisions were applied, 17 May to 31 October 2021



Source: QPS Youth in Custody Bail Outcomes Data

Further analysis was undertaken to examine any differences in the application of willingness to support provisions across different court locations.

Table 16 shows the percentages of indication of willingness from a parent or other person to support a young person to comply with bail conditions across Queensland court locations. During the period under examination, Cairns had the highest indication of willingness (78% of 122 matters), followed by Richlands (76% of 55 matters) then Townsville (68% of 373 matters), Mt Isa (65% of 127 matters) and Rockhampton (64% of 69 matters). Of the larger volume courts with over 100 matters during the measurement period, Logan, Brisbane, Gold Coast and Ipswich had lower rates of willingness to support at 40, 47, 49 and 50 per cent respectively. Moderate volume courts such as Toowoomba and Sunshine Coast had some of the lowest rates of willingness to support at 31 per cent and 24 per cent.

Table 16: Indication of willingness from parent or other person by court location for all youth bail matters 17 May to 31 October 2021

Court Location	Yes	No	Nothing recorded	Total
Townsville	68%	28%	4%	373
Brisbane	47%	52%	1%	232
Logan	40%	59%	2%	222
Gold Coast	49%	42%	9%	217
Ipswich	50%	50%	1%	193
Mt Isa	65%	26%	9%	127
Cairns	78%	20%	2%	122
Toowoomba	31%	58%	11%	99
Rockhampton	64%	35%	1%	69
Richlands	76%	22%	2%	55
Sunshine Coast	24%	60%	17%	42
Caboolture	39%	53%	8%	36
Mackay	46%	54%	0%	26
Redcliffe	42%	46%	12%	26
Pine Rivers	40%	52%	8%	25
Mareeba	54%	46%	0%	24
Wynnum/Cleveland	74%	13%	13%	23
Hervey Bay	57%	43%	0%	21
Innisfail	35%	65%	0%	17
Roma	67%	33%	0%	15
Dalby	20%	70%	10%	10
Bundaberg	17%	67%	17%	6
Gladstone	67%	33%	0%	6
Murgon	60%	0%	40%	5
Gympie	75%	25%	0%	4
Kingaroy	50%	25%	25%	4
Charleville	100%	0%	0%	2
Maryborough	0%	100%	0%	2
Total	54%	42%	5%	2003

Source: QPS Youth in Custody Bail Outcomes Data

The variability in findings suggests varying levels of family engagement and may indicate a greater need for targeted family support in locations with low levels of willingness to support. Sunshine Coast, Toowoomba, Innisfail, Dalby and Bundaberg appear to be particular areas of need followed by Logan, Pine Rivers and Redcliffe.

With respect to watchhouse generated instances of willingness to support, the greatest percentage of these instances (40 per cent) were in the Far North police region. This region includes Cairns, Tablelands, Aurukun, Smithfield, Edmonton, Ravenshoe and Mareeba police divisions. The next most frequent was Mt Isa at 10 per cent. Other police regions constituted six per cent or less of matters where an indication of willingness to support was given. 68 per cent of the total watchhouse matters involved Aboriginal and/or Torres Strait Islander young people and 32 per cent non-Indigenous young people (**Appendix 9**). This is consistent with DCYJMA data that shows the number of Aboriginal and Torres Strait Islander young people appearing on bail matters is 67 per cent.

Assessment of efficacy

Survey results indicated that of the 186 service delivery agency and advocacy organisation representatives who commented on initiatives and reforms that were working well, 27 per cent (50 respondents) considered this initiative was working well. The results were, however, different depending on which agency the respondent originated from, with opinions of efficacy higher for DCYJMA (43%) than for QPS (20%) or advocacy organisations (13%). Table 17 shows the perceived efficacy of parental or other person willingness legislative provisions to address serious, repeat youth offending, by service delivery agency and advocacy organisations.

Table 17: Service delivery and advocacy respondents’ assessment of efficacy of parental willingness to support, to address serious, repeat youth offending

Agency	Yes	%	No	%	Total
Advocacy Organisations	1	13%	7	88%	8
DCYJMA	23	43%	30	57%	53
QPS	24	20%	96	80%	120
Other	2	40%	3	60%	5
Total	50	27%	136	73%	186

Source: Surveys of key stakeholders

With respect to this legislative change, many of the comments from survey respondents centred around there being a lack of understanding, support or interest from the families of young people in providing support for bail compliance. For example, it was expressed by some stakeholders that families of some serious repeat offenders do not have any interest or ability to support their children or monitor their behaviour or bail conditions. In some cases, we were told the parent-child relationship had broken down and the home environment was not safe or secure. Further it was felt that some families do not understand the importance of monitoring bail and curfew conditions which in turn means young people are more likely to fail to comply with bail conditions and/or to re-offend. The data presented in Figure 10 indicates that this may be the case for some young people – with 42 per cent of cases not having anyone agree to indicate support.

Consistent with the intent of the legislation, there appears to be a higher rate of bail being granted where there was an indication of willingness to support compared to when there was not. Table 18 indicates 56 per cent of matters where there was an indication of willingness to support from a parent or other person resulted in the young person being granted bail, compared to 39 per cent when there was no willingness to support indicated. The remaining 26 per cent of young people were in a show cause situation and were unable to show cause so would have been remanded in custody. If matters where the young person was unable to show cause are excluded, an indication of willingness to support results in 75 per cent of cases being granted bail compared to 55 per cent where there was no willingness to support.

Table 18: Bail application outcome related to willingness to support

Bail application outcome	Willingness to support	%	No willingness to support	%	Total	%
Granted	374	56%	63	39%	437	51%
Refused	122	18%	51	32%	173	22%
Unable to show cause	172	26%	47	29%	219	26%
Total	668	100%	161	100%	829	100%

Source: QPS Youth in Custody Bail Outcomes Data

Unfortunately, it was not possible to assess the bail completion outcomes for matters where willingness to support was indicated, as there is only the ability to assess bail outcomes for young people involved in the Conditional Bail Program. We would hope that in future, data collection mechanisms will expand to allow this type of assessment to occur.

What is working well

Some survey respondents from non-government organisations were of the view that bail support programs have had many successes in supporting families to improve their children's bail compliance, which is an important contributing factor to reducing recidivism. Some respondents also considered that bail compliance is improving somewhat. There is only CBP data available to interrogate this claim and this shows a decrease in successful completions for May to October 2021 compared to both 2019 and 2020.

Potential areas for improvement

Rather than changes to the legislation, suggestions for improvement concerned improving the service offerings for families of serious repeat offenders. Many respondents have suggested that more funding for support and early intervention is required, with the highest risk young people needing greater focus. Some believe that in-home intervention has merit, with families more likely to benefit from programs with wraparound support that assist in improving the home environment. It was suggested that these programs incorporate educating families about the importance of monitoring bail conditions and what specific conditions such as curfews entail.

Impacts and consequences

Some of the unintended consequences raised in survey responses were that bail is more difficult to obtain especially if a parent does not attend court, and that young people who lack family support are experiencing higher remand rates.

QPS bail application data shows that out of 2,003 bail applications made between 17 May and 31 October 2021, 1,414 (71%) had a support person present. The review team was told that in Townsville, some courts will not hear matters without family members being present. They are applying s.70 of the Youth Justice Act which allows matters to be adjourned so that parents can attend, and parents can be fined for non-attendance. As discussed above, data shows that parents or other people indicating a willingness to support is resulting in those young people being granted bail at a higher rate than where this support is not proffered.

Impacts on Aboriginal and Torres Strait Islander people

Some of the impacts and unintended consequences on Aboriginal and Torres Strait Islander young people, identified in survey responses, highlighted that when young people do not have a safe and stable home environment, this impacts on complying with bail. Some respondents were of the view that Aboriginal and Torres Strait Islander young people are less likely to have safe and stable home environments and are therefore more likely to be disengaged and disconnected from community and support systems, and in turn less likely to be granted bail.

Summary

Overall, this initiative has laudable aims to ensure young offenders are supported appropriately while on bail, as a determining factor in granting bail. Outcomes related to the granting of bail indicate that this legislation may be having the desired impact in terms of better engaging the support of families and others. There was a higher rate of bail being granted where there was an indication of willingness, compared to when there was not. Unfortunately, there is currently no ability to determine whether young people successfully complete their bail with or without this support.

Stakeholders reported a significant number of families who have a lack of understanding, interest or ability to provide the kind of support needed to ensure the young person complies with bail conditions. The data regarding the extent to which parents or other people are willing to support a young person on bail lends weight to this proposition, with only 43 per cent of cases having family members indicating a willingness to support to young people on bail.

Potential areas for improvement identified through survey responses suggest that further investment in more intensive programs for families and young people on bail would be beneficial, including those that aim to educate and support families about bail conditions for young people.

6.2.4 Lack of accommodation or family support cannot be the sole reason to keep a young person in custody

Description and purpose

This amendment was made largely in response to concerns from key stakeholders that young people continued to be remanded in custody if they did not have family support or were unable to demonstrate they had stable accommodation. This amendment clarified an existing provision of the Youth Justice Act (48AA(7)) so these factors on their own cannot be

the sole reason for keeping a child in custody. An absence of accommodation or family support can, however, be taken into consideration along with a range of other factors when making decisions about bail.

Throughput and compliance

It is not possible to determine the extent to which this provision was used as there is no specific data collection mechanism in any agency for this purpose.

Assessment of efficacy

This provision was rated second lowest at being effective at addressing serious, repeat offending at 17 per cent as shown in Table 19.

Table 19: Assessment of efficacy of accommodation or family support not being the sole reason to remand a person in custody

Agency	Yes	%	No	%	Total
Advocacy Organisations	4	50%	4	50%	8
DCYJMA	18	34%	35	66%	53
QPS	9	8%	111	93%	120
Other	1	20%	4	80%	5
Total	32	17%	154	82%	187

Source: Surveys of key stakeholders

Stakeholders were generally of the opinion this provision was well intentioned, however, that it could not mitigate an absence of suitable supervised accommodation. Several stakeholders commented a semi-secure type of accommodation is needed, where children without suitable accommodation can be accommodated securely on bail. Concern was expressed by multiple stakeholders about the ability of families, carers or residential care providers to provide the appropriate level of supervision to high-risk young people.

Impacts and consequences

Concern was expressed by stakeholders in Townsville who reported seeing examples of this provision made redundant where a child was being considered for a curfew as a condition of bail. Such a condition requires stable accommodation and the ability for police to check on their whereabouts and cannot be imposed without such accommodation. The issue of not having suitable and culturally safe alternative accommodation for young people and the need for alternatives was raised by Aboriginal and Torres Strait Islander stakeholders on several occasions in community forums and in surveys.

Summary

This provision while being supported in principle and noted as important to underscore in legislation, was perceived as having little real impact on the circumstances of young people and their likelihood of being granted bail. This was attributed to there being significant issues associated with accessibility to suitable accommodation and the perception that the provision was being made redundant in some cases due to curfew conditions being imposed.

6.2.5 Community protected from serious repeat offenders

Description and purpose

To underscore the importance of protecting the community from harm, the *YJOLAA 2021* amended the first principle of the Charter of Youth Justice Principles to provide that the community is protected from serious repeat offenders. This principle now reads (amended text in bold): *The community should be protected from offences and, in particular, recidivist high-risk youth offenders.*

The Charter of Youth Justice Principles (the Charter) appears at Schedule 1 of the Youth Justice Act and is intended to underpin its operation. The Charter contains 21 principles which elaborate on appropriate ways to deal with children, including children with an Aboriginal or Torres Strait Islander background, as well as victims and parents of children who are detained in a detention centre under the Act.

Operations

Courts apply this principle when considering any matter involving a child under the *Youth Justice Act 1992*.

Throughput and compliance

There is no ability to confirm the application of this provision in the available data or information.

Assessment of efficacy

Of the 186 survey responses received from representatives of service delivery agencies and advocacy organisations, 47 per cent indicated this principle was effective in reducing serious, repeat youth offending. This was the highest rated legislative initiative by survey respondents from service delivery and advocacy organisations (refer Table 8).

Table 20 shows the assessment by service delivery agencies and advocacy organisations of this principle to address serious, repeat youth offending.

Table 20: Service delivery and advocacy respondents' assessment of principle that community is protected from repeat, high risk offenders to address serious, repeat youth offending

Agency	Yes	%	No	%	Total
Advocacy Organisations	4	50%	4	50%	8
DCYJMA	22	42%	31	58%	53
QPS	60	50%	60	50%	120
Other	1	20%	4	80%	5
Total	87	47%	99	53%	186

Source: Surveys of key stakeholders

What is working well

Some survey respondents considered community safety is perceived to be higher because more high-risk offenders are being remanded in custody and because of improvements to bail monitoring and increased compliance with bail conditions.

Potential areas for improvement

Some potential areas for improvement that can be gleaned from the survey responses include the need for more diversionary programs for high-risk young people to avoid early escalation into custody.

It was reported by stakeholders that community-based initiatives are not getting the opportunity to be effectively trialled as many of the targeted young people are not receiving bail. This is partially supported by DCYJMA data. The data in Table 53 section 9 of this report shows there was a decrease of 11 per cent of young people classified as serious repeat offenders being granted bail between 2019 and 2021 (for the period May to October).

Implementation data shows that only two of the new intensive bail programs had commenced at the time the survey and consultation was undertaken. Awareness of these services at the time is likely to have been low. It is possible that the initiative stakeholders referred to in their survey responses were existing bail support services.

Impacts and consequences

With respect to impacts and consequences of the reforms on remand rates, there was no available data related to this specific provision. Stakeholders reported an increase in remand and time on remand, fewer fresh arrests and more mentions at court. As reported in previous sections of this report, there has been an increase in young people remanded in custody. It is, however, not possible to attribute this increase to a single legislative provision. It is more likely that the combination of legislative and policy reforms has contributed to this increase.

In relation to this provision, some respondents identified there were young people entering early guilty pleas and not contesting charges to avoid remand in custody. Some stakeholders stated that some young people are being remanded in custody for offences they would not receive a detention order for. However, it is impossible to substantiate these propositions with the available data and as such is a potential avenue for further investigation

In the consultation process a related aspect was raised by some stakeholders, who reported increasing vigilante violence directed at children in North Queensland (particularly Cairns and Townsville). Some First Nations community members also articulated concerns about increasing racial tensions and fears about their own and their children's personal safety.

Summary

The effectiveness of this provision cannot be substantiated by any available data. However, survey data reveals overall moderate levels of confidence in this reform. 47 per cent of service delivery agency and advocacy organisation who responded to survey questions thought the provision was effective in reducing serious repeat offending. This was the highest efficacy rating for all the legislative and policy reforms.

Some respondents felt that with more high-risk offenders being remanded in custody, improvements to bail monitoring and increased compliance with bail conditions, there is a growing improvement in perceptions of safety in communities. The survey of Queensland community reported in section 8 provides a potential baseline with which to measure changes in community perceptions of safety.

6.2.6 Offending on bail may have an impact on sentencing

Description and purpose

As part of strengthening the youth justice bail framework, the *YJOLAA 2021* added a sentencing principle that considered whether the offence was committed when the young person was subject to bail. The amendment requires courts to consider it an aggravating factor in sentencing if a young person committed the offence while released into the custody of a parent/guardian, at large with or without bail for another offence. This amendment codified a common law principle for sentencing and was not expected to alter the operation of the current law.

Throughput and compliance

It is not possible to determine the extent to which this provision was used as there is no specific data collection mechanism in any agency for this purpose.

Assessment of efficacy

Of the 186 service delivery agency and advocacy organisation staff who responded to this question in the survey, 39 per cent reported that codifying the common law principle that offending on bail is an aggravating factor in sentencing, was an effective measure to reduce serious, repeat offending (see Table 21). Views about its efficacy were higher for QPS compared to DCYJMA and advocacy organisations.

Table 21: Service delivery and advocacy respondents' assessment of efficacy of the codification of offending on bail as an aggravating factor in sentencing

Agency	Yes	%	No	%	Total
Advocacy Organisations	2	25%	6	75%	8
DCYJMA	16	30%	37	70%	53
QPS	53	44%	67	56%	120
Other	2	40%	3	60%	5
Total	73	39%	113	61%	186

Source: Stakeholder surveys

Overall, there was mixed awareness from stakeholders about this sentencing principle, ranging from 10 to 53 per cent of those surveyed. There were only two comments made about this specific provision and these were from QPS staff who considered that it worked well but that did not materially alter current practice.

Impacts and consequences

There was no evidence available to the review team about the impacts of offending on bail being considered in sentencing for non-indigenous or Aboriginal and Torres Strait Islander young people. This information would ideally be sourced from court transcripts but doing this was beyond the capacity of the review.

Summary

No firm conclusions can be made about the efficacy of this provision as a result of limited stakeholder feedback, and an absence of data to substantiate its utilisation or contribution to changed court outcomes.

Almost 40 per cent of service delivery agency and advocacy organisations survey respondents thought that considering offending on bail in sentencing was an effective measure to reduce serious, repeat offending, with more favourable views being expressed by QPS respondents. The modest efficacy rating could be attributed to this principle not altering the operation of the law.

6.3 Youth Justice policy initiatives

Table 20 provides a summary of stakeholder views and other evidence to inform future directions for the key policy initiatives from this reform.

Table 20: Summary assessment of policy reforms

Policy initiatives	Stakeholder views	Data and other evidence	Considerations for maximising benefit
Youth co-responder teams	High level of support and positive feedback about operations and engagement. Concerns about 24/7 operation in locations where this coverage does not appear warranted.	High level of utilisation, varying levels of workload across locations, mostly high levels of compliance in bail interactions but Logan consistently lower.	Flexibility with program operationalisation and resourcing to ensure response matches level of demand in particular locations. Skill building for newer YCRTs such as Logan to support staff in their interactions with young people. Expedited communication of policies, procedures and joint protocols.
Intensive bail initiative	Moderate level of support but low level of awareness about its existence and intent.	Good levels of utilisation for two service that have commenced. No data on intensive bail.	Timely implementation (in any future roll outs) and/or work arounds to deliver intensive family support. Enhance data collection about three elements of service model. Promotion of new services to referring and other stakeholders.
Extended conditional bail program	Low to moderate level of support. Low level of awareness of initiative and its intent.	Low rate of utilisation.	Consider undertaking a comprehensive review of CBP including the value of the extended CBP resources.
Additional court resources	Moderate level of support but low level of knowledge	Being used appropriately	Continue monitoring demand to inform ongoing resource allocation.
Additional legal aid resources	Moderate level of support but low level of knowledge.	Being used appropriately	Ongoing monitoring to determine areas of demand and complexity for future resource allocation.
Youth Justice After Hours	Low level of knowledge, moderate level of support. Positive reports from stakeholders using the service.	Data shows good level of utilisation and bail as the most frequent outcome following advice of arrest.	Improve data collection to show activities and other outcomes.
Child Safety court liaison officers	High level of support, increase knowledge of role and Child Safety System.	All 16 positions recruited to with permanent recruitment processes underway.	Consider expanding data collection related to the CLO role in youth justice matters and the type of information provided to courts. Ongoing attention to professional development. Potential to share information about the child safety system with court stakeholders.
Youth justice police prosecutors	Moderate level of support	Nine of 12 positions recruited, with recruitment ongoing.	Deliver additional training about child protection and youth justice systems. Enhance data collection to include Aboriginal and or Torres Strait Islander status and ethnicity.
Enhanced capacity for youth justice court officers	N/A	Recruitment for senior practitioner roles currently occurring.	Monitor impact of senior practitioners on quality of practice once they commence, including seeking views of court stakeholders.

6.3.1 Youth Co-Responder Teams

Description and purpose

There are currently eight YCRTs operating in Queensland. Five were established in May 2020 as part of the Queensland Government's Youth Justice Five-Point Action Plan in Cairns, Townsville, Rockhampton, Moreton and Logan. Mackay YCRT commenced in March 2021⁵. Additional YCRTs were established at North Brisbane and Gold Coast to support the serious repeat youth offender reforms and ensure that co-responder teams were available in all five EM locations in May 2021.

The purpose of the YCRT is two-fold: respond to young people at risk of engaging in offending behaviour and work proactively with young people and families to tackle issues that may be contributing to bail non-compliance (e.g., through EMD device and bail checks). Activity related to bail makes up a small proportion of all YCRT activity. Bail checks are also undertaken by operational police under the intensive bail supervision initiative (Action 1 5PP).

Total funding for the YCRT was \$5,262,919 million over two years and two months consisting of \$5,132,919 to DCYJMA for 6.5 FTE positions and \$130,000 to QPS for vehicles.

Implementation

The implementation time for the new Gold Coast and North Brisbane YCRTS was one month, placing sites under some pressure to have an operational program by the scheduled commencement date of 17 May 2021. Nevertheless, this was achieved.

A range of materials were developed by both agencies to support the implementation of the new YCRTS. DCYJMA and QPS together developed a joint concept of operations which we were told has assisted the implementation and operations of all YCRTs.

Frequently Asked Questions have been developed for DCYJMA staff, however, at the time of writing this material was not accessible to staff on the departmental intranet. An information sheet was also developed for young people and their families who were likely to encounter the YCRT staff so they can better understand the YCRTs interaction with them.

The DCYJMA documents are currently under review and will be distributed to staff in early 2022. A jointly developed Roles and Responsibilities document will also be distributed to both QPS and DCYJMA staff once approved in the new year.

Operations

During a shift, two person teams consisting of a police officer and youth justice co-responder proactively respond to young people who may be at risk of offending or non-compliance with bail. Teams operate 24 hours a day with 20 shifts per week.

⁵ The Five-Point Action Plan consists of five initiatives aiming to address serious, repeat offending and forming the foundation for the 2021 reforms. It includes Intensive Bail Supervision (Action 1 - QPS), Police Blitz on Bail (Action 2 – QPS), YCRT (Action 3 - QPS/DCYJMA), On Country Programs (Action 4 – DCYJMA) and Community Based Crime Action Committees (Action 5 – QPS). Details of each of these actions and their current evaluation status is provided at **Appendix 10**.

QPS Hub Coordinators lead the initiative from sites at Banyo (for North Brisbane YCRT) and the Gold Coast regional police site. DCYJMA staff are supported by a PO4 team leader in each location. Operational management for DCYJMA is delivered by a manager for the southern part of the state, which captures these two new sites and a manager for the northern YCRTs. There are 12 FTEs in each YCRT location – six for QPS and six for DCYJMA.

QPS and DCYJMA program managers were also appointed last year to manage the state-wide program and establishment of the two new sites at North Brisbane and Gold Coast. These managers developed the joint concept of operations (referenced above) to assist the delivery of programs across the two agencies. From a DCYJMA perspective, the managers have been instrumental to the apparent success of the program, providing a dedicated focus on continuous improvement and support to the DCYJMA YCRT staff.

YCRTs perform a range of functions of which bail related activity constitutes only about 10 per cent of total activity. In addition to monitoring and supporting bail compliance, other activities include:

- proactively engaging young people providing them with culturally appropriate prevention and diversion responses (including support from Legal Advocacy and Bail Support Services)
- contributing to reducing the over-representation of Aboriginal and Torres Strait Islander young people in the youth justice system
- assisting decision making by operational police
- connecting young people and families with tailored community supports and interventions to address the causes of offending
- engaging cultural and community networks
- facilitating information sharing between QPS, DCYJMA other partner agencies and the non-government sector to enable, collaborative, targeted, and culturally appropriate intervention responses.

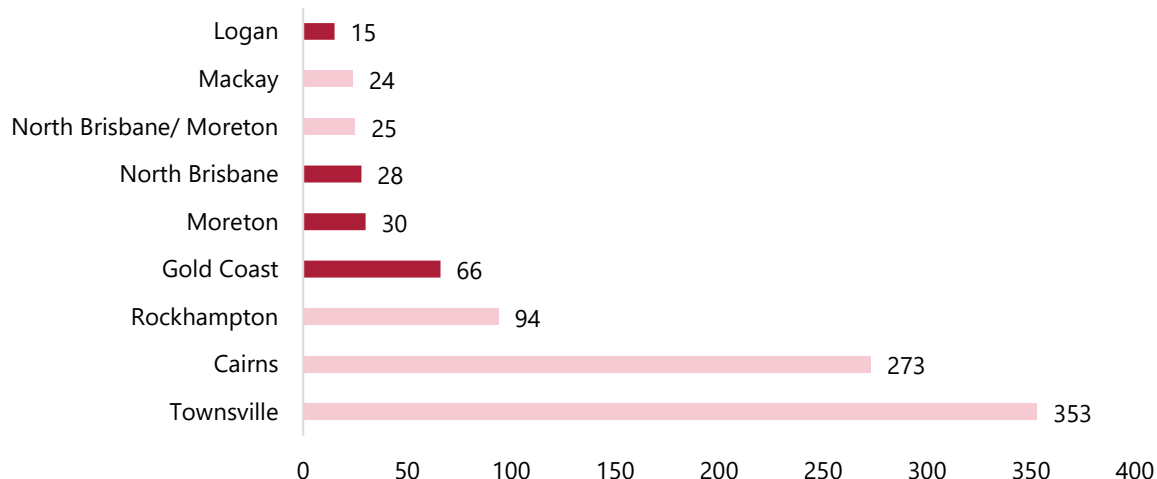
With respect to bail compliance, YCRTs are not the only work group that undertake this function. Within the QPS, operational officers deliver intensive bail supervision and have responsibility for bail checks to ensure the young person is complying with their bail conditions. Work group responsibility for bail checks varies across locations depending on the length of time YCRTs have been operating and relationships with families and young people. In Logan and Townsville for example, most bail checks are undertaken by operational police officers.

Throughput and compliance

With respect to YCRT bail related activity, QPS data shows that all YCRTs interacted with 897 young people across eight locations between 30 April 2021 and 31 October 2021.

Figure 11 shows the volume of YCRT bail related interactions in Townsville and Cairns were much higher than other locations – Townsville (353), and Cairns (273). It was lowest for Logan, followed by Mackay, North Brisbane and Moreton and moderate for Gold Coast and Rockhampton. We were informed that bail interaction data for Logan is captured in a separate data collection tool for the 5PP Action 1: Intensive Bail Supervision, which has contributed to some extent to the low number of bail related interactions. Data for this activity is represented in Table 15.

Figure 11: Number of YCRT bail interactions by location 30 April to 31 October 2021⁶

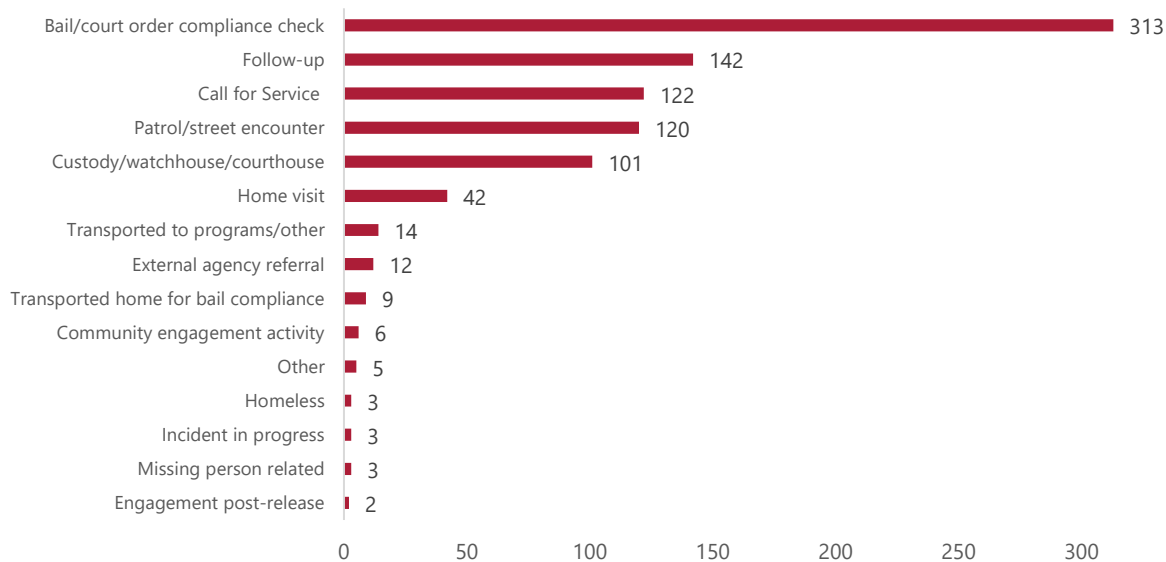


Source: QPS YCRT Bail Interactions data

Note: The new YCRT locations of Logan, North Brisbane and Gold Coast are in maroon. Locations where data is in pink represent the pre-existing YCRTs.

Figure 12 shows the range of primary purposes of YCRT bail interactions across all locations. The most common interactions were those to do with bail or court order compliance checks, with a total of 313 of these interactions across all YCRT locations.

Figure 12: Primary purpose of YCRT bail related interactions with young people 30 April to 31 October 2021



Source: QPS YCRT Bail Interactions data

⁶ Data for Moreton and North Brisbane was captured in two different data collection spreadsheets due to the legacy reporting for the previous Moreton/North Brisbane YCRT. It was not possible to separate this data and allocate to specific locations.

There was variation between locations. Interactions between YCRT and young persons in Townsville were mostly to do with calls for service (74), follow-ups (73) and bail/court order compliance checks/support (68). In Cairns, interactions were mostly regarding follow-ups (54), patrol/street/loitering encounters (52) and custody/watchhouse/courthouse engagements (51). Rockhampton and Gold Coast both also had a high number of interactions regarding bail/court order compliance checks/support at 69 and 53 respectively.

Intensive bail supervision interactions

Other QPS bail related interactions with young people are undertaken by operational police through the Intensive Bail Supervision initiative which is the first action under the Five-Point Action Plan. Data is presented about this approach for the locations that have both a YCRT and intensive bail supervision i.e., Gold Coast, Logan and Townsville. Table 22 shows the large volume of intensive bail supervision interactions for Townsville.

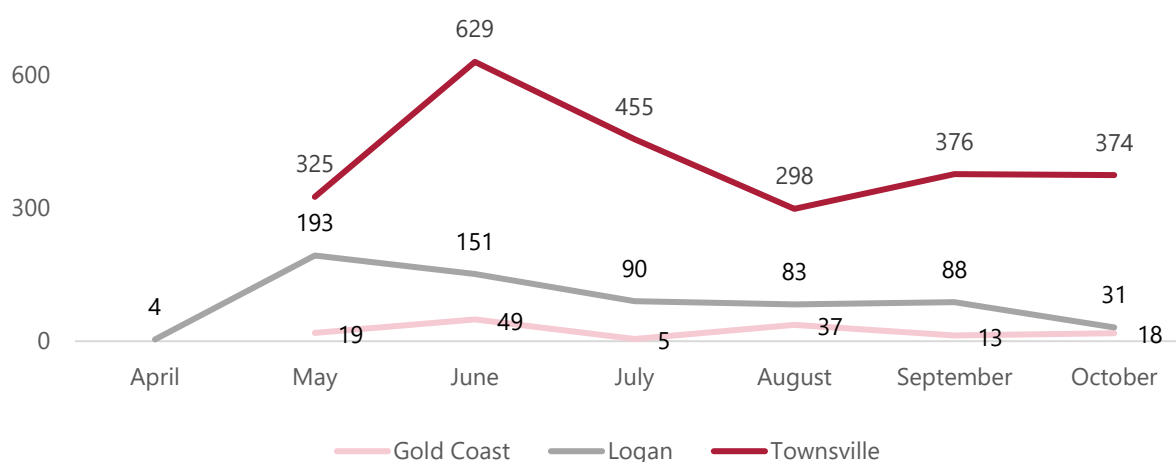
Table 22: Intensive Bail Supervision Interactions: Gold Coast, Logan and Townsville, 30 April to 31 October 2021

Intensive bail supervision location	Number of interactions
Gold Coast	141
Logan	640
Townsville	2458
Total	3239

Source: QPS YCRT Bail Interactions data

We were also interested to see if there was any change in the volume of bail related activity since the legislation commenced. Figure 13 shows the numbers of intensive bail interactions for each month from April to October 2021 at the Gold Coast, Logan, and Townsville. This shows a peak in bail interactions in Townsville and Cold Coast in June and a peak in Logan in May.

Figure 13: Intensive Bail Interactions in Gold Coast, Logan and Townsville, 30 April to 31 October 2021



Source: QPS YCRT Bail Interactions data

Compliance

There was a very high level of compliance due to YCRT bail-related interactions in most locations, with all but two locations experiencing between 92 per cent and 100 per cent compliance when in contact with YCRT staff (see Table 23).

The average compliance across all locations was 96 per cent. Logan had the lowest level of compliance at 67 per cent, although the volume of contacts analysed was small relative to other YCRTs. Gold Coast compliance was next lowest at 88 per cent. The former North Brisbane/Moreton YCRT had the highest compliance at 100 per cent followed closely by Rockhampton (99 per cent) and Townsville (97 per cent).

Table 23: Compliance of young people with YCRT

Location	N/A	Not home	Asleep	Not compliant	% Not compliant	Compliant	% Compliant	Total
Cairns	1		1	16	6%	255	93%	273
Gold Coast	1	3	2	2	3%	58	88%	66
Logan		2	1	2	13%	10	67%	15
Mackay			1		0%	23	96%	24
Moreton				1	3%	29	97%	30
North Brisbane				2	7%	25	93%	27
North Brisbane/ Moreton					0%	25	100%	25
Rockhampton	1				0%	93	99%	94
Townsville		1		9	3%	343	97%	353
Total	3	6	5	32	4%	861	96%	907

Source: QPS YCRT bail interactions data

Assessment of efficacy

There was no available data to directly assess the efficacy of this initiative. However, staff from agencies involved in the delivery of this initiative were surveyed about the YCRT expansion. Survey results (see Table 24) show that of the 187 service delivery and advocacy organisation staff who commented on initiatives and reforms that were working well, 81 (43%) considered the YCRT initiative was working well. The results were different depending on which agency the respondent originated from, with opinions of efficacy higher for DCYJMA (79%) than for advocacy organisation (38%) or QPS (28%). The relatively low assessment of efficacy by QPS respondents is possibly attributed to concerns outlined in potential areas for improvement.

Table 24: Service delivery and advocacy respondents' assessment of efficacy of YCRT

Agency	Yes	%	No	%	Total
Advocacy Organisations	3	38%	5	63%	8
DCYJMA	42	79%	11	21%	53
QPS	34	28%	86	72%	120
Other	2	40%	3	60%	5
Total	81	43%	105	56%	187

Source: Surveys of key stakeholders

What is working well

Respondents were asked to articulate which elements of the YCRT were working well. Of the most frequently noted elements:

- 21 per cent of respondents found that communication and collaboration between QPS and DCYJMA had improved as a result of the initiative, and that both agencies brought unique skills and knowledge to create a suitable response to meet the needs of high-risk young people.
- 17 per cent commented that YCRT engage with vulnerable young people well and the flexible out of hours support, diversion and transport to safety addressed immediate needs and reduced the incidence of failure to appear at court.
- 16 per cent commented that YCRT provides a good opportunity for early interventions, referrals for young people displaying anti-social behaviours but not on orders and building relationships for young people with community support agencies.

Potential areas for improvement

12 respondents commented about aspects of YCRTs that required improvement, including comments related to the resourcing of the teams, the hours of coverage, membership and capability of the teams and support to team members. Specific comments were:

- Permanent staffing and more identified positions
- More YCRT teams
- Lack of a hub coordinator and inefficient decision making and approval processes
- Lack of clarity about roles and responsibilities, how the YCRT fits with the Youth Justice Act and the functions of the QPS in enforcing the law
- Problems with attracting and retaining staff
- Recruiting identified Aboriginal and Torres Strait Islander staff as part of YCRTs
- Problems with rostering and having awards that are not sufficiently flexible
- Concerns about the efficiency and need of extended hours and use of overtime
- Issues with small teams such as adequate staffing and ability to deliver interventions
- Delayed development of operational policies and procedures and lack of a formal agreement between QPS and DCYJMA
- The need for Child Safety participation as teams can spend significant amounts of time managing Child Safety related issues
- The need for adequate debriefing support after witnessing traumatic events.

Impacts and consequences

From the perspective of those involved in either developing, delivering or overseeing the YCRTs, this program was seen to have improved relationships and understanding between police officers and youth justice workers about their different perspectives and experiences of youth offending and youth offenders. These teams were also said to have assisted police to develop skill sets to de-escalate young people's reactive behaviours. Several instances were recounted where the interactions with young people resulted in no action whereas previously these contacts may have resulted in young people absconding and risking arrest.

Impacts on Aboriginal and Torres Strait Islander people

The YCRTs received positive commentary about their interaction with young people and families in interviews with stakeholders. This positive view extended to the YCRTs' interaction with Aboriginal and Torres Strait Islander peoples in Townsville. Little was known about the YCRTs by Aboriginal and Torres Strait Islander people in Brisbane.

Summary

This review examined some elements of YCRTs related to the bail related reforms for serious repeat offenders.

YCRTs were the most widely known of the program initiatives (with the exception of Aboriginal and Torres Strait Islander community members in Brisbane) and were consistently considered a positive initiative for two main reasons:

1. the ability of the joint teams to appropriately manage young people in a way that does not escalate their behaviour
2. building shared frameworks and improving working relationships between QPS and youth justice officers.

Together Townsville and Cairns delivered 69 per cent of bail related interactions. The Townsville YCRT had recently responded to its high volume by introducing a second co-responder team. Despite the high volume of work in these locations, compliance of young people in their interactions with the YCRT staff members has been high.

Lower volumes of bail interactions were experienced in locations such as Logan, Moreton and North Brisbane relative to other YCRT locations, but it is noted that some activity undertaken by YCRTs in other locations is undertaken by QPS operational staff.

The 24 hour operating model addresses an established need to engage with young people around the clock. However, given the feedback about resourcing relative to demand, it may be beneficial to consider flexible operating hours for YCRTs that better aligns with demand in each location.

6.3.2 Intensive bail Initiative

Description and purpose

The aim of the intensive bail initiative (IBI) delivered by DCYJMA is to support young people on bail, including those subject to a CBP or EMD as a condition of bail.

The intent is to reduce rates of remand and the likelihood of reoffending. The service also provides family members and the young person with practical help to address worries and concerns that contribute to the young person's offending, and to help a parent or guardian to meet their agreed obligations.

The IBI is made up of three highly integrated services, intended to be delivered by one non-government supplier in each of the five EM locations:

1. **Bail Support:** aims to prevent recidivism and promote pro-social conduct by providing support and intervention and after-hours services including cultural and welfare support in watchhouses.
2. **Intensive Family Partnership (IFP):** provides intensive case work to support young people and their families to identify practical supports that will keep young people out of custody and actively involves family members to aid a young person's compliance with bail including CBP and EM conditions.
3. **Community Co-Responder:** coordinates and follows up referrals to other community and welfare services as a diversionary and short-term response for young people with complex needs and at a high risk of offending. If required, it may be used by YCRTs to coordinate after-hours access to crisis support, intervention and diversion activities.

The IBI's overall efficacy relies on close working relationships between the supplier's case workers, the young people and their families, youth justice practitioners and other community service providers.

Young people referred to the program are allocated to the following categories that prioritise the type and immediacy of the response:

- Priority 1: high risk, serious repeat offenders aged 16 to 17 years subject to EMD bail conditions
- Priority 2: high risk, serious repeat offenders with histories of proven multiple and serious offending who may also be subject to remand, bail conditions, a CBP and/or a youth justice order
- Priority 3: young people granted bail (but not Priority 1 or 2) requiring more intensive levels of assistance including after-hours case work or crisis interventions
- Priority 4: Community Co-Responder only: young people who may have been involved in the youth justice system or are at risk of involvement and who require short term interventions or referral coordination to other community or specialist services. The local YCRT is the principal source of referral.

A total of \$8,493,834 over three years to 2022-23 has been allocated for the IBI initiative. The allocation per location is shown in Table 25.

Table 25: Annual budget allocation for IBI for each location

Location	2020-21	2021-22	2022-23
Brisbane North	\$107,401	\$644,406	\$644,406
Logan	\$107,401	\$644,406	\$644,406
Townsville	\$84,165	\$504,992	\$504,992
Gold Coast	\$-	\$1,038,191	\$1,384,254
Moreton/Caboolture	\$-	\$936,349	\$1,248,465
Total	\$298,967	\$3,768,343	\$4,426,523

Source: DCYJMA

Implementation

The Youth Justice Commissioning and Investment (YJCI) workgroup within DCYJMA was responsible for implementing this reform. This team has been responsible for developing the program, procuring service providers and supporting and monitoring program implementation. The YJCI team developed program guidelines that outline the target group, goals and service delivery requirements of funded agencies, and details about confidentiality and information sharing. To expedite commencement of this program to support the EM trial, DCYJMA requested existing providers to tender for this funding in three locations. This has achieved the desired outcome in two of three locations - Brisbane and Logan.

The implementation of the IBI is occurring in two stages, with the status as follows:

- Stage one services (three locations where there was existing bail support):
 - Brisbane North (Youth Advocacy Centre Inc (YAC) commenced operation and began accepting referrals in September 2021
 - Logan (Anglicare Southern Queensland) had contracts and staff recruited and commenced operating in October 2021
 - Townsville (Townsville Aboriginal and Islanders Health Service (TAIHS) will continue to deliver an existing bail support service for eligible young people but will not be delivering the new IBI service for serious, repeat youth offenders. As a result, the IBI components are yet to commence in Townsville and at the time of finalising this report, work is underway to procure a service provider.
- Stage two services (Caboolture/Redcliffe and Gold Coast) were procured in October 2021. In November contract negotiations were finalised and the successful suppliers; Kurbingui in Caboolture/Redcliffe and Anglicare Southern Queensland in Gold Coast have commenced planning and recruitment. Interim service responses for young people in these catchments is being managed by these organisations in partnership with local YJSCs until the new services are fully operational (expected to be February 2022).

Recruitment issues have impacted implementation due to a range of different factors in each location. COVID restrictions affected the North Brisbane service with offers made to New South Wales candidates who were unable to commence work due to the COVID-19 border closure. It was reported that in the Townsville labour market, the demand for qualified and experienced staff exceeds supply, particularly experienced and qualified First Nations peoples best suited to work with the target cohort of young people. Anglicare in Logan deployed previous staff from a former Supported Community Accommodation service and Child Safety residential services within Anglicare's portfolio. Although recruitment delays are common, the timing of the procurement for stage two services corresponded with the end of the calendar year, which further delayed the recruitment of staff.

Intensive assistance delivered through Bail Support and IFP components were designed to support young people with EMDs. At the time of the review, this need had not yet materialised due to low numbers in the EMD trial. Where capacity exists, each IBI supplier has been given permission to work with young people assessed as being at high risk of serious offending that may occur without intensive, home-based support. In some matters, this may include young people outside of the original eligibility guidelines. All suppliers have been informed that the original target group for the program must be prioritised if demand increases for young people subject to EM.

Throughput and compliance

The North Brisbane service commenced in September and by the end of September had six referrals. The Logan services commenced in November 2021. Table 26 outlines the referrals to these two IBI services for the Community Co-Responder and Intensive Family Partnership functions in October and November 2021.

A significant increase in referrals can be seen for Brisbane North between October and November, with contacts almost doubling for Community Co-Responder and increasing over three-fold for IFP. The Logan Community Co-Responder function commenced strongly with 46 contacts for nine young people; but the Intensive Family Partnerships function was slower with only one young person referred in November 2021.

Table 26: Client contacts with IBI in North Brisbane and Logan, October, and November 2021⁷

Brisbane North	October 2021	November 2021
Community Co-responder - contacts	37	69
Community Co-responder - distinct young people	8	10
Community Co-responder - distinct Aboriginal and/or Torres Strait Islander young people	1	1
Intensive Family Partnership - contacts	29	98
Intensive Family Partnership - distinct young people	1	3
Intensive Family Partnership - distinct Aboriginal and/or Torres Strait Islander young people	1	2
Logan	October 2021	November 2021
Community Co-responder - instances of contact	0	46
Community Co-responder - distinct young people	0	9
Community Co-responder - distinct Aboriginal and/or Torres Strait Islander young people	0	1
Intensive Family Partnership - contacts	0	3
Intensive Family Partnership - distinct young people	0	1
Intensive Family Partnership - distinct Aboriginal and/or Torres Strait Islander young people	0	0

Source: DCYJMA

Assessment of efficacy

Table 27 shows responses to the service delivery agency survey, where an average of 39 per cent of respondents rated the IBI as an effective initiative to reduce serious repeat offenders. Services under the IBI had only recently commenced when the survey was completed so it is unlikely the IBI was well known or understood by stakeholders apart from staff directly involved in its implementation.

⁷ Community Co-Responder and Intensive Family Partnerships are the only categories of service currently able to be reported; a future application will allow all three categories to be reported.

Table 27. Service delivery and advocacy respondents' assessment of efficacy of Intensive Bail Initiative to address serious, repeat youth offending

Agency	Yes	Percentage	No	Percentage	Total
Advocacy Organisations	2	25%	6	75%	8
DCYJMA	34	64%	19	36%	53
QPS	34	28%	86	72%	120
Other	3	50%	3	50%	6
Total	73	39%	114	61%	187

Source: Surveys of key stakeholders

Service providers reported received excellent feedback from families referred to their IBI. The following case study was provided to the review team by DCYJMA, and it outlines the range of activity IBI staff undertake to assist young people apply for bail and during bail.

Reported case study

A young person remanded in a watchhouse and who wanted to apply for bail was referred to the IBI. This young person was a previous client of a bail support service and because of his family circumstances was assessed as benefitting from referral to the Intensive Family Partnership program. The following areas of need were identified:

- Supporting the young person's bail application
- Assisting family support young person's bail application and adhere to conditions
- Maintaining the family's accommodation – the property required cleaning and the tenancy was at risk.
- Addressing the young person's mental health and substance misuse issues, including grief and loss as a result of a close family member's death
- Supporting the family to address their own health needs.
- The IBI worker liaised with the young person, legal representative and other stakeholders to assist the bail application.
- Supported the young person at court and informed the court that he would be receiving intensive support through the Intensive Family Partnership (IFP).

The young person was granted bail and the following actions undertaken:

- IFP worker engaged with him and his family at least two times per week and until his sentencing date in December (when he received a Conditional Release Order).
- IFP worker supported the young person to obtain his Drivers Learners Permit.
- Assisted the family attend his sibling's T2S graduation and arranged for photos to be provided for the family to keep.
- Assisted the family to obtain their COVID-19 vaccinations.
- Supported the family to maintain the property by purchasing cleaning items. Purchased food for the family over the Christmas period.
- Organised a family BBQ to celebrate the young person's achievements.

As a result of this assistance to both the family and the young person, he complied with his bail conditions and has not reoffended. He reports spending more time at home with his family and reports reduced family conflict over the holiday period.

What is working well

Three service delivery agency respondents commented that the IBI was working well. Three commented the IBI was well designed, and service delivery and family partnerships were working well. Two reported the IBI alleviated pressures and improved information sharing with families.

Feedback from surveys and anecdotal information indicates that the Community Co-responder is an efficient and effective means of following up referrals from the YCRTs. Because of the immediate or short-term nature of YCRT work, this type of follow-up is unlikely to have occurred without the Community Co-responder.

DCYJMA YJCI staff report good utilisation of the current standardised manual data collection process to monitor the IBI. This delivers the type of data reported in Table 20. A new application is being trialled that will deliver a user-friendly but more sophisticated system with capability to report client outcomes as well as throughput and demographics. This is scheduled to commence in April 2022.

Potential areas for improvement

Three respondents commented on aspects of the IBI that were not working well – recruitment difficulties, the original intent not considered effective, issues with suitable service providers in regional areas, and difficulty implementing a large number of new services and initiatives in a short period of time.

Other survey respondents suggested the following improvements:

- State-wide protocols for information sharing between IBI suppliers and YJSCs, to address the issue that providers will not share information that will result in a breach due to their advocacy role
- Collaborative planning, joint assessment of a young person's risk and regular communication with YJSCs to ensure there is no duplication in service delivery
- Improved referral pathways and prioritising referrals.

In addition, stakeholders from DCYJMA articulated that it was apparent that in both procurement and contract negotiations, working with young people on EMD was not aligned to the strategic intent and philosophy of some community-based organisations.

The slow roll out of these new services is concerning, particularly given the criticality of intensive family support in assisting high risk young people on bail, which has been identified in both the research literature and by stakeholders (see references below). In future procurement processes for priority initiatives, it would be ideal to see a process that allows for more timely commencement, including leveraging existing expertise, until new services can commence.

Impacts and consequences

Although the IBI services are still being established, the family support component of the initiative is considered a valuable addition to the service continuum, particularly where out of hours follow-up is required as part of the young person's and family's agreed bail conditions, and the family's cooperation in adhering to these conditions. Family support is continuously articulated in the research literature as being a key component of effective interventions with young offenders. (Trotter, Evans and Daidawi, 2020; Case and Browning, 2021)

Discretionary brokerage funds up to \$10,000 per family for 10 families is available up to a maximum of \$100,000 per annum per supplier. This is to deliver support and resources for any identified therapeutic specialist or clinical services that increase safety and stability in the family home and reduce ongoing risk of offending.

Flexibility of the design and implementation of the program has worked well. While initially intended for high-risk repeat young offenders, in low demand periods, the resources available to IBI have been redirected to meet support priorities for other young people on bail. Serious, repeat young offenders remain the key priority service users for IBI and each provider has agreed to prioritise young people on EMD over other referrals made during high demand periods.

Unintended consequences

We were told that funded service providers see their role as independent and are not willing to provide information they consider may lead to a young person being remanded in custody. Instead, providers tend to focus on providing information about risks or problems before they escalate into issues that require formal action and developing case plans in collaboration with DCYJMA to address the young person's persistent risk behaviour that may result in their non-compliance with bail conditions.

It appears that future work is needed with the non-government services sector to build understanding of the youth justice system and nature of services such as the IBI and support the development of a ready and skilled workforce to deliver services to young people with highly complex needs.

Impacts on Aboriginal and Torres Strait Islander people

There was no specific feedback provided about the efficacy of this program or approach for Aboriginal and Torres Strait Islander young people.

Given the limited time these services have been operating, it is too early to assess impacts on Aboriginal and Torres Strait Islander young people and families.

Summary

The IBI services are a continuation of established bail support services, that assist young people on bail by providing practical assistance, youth worker interventions and brokerage for accommodation. Implementation, however, has been slow with only two of the five services having commenced in October 2021. The other three are anticipated to commence in early 2022.

Information provided to the review indicates there were issues in the early stages of implementation with recruitment of staff, collaborative case planning, information sharing and sourcing suitable service providers to deliver the IBI in some locations.

While six to eight months is not an unusual timeframe within which to design and procure new services, it is problematic in terms of the role the IBI should play in supporting these reforms. Essentially this delay, means the intense level of non-government support for high-risk young people and their families indicated as required in the research literature and from practice experience has not occurred in a sufficient way to mitigate any negative impacts of the new legislation.

It is suggested that in future, alternative means of delivering critical services are explored and implemented where short implementation timeframes are required. Future preparation for outsourced service delivery could include ongoing partnership development with the non-government sector that focuses on quality, accountability and performance and a targeted effort to build the capacity and capability of the youth justice services sector.

6.3.3 Extended Conditional Bail Program

Description and purpose

The Conditional Bail Program (CBP) has been delivered by DCYJMA for over 20 years. Young people who are ordered by the court to participate in a structured Conditional Bail are ordered to undertake a specified number of hours of youth worker supervision. The number of hours depends upon the young person's assessed risks and needs. These are determined by DCYJMA staff when a court requests a CBP when considering a bail application.

This extension to the program provided additional funding for an outside of business hours capability to provide additional supervision to serious repeat offenders. Previously young people under this program were able to access up to 32 hours per week, and in exceptional circumstances up to 50 additional hours within a working week. The additional CBP funding allows up to 24.5 hours of additional supervision. This is equivalent to youth worker supervision being available up until 7.30 pm weekdays and six hours per day on weekends.

A total of \$7,969,417 over two years and two months was allocated to DCYJMA to deliver the extended CBP, with 25 FTE across the five EM sites.

Implementation

There were delays with recruiting the additional CBP youth workers likely to have been caused by a combination of factors. There was a short lead-in time for planning and delivering the reforms and conflicting demands on workgroups to implement several reforms simultaneously. Furthermore, the funding for the extended CBP program was not allocated to YJSCs until July 2021. DCYJMA was required to establish processes for the recruitment and remuneration of after-hour and shift workers. This was a new type of work arrangement requiring extended negotiations, which contributed to delays.

Concern was expressed by operational areas within DCYJMA about the intensive nature of the supervision required under this program and the capacity of service delivery staff to undertake this out of hours work. The review team was also informed that where the funds were being underutilised, YJSCs were able to use the funding for a broader group of high-risk offenders. Unused FTE will now be directed towards supporting serious repeat offenders following their exit from detention to support the work of the YJTF.

Resource utilisation

The number of FTEs allocated, and the number of Senior Youth Worker staff recruited to these roles since 1 May 2021 is shown in Table 28. Almost half the roles (12 of 25) have been recruited to, to date, with all service centres having partially filled the roles.

Table 28: Extended CBP FTEs allocation and recruitment

Youth Justice Service Centre location	FTE allocated	FTE filled
Townsville	7	2
Caboolture	5	3
Brisbane	5	3
Logan	6	3
Gold Coast	2	1
Total	25	12

Source: DCYJMA

Throughput and compliance

The number of young people participating in additional hours of CBP supervision varied from three to seven young people per month between July and the end of November 2021. The average number of hours has varied from 3.7 hours per young person up to 8.9 hours per young person, as shown in Table 29. Due to limitations with the data collected, it was not possible to estimate the total number of hours of supervision for young people in this program nor disaggregate by Aboriginal and Torres Strait Islander status.

Table 29: Young people and subject to extended hours CBP July to November 2021

Measure	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21
Number of young people	3	4	7	3	4
Number of after-hours supervision hours	11	35.5	31.5	15	23.5
Average hours supervision per person	3.7	8.9	4.5	5.0	5.9

Source: Youth justice initiative status report – DCYJMA.

Notes

¹ Extended hours of CBP supervision figures are impacted by compliance. Hours scheduled on weeknights and weekends for young people who subsequently fail to engage in programs are not counted.

² The count of young people is not a count of distinct young people who started CBP each month; it is the number on CBP within the stated month. It was therefore not possible to provide a total of distinct young people across all five months.

Based on the information provided to the review team, this relatively low level of usage may be due to a combination of factors – the length of time taken to develop and communicate the program, difficulties with recruiting staff, the identified risk group increasingly being held on remand and eligible young people not providing consent to participate in the program.

Assessment of efficacy

The assessment of efficacy is limited to stakeholder views obtained through surveys and interviews. The program and its data collection were insufficiently developed to ascertain impacts.

Some stakeholders expressed a low level of confidence in CBP's ability to mitigate risk for high-risk young people.

Of 187 service delivery agency and advocacy organisation staff, only 28 per cent felt this program was effective in dealing with serious, repeat offending by young people (Table 30).

This assessment varied from 42 per cent for DCYJMA staff to zero for advocacy organisations. This appears to indicate a low level of confidence in this program, somewhat aligned with the results of interviews with staff and responses to surveys articulated above.

Table 30: Service delivery and advocacy respondents’ assessment of efficacy of extended CBP to address serious, repeat youth offending

Agency	Yes	Percentage	No	Percentage	Total
Advocacy Organisations	0	0%	8	100%	8
DCYJMA	22	42%	31	58%	53
QPS	27	23%	93	78%	120
Other	3	50%	3	50%	6
Total	52	28%	135	72%	187

Source: Surveys of key stakeholders

Impacts and consequences

A question was raised as to whether DCYJMA was in fact best placed to deliver the after-hours supervision to young people. It is difficult to separate cause and effect with respect to CBP; contributing factors which include implementation challenges, suitability of individual programs, soundness of the CBP program for serious repeat offenders and variable levels of confidence in the program by key stakeholders.

It was not possible to comment on its impact on Aboriginal and Torres Strait Islander young people due to limitations of the data collection system and an absence of feedback about the program with respect to these young people.

Summary

Despite the original intention of extended CBP being a key mechanism to supervise high risk young people (both those subject to EM and the broader serious repeat offender cohort), it has to date been used in a minimal way. This initiative also has a low level of visibility among key stakeholders and a low level of confidence.

This raises several questions about the program and its intent, all of which suggest the potential need to review:

- whether the program is being adequately promoted
- the level of confidence in the broader CBP program
- whether the extended hours version of CBP is required
- the composition and delivery of after-hours supervision.

Additionally, some areas for improvement with respect to data collection have been identified, specifically the ability to collect data about distinct young people, the ability to identify Aboriginal and Torres Strait Islander young people and the ability to report outcomes for young people participating in the program.

6.3.4 Youth Justice After Hours service

Description and purpose

The Youth Justice After Hours (YJAH) service consists of three dedicated youth justice FTEs that are attached to the existing Child Safety After Hours Service Centre (CSAHSC) operated by DCYJMA. The funding for these positions was allocated to support the trial of EM and other reforms.

Additional roles were established to provide youth justice related decision making and expert assistance through a central point of contact located in the CSAHSC. The implementation of the additional resources was intended to ensure DCYJMA is responsive to the EMD trial, by receiving notifications from QCS and communicating these to YCRTs, supporting YCRTs after hours and providing or identifying referral options for support to young people that may reduce watchhouse bail refusals.

\$945,069 was allocated for one year and two months for three FTEs and other expenses related to operating the YJAH service.

Implementation

The YJAH was operational with staff occupying the three FTEs when the new legislation commenced. Initially, youth justice staff dealt with complex youth justice matters and child safety staff dealt with day-to-day matters, such as advices of arrest. Following review once the team was operational and as the demand was not at the level anticipated for complex matters, it was agreed that youth justice staff would have carriage of all youth justice related matters, including advice of arrest. Child safety staff continue to manage advice of arrest when required.

After three months of operation, an internal review of the YJAH was undertaken by DCYJMA that sought feedback from representatives of QPS, QCS and staff from youth detention centres. The review identified peak times where additional resources were required and provided the opportunity to ensure suitable coverage with expanded rosters. There are now four shifts, instead of the original three.

Some issues with implementation have been encountered including delays in recruiting to a vacant position, challenges related to filling rosters with casual staff and concerns by the existing CSAHSC about its staff's capability to provide youth justice advice. Data collection has also been an issue with work currently being undertaken to improve data quality.

Operations

At full capacity, youth justice staff are allocated to one of four shifts. Staff receive calls via the CSAHSC from police officers who have charged young people with offences out of business hours (during the hours of operation of the service).

Shifts are:

- 4pm-2am weekdays
- 3pm-1am Monday
- 5am to 3pm Saturday to cover Saturday Court
- 7am to 5pm on Sunday
- 4pm to 2am Sunday.

Currently QPS and other stakeholders make calls to the service via the CSAHSC phone line. The calls are triaged and directed to either a child safety team leader or to the YJAH. A dedicated YJAH phone line is in the process of being established and it is anticipated that this will significantly streamline and expedite the advice process.

Resource utilisation and throughput

At the time of preparing this report, there was one staff vacancy undergoing a recruitment process. In lieu of the position being filled, the remaining shift was covered by a pool of casual youth justice staff who worked overtime.

This work of the YJAH includes providing advice about the following matters:

- EM
- YCRT, including after-hours team leader support and debriefing after shifts
- Extended hours CBP
- Advice of arrests
- Show cause situations
- Specialist youth justice related work as arises.

Data about utilisation was only available for September and October 2021. This was due to different data collection systems being in place prior to September, and data quality issues.

The categorisation of interactions captured for the YJAH are:

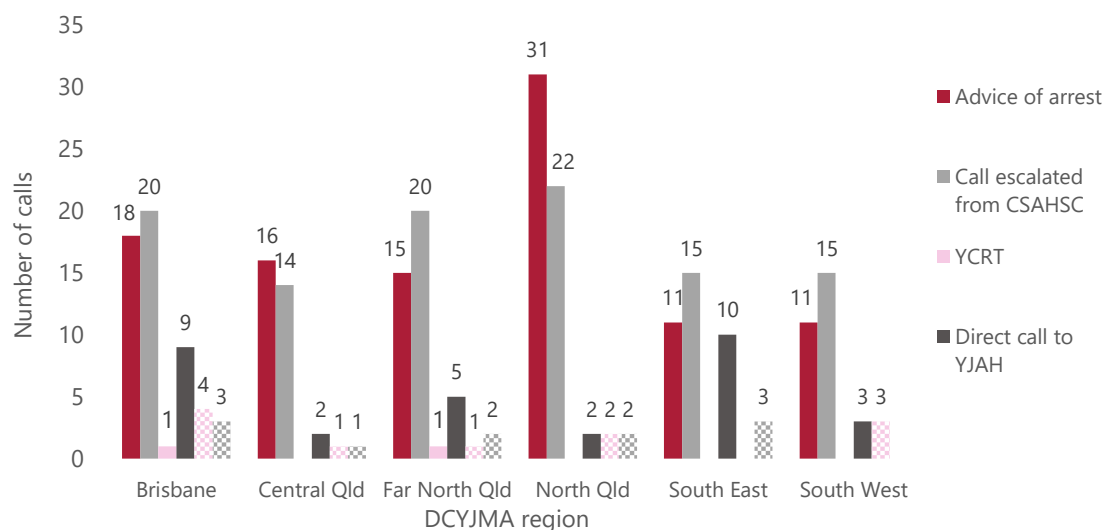
- advice of arrest
- calls escalated from the CSAHSC (no specifics provided)
- YCRT calls
- direct call to the YJAH
- follow up calls (from email or phone message).
- or other youth justice related.

Apart from advice of arrest category, the remainder of these categories reflect the origin of the call or request rather than the content or purpose of the advice being sought from the YJAH service. The volume of calls based on the available categories is represented in Figure 14. During September and October, there were 263 interactions with YJAH recorded.

Advice of arrest calls were highest for North Queensland and were more frequent than other call types for both Central Queensland and North Queensland. This is consistent with the trend for a higher volume of children being arrested in North Queensland. In other locations, calls escalated from the CSAHSC were the most frequent call types – this may indicate the calls were less about advice of arrest and more about more complex matters related to bail.

The busiest time for phone calls to YJAH were 5pm to 8 pm (Figure i, **Appendix 9**).

Figure 14: Category of interaction with YJAH by DCYJMA region, September to October 2021



Source: YJAH tracking spreadsheet, Youth Justice Operations and Practice, DCYJMA

Assessment of efficacy

Data about outcomes related to advice of arrest calls is captured by the YJAH which provides some useful information relating to the granting of bail. The greatest proportion of advice of arrest calls resulted in young people being granted bail (49 per cent), followed by remand in custody (40 per cent). Seven per cent of cases were diverted via a caution or restorative justice conference and four per cent were discontinued (Figure ii, **Appendix 9**). This will be useful data to monitor over time and to inform the EM impact evaluation.

As Table 31 shows, 27 per cent of respondents considered the YJAHS was effective at addressing serious, repeat offending, with respondents from DCYJMA having a more positive opinion of its efficacy than other stakeholders surveyed.

Table 31: Service delivery and advocacy respondents' assessment of efficacy of Youth Justice After Hours service to address serious, repeat youth offending

Agency	Yes	%	No	%	Total
Advocacy Organisations	1	13%	7	88%	8
DCYJMA	24	45%	29	55%	53
QPS	24	20%	96	80%	120
Other	2	40%	3	60%	5
Total	51	27%	135	73%	186

Source: Surveys of key stakeholders

What is working well

Stakeholders in contact with the YJAH service were positive about its impact, stating that it had contributed significantly to the quality of the advice provided to QPS and other stakeholders. There were also positive comments related to the coordination and timely sharing of information about young people on the part of the YJAH service.

Potential areas for improvement

Data collection systems have changed over time, so it has not been possible to assess the volume of matters dealt with by the YJAH for the entire period since the reforms commenced. Further the nature of the data collection limits the ability to examine the type of advice provided or resulting actions.

Stakeholder comments indicated issues with recruiting staff and staff turnover creating challenges. The one FTE that remains unfilled is of concern, however, it is understood that shifts that would be filled by a dedicated staff member are filled by experienced casual staff.

Summary

Stakeholders involved in the development and delivery of the YJAH were positive about its contribution and it appears this initiative was implemented well. However, there was a low level of awareness and perceived efficacy of the program among other stakeholders. This may be due to its 'backroom' function providing advice to other government staff, but nevertheless may indicate a need for awareness raising about the service.

At this stage, the service appears to be functioning well and receiving and responding to an increasing number of calls. The new dedicated phone line is likely to improve response times further.

There will be benefit in supporting this initiative with an appropriate data collection system to ascertain volume, call types and other changes over time, in a rigorous way. To be able to assess efficacy in future, it would also be useful for the data collection system to capture greater detail about the purpose of the advice requests and subsequent response or outcome.

6.3.5 Additional court resources

Description and purpose

Additional resources for courts were sought to accompany the legislative reforms to ensure adequate court and legal resources to deal with the anticipated increase in court matters generated by the new legislation and increasingly complex youth matters before the Childrens Courts.

\$3,922,000 in additional resources over two years and two months and 11 FTEs were allocated to JAG for additional court resources and additional funding and staffing for Legal Aid Queensland - \$1,380,000 and four FTE (see section 6.3.6 about the use of the LAQ resources). This resulted in \$2,530,000 and seven FTE for the additional court resources.

Operations

The Office of the Chief Magistrate determines the allocation of resources for Childrens Courts on advice of the Deputy Chief Magistrate. Since 2021, the allocation of Magistrates has been informed by data about demands on the court system including adjournments and procedural delays. The Office of the Chief Magistrate has access to a *Power BI* (software for exploring data) dashboard that contain this data and allows decisions about resource

allocation to be made in an informed way. Other factors have been considered when allocating staffing resources, factors such as court room and staff availability.

Resources allocated in previous years have been leveraged to support the additional court capacity, such as the Youth Justice Bench Book (DJAG, 2020). This was updated to reflect the 2021 reforms and has been noted by DJAG staff as a key mechanism to keep the judiciary abreast of youth justice reforms.

Utilisation of resources

The funding for court resources has been used to provide an additional Magistrate and six other staff to create additional Childrens Court capacity.

The six court staff include one AO4 to review update and operationalise Childrens Court procedures and policies, and two AO4 and three AO3 staff to provide in-court and broader registry administrative support to deal with additional workload as a result of the reforms. At the time of preparing this report, all the AO4 and AO3 positions had been filled.

Assessment of efficacy

Results from the survey of service delivery agencies and advocacy organisations indicates 20 per cent of those surveyed felt that the additional resources were effective in reducing serious, repeat youth offending (see Table 32).

Some stakeholders commented this initiative was about managing increased demand as a result of the legislation, rather than directly impacting on serious repeat offending. This may to some extent explain the relatively low efficacy rating for this initiative. It was also apparent that awareness of these additional resources was low.

Table 32: Service delivery and advocacy respondents’ assessment of efficacy of additional court resources to address serious, repeat youth offending

Agency	Yes	%	No	%	Total
Advocacy Organisations	0	0%	8	100%	8
DCYJMA	20	38%	33	62%	53
QPS	15	13%	105	88%	120
Other	2	40%	3	60%	5
Total	37	20%	149	80%	186

Source: Surveys of key stakeholders

Summary

The seven additional staffing resources allocated to Childrens Courts have assisted in managing an increase in contested bail matters, and young people with increasingly complex circumstances appearing before the courts for criminal matters associated with the 2021 reforms

The innovative use of data to inform court resource allocation and the Youth Justice Bench Book are examples of progressive strategies aimed at optimising resources.

6.3.6 Additional legal advocacy resources

Description and purpose

\$1,380,000 million in funding was allocated for DJAG to grant to LAQ to deliver additional legal advocacy services to manage an anticipated increase in complex cases before the courts as a result of the legislative reforms. This was to include up to four FTEs.

Implementation

The additional allocation of funding to LAQ was administered by DJAG by amending a Memorandum of Understanding between the two agencies. This simply expanded the current funding arrangements and FTE allocation, with no performance criteria attached.

Operations

The funding has been allocated to provide an additional two LAQ lawyers in South East Queensland courts where demand was assessed as particularly high. These resources allow LAQ to meet the demands of additional court days and send two duty lawyers to some courts to ensure that any delays are minimised. These lawyers also provide expertise to other legal practitioners and stakeholders.

LAQ has also utilised the resources to establish a grants officer to expedite grant-in-aid applications. In addition, LAQ is planning to recruit a social worker in 2022 to support young people appearing before court, particularly where they have complex circumstances such as suspected disabilities that may require assessment and referral.

There was no data available about the utilisation of these resources for dealing with bail matters associated with the new reforms. Resource allocation and associated data collection are undertaken by LAQ in an aggregated way, disallowing any separate analysis.

DJAG data gives some indication of the extent to which children are legally represented for Childrens Court bail matters (Table iii **Appendix 9**). Data shows that between 30 April and 31 October 2021 there were 22,168 Childrens Court bail matters dealt with and of those, 92.3 per cent of cases (20,460) were legally represented and 7.2 per cent (1599) were not legally represented. In 0.5 per cent of cases (109), there was no legal representation data recorded.

Assessment of efficacy

Similar to the additional court resources, this investment was to manage the anticipated volume and complexity of matters before the courts, rather than it being expected to have a direct impact on serious, repeat youth offending. The survey results should therefore be treated with caution. Table 33 shows that only 16 per cent of stakeholders considered legal advocacy resources to be efficacious in addressing serious repeat youth offending.

Table 33: Service delivery and advocacy respondents' assessment of efficacy of legal advocacy resources to address serious, repeat youth offending

Agency	Yes	%	No	%	Total
Advocacy Organisations	1	11%	8	89%	9
DCYJMA	17	32%	36	68%	53
QPS	10	8%	110	92%	120
Other	2	40%	3	60%	5
Total	30	16%	157	84%	187

Source: Surveys of key stakeholders

What is working well

LAQ confirmed that the additional resources are adequate to deal with current pressures in South East Queensland, however, they constantly assess court workload and remain open to adjusting the allocation of legal officers depending on demand and resource availability.

LAQ noted there are other areas of high demand and complexity as a result of the reforms (Townsville, Cairns, Rockhampton and Toowoomba) but also that there are areas of market failure in North and North West Queensland where additional resources would not address the demand. They report an increasingly difficult environment for lawyers in some communities that has made them the target of unpleasant criticism, and as a result, they are increasingly unwilling to take on children's matters.

Potential areas for improvement

While not a result of this new investment, legal practitioners made a number of observations about what they felt was not working in terms of the reforms. They expressed concerns children may be pleading guilty to offences they either have not committed or where evidence is inadequate, to avoid the impact of the new bail laws or delays in resolving matters or having a trial listed.

Another observation is that children can be left on remand for long periods of time without any action being taken. DCYJMA practice review reports corroborate this to some extent. These reports indicate that some young people are being remanded for low level offences unlikely to warrant a detention order, they have declined a bail application or have refused to provide their legal representative with instructions. These claims cannot be fully substantiated with data, but data sourced for this review shows the length of time young people spend in watchhouses and on remand has increased since the reforms commenced.

Impacts and consequences

There were concerns that the provisions designed to target serious, repeat youth offenders may be capturing first-time offenders and children who would not fall into the serious repeat offender category. As well as potential negative impacts on young people, this possibility raises impacts for the workloads of court stakeholders including legal advocates.

In terms of impacts on Aboriginal and Torres Strait Islander young people, there were 67 cases (62%) where information about the presence of a legal advocate was not recorded for Aboriginal and Torres Strait Islander young people appearing before court.

Summary

The additional resources for legal aid services have been welcomed to manage the increase in bail applications and objections to bail. These resources have been used to manage demand and support legal practitioners in South East Queensland. However, demands in other locations are reported to be significant, particularly in North and North West Queensland. There would be benefit in ongoing monitoring of Childrens Court and relevant higher court matters to facilitate future resource allocation decisions.

Concern has been expressed about the consequences of these reforms, with the following observed and reported by stakeholders: children pleading guilty to offences in circumstances where this would not usually occur, young people charged with low

level offences being remanded in custody and young people spending longer periods of time in custody before having their matters actioned. There is evidence that the length of time in custody has increased for young people since the reforms commenced.

6.3.7 Additional youth justice police prosecutors

Description and purpose

The original role of the youth justice police prosecutors was to deliver improved capability against Action 2 of the Five-Point Action Plan, announced in March 2020. QPS commenced these specialist prosecution roles in July 2020, with three staff appointed.

The 2021 amendments to the Youth Justice Act were accompanied by an increase of permanent police prosecutor positions to 12 FTEs across the state. There was a staggered start of staff in the nine new positions from mid-July 2021 onwards.

The PO4 level positions are dedicated youth justice prosecutors allocated to provide support to their hosting police districts. They report to the senior QPS youth justice prosecutor.

Funding of \$1.547 million for 2021-22 for the youth justice police prosecutor positions was allocated from QPS growth funding. Recurrent funding of \$1.609 million per annum will be allocated from 2022-23 onwards.

Implementation

From April 2021 onwards, information was communicated to police prosecutors regarding the legislative changes. Communications were distributed by an Assistant Commissioner in the lead up to the legislative changes commencing.

In the last week of April 2021, training was delivered via a one-hour Microsoft Teams session, held twice over the course of two days, with all prosecutors invited. Approximately 30 prosecutors from around the state attended these sessions, including the youth justice prosecutors. The sessions were also recorded for viewing by officers at a later date.

Information for prosecutors is also available on 'Workplace' on the QPS intranet, which details guidelines and instructions about various initiatives and processes. There is also an Intranet page dedicated to the youth justice legislation, and a comprehensive factsheet which details prescribed indictable offences.

Youth justice prosecution team meetings are held approximately monthly (but not all have met face-to-face yet due to travel restrictions caused by COVID-19). The senior youth justice police prosecutor has fortnightly one-on-one meetings with each team member.

The senior youth justice police prosecutor also leads the delivery of stakeholder meetings about EMDs in locations where the devices are being trialled.

With respect to adequacy of the training provided for the roles, eight youth justice police prosecutors surveyed indicated they felt well or reasonably prepared for their roles, with four indicating they did not feel well prepared. Comments from youth justice police prosecutors

with respect to preparation were mostly positive. For example, several stated there were sufficient email communications and substantial resources available in the lead-up to the changes going live. Some who participated in the online educational sessions felt these sessions were helpful, particularly as in other circumstances, there is rarely dedicated time for training away from day-to-day court preparation. The training and information sheets were considered comprehensive. A small number of respondents were concerned about the short lead time associated with commencing the role and their level of readiness.

Operations

Youth justice police prosecutors are distinguished from regular police prosecutors by their focus and functions. They review youth justice bail matters in detail, conduct analysis of offences and the context of offending and risks, and explore acceptable ways to mitigate risks (for example, offending at night and curfews). Specifically, they explore and analyse the following factors to inform submissions to the court about a young person's bail suitability:

- mitigations that have been tried already, such as referral to programs and services, and their success
- compliance of the young person with previous or current bail conditions
- the type, context and factors involved in offending
- programs or services that could address risks that have not yet been attempted.

We were told the presence of the youth justice police prosecutors helps increase awareness of the legislation for operational officers and develop an understanding of what is required to facilitate a successful opposition to bail.

The introduction of these specialist police prosecutor roles has reportedly seen an improvement in the quality and professionalism of affidavits to objections to bail. Earlier, QPS may have considered bail objections were not worth the time needed to develop a tailored objection. Youth justice police prosecutors provide feedback to operational police and they consider this has resulted in higher quality, individualised bail objections. Anecdotally, operational police are reported to be better able to articulate police concerns about community safety.

Utilisation of resources

Difficulties have been experienced with filling all the police prosecutor positions. Some issues are related to the remoteness of some locations and not being able to attract suitable candidates, despite incentives such as accommodation. At the time of preparing this report, nine of 12 positions are filled. Mount Isa, Rockhampton, and Cairns are vacant, with recruitment processes ongoing. Previous recruitment processes have been unsuccessful for a variety of reasons, including successful applicants taking up roles in other locations. There has been difficulty attracting applicants to Mount Isa, with recruitment now in its fourth round. Accommodation has been offered as part of the remuneration package for this role as an incentive.

Assessment of efficacy

Results from the survey of service delivery agencies and advocacy organisations (Table 34) indicates that 20 per cent of those surveyed felt that the additional youth justice police prosecutor roles were effective in reducing serious, repeat youth offending.

Table 34: Service delivery and advocacy organisation respondents’ assessment of efficacy of youth justice police prosecutors to address serious, repeat youth offending

Agency	Yes	%	No	%	Total
Advocacy Organisations	0	0%	8	100%	8
DCYJMA	7	13%	46	87%	53
QPS	30	25%	90	75%	120
Other	1	20%	4	80%	5
Total	38	20%	148	80%	186

Source: Surveys of key stakeholders

What is working well

There were several positive comments from police prosecutors surveyed in terms of what is working well, including the implementation of the role for youth justice matters and consistency across the youth justice prosecution space which they considered had improved outcomes in terms of the police response to repeat offending. They reported better identification of high-risk youth offenders who require further prosecution review, possible bail condition reviews, identification of young people in a show cause position, and the ability to undertake timely pro-active engagement with relevant stakeholders.

Potential areas for improvement

One suggestion was the role be linked more closely to the day-to-day operation of Childrens Courts to systematically ensure a better level of knowledge of issues about high-risk young people. This was considered important when determining the court’s view of a serious repeat young offenders’ suitability for bail and in determining whether bail reviews are required. Some noted more funding was required for on-call prosecutor services and broader training to officers about what is considered serious, repeat offending and constitutes show cause.

Other concerns relayed by police prosecutor survey respondents included a perceived lack of consequences for non-compliance, including non-compliance associated with curfew violations. There were also concerns expressed about a perceived absence of enforceable conditions if a child is in the care of child safety in DCYJMA.

Perspectives on the police prosecutor role were also offered by non-QPS staff. For example, two respondents suggested some police prosecutors appeared to be taking a more punitive approach to all young people appearing before the courts, rather than focussing on serious repeat offenders. This may indicate a need for a more unified understanding of the role and purpose of youth justice police prosecutors vis a vis other youth justice functions across agencies.

Impacts and consequences

Youth justice police prosecutors identified a need for more training and information about the child safety system – including practices, how different orders work in practice and how QPS can obtain the information they need to support a young person appropriately.

Impacts on Aboriginal and Torres Strait Islander people

There were no specific issues, impacts or unintended consequences of this initiative identified for Aboriginal and Torres Strait Islander young people. However, given their persistent over-representation, there are likely to be systemic issues about the way in which

Aboriginal and Torres Strait Islander young people are brought into the criminal justice system and then come to the attention of police prosecutors.

Summary

Overall, the implementation of youth justice police prosecutors proceeded well, except for challenges in filling some positions. Although there was a concerted effort preparing prosecutors in the lead up to commencement, it appears that more engagement about the new roles would have been beneficial across the agency. In addition, the police prosecutors identified a need for more information and training about the child safety system, to improve their performance.

Positive feedback from QPS staff was received about the creation of these specialist positions - they were considered to have increased the consistency of police representations in court and the response to repeat offending. It was reported that there is now better identification of high-risk youth offenders requiring further review or in a show cause position. In addition, the roles are considered to have increased QPS ability to engage in a timely and proactive manner with court stakeholders.

Comments about the role from non-QPS stakeholders indicates there is not a shared understanding of the purpose of the role and its alignment with other agencies roles.

6.3.8 Child Safety Court Liaison Officers

Description and purpose

The role of Child Safety Court Liaison Officers (CLOs) is to provide relevant information and assistance to the Childrens Court and youth justice stakeholders about criminal matters involving children, where a child or young person is involved with the child safety system or whose family has dealings with this department. These are new roles that commenced to support the youth justice reforms.

The aim of the program is to provide consistent and up to date information and lines of communication between the court and child safety staff and to assist other youth justice stakeholders with their management of young people in contact with the child safety system.

Previously, the role of attending court fell to child safety officers from regional Child Safety Service Centres (CSSC). This was identified as putting a strain on these officers as it would take them away from their substantive child protection responsibilities.

While youth justice court officers have always been required to attend courts on Saturdays, child safety officers would usually only attend court on weekdays. To cover outside of business hours periods, on-call child safety managers were available to attend courts on Saturdays and public holidays. As a result of these issues and the changes to the *Youth Justice Act 1992*, there was a clear need for personnel with specialist skills to be available to attend court for young people with child safety involvement.

Recurrent funding of \$1.979M was provided by DCYJMA in 2021-22 for this initiative which allowed for 14 child safety CLOs and two senior CLO positions to be established.

Implementation

In July 2021, the CLO positions were advertised as temporary roles. Fourteen applicants were recruited and attended a three-day intensive induction and training program. CLOs commenced work in August 2021, except for those in Mount Isa and Richlands who started work in September 2021. These delays were experienced due to COVID-19 lockdowns.

At present, a recruitment process is underway to permanently recruit for the positions. Any new CLOs recruited through this process will require training before commencing in the role.

14 CLOs operate across 12 court locations (eight based in southern Queensland and six in the north). They are supervised by two senior court liaison officers and report to a senior team leader in Court Services within DCYJMA. Table 35 shows the allocation of FTE to court locations. The courts were selected as the most appropriate location for CLOS due to their high child safety and youth justice workloads at the time. In terms of weekend coverage, there are usually four CLOs on call for Saturday court sessions.

At 12 months post-implementation, the CLO team intends to review the service delivery model and assess trends regarding volume of matters across locations since implementation.

Cairns currently has one FTE allocated and in October dealt with the same volume of matters as Townsville which has two FTE allocated. (Table 35 and Figure 15).

Table 35: Allocation of CLO staff to court locations

Court location	FTE allocated	Comment
Brisbane	2	
Beenleigh	2	
Southport	1	
Richlands	1	
Ipswich	2	
Toowoomba		Serviced by Ipswich
Maroochydore	1	
Rockhampton	1	
Mackay	1	
Townsville	2	
Mt Isa		Serviced by Townsville
Cairns	1	
Total	12	

Source: *Child Safety Court Services, DCYJMA*

Documentation to support implementation including guidelines for the initiative and its implementation was created by Child Safety Court Services unit within DCYJMA. These resources will be reviewed six months post-implementation to determine if content needs amending or fine-tuning.

With respect to the adequacy of training provided during implementation, five of nine CLOs who responded to the survey indicated they felt well prepared for their role, two indicated they felt reasonably prepared while another two said they did not feel well prepared.

CLOs indicated they could benefit from further training to assist them in the following areas:

- Better understanding of the new reforms
- Information regarding procedures for dealing with offending in placements
- More information about child safety legislation, orders and procedures and operations.

Operations and utilisation of resources

Where a young person has a child protection order granting custody or guardianship to the chief executive of DCYJMA, CLOs participate in youth justice processes including attending court and supporting a young person who is seeking bail following an arrest. They provide advice in Magistrates Court, the Childrens Court of Queensland and the Supreme Court.

CLOs may also be available to assist the court where there is no child protection order, but DCYJMA has had contact with the family.

CLOs record information in relation to children who have court matters under the *Youth Justice Act 1992* and are involved with Child Safety regarding any of the following matters:

1. Investigations and Assessment (whether commenced or not)
2. Intervention with Parental Agreement
3. Non-custodial Child Protection Orders (Directive and Protective Supervision Orders)
4. Child Protection Orders granting custody to the Chief Executive
5. Child Protection Orders granting guardianship to the Chief Executive
6. Child Protection Orders granting custody or guardianship to another person.

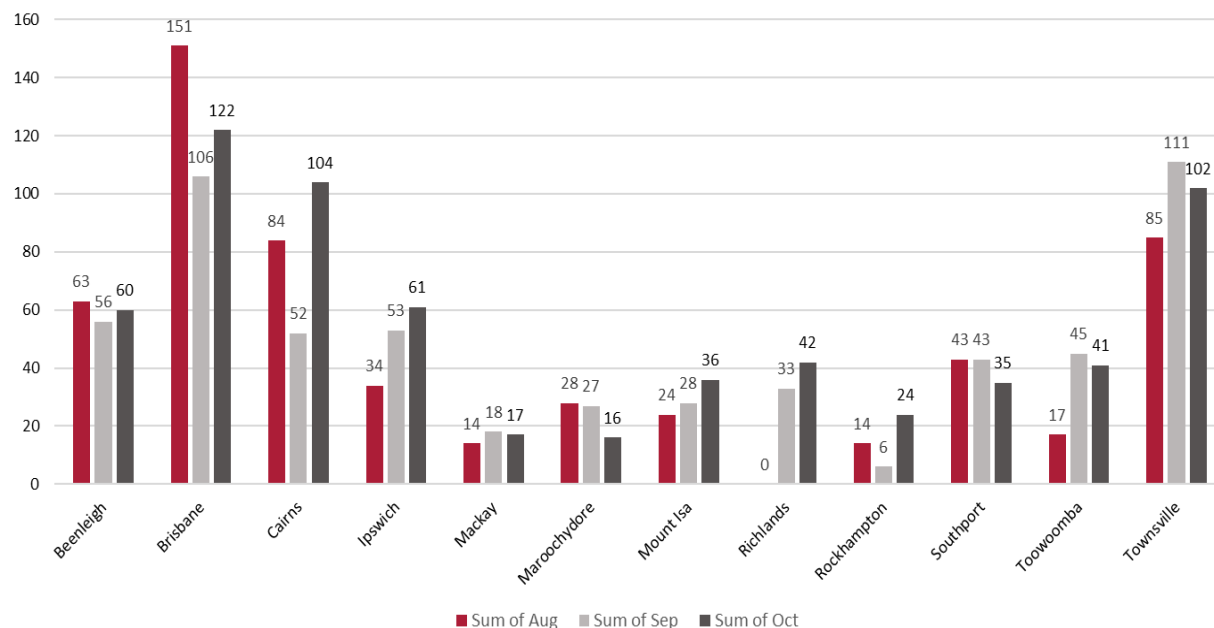
All of the above matters are monitored by CLOs, however they do not necessarily attend court for all. For example, with respect to an Intervention with Parental Agreement, CLOs will make themselves available to provide information if required and may assist families to attend court and understand proceedings. Where individual courts allow, some matters are managed virtually which allows enhanced CLO responsiveness. For example, a CLO may be based in Beenleigh but may attend a Brisbane court matter virtually.

CLOs ensure the court and court stakeholders receive up to date information about the young person and their current living situation. This will include:

- where the young person is residing
- the level of support that is being provided to them through their care arrangement
- whether they are attending school, vocational training, or employed
- any case planning goals that may be relevant to their offending
- the level of support available to them including the details of the young person's safety and support network.

Figure 15 depicts the number of appearances by CLOs for dual order young people across the 12 locations, from August to October 2021. This graph shows there is a relatively low volume of matters requiring attendance by CLOs in some court locations, with high volume in other locations, such as Brisbane, Townsville and Cairns.

Figure 15: Child Safety CLO Appearances August to October 2021



Source: Child Safety Court Services, DCYJMA

The proportion of bail application matters where a child safety officer was present was also examined. Table 36 shows QPS data detailing the number of children who were in the care of DCYJMA, and where there was a child safety officer (CSO) at the bar table from May to October 2021, across 23 courts. CLOs did not commence until August/September, so data is indicative of a child safety presence at court rather than a presence of CLOs specifically.

Overall, 88 per cent of matters had a child safety presence at court, the numbers and percentages vary between locations. Gold Coast, Townsville and Brisbane had the greatest proportion of matters where a child safety officer was not present at the bar table (21%, 18% and 16% respectively). Townsville also had the greatest number of matters where a child was involved with the child safety system. There were other locations with a relatively high proportion of matters (for example, Toowoomba) where a CSO was not present, however the total number of matters was under 10 rendering a potentially unreliable percentage result.

Table 36: Number of children in care appearing in court for bail matters who had a CSO present at bar table May-Oct 2021

Location	Number CSO present	% CSO present	Number CSO absent	% CSO absent	Total
Townsville	54	82%	12	18%	66
Cairns	34	92%	3	8%	37
Ipswich	28	93%	2	7%	30
Brisbane	27	84%	5	16%	32
Mt Isa	22	100%		0%	22
Logan	21	91%	2	9%	23
Gold Coast	15	79%	4	21%	19
Hervey Bay	10	100%		0%	10
Caboolture	9	100%		0%	9
Sunshine Coast	8	100%		0%	8
Mackay	7	100%		0%	7
Redcliffe	5	100%		0%	5
Toowoomba	5	63%	3	38%	8
Pine Rivers	3	100%		0%	3
Richlands	2	100%		0%	2
Roma	2	100%		0%	2
Charleville	1	100%		0%	1
Dalby	1	100%		0%	1
Innisfail	1	50%	1	50%	2
Maryborough	1	50%	1	50%	2
Rockhampton	1	50%	1	50%	2
Wynnum/Cleveland	1	50%	1	50%	2
Murgon		0%	1	100%	1
Total	258	88%	36	12%	294

Source: QPS Youth in Custody Application Data

Assessment of efficacy

Since the implementation of the CLOs, matters are reported as being more streamlined. Courts are reporting their satisfaction with the information provided by CLOs, and CLOs appear more knowledgeable about the young people they are representing.

There is potential for expansion of the advice provided by these roles to the courts. For example, the review team was told there would be value in having other specialist knowledge presented by CLOs regarding domestic and family violence issues, disabilities and mental health concerns.

Results from the survey of service delivery agencies and advocacy organisations shows 17 per cent of respondents considered the CLOs were effective in helping to reduce serious, repeat youth offending (Table 37). While not a high figure, the role of these officers is not well known by stakeholders. Furthermore, the role was intended as a supporting one focussed on information sharing with the courts and stakeholders to enhance decision making, particularly to support improved information. Directly addressing serious, repeat youth offending is not a key objective of the role.

Table 37: Service delivery and advocacy respondents' assessment of efficacy of Child Safety Court Liaison Officers to address serious, repeat youth offending

Agency	Yes	%	No	%	Total
Advocacy Organisations	0	0%	8	100%	8
DCYJMA	16	30%	37	70%	53
QPS	15	13%	105	88%	120
Did not answer	1	20%	4	80%	5
Total	32	17%	154	83%	186

Source: Surveys of key stakeholders

What is working well

Court stakeholders commented favourably about the CLO roles and the valuable information they bring to children's criminal matters.

CLOs have reported that courts are receiving more consistent information regarding young people on dual orders and children are now more often supported by child safety in court. CLOs consider the introduction of their roles has been valuable in providing real-time information to the courts. CSOs appear to be reaching out to the CLOs more often, the CLOs are saving CSO time attending court and CLOs are getting called upon more to provide information in court as their visibility increases.

CLOs generally feel that there is positive teamwork across the CLO team.

Potential areas for improvement

Given the CLO roles are still quite new, there is scope for enhanced role definition and engagement with court stakeholders.

Some respondents considered CLOs were not always adequately prepared at court, and other stakeholders were concerned they were unable to obtain information from the CLOs they report was previously received from child safety officers.

CLOs noted that in some cases, there is inadequate communication between solicitors and CLOs for dual order clients. Sharing information in a timely manner across all stakeholders was reported as being a challenge. Currently, there are no defined procedures in relation to stakeholder engagement and sharing information.

Challenges have been encountered with some regional court locations in trying to apply a centralised model. While flexibility was intended, some court locations allow CLOs to appear virtually whereas others require the CLOs to attend in person.

Additional resourcing in Far North Queensland may be required to meet current high levels of demand, particularly in Cairns.

Impacts on Aboriginal and Torres Strait Islander people

There was no specific information provided relating to the impact of the CLOs on Aboriginal and Torres Strait Islander young people appearing before the court. DCYJMA Court Services has actively sought to recruit people with high levels of cultural competence into the CLO roles, knowing there would be a high proportion of young people who identify as First Nations within the cohort they would be working with.

Summary

Overall, the CLO role has been implemented relatively well. Staff involved in implementation consider the roles are assisting in court matters involving young people on dual orders, and that CLOs are able to provide current information about these young people. Court stakeholders also consider this a positive initiative and were complementary about the child safety information provided to the courts.

It appears there are some areas for improvement and fine tuning for the roles, in terms of other stakeholders becoming accustomed to the CLO role in youth justice court matters and communication and information sharing between stakeholders. There also appears to be a need for greater levels of a child safety presence in areas such as Townsville and potential need for an additional CLO resource in Cairns.

The potential for additional CLOs to be recruited will be informed by the results of an upcoming review of the role. This review would benefit from considering workload in each location and adjusting the alignment of resources with demand as this situation changes.

6.3.9 Enhanced capability of youth justice court officers

Description and purpose

Funding for five FTE senior practitioners, one for each DCYJMA region, was allocated from January 2022 (from within existing resources) to improve the quality of submissions to court and support the implementation of the EM trial. \$349,062 was allocated for six months for the second half of 2021-22. As a result, the Senior Practitioners roles do not take effect until after 1 January 2022. Although funding for only five roles was made available, DCYJMA has decided to allocate resources to all six regions.

In the intervening period, existing youth justice court coordinators were provided with information sessions and resources to assist their provision of advice about bail matters, particularly suitability assessments for EMD as a condition of bail.

Operations

Most YJSCs have a dedicated court role or roles, depending on the size of caseload and operational responsibilities. They are a key point of liaison and information between DCYJMA and legal advocates, the courts and police prosecutions when children are appearing before the court for criminal matters.

Youth justice court officers who responded to the survey provided the following responses about the types of information they were asked to provide to the court regarding young people appearing for bail matters:

- Compliance with bail or supervised orders
- Current living situation
- Criminal history
- Current and potential interventions and programs
- Information about transport to and from detention centres
- Information to assist with applications related to non-compliance.

This is largely consistent with the intention of the role. Court officers also coordinate the preparation of CBPs and pre-sentence reports and provide verbal reports about young people appearing for criminal matters.

Implementation

These resources were allocated to replace a previous initiative – Risk and Dynamic Assessment Register (RADAR), the resources for which end on 31 December 2021. Recruitment is currently underway for the new senior practitioners, and they are expected to commence in the first quarter of 2022.

Although specific training about the new reforms was not provided to court officers, there were information sessions delivered to them, and team leaders and managers from each YJSC. The information sessions have been supplemented by fortnightly participation of court officers in the court officer community of practice facilitated by DCYJMA. The community of practice provides a peer mentoring forum where court officers can learn from each other by jointly problem-solving practice challenges and sharing innovations.

Assessment of efficacy

This initiative was not selected by any stakeholder as contributing to reducing serious, repeat offending. This may be due to a low level of visibility of these roles, and that the senior practitioner role has not yet commenced.

What is working well

17 people commented on aspects of this role through the surveys, including three court officers. Five commented on the court officers' capability to provide proactive submissions in relevant matters at Magistrates and District Courts. Two commented about the good level of collaboration of court officers with other stakeholders such as child safety CLOs.

Court stakeholders generally felt the level of representation by youth justice court officers was good but noted the quality of their representations varied by location.

Areas for improvement

Staff responding to a question about the level of training or support that would be helpful to perform the youth justice court officer role indicated the following improvements:

- More training about the child safety system, roles and placement options
- More information and training about the new reforms and the Youth Justice and youth justice system
- Increased understanding about court processes and the youth justice court officer role in court.

In addition, some court stakeholders commented on improvements needed to the quality and timeliness of pre-sentence reports and a preference for more individualised and comprehensive CBP proposals.

Summary

The dedicated senior practitioner roles to improve the capability of the youth justice court function have not yet commenced, so it is not possible to comment about the suitability of the implementation process or the efficacy of the initiative. However, this review provided a useful opportunity to consider how existing youth justice court officers were supported ahead of the reforms' commencement and during implementation.

Court officers identified improvements to increase their knowledge about the reforms and more generally. These included additional training and information about aspects of the child safety system and court processes. Other areas for improvement suggested by stakeholders with respect to the role are the quality of CBP proposals to courts and the quality and timeliness of pre-sentence reports.

The commencement of youth justice court senior practitioners provides an opportunity to address some of these stakeholder-identified improvements.

6.4 Other reforms to reduce crime

6.4.1 Trial of metal detection wands

Background

QPS data shows that the unlawful possession of knives in public places has been increasing by over 10 per cent every year since 2017-18. In 2016, police in the Gold Coast district conducted a 12-month trial of metal detection wands in Surfers Paradise. At that time, police did not have legislative powers to require people to stop and submit to a search for weapons using a metal detector. Police instead relied on existing powers, based on a reasonable suspicion, to conduct a search.

On 13 December 2019, a 17-year-old boy was fatally stabbed on a busy Surfers Paradise' street after he and a group of friends were set upon by another group of young people. The parents of the victim have campaigned for the metal detection wand trial and have launched a foundation (Jack Beasley Foundation) to teach young people about the dangers and devastating repercussions of knife crime. They are delivering education programs in schools and, participating in restorative justice conferences involving young people who have been charged with knife related offences.

Description and purpose

The 12-month trial commenced on 30 April 2021 with the aim of preventing the occurrence of serious incidents and crimes involving knives and other metal weapons in two Safe Night Precincts (SNPs) on the Gold Coast (Broadbeach and Surfers Paradise).

SNPs function as entertainment precincts and are characterised by the presence of licenced premises and high pedestrian traffic, particularly on weekends and evenings. The concentration of large numbers of people elevates the risk of harm caused by people carrying weapons.

The trial also aims to create a disincentive for people unlawfully carrying knives in the SNPs. Possession of a knife in a public place or a school is an offence under the *Weapons Act 1990* unless the person has a reasonable excuse.

The *YJOLAA 2021* amended the *Police Powers and Responsibilities Act 2000* to allow this new trial at Broadbeach and Surfers Paradise SNPs to proceed. The amendments provided powers for police officers to stop a person and use a hand-held scanner in a public place to scan for knives. This may also reveal metal items other than knives. There were no lower age limits applied to who may be scanned under this trial.

If a person refuses to submit to a scan or refuses to produce the item that may have activated the scanner, the amendments provide police with additional prescribed circumstances to conduct a search for knives without a warrant. This was intended to prevent a person from evading the detection of a knife by refusing to be scanned. All scanning activities must be approved for a twelve-hour period by a senior police officer to ensure appropriate oversight and involvement of the authorising officer.

The trial is subject to review at 12 months and a sunset clause applies to the legislation after two years.

\$1,000,000 was allocated for the purchase of hand-held metal detectors and associated equipment (belt attachments, pouches and rechargeable batteries) and to support an independent review after the 12-month trial.

Implementation

The officer in charge of the original metal detection wand trial in 2016 contributed their experience and expertise to developing the operational aspects of this trial.

Training and procedures: As police in the trial district were consulted about the development of the legislation, they began developing procedures and a training package for operational police so the trial would be ready to commence when the legislation was passed. As SNPs require police from other districts for special events, the training package is provided to other operational staff to assist them to understand how to implement the wand policy. Feedback from staff indicates the training and resources were easy to understand and provided operational police with the information they required.

Consultation: Police consulted with leaders from cultural groups and organisations on the Gold Coast to identify and work through their specific concerns regarding the trial. Appropriate solutions appear to have been implemented. An example was provided about engagement with the Sikh community after this community raised concerns about their carriage of a ceremonial weapon called a *kirpan*. This legislation was not intended to target those circumstances. A *kirpan* is not considered a weapon in a public place as physically possessing a knife for genuine for religious purposes is considered a reasonable excuse.

Communication: The consultation was embedded in the broader efforts of the Gold Coast police district office and the Jack Beasley Foundation to prevent knife crime and encourage safer behaviour. In September 2021, the QPS launched 'I live my life without a knife' campaign which aims to increase awareness about the laws and consequences of carrying a knife. The Jack Beasley Foundation works with QPS to convey the messaging associated with this campaign, including through the delivery of education programs to at risk youth and to young people in schools.

With specific reference to the wand trial, the Gold Coast police district office engaged with the Gold Coast City Council to ensure communication about the trial did not contribute to perceptions that the Gold Coast was unsafe. Police and the council worked together to ensure the trial was described in a positive way – that the Gold Coast is safe and the wand trial is making it safer. Police media teams have recorded that news of the trial reached 1.5 million viewers and generated 15,000 positive comments.

Operations

Police officers use electronic hand-held scanners to scan the outer body, garments and property of people that beeps when metal is detected and indicates something is present that requires further investigation. The wand is 15cms long and this small size is practical for police officers to carry with other equipment in a utility belt or load bearing vest.

The following legislated safeguards are used to protect individual rights and minimise the inconvenience to the person scanned:

1. The scan must be conducted in the least invasive way and by an officer of the same sex where practical.

2. Police may not detain a person longer than is reasonably necessary to conduct a scan and any subsequent searches that are required.
3. If requested by the person being scanned, the officer must provide their name, rank and station.
4. Where an officer is not in uniform, they must produce their identity card.
5. The officer must inform the person being searched that:
 - The person is in a public place in a prescribed area
 - Police have the authority to require the person to be scanned
 - It is an offence to not comply with this requirement without a reasonable excuse.

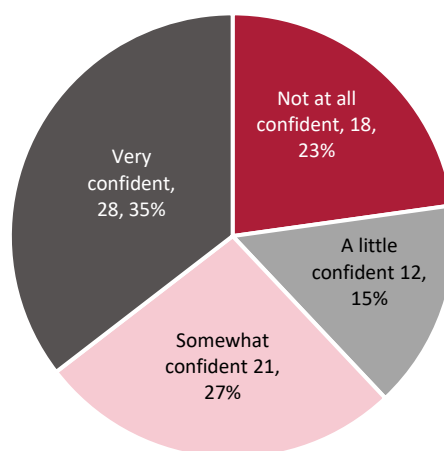
When knives or other weapons are detected, they are confiscated, and police may charge the person with offences under the *Weapons Act 1990* and other acts if relevant such as the *Drugs Misuse Act 1986*.

If young people are detected carrying knives, they can be subjected to any of the options available to police under the Youth Justice Act including taking no action, cautioning, or being charged with offences. They may also be referred to a restorative justice conference through the local youth justice centre if they are eligible. The mother of the young person who was fatally stabbed at Surfers Paradise, Mrs Belinda Beasley has participated in restorative justice conferences to provide a victim impact story to help young people understand the potential consequences of carrying knives. Because of the limitations imposed by the COVID-19 pandemic on holding face to face conferences and to improve the reach of the victim impact messages, the Jack Beasley Foundation has produced a video for use in conferences where young people have been involved in knife related crime. This video provides powerful stories about the tragic impact of Jack Beasley's death, from the perspective of his parents, friends and local police.

Assessment of efficacy

Survey responses about the electronic metal detection trial are summarised in Figure 16. 62 people who were involved with this initiative responded to survey questions about it as well as another nine from other government agencies. 35 per cent were very confident the trial would reduce knife crime, 27 per cent were somewhat confident, 15 per cent were a little confident and 23 per cent were not at all confident the trial would reduce knife crime in trial locations.

Figure 16: Service delivery agency respondents' confidence in the use of metal detection wands to reduce crime in trial locations



Source: Surveys of key stakeholders

Table 38 shows that Neighbourhood Watch groups and service delivery agency staff were more confident that the use of metal detection wands would reduce crime in the trial locations compared to other stakeholders, particularly those from advocacy organisations. 70 per cent of Neighbourhood Watch groups and 64 per cent of service delivery agency staff were at least somewhat confident.

Table 38: Stakeholder confidence that the use of metal detection wands will reduce crime in trial locations.

Stakeholder Group	Not at all	%	A little	%	Some what	%	Very	%	Total
Mayors and Local Governments	0	0%	6	75%	2	25%	0	0%	8
Peak Advocacy and Oversight Organisations	2	33%	2	33%	1	17%	1	17%	6
Queensland Neighbourhood Watch Groups	3	11%	5	19%	13	48%	6	22%	27
Service Delivery Agencies	16	22%	10	14%	20	27%	27	37%	73
Total	21	18%	23	20%	36	32%	34	30%	114

Source: Surveys of key stakeholders

What is working well

It should be noted that responses to survey questions about the operational aspects of the metal detection trial were limited to staff involved in its development or implementation. Therefore, respondents to these questions were almost exclusively QPS staff.

Thirty-four respondents provided comments about what was working well in the trial:

- Eleven commented that many knives are located and removed, which they believed had resulted in a reduction in possession of knife offences.
- Eight stated the trial provides relevant powers for operational staff to undertake their duties.
- Six commented that being able to wand for 12 hours without further authorisation needed from a senior officer worked well.
- Six noted fewer youth offenders, offenders and gang members have been observed 'hanging out' in trial locations due to fear of being 'wanded'.
- Five commented wandering without reasonable suspicion is good for community safety.
- Four noted the metal detection trial is very visible and may deter decisions to carry knives. An example was given whereby police can engage in a positive manner to explain the aim of the trial is to reduce knives, which may discourage carrying knives.

Areas for improvement

The same respondents had the following concerns and suggested improvements:

- Thirteen respondents suggested expanding the trial to other locations including public transport and mass gatherings.
- Four commented that they found the safeguards onerous and limiting and eight suggested improving the mandatory warning, which was considered wordy, confusing and unsuitable for using with intoxicated people.
- Six suggested that the requirement to obtain authority to wand from a senior officer every 12 hours be removed and replaced with a blanket authority to wand within a prescribed area.
- Five suggested making the wandering process quicker.
- Seven respondents were concerned that the metal detection trial may move problems to other locations.
- Five suggested providing police with stronger search person powers and powers to retrieve the metal object.
- Three had concerns about the inability to detect weapons not made of metal.
- Two suggested higher penalties for carrying a knife because it is a weapon.

Table 39 shows that QPS respondents believed the safeguards for the trial of the metal detection wands were very effective at a greater rate than other stakeholders. The lower rates of efficacy for other stakeholders may be due to their concerns about the perceived limitations of the safeguards.

Respondents from advocacy organisations expressed concerns about police powers such as these being disproportionately applied to minority racial groups and young people, and that this would be incompatible with the equality provisions under the *Human Rights Act 2019*. Alternatively, it was proposed that the universal or random application of metal detection would provide equality before the law. For example, if everyone who entered a particular zone was required to be scanned, this would be more compatible with human rights.

Table 39: Service delivery agency and advocacy organisations’ assessment of effectiveness of safeguards regarding the trial of metal detecting wands

Agency	Not at all	A little	Somewhat	Very	Total
Advocacy Organisations	0%	0%	75%	25%	4
DCYJMA	13%	25%	50%	13%	8
QPS	17%	17%	33%	33%	52
Other agencies	0%	100%	0%	0%	1
Total	15%	18%	37%	29%	65

Source: Surveys of key stakeholders

Impacts and consequences

Data provided from QPS showed that from 27 April 2021 to 28 November 2021, 2394 people under 242 authorisations were wanded:

- 1539 (64%) were adults and 855 (36%) were young people aged 10 to 17 years
- 2136 (89%) were male and 253 (11%) were female; five had no gender recorded
- No data was collected about the indigenous status or ethnicity of people who were wanded
- 57 weapons were recorded, which represents two per cent of all wanding actions
- 124 people were charged with 152 offences:
 - 60 under the *Drugs Misuse Act 1986*
 - 42 under the *Weapons Act 1990*
 - 24 under the *Bail Act 1980*
 - 6 under the *Police Powers and Responsibilities Act 2000*
 - 20 were charged under other Acts or received cautions

Further information recorded for 45 people detected with knives and other weapons shows:

- The average age was 23 years with an age range of 13 to 45 years
- 24 were adults and 21 were young people (aged 10 to 17 years)
- All were male
- The most common weapon detected was a folding knife (23%), followed by fixed blade knives (14%) and scissors (14%) although there were other weapons recorded including an axe, hammer, box cutter, machete, screwdriver, and knuckle duster.

The types of outcomes for young people detected with knives was analysed to determine if detection contributed to escalation of behaviour or being charged with other offences. Of the 21 young people detected with a weapon, five were charged with other offences (four for drug and or utensil possession, one for public nuisance). Additional charges for young people did not include offences such as obstruct police, resist arrest or offensive language, which would usually be associated with an escalation of behaviour.

The following outcomes were recorded for the 21 young people detected with knives:

- Ten received a caution
- Two received six-month probation orders (due to previous violent offences)
- One received a restorative justice order

- One received a restorative court diversion
- One received a six-month good behaviour order
- One received a reprimand
- One had no further action taken
- One was finalised with no other information recorded
- Two had matters that had not been finalised
- One person had a warrant issued for their arrest.

This data indicates that three quarters of young people received a reprimand, caution, diversion or no further action. The most serious outcomes were probation orders in two cases where the young people had criminal histories of previous violent offences.

Data about the consistent application of safeguards is not available. We were told that safeguards are applied for every authorisation and search as a matter of course in line with operating procedures. Further, all engagements are recorded by QPS body worn cameras.

The available data indicates the metal detection trial is not contributing to an undue escalation of offences.

Potential displacement of offences to other Gold Coast locations

Figure 17 shows a summary of knife related offences by young people and adults for May to October for 2019, 2020 and 2021 by Gold Coast police divisions. The tabulated data informing this graph is provided at Table iv and v, **Appendix 9**. There was a 17 per cent decline in knife related offences in 2021 in Surfers Paradise compared to 2020. In Broadbeach, there was a 23 per cent decline in 2021 compared to 2020, but the actual numbers of offences were higher than those in 2019. As the SNPs are only a part of these divisions, the reason for the reduced number of offences in 2021 may not be specifically due to the metal detection trial. There was also a drop in youth knife offences in most other divisions that did not have a metal detection initiative in 2021 compared to the same period in 2020. The broader campaign on the Gold Coast – ‘I live my life without a knife’ – and education program being delivered by the Jack Beasley Foundation may also have contributed to this decline.

We looked for any patterns in other Gold Coast divisions that had high knife crime in 2019 and found there were declines in Southport and Coomera between 2020 and 2021 (Southport: 18 per cent decrease; Coomera: 41 per cent decrease).

At this stage, these findings indicate there has not been a displacement of knife crime to other locations on the Gold Coast.

Figure 17 also shows that adults are more likely to be charged with knife related offences than children.

Potential displacement of knife related offences to other South East Queensland regions

Figure 18 shows knife related incidents by young people in South East Queensland to reflect on whether the trial in the Gold Coast has displaced knife crime to other nearby regions in 2021. The tabulated data that informed this graph is provided at Table vi, **Appendix 9**.

The figure shows that in 2021 total knife crime decreased or remained the same in all South East Queensland Police Districts. There were, however, small increases in knife offence

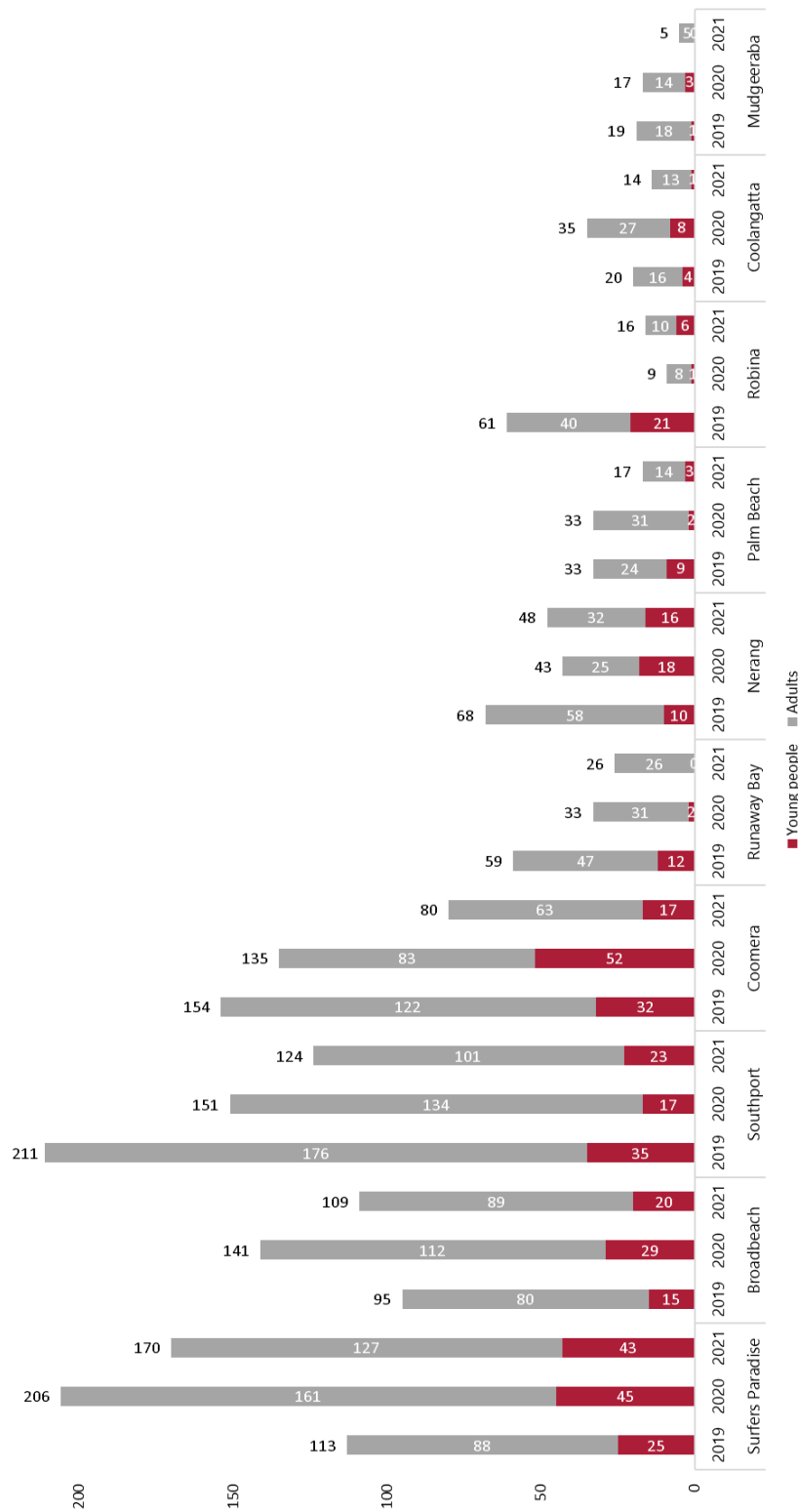
committed by young people in North Brisbane, Logan, Ipswich, and the Sunshine Coast between 2020 and 2021.

Between 2019 and 2020, there were increases in overall knife crime in North Brisbane, South Brisbane, Ipswich and Sunshine Coast where three out of four of the increases were due to adult knife offending.

Due to small numbers in these groups, the results should be interpreted with caution as the effect of small variations in numbers can be magnified when translated into percentages.

The data provides evidence that knife crime is not being displaced to other surrounding areas of Queensland. There would be benefit in continuing to monitor this data across locations, particularly due to the variation that is seen in adult knife crime by location.

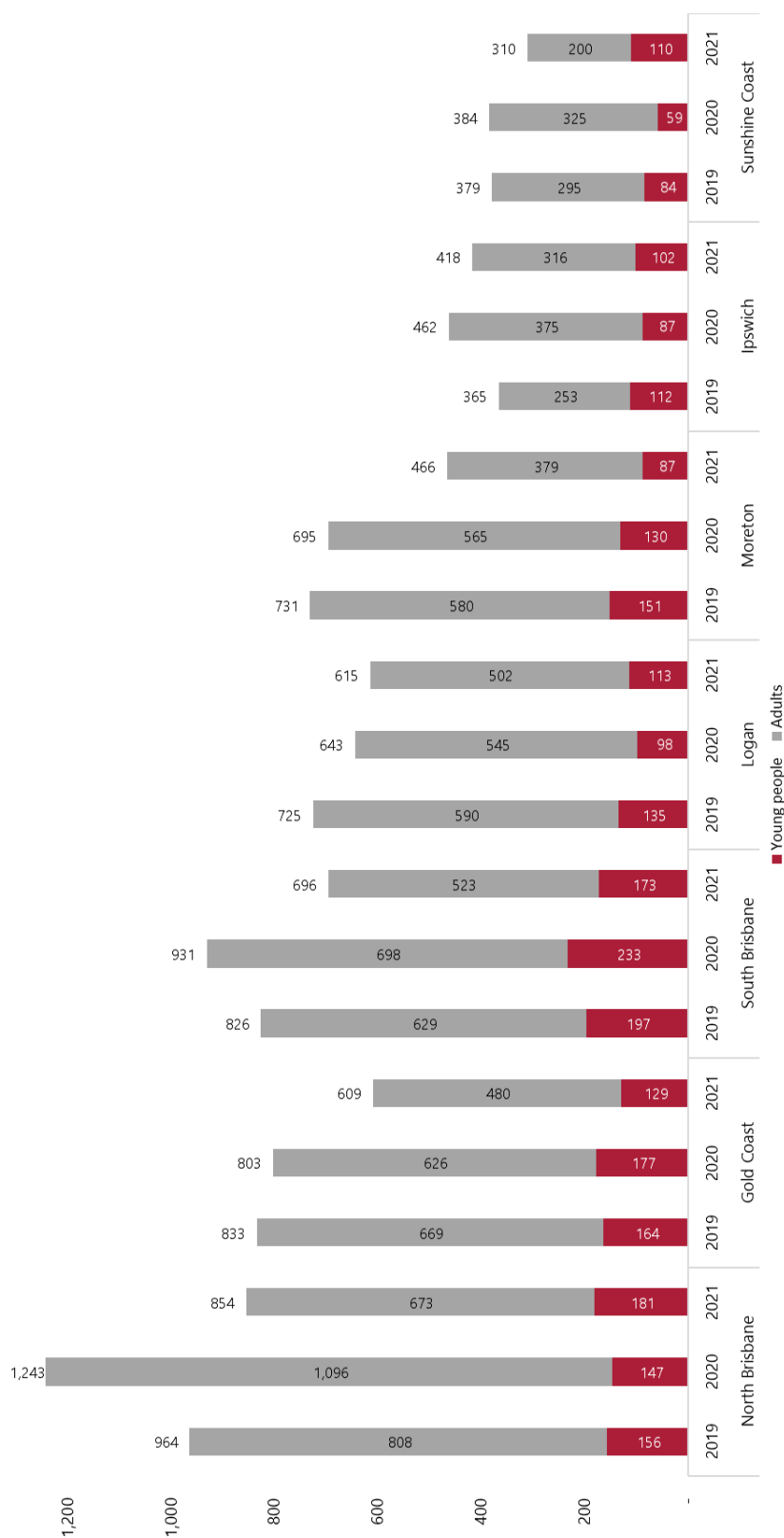
Figure 17: Number of knife offences by Gold Coast Police District for young people and adults, 1 May to 31 October 2019 to 2021



Source: Research and Analytics, Organisational Capability Command, Queensland Police Service

1. This data is preliminary and may be subject to change.
2. Counts do not represent an offender count.
3. Knife crime is an occurrence where the most serious weapon used was 'knife' or where the general report contains the word "knife" or "knives". As such, data should be treated as an estimate only.
4. Only offences with a cleared type of crime: solved and where the offender was aged between 10 and 17 at the time of the offence has been included. 5. Location (District) refers to where the offence occurred. 6. Counts represent the number of offences where the offender was a juvenile (aged 10-17) and may differ from standard counting rules that take into account offences by juveniles.

Figure 18: Number of knife offences by South East Queensland Police District for young people and adults, 1 May to 31 October 2019 to 2021



Source: Research and Analytics, Organisational Capability Command, Queensland Police Service

1. This data is preliminary and may be subject to change. 2. Knife crime is defined as an occurrence where the most serious weapon used was 'knife' or where the general report contains the word "knife" or "knives". As such, data should be treated as an estimate only. 3. Only offences with a cleared type of crime: solved and where the offender was aged 10 and over at the time of the offence has been included. 4. Location (District) refers to where the offence occurred. 5. Counts represent the number of offences by an offender and may differ from standard counting rules to take into account offences by each individual offender. Counts do not represent an offender count. 6. All offences on an occurrence will be considered to be knife-related, as it is not possible to differentiate the offences that are specifically knife-related.

Impacts on Aboriginal and Torres Strait Islander people

The available data does not identify the Aboriginal and Torres Strait Islander status or ethnicity of those who are subjected to metal detection or detected with knives or other metal weapons as part of the trial.

Police involved in the trial reported concerns from members of Aboriginal and Torres Strait Island communities outside the Gold Coast that their young people would be targeted, and the powers used to search vulnerable young people. Aboriginal and Torres Strait Islander peoples consulted during the review also expressed concerns about the expansion of the metal detection trial outside of the Gold Coast and the risk of exacerbating the perceived targeting of Aboriginal and Torres Strait Islander young people.

Several stakeholders expressed a preference for stronger safeguards including specific decision-making criteria regarding when to apply the metal detector. Police involved in the trial explained that to decide who to wand, they focused on categories of people who were more likely to carry knives. Based on the demographics within the SNP sites, these tended to be males in their early twenties (in practice an average age of 23 years). They also relied on their experience and judgment from policing and looked for key indicators such as carrying a bag, being in a group and behaviour that draws attention in some way.

Summary

Data and information indicate that the metal detection trial has proceeded well. Staff were well prepared to deliver the trial when the legislation commenced. Training and resources appear appropriate and sufficient. There appears to be strong public support for the trial likely due to it being embedded in a broader campaign to prevent knife crime including a comprehensive communication strategy, education programs and engagement with local interest groups.

There was no data provided about the use of the safeguards, so it is not possible to objectively assess their application. Some concerns remain among stakeholders who suggested the safeguards be applied in a more clear and accessible way. As such the trial may benefit from more transparent guidelines about the decision to wand people to minimise any concerns about racial or other profiling, if the trial continues or is expanded.

Data collection could also be enhanced with the inclusion of data about people's ethnicity, particularly whether they are Aboriginal and/or Torres Strait Islander.

Young people aged 10 to 17 years comprised just over a third of those subject to wandings and just under half of those for whom a knife or other weapon was detected. At this stage, the metal detection trial has resulted in only a small proportion (24%) of young people being charged with other offences. There is no evidence to suggest this initiative has caused a displacement to surrounding locations. Instead, there has been a decrease in knife related offences on the Gold Coast and other south-east Queensland locations.

Given the current high level of concern in the community about youth crime, there may be benefit in conveying consistent, data informed messaging about the target group for identifying a knife or metal weapon and the demographic breakdown of those who are 'wanded' and identified.

Proposals were made to expand the trial to high-risk locations beyond SNPs, such as transport corridors. The evaluation of this trial by Griffith University after one year will provide more detailed and critical evidence to inform the future of the trial and decisions about expansion beyond the Gold Coast SNPs.

Should any decision be made about expanding the trial to other locations, early and sustained engagement with Aboriginal and Torres Strait Islander and culturally and linguistically diverse (CALD) communities (relevant to the location) would be advisable to facilitate similar levels of community support as there has been on the Gold Coast.

6.4.2 Anti-hooning legislation

Description and purpose

The *YJOLAA 2021* amended the *Police Powers and Responsibilities Act 2000* with the aim of addressing a range of anti-social and unsafe driving behaviours known as hooning. In the past, offenders of hooning have attempted to escape liability by masking their identity and denying being the driver. To address this, advanced camera technology is being used to record evidence of vehicles that are involved in hooning offences. This has been combined with provisions that help identify drivers of motor vehicles used in these offences.

The following are considered hooning offences:

- Evade police
- Any of the following when they are part of a speed trial, a race between motor vehicles or a 'burn out':
 - Dangerous operation of a vehicle
 - Careless driving of a vehicle
 - Organising, prompting or taking part in a race between vehicles, speed trials or speed record attempts
 - Wilfully starting or driving a motor vehicle in a way that makes unnecessary noise or smoke.

When a vehicle is involved in these offences, the vehicle owner is asked to provide information that may lead to the identification of the driver within 14 days of receiving an offence notice. If the owner does not know who was driving the vehicle, they are required to declare: where the owner was when the offence took place; the usual location of the vehicle when not in use; the name and address of all potential drivers who access the vehicle at the time of the offence and how these people normally use the vehicle; whether the vehicle was reported as stolen or if it was being used without consent; and what efforts the owner has taken to find out who was driving the vehicle when the offence took place.

If the owner sold the vehicle before the offence occurred, the owner must provide the name of the address of the person who purchased the vehicle. If the owner bought the vehicle after the offences, they must provide the name and address of the previous owner.

The new amendments also make it an offence to not provide a statutory declaration to respond to a notice of a serious vehicle related offence without a reasonable excuse. The maximum penalty is 100 penalty points.

Implementation

The following strategies were used to inform QPS members of the legislation changes and expanded use of the evasion offence notice:

- The QPS workplace platform was used to communicate the legislative changes.
- A communications pack was shared state-wide to inform managers of the changes and provide strategies for communicating the information to their staff.
- The Vehicle Related Offences On Road Guide (Traffic Manual) was updated to reflect the changes.
- The QP0685 'Type 1 vehicle related offence notice' updated to include additional type 1 offences.

These are the usual mechanisms within QPS for communicating these types of changes to legislation.

Those involved in the implementation of the changes noted this was a straightforward process as it built on existing legislation and required some small changes to existing procedures. The new provisions simply provide a different set of circumstances in which the owner onus provisions are applied.

Assessment of efficacy

Table 40 shows 15 per cent of stakeholders surveyed were very confident and 30 per cent were somewhat confident that making owners responsible for hooning behaviour would reduce hooning.

Table 40: Stakeholder's confidence that making the owners responsible for hooning behaviour will reduce hooning

Stakeholder Group	Not at all	%	A little	%	Some-what	%	Very	%	Total	%
Business Owners and Business Associations	2	0%		0%	3	0%	1	0%	6	1%
Mayors and Local Governments*	3	0%	4	1%	4	1%	1	0%	12	2%
Service Delivery Agencies*	20	27%	18	27%	20	29%	10	15%	68	97%
Total	25	27%	22	28%	27	30%	12	15%	86	100%

Source: Surveys of key stakeholders

*Respondents to the Mayors and Business surveys who were not aware of the legislation changes were excluded from this analysis (n=13).

The following data in Table 41 shows the number of hooning offences detected between May and November 2021 compared to the same period in 2020. It shows that the overall number of offences for that period has declined by 12 per cent. The data also shows that only one category of offence within type one offences- Dangerous operation of a vehicle - has evidenced an increase, of 21 per cent. All other type one offences have decreased by between three and 25 per cent.

Table 41: Number of Type 1 hooning offences by offenders (all ages) by offence type, Queensland, 1 May to 5 November 2020 to 2021

Offence	Number		% change 2020-2021
	2020	2021	
Type 1a(i) Dangerous operation of a vehicle	331	399	21%
Type 1a(ii) Driving without due care and attention	71	64	-10%
Type 1a(iii) Racing/Speed Trials on a road	18	16	-11%
Type 1a(iv) Wilfully make unnecessary noise or smoke	383	370	-3%
Type 1b Evade police	1,138	853	-25%
Total	1,941	1,702	-12%

Source: QPS QPrime

Notes:

1. This data is preliminary and may be subject to change.
2. Data is for type 1 hooning offences, where the offence occurred between 1 May 2021 to 5 November 2021 and the offender (if recorded) is over 10 years of age at the start date of the offence.
3. Offence counts may have their counts adjusted from what is recorded in QPRIME to take into account offences by the offender rather than the standard offence counting rules.
4. Data is a count of the number of hooning offences by all offenders and is not an offender count, nor a vehicle count.
5. Only offences with an offender linked is shown.

Unfortunately, there was no available data to assess whether the provisions have had the desired impact of holding the drivers of vehicles involved in hooning offences to account for their behaviour. To assess the impact of these reforms in future, there would be value in considering developing an appropriate and reliable metric that allows any changes in driver behaviour related to Type 1 offences to be measured.

What needs improving

Four respondents (9% of those who commented) suggested improving the knowledge about the existing powers within the *State Penalties Enforcement Act 1999* to require owners to declare who was the driver for vehicle related infringement notices. Other improvements suggested included:

- Expanding the responsibility of registered owners to other offences such as dangerous operation of a vehicle or driving at high speeds.
- Simplify the process as it is too complicated with too many steps to impound cars.
- Discourage the filming, posting, organising and inciting of reckless driving behaviour more broadly.

Seven respondents from service delivery agencies (19% of those who commented on this legislation) believed that offenders remove or cover their number plates or use false plates, thereby being unable to be identified. Others commented the legislation has increased workload with no benefit and that they had experienced impediments to impounding vehicles.

Impacts and consequences

Stakeholders involved in the implementation of the legislation changes commented the provisions are not being used frequently because other offence types (such as evade offences) are already being used to capture people hooning.

Impacts on Aboriginal and Torres Strait Islander people

No stakeholders have indicated any additional or adverse impacts of the hooning legislation changes on Aboriginal and Torres Strait Islander people.

Summary

The changes to the hooning legislation appear to have been implemented well. Some stakeholders suggested operational police would benefit from more knowledge about the different legislative powers to address hooning.

The data examined show there was a decrease in type one offences between 2020 and 2021. While that is a positive outcome, it was not possible to determine whether this legislation has made drivers of vehicles involved in hooning, more accountable for unsafe and disruptive driving behaviour. An appropriate metric to assess future impact may be desirable.

6.5 Youth Justice Taskforce

6.5.1 Activity of Taskforce

Since its inception in 2021, the YJTF has led the implementation of the YOLAA reforms. A key achievement has been its establishment of the YJSORG to provide oversight of the operationalisation of youth justice reforms and other high-level issues. The YJTF has established reporting protocols about its achievements, issues and planned activities that have been progressed by the YJSORG and TFOLG.

Early in 2021, the YJTF, QPS and DCYJMA collaborated in an exercise to systematically identify frequent and serious young offenders. A Serious Repeat Offender Index (SROI) was developed which has provided the capability to identify and therefore respond in a targeted way to this cohort. For example, the index has assisted the YJTF and YJSORG to develop the multi-agency action plan and targeted intervention plans outlined further in this section.

The YJTF has developed, implemented and delivered a communication plan to increase public awareness of immediate and long-term efforts, promote progress of the reforms and contribute to feelings of improved personal safety across the wider community. Communication channels such as media, social media and public forums are utilised to inform the Queensland community of the reforms, implementation, performance, and subsequent updates.

YJTF leads from QPS and DCYJMA have undertaken multiple state-wide engagements with Aboriginal and Torres Strait Islander leaders, community members, the legal profession, non-government organisations, and partner agencies on a wide range of issues including prevention and disruption strategies to break the cycle of offending by serious repeat youth offenders. This partnership between the two agencies appears to represent a change to the way in which the public narrative about youth offending is conveyed.

More recently, the YJTF has developed a framework for an intensive multi-agency case management approach (and action plan) to provide the support and structure required for the serious repeat offender cohort with a particular focus on the management of young offenders following their release from detention. The action plan was launched in Townsville on 20 October 2021. Since then, a 'Personal Intervention Plan' has been developed by the taskforce to better manage serious repeat offenders upon release (72 hours) from detention.

6.5.2 Gaps and issues identified by Youth Justice Taskforce

Whilst the YJTF provides the direction, governance, and accountability mechanisms to implement the current reforms and bring the necessary agencies together, the head of the taskforce has reservations about the ongoing sustainability post the taskforce. In the absence of a process, revised policy, identified lead and/or legislation to hold all agencies to account in responding to serious repeat offenders, there is the potential for the commitment to strengthening pillar four (reduce reoffending) to wane over time.

Considerable work will be necessary to build knowledge and insights across the broader community about the youth justice system and what is required to deliver change, particularly from parents, carers and all agencies including the non-government sector.

The four pillars model as previously referenced is framed or 'bookended' by two fundamental principles – that public safety is paramount, and that community confidence is essential. Youth justice issues require a balancing of a range of issues; there are a wide range of stakeholders and interested parties. The community has a right to be aware of what the government is doing, what the statistical trends are and what evidence based best practice tells us.

One of the positive aspects of the YJTF has been the media and community engagement and presentations by the agency leaders Assistant Commissioner Scanlon and Senior Executive Director Drane (DCYJMA). There may be benefit in continuing joint communications delivered by both DCYJMA and QPS senior officers both generally and in future when there are significant announcements or incidents.

Routinely when QPS are conducting joint investigations or responses with Commonwealth agencies on high profile cases, there is a united and dual media response. Consideration could be given to this type of collaboration between QPS and DCYJMA into the future as standard practice for serious matters or where there is a systemic youth crime problem in any community.

6.5.3 Increased cross-agency collaboration and information sharing

Work is underway through the YJTF regarding a multi-agency Taskforce Action Plan currently before the YJCC. This plan has specific actions relating to information sharing and cooperation between agencies to deliver intensive multi-agency case management to the serious repeat offender cohort. Updates are being provided regularly to government on the progress of the action plan. This intensive case management approach is aligned with the research evidence about what works. It will be important to be sustained over time for long term benefits to be achieved.

With respect to improving information sharing, Assistant Commissioner Scanlon invited the then Privacy Commissioner Phillip Green and Principal Privacy Officer Lemm Ex to present to both the YJSORG and YJTOLF meetings due to the 'perceived blockers' being raised about information sharing and cooperation. This was necessary to 'myth bust' issues including at senior levels across all agencies about information sharing provisions in the Youth Justice Act. An information sharing protocol is currently under construction as a specific action item in the Taskforce Action Plan with an expected release in early 2022 to assist front line workers.

Summary

The YJTF has played a significant role in promoting the aims of the Government to reduce serious, repeat offending and improve community safety. The joint QPS and DCYJMA communication and engagement activities have been important in conveying key messages and engendering broader support from stakeholders and the community. It is acknowledged, however, that this is an ongoing process that requires commitment and action to build and sustain public confidence across the state.

The current Taskforce Action Plan is likely to strengthen the work commenced under the 2021 reforms as it focuses on enhanced service delivery and coordination to effect behaviour change among the serious repeat offender cohort. It will be important to monitor and adjust activity based on what is learned through delivery of the action plan and in the medium to long-term, evaluate its efficacy and impacts. A sustained focus on multi-agency collaboration and enduring structures will be key to ensuring the desired outcome of improved community safety is achieved.

7 Alternative responses to serious, repeat offending

A large proportion of survey respondents (105 of 291) offered a range of alternatives for dealing with serious, repeat youth offending. This information is insightful to understanding community views and attitudes about what they think works and to inform future communication efforts.

In addition, interviews and group discussions with Aboriginal and Torres Strait Islander stakeholders, local governments and unions elicited a range of suggestions for alternative or additional ways of dealing with serious, youth offending.

A total of 590 suggestions were made by about 250 people, with several people making multiple suggestions.

Table 42 details the major themes and the number and percentage of individuals who shared similar opinions, as a result of the surveys, interviews and discussions. The majority of themes are consistent with the evidence base about what works to address offending, the exception being harsher punishment and some very specific suggestions that were captured under the 'other category'.

Table 42: Suggestions made about alternative means of dealing with serious, repeat offending

Alternative means of dealing with serious, repeat youth offenders: suggestions from stakeholders	Number	%
Family interventions	76	12.9%
Harsher punishment (including detention)	67	11.3%
Prevention and early intervention	66	11.1%
Rehabilitation programs (causal factors)	59	10.0%
Elder involvement	50	8.5%
Education, training and employment	50	8.5%
Better ways to design/deliver programs and services	46	7.8%
Rehabilitation programs (offence-focused)	43	7.3%
Other	34	5.7%
Cultural programs and services	30	5.1%
Non-penal institutions	16	2.7%
Community involvement	16	2.7%
Increased resourcing – staff and services	15	2.5%
Restoration or compensation	12	2.0%
Missing (response not provided)	10	1.7%
Total	590	100%

Source: Surveys and interviews with key stakeholders

The most frequent theme among stakeholder groups was the need for more family interventions, with 12.9 per cent feeling there needed to be increased focus on holistic support services to address intergenerational impacts of incarceration, poverty, family breakdowns, domestic and family violence, health concerns, child abuse and trauma. These respondents also felt families required extra support in building their parenting skills through programs, as well as access to safe and appropriate healthcare for complex needs including mental health and substance abuse.

The need for harsher punishments was also a common theme, with 11.3 per cent of these stakeholders having this view, particularly the need for there to be consequences for offending behaviour. Suggestions within this category included detention, relocation sentencing, and punishing parents with fines and other penalties. These approaches are not aligned with the evidence base about what works (see literature review section 2).

Another theme that was strongly agreed upon was that of better prevention and early intervention strategies. 11.1 per cent of respondents said strategies and initiatives needed to identify at-risk young people from an early age, and address inequities in terms of poverty, housing, education and social factors. Respondents also suggested there was a need for more programs to keep kids busy and engaged on weekends, after school and on holidays. Other respondents in this category suggested there needed to be much stronger and more holistic connections between the child protection and youth justice systems.

10 per cent of responses were about increased rehabilitation programs that addressed causal factors to address serious, repeat offending, particularly initiatives that involved effective mentoring and case management.

The involvement of Aboriginal and Torres Strait Islander Elders and communities was mentioned in 8.5 per cent of suggestions, particularly in terms of empowering Aboriginal and Torres Strait Islander community organisations to address criminal activity. Some people specifically raising the prospect of delegated authority in the youth justice arena, and to employ more Aboriginal and Torres Strait Islander staff in key services to provide direct support to children and young people.

Education, training and employment was highlighted in 8.5 per cent of suggestions as an alternative to deal with serious, repeat youth offending including expert psychological support within schools, better trained teachers, intensive support to encourage retention and re-engagement with education; and programs that provide vocational education and training, build employment skills and support for jobs and employment options.

Better ways to design and deliver services and programs was a theme in 7.8 per cent of suggestions. Stakeholders would like to see the implementation of 24/7 drop-in services, evidence-based approaches to programs and formalised service integration that involve multi-agency responses.

Rehabilitation programs that address offending behaviour was favoured in 7.4 per cent of suggestions, particularly those that involved mentoring, case management and youth worker support.

5.1 per cent of responses proposed cultural programs and services as effective alternatives, including On Country programs, cultural cadet programs, cultural support or involvement as well as activities, services and programs to increase cultural connection.

A less common theme that came from discussions with stakeholders, included that of non-penal institutions, such as bootcamps and boarding schools, with 2.7 per cent suggesting these initiatives as alternatives to address serious, repeat offending.

Small percentages of stakeholder responses reflected the need for greater community involvement (2.7%), increases to funding and resources (2.5%) or restoration and compensation programs (2%) as effective alternatives to address serious, repeat offending.

Summary

590 suggestions were made by approximately 250 individuals about alternative or additional ways to address serious, repeat youth offending through surveys, interviews, and group discussions. Most people made more than one suggestion.

Punitive responses such as harsher sentencing and increased use of prisons featured as the second most frequent type of suggestion by 67 people (11.3 per cent). However, all the remaining suggestions were not punitive in nature. About a third of the individuals who made punitive suggestions also made other more preventive suggestions such as improved education, better support for families, more activities for young people and addressing poverty.

Overall, interventions, supports and programs for families and children made up the largest proportion of suggestions (33 per cent in total for family interventions, prevention and early intervention and rehabilitation programs addressing causal factors). The greater involvement of communities and in particular Elders and the Aboriginal and Torres Strait Islander community made up 16.3 per cent of suggestions.

These findings highlight the divergence in community views about how to deal with serious, repeat offending, a relatively small proportion of which do not align with research or practice-based evidence. These views may not represent those of the broader community as stakeholders surveyed had closer knowledge and understanding of the criminal justice or youth justice system.

8 Community awareness and perceptions of safety

An independent supplier was contracted to undertake a survey of a representative sample of Queenslanders to seek their knowledge and views about the youth justice, metal detection trial and hooning reforms. Questions were also asked about respondents' perceptions of safety related to both youth and adult crime, their understanding of the current rates of youth and adult crime and their sources of knowledge about these matters.

Due to its capability and working partnerships, the supplier was able to ensure completion of 2454 survey responses by people aged 18 years and older. A total of 2531 people were surveyed; however, some people declined to answer key questions which disallowed further analysis, resulting in usable data from 2454 people. This sample size delivers a confidence interval of 95 per cent. 7.5 per cent (182) of the sample were Aboriginal and Torres Strait Islander people, which is more than their representation in the Queensland population. This was 4.6 per cent at the 2016 Census.

Interest and knowledge in criminal justice system

Two thirds of Queenslanders surveyed indicated they take an active interest in information about the criminal justice system (64%).

Eight in 10 respondents felt they knew at least 'a little' about the youth justice system. 55 per cent considered they had 'a little' knowledge, 24 per cent had 'a moderate amount' while 4 per cent indicated they knew 'a lot' about the youth justice system. 18 per cent of Queensland adults indicated they knew nothing about the youth justice system.

We also wanted to know how people had gained their knowledge about the youth justice system, whether through personal experience or other means. 15 per cent of respondents reported having experience with the youth justice system. Experiences included being a friend or family member of a victim of youth offending (5% of all respondents), being a community member aware of youth offending (4%), being a victim (4%), being a family member or carer of a youth offender (3%) or being a former youth offender (3%).

When asked about the source of information about youth crime in Queensland, respondents were most likely to nominate commercial television (53%) as a source of information about youth crime. The next most common sources of information were the internet (41%), the public broadcasters (ABC/SBS) (35%), social media (33%), family and friends (31%) and newspapers (29%). Facebook was the most common social media platform nominated by respondents (27%).

Males, people aged under 45 years, Aboriginal and/or Torres Strait Islander people or people living in the Townsville area were most likely to have knowledge or experience of the youth justice system or the reforms.

8.1 Youth Justice reforms

Knowledge of and confidence in the youth justice reforms

Respondents were asked about the extent of their knowledge about the 2021 youth justice reforms. One in two respondents felt they knew at least 'a little'. 40 per cent reported that they knew 'a little', 12 per cent indicated a 'moderate amount' of knowledge, while two per

cent felt that they knew 'a lot' about the issue. 47 per cent indicated they knew 'nothing' about the youth justice reforms.

Survey respondents were provided with a list of the new laws and programs and asked to indicate which ones they were aware of. Table 43 provides a summary of the percentage of people who were aware of each of the new laws, programs and resources.

Queenslanders were most likely to be aware of EM as a bail condition (48 per cent). 28 per cent were aware of the show cause law, while 25 per cent were aware of the principle that states the community should be protected from serious, repeat high risk offenders. Knowledge of other legislative provision ranged between 19% and 21%.

Table 43: Queensland respondents' knowledge of individual youth justice reforms

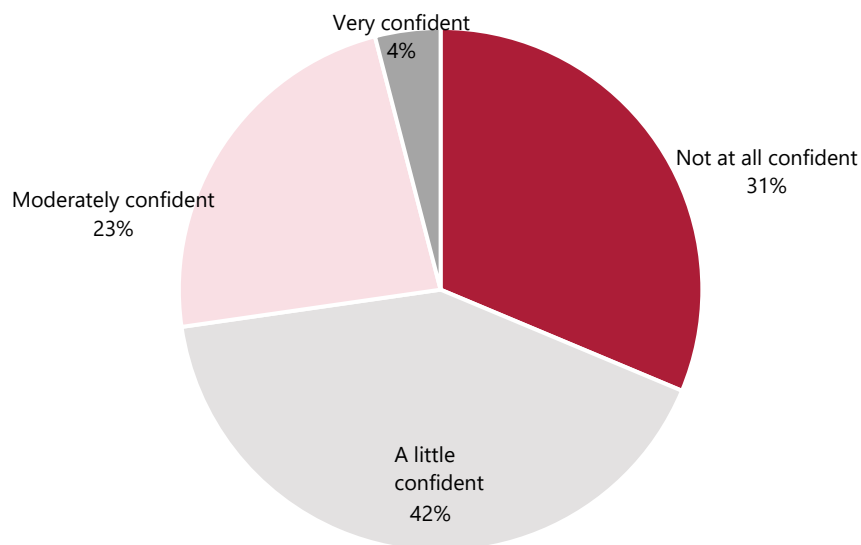
Reform	Percentage of respondents with knowledge of reform
Electronic monitoring	48%
Show cause	28%
Principle that community should be protected from repeat high risk offenders	25%
Willingness of parent, guardian or other person to support young person on bail	23%
Offending on bail will have an impact on sentencing a young person	21%
Lack of accommodation or family support cannot be sole reason for keeping a young person in custody	19%
Youth Co-Responder teams	21%
Intensive bail support (IBI)	18%
Extended Conditional Bail Program	16%
Additional court resources	16%
Additional legal advocacy services	16%

Source: Survey of Queensland community

In terms of new programs and services to help address serious repeat youth offending, 43 per cent of Queenslanders were aware of at least one of these programs or services. However, when considering each program, awareness was consistently low and lower than knowledge about the legislative reforms– ranging from 16 per cent to 21 per cent. Awareness was highest for the YCRTs (21%), followed by the intensive support for young people on bail and their families (18%).

Figure 19 shows that the majority of Queenslanders surveyed (69%) were at least 'a little' confident the new laws and programs would reduce serious, repeat offending by young people. Within this group, 41 per cent were 'a little' confident, 23 per cent were 'moderately confident' and four per cent were 'very' confident. 31 per cent of Queenslanders were 'not at all' confident.

Figure 19: Confidence of Queenslanders in the youth justice reforms ability to reduce serious repeat youth offending



Source: Survey of Queensland community

Perceptions of safety and crime rates

78 per cent of those surveyed indicated they feel safe 'at least sometimes' in relation to youth crime, while 22 per cent reported 'never or rarely' feeling safe in relation to crime committed by young people. Similarly, with respect to adult crime, 81 per cent indicated they feel safe 'at least sometimes' in relation to crimes committed by adults, while 19 per cent reported 'never or rarely' feeling safe in relation to adult crime.

Females were more likely than males to indicate they never or rarely feel safe in relation to both youth and adult crime.

Those aged under 45 years or those living in the Townsville or Cairns areas were more likely than average to indicate they never or rarely feel safe in relation to crime committed by young people in their community.

There were some key differences found in relation to perceived changes in the crime rate for young people compared to adults. 66 per cent of respondents indicated they believed the rate of crime committed by young people had increased over the past two years. 16 per cent felt the rate had remained the same, 4 per cent thought it had decreased, while 14 per cent were unsure. In comparison, fewer respondents believed the rate of crime committed by adults had increased (34%) over the past two years. 38 per cent of respondents felt adult crime rates had remained the same, 8 per cent thought they had decreased, while 19 per cent were unsure.

Those aged 45 years or older and those living in Townsville or Cairns were more likely than average to feel the rate of youth crime had increased over the past two years. This is likely attributable to the high level of media coverage about crime in Townsville and some of the high-profile serious incidents that have occurred there.

8.2 Metal Detection (Wanding) trial

Knowledge of metal detection trial

44 per cent of Queenslanders surveyed felt they knew at least 'a little' about laws that allow police to detect knives and other metal objects using metal detecting wands in Gold Coast SNPs at Broadbeach and Surfers Paradise. 28 per cent considered they had 'a little' knowledge about these laws, 12 per cent reported 'a moderate amount' of knowledge, while 4 per cent indicated they knew 'a lot' about these laws. 56 per cent of Queensland adults indicated they knew nothing of the laws.

Among Gold Coast area residents, the rate of knowledge was higher than Queenslanders overall. 60 per cent knew at least 'a little', while 40 per cent knew nothing of the laws.

The following sub-groups were more likely than average (16%) to consider they knew 'a moderate amount' or 'a lot' about the new metal detecting wand laws:

- Males (20%)
- Those aged between 18 and 44 years (20%), particularly those aged between 18 and 24 years (27%)
- Those living in the Gold Coast area (25%)
- Those who identify as an Aboriginal and/or Torres Strait Islander person (22%).

Confidence new metal detecting wand laws will reduce knife crime

Most respondents (86%) were at least 'a little' confident the new metal detecting wand laws would reduce knife crime in the applicable locations. Specifically, 39 per cent were 'a little' confident, 34 per cent were 'moderately' confident and 13 per cent were 'very' confident. 14 per cent of Queenslanders were 'not at all' confident.

Frequency of feeling safe in relation to knife crime

84 per cent of respondents indicated that they feel safe 'at least sometimes' in relation to knife crime in their community, while 16 per cent of respondents noted that they 'never or rarely' feel safe. Overall, this indicates a high perception of safety in relation to knife crime with the exception of Townsville, where people living in the Townsville area (28%) were more likely than average (16%) to indicate they never or rarely feel safe in relation to knife crime in their community.

8.3 Anti-hooning reforms

Knowledge of new hooning laws

64 per cent of respondents indicated they knew at least 'a little' about laws that allow owners of vehicles to be held responsible for hooning offences, except where the vehicle is stolen or the owner can identify another driver. 35 per cent indicated 'a little' knowledge of the laws, 23 per cent felt they had 'a moderate amount' of knowledge, while 6 per cent felt they knew 'a lot' about the new hooning laws. 36 per cent indicated they knew nothing of these laws.

Males (33%) and those aged between 18 and 44 years (32%) were more likely than average (29%) to consider they knew 'a moderate amount' or 'a lot' about the new hooning laws.

Confidence that new hooning laws will reduce hooning

76 per cent of respondents were at 'least a little' confident the new hooning laws would reduce hooning. Specifically, 36 per cent expressed 'a little' amount of confidence, 28 per cent 'a moderate amount', while 13 per cent indicated they were 'very' confident the laws would reduce hooning. 24 per cent of Queenslanders were 'not at all' confident in the new laws.

Males (14%) or those who identify as an Aboriginal or Torres Strait Islander person (19%) were more likely than average (13%) to be very confident that hooning would be reduced due to the new laws. Townsville area residents (27%) were less likely than average (40%) to be moderately or very confident that hooning would be reduced.

Frequency of feeling safe in relation to hooning

83 per cent of respondents indicated they feel safe 'at least sometimes' in relation to hooning in their community, while 17 per cent of respondents noted they 'never or rarely' feel safe. Overall, this indicates a relatively high perception of safety in relation to hooning.

9 Early impacts of reforms

This section of the report examines data regarding bail, remand, detention sentencing and serious repeat offenders.

The data was obtained and analysed to provide contextual information and determine the early impact of the reforms following their implementation. This analysis considers rates of bail and remand and demographic features of young people, offending on bail and the volume and characteristics of serious repeat offenders over time.

The majority of data is presented for the six-month period 1 May to 31 October 2021. The data pertaining to demographic characteristics of the serious repeat offender cohort using the Serious Repeat Offender Index (SROI) is only reported for May to September, due to issues with the system for collecting data. Data regarding average daily numbers of young people in detention is reported for a seven-month period - May to November 2021.

While data is reported for each year from 2018 to 2021, data from 2019 is the most comparable with 2021 for the following reasons. In 2018, 17-year-olds were introduced into the youth justice system, causing a temporary increase in numbers of young people who were involved with the system for that year. In contrast 2020 figures were impacted significantly by the COVID-19 pandemic with lower numbers of young people arrested, processed, and sentenced by courts. As a result, it is advisable to compare 2019 with 2021. Data representing the volume or percentage of change is therefore only represented by comparing 2019 with 2021.

9.1 Young people on bail

The following tables and text describe the volume and characteristics of young people granted bail following being charged with criminal offences. They also describe changes that are apparent in the six months following commencement of the legislation compared to the same period in the previous three years. Data regarding offending by young people while they are subject to bail is also shown and discussed.

Table 44 shows the number and relative proportion of distinct young people on bail between May and October from 2018 to 2021. The number of young people on bail in 2021 was slightly lower than 2019 with a change of -2%.

Overall, the largest proportion of young people on bail for this period, were those aged 14 to 16 years with this proportion remaining relatively stable over time (between 53% and 56%). The most significant change among age groups is a 10 per cent decrease for 10- to 13-year-old children on bail between 2019 and 2021.

The proportion of female young people on bail has remained consistent at between 24 and 26 per cent each year.

The representation of Aboriginal and Torres Strait Islander young people on bail has remained consistently high, increasing slightly over time, with the highest proportion of 54 per cent in 2021.

Table 44: Distinct young people on bail, by demographics 1 May to 31 October 2018 to 2021

Measure	2018		2019		2020		2021		2019 to 2021 % change
	Number	%	Number	%	Number	%	Number	%	
Distinct young people on bail	1338	100%	1146	100%	932	100%	1123	100%	-2%
10-13 years	201	15%	164	14%	117	13%	148	13%	-10%
14-16 years	736	55%	609	53%	531	57%	625	56%	3%
17 years	295	22%	276	24%	193	21%	260	23%	-6%
18 years +	106	8%	97	8%	91	10%	90	8%	-7%
Female	349	26%	293	26%	220	24%	288	26%	-2%
Male	989	74%	853	74%	712	76%	835	74%	-2%
Aboriginal and Torres Strait Islander	696	52%	611	53%	462	50%	607	54%	-1%
Non-indigenous	642	48%	535	47%	470	50%	516	46%	-4%

Source: Performance Reporting and Analytics - Youth Justice, DCYJMA. Reference: YJ_2131

Notes:

1. Data is based on the distinct number of young people who had a bail episode start and end in a time period.
2. Age is as at the beginning of the bail episode.
3. Percentages are calculated as a proportion of distinct young people on bail in the period.
4. Young people are counted once in a given year but can be counted multiple times across years. If a young person had more than one bail episode begin and end in a year, that young person would only be counted once in that year.

Table 45 shows the rates of offending and serious offending for young people with a bail episode between 1 May to 31 October for 2018 to 2021. It shows overall that offending by young people on bail increased and that serious offending increased to a greater extent.

The proportion of young people offending on bail increased from 47 per cent in 2019 to 53 per cent in 2021. For the same period, the proportion of serious offending on bail increased from 14 per cent to 19 per cent. The number and proportion of distinct young people on bail who committed a further offence that led to serious harm or death also increased from 60 (5% of all young people on bail) in 2019 to 78 (7% of all young people on bail).

Table 45: Distinct young people and offending on bail 1 May to 31 October, 2018 to 2021

Measure	2018		2019		2020		2021		% change 2019 to 2021
	Number	%	Number	%	Number	%	Number	%	
Distinct young people on bail	1338	100%	1146	100%	932	100%	1123	100%	-2%
Offended on bail	648	48%	541	47%	439	47%	597	53%	10%
Serious offending on bail	185	14%	164	14%	163	17%	211	19%	29%
Offence on bail leading to death or serious harm	59	4%	60	5%	64	7%	78	7%	30%

Source: Performance Reporting and Analytics - Youth Justice, DCYJMA. Reference: YJ_2131

Notes:

1. Data is based on Youth Justice datasets "Bail Episodes", "Offence Dates", and "Youth Justice Conferencing - Offences Received" - accurate as at 31 October 2021. Data is also based on "Adult Courts - Lodgements", compiled by Performance Reporting and Analytics - Youth Justice and accurate as at 8 November 2021.

2. Young people are counted once in a given year but can be counted multiple times across years. If a young person had more than one bail episode begin and end in a year, that young person would only be counted once in that year.
3. A young person is considered to have offended on bail if that young person had an offence occur while they were on bail that was later charged or processed through Youth Justice Conferencing. This is a distinct count of young people who had an offence occur in a bail episode that started and ended in the year.
4. A young person is considered to have had a serious offence on bail if that young person had an offence with a National Offence Index (NOI) of 42 or less occur while they were on bail that was later charged or processed through Youth Justice Conferencing. This is a distinct count of young people who had a serious offence occur in a bail episode in the year.
5. This is a distinct count of young people who had a selected offence occur in a bail episode that was later charged or processed through Youth Justice Conferencing.

The volume and proportion of young people granted bail was also examined to determine any change in the proportion of young people who are assessed as being either high risk or a serious repeat offender using the SROI.

Table 46 shows the number and proportion of high-risk young people on bail increased between 2019 and 2021. However, when the SROI cohort was analysed, this showed that the number of this cohort granted bail had decreased by 11 per cent over the same period, with the percentage decreasing by two per cent.

Table 46: Distinct young people, high risk young people and serious repeat offender on bail 1 May to 31 October, 2018 to 2021

Measure	2018		2019		2020		2021		% change 2019 to 2021
	Number	%	Number	%	Number	%	Number	%	
Distinct young people on bail	1338	100%	1146	100%	932	100%	1123	100%	-2%
High risk young people on bail	279	21%	296	26%	247	27%	306	27%	3%
Serious Repeat Offenders on bail	257	19%	276	24%	249	27%	246	22%	-11%

Source: Performance Reporting and Analytics – Youth Justice, DCYJMA. Reference: YJ_2131

Bail completion - CBP

The program logic for this review anticipated being able to examine and present data about bail completion outcomes for young people. However, only data pertaining to young people subject to a CBP is captured in a systematic way. Young people being considered for bail by the courts may be considered suitable for a CBP as a bail condition. Individualised CBP programs are developed and supervised by youth justice staff within DCYJMA.

Table 47 shows the number of CBPs ordered and successfully completed. Between 2019 and 2021 there was an overall decrease in the ordering of CBPs for this time period – a decrease of 14 per cent. In 2021, there were 197 CBPs ordered and 47 per cent of these were successfully completed. This also represented a decrease in their successful completion of 24 per cent.

The highest number of CBPs were ordered in 2018 (201) with the lowest proportion of successful completion (41%). The lowest number of CBPs were ordered in 2020 (120) but with the highest rate of successful completion (60%).

Table 47: Successful completion of CBP 1 May to 31 October 2018 to 2021

Measure	2018	2019	2020	2021	% change 2019-2021
Number of CBPs	269	229	201	197	-14%
Number of successful CBPs	109	123	117	93	-24%
Percentage successful	41%	54%	58%	47%	

Source: *Performance Reporting and Analytics - Youth Justice; DCYJMA. Reference: YJ_2131*

Notes:

1. Data is based on the number of Conditional Bail Programs (CBPs) disaggregated by whether the CBP was successfully completed. CBPs are counted if the order was made in a particular time period.

9.2 Young people on remand

The following tables and narrative describe the volume and characteristics of young people placed on remand following being charged with criminal offences. They also depict and describe any changes apparent in the six months following commencement of the legislation compared to the same period in previous years and the average length of remand.

Remand volume

Table 48 presents the number of distinct young people on remand between 1 May to 31 October from 2018 to 2021. Overall, this shows a six per cent increase in the number of young people on remand between 2019 and 2021 for the May to October period – from 685 to 725 young people.

Similar to bail figures, 14- to 16-year-olds constitute the greatest proportion of young people remanded in custody, however this has fluctuated more over the four years under examination. The number of this age group on remand increased by 18 per cent between 2019 and 2021.

There has been a significant decrease in the number and proportion of 10 to 13-year-olds on remand. The number of young people aged 10-13 years was the highest in 2018 with 107 on remand. There was a 24 per cent decrease in the number of children aged 10 to 13 years being remanded in custody between 2019 and 2021, with the number now standing at 75.

The marked over-representation of Aboriginal and Torres Strait Islander young people remains with 63.4 per cent of those remanded in custody in 2021 being Aboriginal and Torres Strait Islander and 36.6 per cent being non-indigenous. The number of Aboriginal and Torres Strait Islander young people remanded in custody in 2021 (460) has dropped slightly since 2019 (462) by 0.4 per cent.

The data also shows some small changes with respect to gender representation among young people on remand. The proportion of female young people held on remand has decreased slightly from 18.5 per cent in 2019 16.8 per cent in 2021.

Table 48: Distinct young people on remand, by demographics, 1 May - 31 October, 2018-2021

Measure	2018		2019		2020		2021		2019 to 2021
	Number	%	Number	%	Number	%	Number	%	% change
Distinct young people on remand	771	100%	685	100%	596	100%	725	100%	6%
<i>10-13 years</i>	107	13.9%	99	14.5%	81	13.6%	75	10.3%	-24%
<i>14-16 years</i>	497	64.5%	382	55.8%	364	61.1%	449	61.9%	18%
<i>17 years</i>	162	21%	177	25.8%	135	22.7%	186	25.7%	5%
<i>18 years +</i>	5	0.6%	27	3.9%	16	2.7%	15	2.1%	-44%
<i>Female</i>	142	18.4%	127	18.5%	97	16.3%	122	16.8%	-4%
<i>Male</i>	629	81.6%	558	81.5%	499	83.7%	603	83.2%	19%
<i>Aboriginal and Torres Strait Islander</i>	509	66%	462	67.4%	385	64.6%	460	63.4%	-0.4%
<i>Non-Indigenous</i>	262	34%	223	32.6%	211	35.4%	265	36.6%	19%

Source: Performance Reporting and Analytics - Youth Justice, Department of Children, Youth Justice and Multicultural Affairs.
Reference: YJ_2131

Notes:

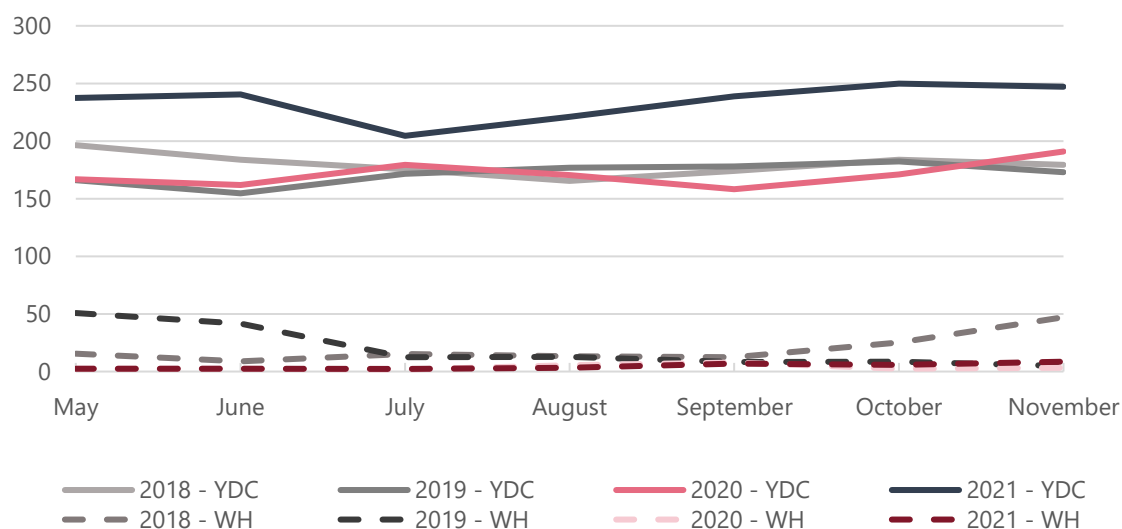
1. Data is based on the distinct number of young people who were on remand at any point in a time period.
2. Young people are counted only once in a given year but can be counted multiple times across years. If a young person had more than one remand episode in a particular year, that young person would only be counted once in that year.

Data pertaining to the average daily number of young people was also sourced to examine any monthly trends relating to remand. Data presented in Figure 20 for May to November 2021, shows the extent of the increase in remand numbers in youth detention centres.⁸ Data reflected in this graph can be accessed at Table vii, **Appendix 9**.

Average daily remand numbers have been consistently high for every month between May and November 2021. There was a dip of 36 individuals in July, but numbers progressively rose with October having the highest number young people on remand at 250. When compared with 2019 (the most comparable reference year), June saw the greatest difference in remand numbers – 56 per cent higher (241 in 2021 compared to 155 in 2019).

⁸ This result may not be replicated using different data such as daily bed state data.

Figure 20: Average daily number young people remanded in custody, 1 May to 30 November, 2018 to 2021



Source: Performance Reporting and Analytics - Youth Justice, DCYJMA. Reference: YJ_2131

Remand duration

Table 49 presents data pertaining to the average length of remand for the period between 1 May and 31 October in 2018 to 2021. Using 2019 as the base year, this shows the average length of remand has increased steadily from 22 days in 2019 to 25 days in 2021. The median or middle value has also increased from 12 days in 2019 to 19 days in 2021, an increase of 58 per cent.⁹

Table 49: Remand duration 1 May to 31 October, 2018 to 2021

Measure	2018	2019	2020	2021
Average length of remand episode	21	22	24	25
Median length of remand episode	11	12	14	19
Maximum length of remand episode	172	154	171	146
10-13 years	15	17	19	22
14-16 years	21	22	23	26
17 years	26	29	30	26
18 years and older	7	16	30	12
Female	16	18	22	20
Male	22	24	24	26
Aboriginal and Torres Strait Islander	22	24	23	25
Non-Indigenous	19	20	25	25

Source: Performance Reporting and Analytics - Youth Justice, DCYJMA, Reference: YJ_2131

Notes:

1. Data is based on the distinct number of young people on remand at any point in a time period.
2. A remand episode is any series of continuous nights remanded in custody.
3. Episodes are disaggregated by the time period the episode started and ended. An episode must have finished to be analysed.

⁹ This is a more indicative figure of the change that has occurred as the average can be skewed by a small number of young people spending either very short or very long periods on remand.

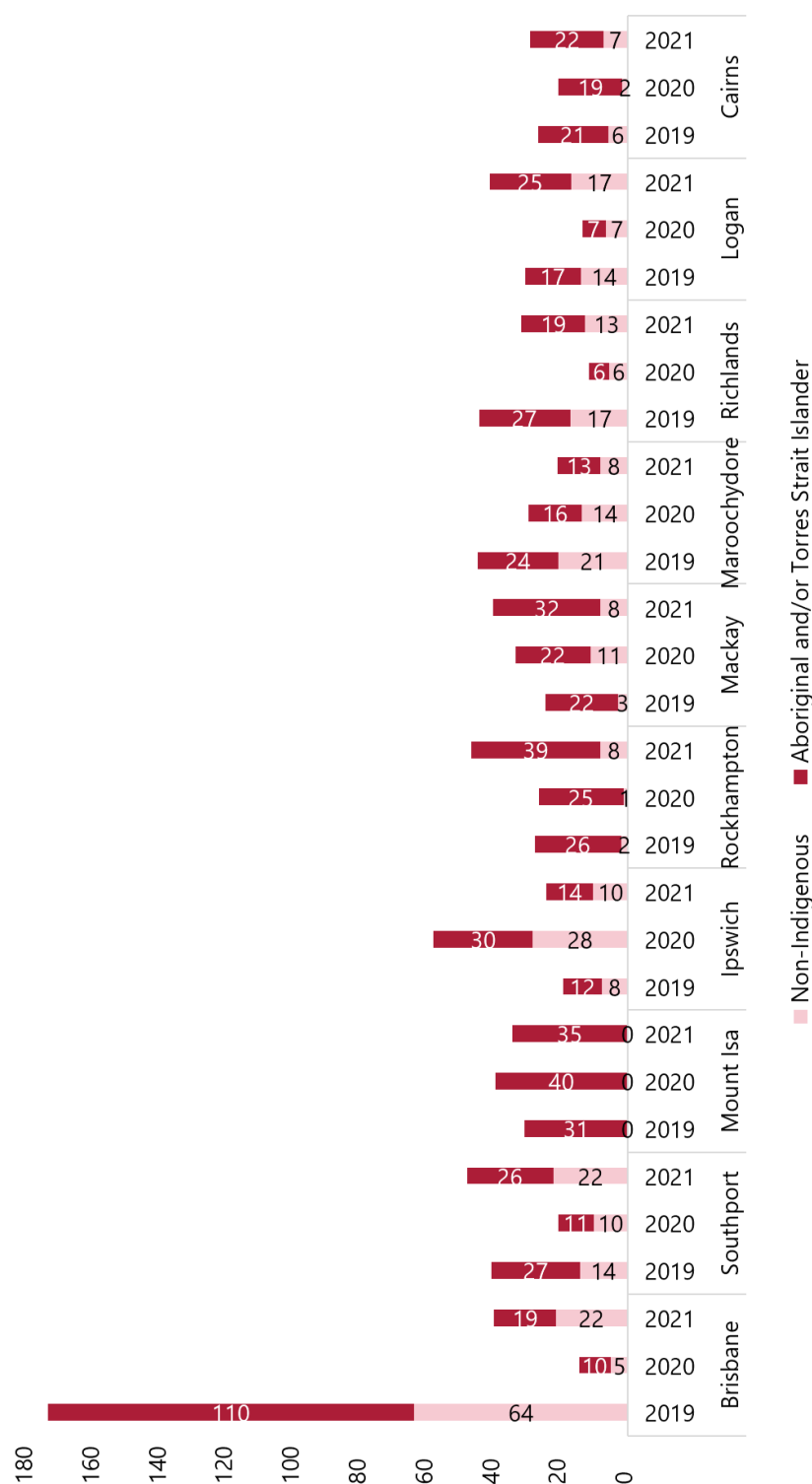
This table also shows there are key differences in average remand periods for different age groups. The average remand duration those aged 10- to 13-year-olds has increased from 15 days in 2018 to 20 days in 2021. The average length of remand episode for females had increased from 16 days in 2018 to 19 days in 2021. This was lower than for males whose time on remand had increased from 20 days in 2018 to 25 days in 2021.

The duration of remand increased for non-indigenous young people from 19 days in 2018 to 25 days in 2021 and for Aboriginal and Torres Strait Islander young people from 22 to 23 days. In 2020 and 2021 remand duration was longer for Aboriginal and Torres Strait Islander young people whereas that appears to have reversed in 2020 and 2021 with non-indigenous young people having a longer remand duration. This trend in increased time on remand appears to substantiate observations made by legal advocacy stakeholders.

It is also useful to consider the volume of young people being held on remand in police watch houses. Where it is high, it can give an indication that there is pressure on youth detention centre capacity. Figure 21 shows the six-month average (May to October) number of hours young people spent in 10 watchhouses with the highest average duration of watchhouse custody for 2019, 2020 and 2021. The data shows that in seven watchhouses young people were held for longer in 2021 than 2019. The exceptions were Brisbane, Richlands and Maroochydore. This finding is somewhat consistent with stakeholder advice that young people were being held in watchhouses for longer durations since the reforms commenced.

The high average hours in the Brisbane watchhouse during 2019 coincide with the known period of high volumes of young people in watchhouses. During that period, action was taken to increase support to young people in watchhouses, expedite bail applications and amend legislation to facilitate the granting of bail.

Figure 21: Six-month average number of hours for young people in custody in selected Queensland watchhouse by Aboriginal and Torres Strait Islander status, 1 May to 31 October 2019 to 2021



Source: QPRIME, QPS

Notes: 1. Selected watchhouses represented in this graph are the ten with the highest average duration of hours for young people in watchhouse custody from 1 May to 31 October, (summed) over three years – 2019, 2020 and 2021. Only the results for the higher volume watchhouses are reported, as patterns calculated from low-volume locations are often neither meaningful nor robust. 2. Average hours for the six-month period were calculated by summing the monthly averages for each watchhouse and dividing by the number of months.

Of concern is the finding that on average Aboriginal and Torres Strait Islander young people are being held in watchhouses for longer than non-indigenous young people. This can be seen across the majority of watchhouses for all three years, with the greatest difference in Mount Isa, Brisbane and Rockhampton. Table x, Appendix 9 presents ratios that compare the average time for Aboriginal and Torres Strait Islander young people with that for non-indigenous young people in all Queensland watchhouses

9.3 Young people who are sentenced to detention

The following data relates to young people who have been sentenced to youth detention following the finalisation of their criminal matters.

Table 50 shows the number of distinct young people who have been sentenced to detention from May to October for the years 2018 through to 2021.

Comparing 2019 to 2021, there was an overall decrease in the number of young people sentenced to custody of nine per cent.

Also, there was an increase of 25 per cent for young women compared to a decrease of 12 per cent for young men. The data also shows a decrease that is greater for non-indigenous young people compared to Aboriginal and Torres Strait Islander young people – 19 per cent compared to six per cent.

Table 50: Distinct young people sentenced to custody, by key demographics 1 May to 31 October, 2018 to 2021.

Measure	2018	2019	2020	2021	% change 2019 to 2021
Distinct young people sentenced	118	146	94	133	-9%
<i>10-13 years</i>	2	4	2	2	-50%
<i>14-16 years</i>	70	74	42	73	-1%
<i>17 years</i>	42	55	37	47	-15%
<i>18 years and older</i>	4	13	13	11	-15%
<i>Female</i>	11	12	7	15	25%
<i>Male</i>	107	134	87	118	-12%
<i>Aboriginal and Torres Strait Islander</i>	88	109	68	103	-6%
<i>Non-Indigenous</i>	30	37	26	30	-19%

Source: Performance Reporting and Analytics - Youth Justice, DCYJMA. Reference: YJ_2131

Notes:

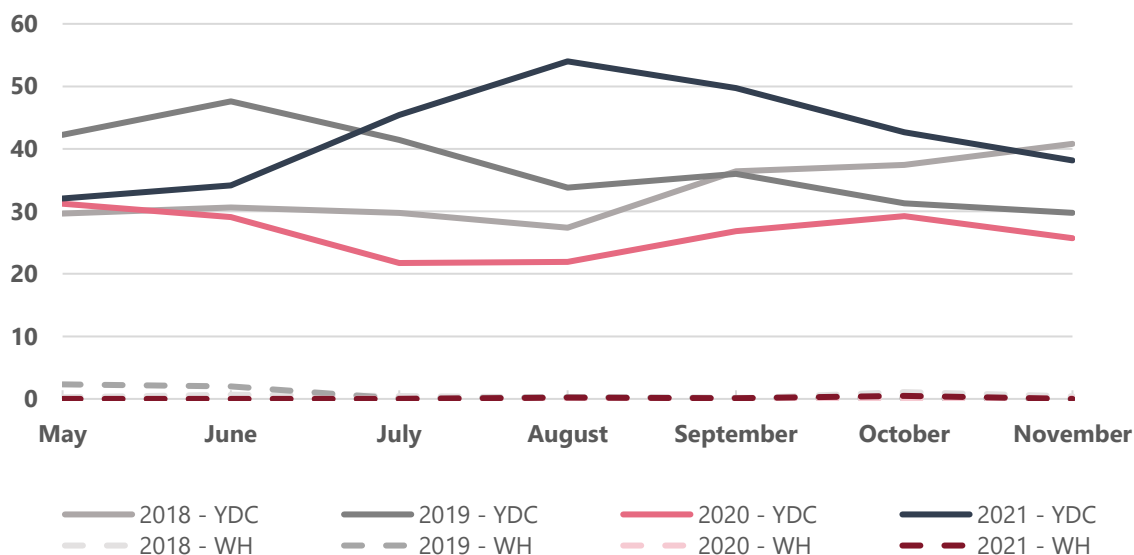
1. Data is based on the distinct number of young people who were in sentenced custody at any point in a time period.
2. Age is as at the beginning of the bail episode. Young people are counted only once in a year but can be counted multiple times across years.
3. A young person with more than one sentence episode in a particular year would only be counted once. A sentence episode is any series of continuous nights sentenced in custody.
4. Episodes are disaggregated by the time period the episode started and ended; the episode must have finished to be analysed.
5. Age is as at the start of the episode. A young person can have multiple episodes in a time period.

Figure 22 shows a different picture for young people who are sentenced to detention compared to those held on remand). In 2021, numbers rose and peaked earlier for sentenced young people. There was a sharp increase between June and August with numbers peaking

in August with 54 young people on average in sentenced custody. They have progressively dropped since then to 38 in November. Compared to 2019, there are some key differences also: initially in May and June numbers were 24 and 28 per cent lower than 2019, but since then have been between 10 and 68 per cent higher. The greatest difference between 2019 and 2021 is in the August peak which is a difference of 20 young people on average and 60 per cent. The numbers of sentenced young people in watchhouses are negligible – these very low figures of less than a day in most instances represent the fact that young people may be temporarily held in a watchhouse following sentencing and prior to being conveyed to a youth detention centre.

Raw data that is represented in this graph is presented at Table viii, **Appendix 9**.

Figure 22: Average daily number sentenced in youth justice custody, 1 May to 30 November, 2018 to 2021



Source: Performance Reporting and Analytics - Youth Justice, DCYJMA. Reference: YJ_2131

Sentence duration

Data about the duration of sentences for young people is also presented in Table 51. This shows the average sentence duration increased by three days between 2019 and 2021, with the median length increasing by four days.

Average duration has decreased for 10- to 13-year-olds by six days, stayed about the same for 14 to 16-year-olds and increased by seven days for 17-year-olds. The average duration increased for females by seven days and males by two days, for Aboriginal and Torres Strait Islander young people by one day and for non-indigenous young people by five days.

Table 51: Distinct young people average sentence length (days) 1 May to 31 October 2018-2021

Measure	2018	2019	2020	2021
Average length of sentence (days)	38	37	34	40
Median length of sentence episode	25	28	24	32
Maximum length of sentence episode	169	173	108	139
10-13 years	3	18	26	12
14-16 years	40	37	28	38
17 years	35	38	51	45
18 years and older	0	45	8	45
Female	38	38	21	45
Male	38	37	35	39
Aboriginal and Torres Strait Islander	35	39	36	40
Non-Indigenous	46	32	27	37

Source: Performance Reporting and Analytics - Youth Justice, DCYJM. Reference: YJ_2131

9.4 Serious repeat offenders

Early in 2021, the YJTF, QPS, and DCYJMA collaborated to identify frequent and serious young offenders. The resulting SROI has provided the capability to identify and therefore respond in a targeted way to this cohort. The SROI is a point-in-time score assigned to young people based on the seriousness and recency of offending, the amount of time they have spent in custody and their age.

Demographic characteristics of serious repeat offenders

On 30 September 2021 there were 341 youth offenders identified using the SROI. Key demographic characteristics of this cohort at this time include:

- 85 per cent of serious repeat offenders are aged 14 years and older
- 84 per cent are male, and 16 per cent female
- Aboriginal and Torres Strait Islander young people make up 69 per cent
- Aboriginal young people make up 59 per cent, non-indigenous Australians 14 per cent and Torres Strait Islander young people four per cent
- In total other ethnic groups where the ethnicity is known make up approximately 20 per cent of the SROI cohort
- The largest proportions of other ethnic groups are Māori (9 %), Polynesian (4 %) and Sudanese (3%) and Southern and Eastern African (2 %)
- In 13 per cent of cases, ethnicity is either unknown or recorded as other.

This shows the high level of over-representation of Aboriginal and Torres Strait Islander young people; and concerning proportions of young people of New Zealand, Pacific Island and African ethnicities.

Volume and custodial status of serious, repeat youth offenders

Table 52 shows the number and custodial status of the SROI cohort from May to October 2018 to 2021.

This data shows the number of serious repeat offenders for the time period under examination has progressively increased from 2018 when this cohort numbered 369. The number of SROI young people increased to 461 in 2021. This represents a change of 26 per cent between 2019 and 2021.

Among the remanded population, the percentage of the SROI cohort increased from 37 per cent in 2019 to 49 per cent in 2021. Among the sentenced population, the proportion of the SROI cohorts also rose, from 61 per cent in 2019 to 65 per cent in 2021. Together these findings indicate a greater proportional use of detention for serious, repeat youth offenders in 2021 compared to 2021.

Table 52: Serious Repeat Offenders remand and sentenced, 1 May to 31 October, 2018-2021

Measure	2018	2019	2020	2021	% change 2019 - 21
Serious Repeat Offenders	369	366	422	461	26%
Serious Repeat Offenders who are remanded	288	286	313	358	25%
Percentage of Serious Repeat Offenders who are remanded	78%	78%	74%	78%	
Percentage of young people remanded who are SROI	37%	42%	53%	49%	
Serious Repeat Offenders who are sentenced	62	89	61	86	-3%
Percentage of Serious Repeat offenders who are sentenced	17%	24%	14%	19%	
Percentage of young people sentenced who are SROI	53%	61%	65%	65%	

Source: Performance Reporting and Analytics - Youth Justice, DCYJMA. Reference: YJ_2131

Notes:

1. Data is based on the Youth Justice dataset "Custody Daily Number" - accurate as at 30 November 2021. Data also based on "SRS data list - all services" accurate as at 09 December 2021. Serious Repeat Offender data is based on "SROI Daily Number" accurate as at 31 December 2021
2. If a young person was considered a Serious Repeat Offender multiple times within a time period, they would only be counted once for that time period. Young people can be counted multiple times across time periods.

Serious repeat youth offenders on bail and supports

Table 53 shows the number and proportion of serious repeat offenders on bail who were engaged with outsourced services. Data indicates the proportion of this cohort referred to an outsourced service decreased from 15 per cent in 2019 to four per cent in 2021. This decrease could be partially attributed to the higher number of serious repeat offenders being remanded in custody over the same period (see Table 52).

Table 53: Number of Serious Repeat Offenders on bail, engaged in outsourced services, 1 May to 31 October 2018-2021

Measure	2018	2019	2020	2021
Serious Repeat Offenders on bail	318	333	320	311
Serious Repeat Offenders on bail referred to an outsourced service	8	49	75	13
Percentage of Serious Repeat Offenders on bail referred to an outsourced service	3%	15%	23%	4%

Source: Performance Reporting and Analytics - Youth Justice; DCYJMA. Reference: YJ_2131

Notes:

- 1.Data is based on the distinct number of Serious Repeat Offenders with a bail episode start and end during a given time period, disaggregated by whether the young person was referred to or their family was serviced by an outsourced service.
- 2.Outsourced service delivery is where the government has contracted a community based, non-government provider to deliver services to clients for and, on behalf of, the government.
3. Data is based on Youth Justice datasets "Risk Assessment - Domains", "Bail Episodes" and "Custody Daily Number" - accurate as at 3 November December 2021. Data also based on "SRS data list - all services" accurate as at 9 December 2021. Serious repeat offender data is based on "SROI Daily Number" accurate at 31 December 2021.

Supports for high-risk young people on bail

At the time this report was prepared, there was no ability to analyse SROI young people and their engagement with services that had been specifically designed for them. As an additional source of information, the utilisation of services by young people assessed as high risk was explored. The categorisation of high-risk is determined by a well-established practice of assessing and responding to young people involved in the youth justice system, using the YLS/CMI assessment tool. Table 54 shows the number and proportion of high-risk young people, who are on bail and engaged with an outsourced service funded by DCYJMA.

These services include young offender support services, sex offender treatment services and bail support services to support and stabilise young people and provide expert treatment where necessary. There are 26 outsourced services operating throughout Queensland, 14 of which deliver bail support services. There are currently no bail support services that operate in or service Gympie, Fraser Coast, discrete Aboriginal and Torres Strait Islander communities with the exceptions of Cherbourg and Yarrabah, the Torres Strait Islands, and areas north and west of Cairns.

The data indicates the level of engagement by high-risk young people has been fairly low over the past four years. 2021 has seen a particularly low level of engagement with only four per cent of high-risk offenders engaged in outsourced services.

The reasons for the low level of referral are unknown. There may be a need for greater promotion of new services with YJSC practitioners and other referring stakeholders. A focus on the value that specialist treatment and support services and independent youth services bring to reducing or preventing serious crime by young people would be useful to convey.

Table 54: Number of high-risk young people on bail engaged in outsourced services 1 May to 31 October, 2018 to 2021

Measure	2018	2019	2020	2021
High-risk young people on bail	279	296	247	306
High-risk young people on bail referred to an outsourced service	6	29	48	12
Percentage of high-risk young people on bail referred to an outsourced service	2%	10%	19%	4%

Source: Performance Reporting and Analytics - Youth Justice; DCYJMA. Reference: YJ_2131

Notes:

- 1.A young person is a "high-risk young person on bail" if they had a bail episode start and end within a time period and a completed risk assessment in the 6 months prior to the start of the bail episode with a risk rating of "High" or "Very high".
2. If a young person was counted multiple times within a time period, they would only be counted once for that time period. Young people can be counted multiple times across time periods.
- 3.A "high-risk young person on bail" was considered to have been referred to an outsourced service if the date of referral occurred while the young person was on bail. If a "high-risk young person on bail" had multiple referrals to outsourced services within a timeframe period, they would only be counted once for that time period. Young people can be counted multiple times across time periods.

Supports for families of high-risk young people

We also examined support to the families of high-risk young people and Table 55 shows the level of service over four years to these families. The data shows a very low level of service to the families of young people assessed as being at high risk of reoffending, including no service during 2021.

It is possible this finding is due to existing outsourced services focussing their efforts on young people and referring families to other services with expertise in family matters. Engagement of families may change as the IBIs commence and gain traction in the coming months.

Table 55: Number of families of high-risk young offenders receiving support though an outsourced youth justice service 1 May to 31 October, 2018-2021

Measure	2018	2019	2020	2021
Families of high-risk young people on bail serviced by an outsourced service	0	0	2	0
Percentage of families of high-risk young people on bail serviced by an outsourced service	0%	0%	1%	0%
Average number of contacts for families of high-risk young people on bail serviced by an outsourced service	0	0	5	0

Source: Performance Reporting and Analytics - Youth Justice; DCYJMA. Reference: YJ_2131

Notes:

1. A young person was considered "high-risk young person on bail" if they had a bail episode start and end within a time period and had a completed risk assessment in the 6 months (183 days) prior to the start of the bail episode with a risk rating of "High" or "Very high". If a young person could be counted multiple times within a time period, they would only be counted once for that time period. Young people can be counted multiple times across time periods.
2. A "high-risk young person on bail" has been referred to an outsourced service if the date of referral occurred while the young person was on bail. If a "high risk young person on bail" had multiple referrals to outsourced services within a time period, they would only be counted once for that time period. Young people can be counted multiple times across time periods.
3. The family of a "high-risk young person on bail" was considered to have been serviced by an outsourced service if the date of referral occurred while the young person was on bail and service contacts associated with that referral are "Family Counselling". If a family of a "high-risk young person on bail" could be counted multiple times within a time period, they would only be counted once for that time period. They can be counted multiple times across time periods.

Summary

Comparing available data for the six months since the new legislation with data for the same period in 2019, the following early impacts are evident:

- The number of young people on court ordered bail has decreased slightly (2%), with similar decreases for males, females, Aboriginal and Torres Strait Islander and non-indigenous young people. The decrease has been proportionally larger for 10- to 13-year-olds compared to other age groups.
- The volume of offending by young people while subject to bail has increased as has offending categorised as serious.
- Remand numbers have increased by six per cent, equating to an increase of 40 distinct young people over the six-month period under examination.
- Average daily remand numbers were consistently high between May and November 2021. The greatest increase over the past two years was in June, when there was an increase of 56 per cent between 2019 and 2021.
- The over-representation of Aboriginal and Torres Strait Islander young people on remand has stayed relatively stable over time, with a very small decrease evident for 2021.
- Watchhouse remand is of concern particularly for Aboriginal and Torres Strait Islander young people, who are held in watchhouses for much longer periods of time than non-indigenous young people.
- The number of distinct young people sentenced to detention has decreased by six per cent.
- Remand and sentenced duration have increased.
- The proportion of serious repeat offenders as measured by the SROI has increased.
- The engagement of high-risk and serious repeat offender young people and their families in support services delivered by DCYJMA is low.
- Young people from ethnic groups other than non-indigenous and Aboriginal and Torres Strait Islander peoples feature among the SROI cohort in small but concerning numbers. They include in order of volume, those from New Zealand, Pacific Island and African nations.

It will be important to monitor these trends and where possible improve the consistency and quality of data over the next six months. This will have multiple benefits:

- enabling more accurate assessment of trends and impacts for other evaluations
- providing more accurate information to inform targeted responses to the serious repeat offender cohort
- providing important intelligence to inform future planning with respect to detention centre and watchhouse capacity.

10 Conclusions

10.1 Achievements and strengths of reforms

Overall implementation

The implementation of the reforms in the relatively short time frame between announcement in February 2021 and when the legislation took effect on 30 April 2021 (17 May in the case of EMD), has proceeded well. All stakeholders were ready to apply the legislation and major programs such as the new YCRTs, EMD and metal detection capability were in place. Other programs and services have been progressively implemented over the course of 2021. Four key government departments – QPS, DCYJMA, DJAG and QCS have worked effectively and collaboratively to achieve these milestones.

The metal detection trial has been implemented as intended with a high level of confidence expressed by a range of stakeholders in the potential efficacy of this trial to reduce knife crime. The hooning legislation has been implemented as intended. Both were accompanied by appropriate levels of communication and support to staff.

10.1.1 Youth justice reforms

Electronic monitoring: While EMD as a condition of bail took some time to be ordered and there have only been three instances up until 25 February 2022, the implementation process appears to have progressed well. Agencies have worked well together to develop information sharing protocols and complementary procedures and are committed to joint continuous improvement.

Show cause: Show cause provisions appear to have had the intended impact of remanding in custody young people who have committed serious offences. There was a strong level of support from the majority of stakeholders about these provisions. For May to October 2021, the rate of application of these provisions to Aboriginal and Torres Strait Islander young people was proportionate to their current rate of involvement in the youth justice system.

Parental and other person's willingness to support: Overall, this initiative has laudable aims to ensure young offenders will be supported while on bail, as a determining factor in granting bail. Without such support, young people may be less likely to comply with their bail conditions. Data shows a reasonable level of family support and there is evidence of a greater likelihood of young people being granted bail when there are assurances given by family or others.

Principle that the community is protected from high-risk offenders: While it was not possible to ascertain the extent to which this principle was being applied, there were some positive views expressed about its inclusion in the *Youth Justice Act 1992* and its contribution to community safety.

Offending on bail may have an impact on sentencing: There were few concerns expressed about this particular provision but there was no ability to collect data about its impact. There were some positive views expressed about this provision's inclusion in the *Youth Justice Act 1992*.

Young person cannot be remanded in custody solely because of inadequate accommodation or family support: Consistent with consultation leading to the development of this provision it had, in principle, a good level of support from stakeholders.

Youth Co-Responder Teams: These teams are highly regarded and considered valuable in changing the dynamics between police and young people and their families and improving working relationships between QPS and DCYJMA. There have been high levels of compliance by young people, evidenced in locations such as Cairns and Townsville even though bail-related workloads are much higher than other locations.

Intensive Bail Initiative: These new non-government organisation-delivered services are an enhancement to an established approach to assist young people on bail by providing practical assistance, youth worker interventions and brokerage to assist with accommodation. These services were intended to fill a critical gap in intensive support for high-risk young people and importantly their families and increase the likelihood of successful bail completion. This type of support is indicated as critical by stakeholders and in the research literature to prevent and respond to crime committed by this cohort.

Extended Conditional Bail Program: This program was intended to fill an important gap in after hours and weekend supervision of high-risk young offenders on bail, and to this extent it was supported.

Youth Justice After Hours: Stakeholders involved in the development and delivery of the dedicated YJAH service were positive about its contribution to responding to youth offending. There was a low level of awareness of the program among other stakeholders, which is unsurprising given its 'backroom' function providing advice to government staff.

Additional Childrens Court resources: The additional resources allocated to Childrens Courts has been welcomed to assist deal with the increase in contested bail matters, and young people with increasingly complex needs appearing before the courts for criminal matters. These resources appear to have been appropriately allocated and the innovative use of data to inform resource allocation has assisted.

Additional legal advocacy resources: The additional resources for legal aid services have been welcomed to manage the increase in bail applications and contested matters in relation to bail. These resources have been largely used to manage demand and support legal practitioners in South East Queensland.

Additional youth justice police prosecutors: Overall, the implementation has gone well, with nine of 12 staff recruited. Positive feedback was received about the creation of the positions for youth justice matters, resulting in increased consistency and improved community safety outcomes from the police response to serious, repeat offending. QPS stakeholders consider there is better identification of high-risk youth offenders requiring further prosecution or bail condition reviews and improved identification of those that are in a show cause position. In addition, police report these roles have increased their ability to engage proactively with stakeholders.

Court Liaison Officers: The implementation of the child safety CLO role has proceeded well. Court stakeholders consider this a positive initiative and are appreciative of the information provided to the courts. Staff involved in its implementation consider the roles are useful in court matters involving young people on child safety orders, and that the CLOs are providing

more consistent and current information about young people. Data shows a high level of child safety representation across most courts.

Enhanced capability of youth justice court officers: While support to court officers to implement the reforms has been adequate, the commencement of senior practitioners in 2022 will provide an important opportunity to consolidate and increase the knowledge and capability of youth justice court officers.

10.1.2 Other reforms

Metal Detection ‘wanding’ trial: It appears the metal detection trial in Broadbeach and Surfers Paradise SNPs was implemented and proceeded well. Staff were resourced, trained and ready to deliver the trial when the legislation commenced. There appears to be strong support for the trial. This may be due to it being embedded as part of a broader campaign to prevent knife crime, that includes the communication of positive messages, education programs and collaboration with local interest groups. Young people form a small proportion of those apprehended with knives or other metal weapons and appear to be appropriately dealt with. Knife crime has decreased in the two SNPs and surrounding areas.

Hooning: The changes to the legislation have been implemented appropriately and staff were ready to operationalise them when the legislation commenced. This is considered to be a pragmatic way of dealing with a loophole that would otherwise result in some vehicle owners engaged in hooning avoiding detection and prosecution. Based on data available to the review, the volume of hooning offences appears to have reduced since the new legislation commenced.

10.2 Key challenges

10.2.1 Implementation of youth justice reforms

Electronic monitoring: There was a low level of confidence expressed in EM by service delivery stakeholders (QPS, DCYJMA, QCS, DJAG) and its ability to impact serious repeat youth offending. This may, in part, be due to the time it has taken to order EMD as a condition of bail. There was a strong negative view of EM among legal advocates and oversight organisations, non-government stakeholders and Aboriginal and Torres Strait Islander people informed by a fundamental belief that this is not an effective or evidence informed strategy and one that could cause more harm than good. The evidence about EM’s suitability for children is not established.

Show cause: While some stakeholders considered these provisions straightforward, there were a significant number of stakeholders who considered the provision was not well understood and being incorrectly applied by applicants. This suggests there is benefit in exploring and if necessary, improving the level of knowledge about these provisions across all stakeholders involved in using them.

Parental and other person willingness to support: It was reported by stakeholders that some families of serious repeat offenders lack understanding, interest, or ability to provide the kind of support needed to ensure the young person complies with their bail conditions. If this is correct, without significant support to the families of serious youth offenders, this legislation on its own is unlikely to improve bail compliance. The monitoring of this provision would benefit from the ability to link bail outcomes with willingness to support.

Principle that the community is protected from high-risk offenders: While acknowledged as an important principle, several stakeholders identified the importance of providing alternative pathways for young people to avoid the detrimental impacts of spending time in custody. There is no ability to systematically collect data about the impact of this principle.

Offending on bail may have an impact on sentencing: There is no systematic data collection about this principle, so it is not possible to assess its impact.

Young person cannot be remanded in custody solely because of inadequate accommodation or family support: This was considered an important feature of legislation but also considered unlikely to have significant impact given the absence of suitable, supervised accommodation for some young people in the high-risk category. There was also concern expressed that the provision may be being made redundant by the ordering of curfew conditions. There was no ability to systematically collect data about this provision.

Youth Co-Responder Teams: Relatively lower levels of interaction related to bail have been experienced in Logan, Moreton and North Brisbane compared to Cairns and Townsville. While compliance rates for young people interacting with YCRTs have been high for most teams, the Logan YCRT evidenced lower compliance rates relative to the others. Concerns were expressed by the QPS staff involved in its delivery about resourcing, permanency of roles and other operational matters.

Intensive Bail Initiative: Only two of the five services had commenced, at the time of preparing this report. The other three are to commence in early 2022. This means the level of non-government and specialised support for the families of high-risk young people has not had the benefit of time to mitigate any negative impacts of the new provisions on remand in custody. There have been issues in the early stages of implementation with recruitment, collaborative case planning and information sharing, as well as difficulties experienced procuring suitable service providers.

Extended Conditional Bail Program: Although this program was intended as a key mechanism to supervise high-risk young people – both those subject to EM and the broader serious repeat offender cohort – it has a low level of visibility among key stakeholders such as legal advocates and courts. It is suggested that the program is reviewed to determine its value and contribution to addressing serious, repeat youth offending.

Youth Justice After Hours: This after-hours service is not as well-known as other initiatives, and this could be affecting QPS utilisation. Data collection could be improved in relation to this initiative to ensure it can robustly demonstrate the value of its out of business hours functions.

Additional court resources: There were no challenges apparent or reported.

Additional legal advocacy resources: Increased demand in some locations is reported to be significant and unable to be adequately met within existing resources, particularly in North and North West Queensland. There would be benefit in ongoing monitoring of the volume of Children’s Court and related higher court matters to facilitate future decisions about resource allocation.

Additional Youth Justice Police Prosecutors: Despite the concerted effort in communications ahead of reform commencement, it appears that more consultation about the new roles would have been beneficial across QPS. In addition, staff noted the need for more information and training about child safety and the practical operation of different child safety orders, so the youth justice police prosecutors can obtain all the relevant information needed for their assessments. There would be benefit in developing a shared understanding across agencies and court stakeholders about the purpose of these roles.

Court Liaison Officers: Some areas for improvement and fine tuning were noted by survey respondents, such as other stakeholders being informed of the CLO role in court processes as well as communication and information sharing between stakeholders. There is potential for expansion of the advice provided about young people by CLOs, for example with respect to domestic and family violence issues, and disability and mental health issues. A disparity in resource allocation was noted in relation to the allocation of FTE positions to Cairns given recent high levels of demand.

Enhanced capability of Youth Justice Court Officers: Senior practitioner roles to improve the capability of the youth justice court function do not commence until 2022. However, this review was able to consider how court officers were supported during implementation. Staff identified a need for additional training and information about the reforms, the Child Safety system and court processes. Other areas for improvement relevant to this role suggested by stakeholders are more individualised CBP proposals and improved quality and timeliness of pre-sentence reports.

10.2.2 Implementation of other reforms

Metal detection trial: It was impossible to assess if safeguards were consistently used. It was suggested by stakeholders that safeguards be provided in a clearer and more accessible way. The trial may benefit from more transparent guidelines about the decision to wade people to minimise any concerns about racial or other profiling, particularly if the trial continues or is expanded following the independent evaluation. Young people aged 10 to 17 years comprised just over a third of those subject to wading and just under half of those for whom a knife or other weapon was detected. Given these figures and the current high level of concern in the community about youth crime, there would be benefit in considering data-informed messaging about the target group for identifying a knife or metal weapon and the demographic breakdown of those who are subsequently identified.

Hooning: Some stakeholders suggested that operational officers would benefit from more knowledge about the different legislative powers to address unsafe driving practices known as hooning. The review was not able to access appropriate data to determine if there has been an impact of these reforms on owners and/or drivers involved in hooning.

10.2.3 Knowledge of reforms and community concerns about youth crime

The public and other stakeholders' level of knowledge of the youth justice reforms was fairly low. 47 per cent of the 2454 Queenslanders surveyed indicated they knew nothing about any of the new reforms.

Data obtained through this survey also showed a heightened level of concern about youth crime that does not mirror the decreasing youth crime rates in Queensland (and Australia). To some extent, where people lived determined their assessment of youth crime and their feelings of safety. For example, people in Townsville and Cairns were more likely than those from other locations to indicate they never or rarely felt safe in relation to youth crime and believed the rate of youth crime had increased.

Some members of the community and stakeholders surveyed for this review considered that harsher penalties were required, and proposed more prisons, detention centres or boot camp type programs. Whilst these opinions are understandable given people's concerns and experiences of crime, these views points to the need for an increased understanding of the complex circumstances and backgrounds of many serious repeat youth offenders and an effective way of communicating what works to address offending among this cohort.

Aboriginal and Torres Strait Islander community members were also concerned about youth crime and held strong views about involving Elders and other respected persons in generating and delivering solutions to youth crime, with an emphasis on addressing the causes of crime such as intergenerational trauma and associated family issues.

10.3 Future opportunities and issues for consideration

This review canvassed many perspectives, opinions, and experiences as well as interrogating available data to ascertain early impacts. Some key themes and observations emerged from our analysis of this material, and if implemented, may strengthen the Government's long-term approach to youth offending, and particularly, serious repeat youth offending.

10.3.1 Electronic monitoring

Given it has not been a year since EM was implemented, any continuation of the program or expansion to other cohorts should be considered with great caution. The research literature underscores the risks associated with applying EM to children and the criticality it being only applied to children with sufficient capacity.

This review has identified issues about a young person's eligibility and the apparent intersection of EM eligible offences with show cause provision offences that warrant consideration. It has also identified potential opportunities related to the risk level of young people who may be suitable for EM as opposed to the very high-risk young people it was originally intended for.

The evaluation of EM at 12 months will undoubtedly explore the program in much greater detail; we would expect additional data on experience of applying EM to other young people. In the context of this review, there would also be benefit in engaging with other jurisdictions about their experiences and evaluation of results with respect to the application of EM to children on bail and other uses.

10.3.2 Partnerships with Aboriginal and Torres Strait Islander people

Aboriginal and Torres Strait Islander people we spoke with expressed a strong desire to be part of the solution to addressing youth offending, from development of policy and legislation to implementation of programs and beyond. Research evidence is clear that culture, cultural sensitivity and services that are designed and delivered by Aboriginal and Torres Strait Islander Australians are more likely to be effective in preventing and responding to offending among Aboriginal and Torres Strait Island young people (Pooley, 2020).

One option worth working towards over the long term, would be establishing delegated authority by community-controlled organisations to assume responsibility for Aboriginal and Torres Strait Islander young offenders. This could be initially focussed on a particular cohort or location and could build on the foundations established through the delegated authority work in the Queensland child protection system.

It may also be worth considering further developing a holistic, strategic approach or organising framework to address the over-representation of Aboriginal and Torres Strait Islander young people in the youth justice system. Such an approach or framework would ensure that initiatives like delegated authority, occur in an integrated way with shared principles and objectives, and have the best chance of delivering tangible change.

10.3.3 Identifying and managing cognitive impairments

The prevalence of cognitive impairment is likely to be significant among the serious repeat youth offender cohort, and unfortunately, not systematically identified and only partially addressed. This gap in the service system was consistently identified through our consultation with stakeholders during the review.

While there is no systematic prevalence study of young people with cognitive impairments in the Queensland criminal justice system, there are sufficient anecdotal accounts from DCYJMA staff (supported by data from National Disability Insurance Scheme assessments) that indicate cause for concern. Data from the 2018 Youth Justice Census undertaken by DCYJMA, found that 58 per cent of young people had a diagnosed or suspected mental health and/or behavioural disorder and 17 per cent had an assessed or suspected disability (DCYJMA, 2018). An Australian study, Snow and Powell (2012) report that up to 50 per cent of a sample of serious youth offenders had an impaired ability to use and understand spoken language in a range of situations. Poor oral language skills are linked to emotional, behavioural, and academic difficulties. As well as the impacts of diagnosed conditions such as Foetal Alcohol Spectrum Disorder, the experience of trauma is now consistently shown to impact young people's cognitive functioning (Silveira, Shah, Nooner, Nagel, Taper, Bellis and Mishra, 2020).

Neurodevelopmental impairments make young people vulnerable to committing offences, misunderstanding their experience in the criminal justice system and adversely impact their ability to engage in conventional rehabilitation programs.

There is increasing evidence about the efficacy of neuroscience-based interventions to improve cognitive functioning among young people. We consider such programs worthy of further investigation and application in a youth justice context. Locally, we were exposed to examples of work to assess, train and coach young people with cognitive deficits to improve their memory, attention, processing speed and social skills. We believe there needs to be greater attention directed at both identifying and responding to children with cognitive impairments.

10.3.4 Developing capability of the sector to work effectively with serious repeat offenders.

The growth in volume and complexity of serious repeat offender presents real challenges for government and non-government stakeholders. This cohort represents a group of young people, who generally have a negative experience of authority, are difficult to engage, and who have multiple, complex needs and challenging behaviours. Engaging and working effectively with these young people (and their families) requires an advanced skillset that is not found among the standard training or professional development offerings available for case workers, police officers, and other human service workers. A need for these skillsets was noted by stakeholders in consultation forums as well as in feedback from the First Nations Consultative Group established for this review.

Based on this feedback alongside the data about the growing number of young people in the SROI cohort (see Table 46), we have formed a view that capability development to assist workers engage, motivate, and facilitate behaviour change with serious repeat offenders is an area requiring attention.

10.3.5 Sustained commitment to early intervention

While it could be said that it is too late to intervene early with the current serious repeat offender cohort, it is certainly not too late to identify and provide effective assistance to children and families of children who are showing troubling behaviour.

The efforts to address early intervention through the Youth Justice Strategy and Youth Justice Strategy Action (under the 'intervene early' policy pillar) are acknowledged. However, based on the feedback received from stakeholders during this review, it appears greater emphasis and stronger partnerships across government and non-government agencies are required to reap the long-term benefits of this agenda.

Troubling behaviour may be seen as early as pre-school age and schools can present an ideal opportunity to identify vulnerable children and families. Children from home environments where substance misuse, family violence or intergenerational offending are present are also at high risk of later justice system involvement.

The multiple causal factors call for multi-agency identification and response. This type of prevention activity need not be limited to government agencies. Schools, pre-schools, neighbourhood centres, health services and local governments were all proposed by those we spoke to or surveyed as having an important role in early intervention. There is already significant work occurring; for example, through multi-disciplinary services provided by Aboriginal Community Controlled Health Services. These services are making excellent inroads into addressing issues for families within a culturally appropriate framework. More of this type of work is needed to prevent the next generation of serious youth offenders emerging.

10.3.6 Developing place-based responses to preventing youth crime

It was evident in our engagement for this review that communities potentially have many resources at their disposal to prevent and respond to youth crime. Coordination of services and sharing of resources and information is critical to ensure best use of valuable resources.

It is also important that responses to youth offending are applied in ways that are responsive to local circumstances and population characteristics. In an ideal scenario, the principles of an effective place-based response would be:

- Ensuring that Aboriginal and Torres Strait Islander people have an equal seat at the design and delivery table.
- Every participating agency and organisation agreeing to a shared set of goals and a combination of priority service responses.
- Goals that are informed by current data about risk and protective factors of the community.
- Willingness to combine resources and work collaboratively, leveraging each other's knowledge and strengths.
- Monitoring progress and success using shared measurement systems and targets.

10.3.7 Improved data collection

While sourcing data for the review, we became aware of the multiple sources of information about some legislative provisions and initiatives. In some cases, there were three different agencies collecting data in different ways about the same piece of legislation. The challenges of the short timeframe for implementation and commendable dexterity of organisations to develop data and information collection systems are acknowledged. However, multiple and different systems pose a real difficulty to identifying a single source of truth, for planning and accountability purposes.

It seems that a single source of data is required accompanied by a commitment to quality data collection. This will also assist with future evaluation efforts including the 12-month evaluation of EM and the two-year outcome evaluation of the reform package.

In addition, data systems would benefit from the capability to better capture and report Aboriginal and/or Torres Strait Islander status and other ethnicities. This is important intelligence to assess progress towards reducing the over-representation of Aboriginal and Torres Strait Islander young people, identifying emerging cohorts and to allow better targeting of culturally appropriate programs and services.

10.3.8 Sustaining an integrated, whole of government response

Effective coordination of responses become particularly important for serious young offenders due to the many and interconnected nature of their risks and needs. This can be challenging due to government agencies and non-government organisations generally having specialised functions and being responsible for addressing quite specific needs. There are positive examples being seen in the collaborative work of the YJTF member organisations, including the current focus on intensive case management of the SROI cohort. It appears that current structures including joint QPS and DCYJMA leadership and multi-agency and multi-level governance mechanisms, have facilitated this joint endeavour and allowed a dedicated focus necessary on this otherwise hard to reach cohort of young people. It will be important to ensure that these or similar structures are maintained and prioritised as senior leaders inevitably move into other roles or are required to address other priorities. Supporting local leadership is also critical, to ensure the appropriate focus on community safety relevant to specific places, and to facilitate agility should offending patterns evolve over time.

Within the scope of the current integrated response to serious repeat youth offenders, information sharing was consistently raised by stakeholders as a challenge, particularly where operational practices differ from legislation and policy. We understand that the legislative frameworks are sound, and that significant progress has been made with respect to negotiating and developing protocols at senior levels. However, continued attention will be needed to ensure operational staff understand and are comfortable to apply the scope (and limits) of their discretion to share information.

10.3.9 Engagement with the Queensland community about youth offending

The safety of the Queensland public is the priority for any government. Whether serious crime involves violence or property, the impact on victims is significant and is not lessened by the age group of the offenders.

It seems clear that community concerns about youth crime vary widely across Queensland communities. As stated earlier, there is no simple solution or quick fix. The causal factors are complex and there are linkages to other important societal issues. The disproportionate representation of Aboriginal and Torres Strait Islander young people in the criminal justice system and, in particular, youth detention facilities, is of itself a significant issue.

There is scope to build on the work of the YJTF so that as evidence-based practice generates informed, accurate and factual information, community engagement can be enhanced to enable a balanced public awareness of all factors involved in youth crime. This includes an understanding of prevalence and causal factors, and effective prevention and response actions.

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