

Proposed lines:

The Department of Child Safety, Youth and Women will always ensure that appropriate staffing levels are maintained in youth detention centres to ensure young people are supervised effectively, that staff can work with young people to address their needs and that the security of the centre is maintained at all times.

From time to time numbers increase in detention centres.

We are managing this in a number of ways.

In the short-term, we have increased the number of staff working at the Brisbane Youth Detention Centre (BYDC) in line with the Youth Detention Review recommendations.

We are also implementing programs and services to improve security and the safety of young people and staff.

Programs include helping young people in detention to resolve disputes in better ways when there is tension. The resolution of differences will allow for young people to be accommodated together which will assist with meeting demand.

Strategies around when young people can mix with others are also being reviewed at the BYDC to allow more flexibility for meeting any peaks in demand.

Longer-term, we are looking at ways to improve the design of the centre to improve security and the safety of young people and staff.

And, by 2019, there will be an extra 16 beds available at the Brisbane Youth Detention Centre (BYDC) thanks to a significant security upgrade being undertaken there.

These beds will be used initially to accommodate young people while the security upgrade is undertaken at the centre. However, once the upgrade is completed, the accommodation will be available to deal with any surge in demand.

The safety and security of staff and young people in detention remains the highest priority.

Service Area/Office: Youth Justice

Service Area/Office Reference:

Program Area/Region/Office: Practice, Program and Design

COM 02194-2018

Confidential

Routine

Urgent

ASSISTANT DIRECTOR-GENERAL, YOUTH JUSTICE
DEPARTMENT OF CHILD SAFETY, YOUTH AND WOMEN

Memorandum for Approval

Briefing Note for Information

SUBJECT

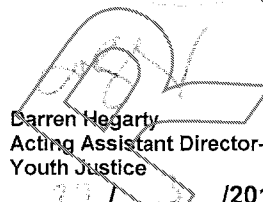
- Processes for supporting and transferring young people between watch houses and youth detention centres – procedure.

RECOMMENDATION

- That the Assistant Director-General:
 - approves for publishing on the in the Processes for supporting and transferring young people between watch houses and youth detention centre – procedure.

DD
22/3

NOT FOR RELEASE

NOTED / APPROVED / NOT APPROVED	
 Darren Hegarty Acting Assistant Director-General Youth Justice 22 / 3 / 2018	
COMMENTS:	



BACKGROUND

- Youth Justice Practice is responsible for updating Youth Justice procedures.
- A spike in young people remanded in custody in the Brisbane Youth Detention Centre (BYDC) has temporarily required that young people are held in the Brisbane watch house until a bed becomes available at BYDC.
- The attached procedure has been developed in consultation with Regional Directors, Youth Detention Centre Executive Directors and appropriate BYDC staff.

KEY ISSUES including Cultural Impact

- The attached procedure is a new procedure to provide guidance in relation to a specific set of circumstances. An extended stay in a watch house for a young person is not seen as being good practice, but in these circumstances the intention of the procedure is to ensure a common understanding of roles and responsibilities within Youth Justice
- The procedure will be augmented by a protocol between Queensland Police Services and Youth Justice to clarify the arrangements between these parties while young people are in custody in watch houses.
- A common issue raised in consultation within Youth Justice was resourcing to be able to deliver on the procedure, particularly in regard to casework staff. It is noted that additional resources have now been offered in the short to medium term.

FINANCIAL IMPLICATIONS / GST

- Not applicable

CONSULTATION

Internal Consultation

- Brisbane North and Gold Coast Region, Youth Justice
- Far North and North Queensland Region, Youth Justice
- Southern Queensland Region, Youth Justice
- Central Queensland Region, Youth Justice
- Executive Director, Cleveland Youth Detention Centre
- Executive Director, BYDC
- Deputy Director, BYDC
- Client Services Manager, BYDC

External Consultation

- Not applicable

ATTACHMENTS

- Attachment 1 – Processes for supporting and transferring young people between watch houses and youth detention centre – procedure.

	Name	Ph (Work)	Ph (Mobile)	Date endorsed
Author: Manager	Loretta Crombie	3033 0823	Mobile number	29/03/2018
Director:	David Herbert	3033 0891		29/03/2018

Youth Justice Services and detention centre PROCEDURE

Title: Processes for supporting and transferring young people between Watchhouses and youth detention centres

Background

When a young offender is held in a youth detention centre on remand or sentence, they are allocated a case worker from the youth detention centre and another from a youth justice service centre.

The youth justice case worker and the youth detention centre case worker have separate case work responsibilities for the young offender. They work together to develop a case plan covering their responsibilities for the young offender. The risk assessment and case plan used for this process are the same used when young offenders are subject to community based orders.

The youth justice service centre case worker maintains case management responsibility for the young offender while they are in detention. Case management responsibility for a young offender in detention is held or determined by the youth justice service centre that covers the location where the young offender normally resides or is temporarily located.

Where staff are working outside of usual business hours they will be remunerated according to HR policies.

Policy Statement

The Royal Inquiry into Deaths in Custody recommended that youth only be held in Watchhouses for the shortest period of time, as these facilities are recognised to place young people at greater safety risk than a purpose built youth detention centre. At times it is recognised that it may become not practical to move a young person to a youth detention centre immediately following a court matter. In these instances, Youth Justice recognises the adverse impact of being detained in a Watchhouse or needed to be transferred to an alternative detention centre on young people and their family.

Youth Justice is committed to doing everything possible to ensure young people and their families are supported during such a stressful time and works proactively to prioritise a young person's admittance and stabilising in a youth detention centre as soon as possible.

Before the young person is admitted into youth detention, they remain in Police custody, however the Chief Executive of Youth Justice is responsible for their custody. Where a young person is taken to hospital, Youth Justice will work collaboratively with Police to determine supervision over extended periods of time for young people in hospitals.

1. Principles for young people being held in custody

Detention is the last resort and young people should spend the least possible time in detention centres, this includes young people on remand.

A child detained in custody should only be held in a facility suitable for children.

Programs and services established under the Act should be culturally appropriate.

A child being dealt with under the Act should have access to legal and other support services, including services concerned with advocacy and interpretation.

A child who is detained in a detention centre under the Act should –

Be provided with a safe and stable living environment, and

Be helped to maintain relationships with the child's family and community; and

Be consulted about and allowed to take part in making decisions affecting the child's life (having regard to the child's age or ability to understand), particularly decisions about –

- (i) The child's participation in programs and
- (ii) Contact with the child's family and
- (iii) The child's health and
- (iv) the child's schooling and

Be given information about decisions and plans about the child's future while in the Chief Executive's custody (having regard to the child's age or ability to understand the security and safety of the child, other persons and property); and

Be given privacy that is appropriate in the circumstances including for example privacy in relation to the child's personal information and

Have access to dental, medical and therapeutic services necessary to meet the child's needs and

Have access to education appropriate to the child's age and development.

Youth Justice will actively work to ensure only young people who need to be detained are. Youth Justice will start Rapid Bail Response for young people as soon as they arrive at the Watchhouse, and proactively manage their case until bail status is determined.

2. Processes

2.1 Admitting a young person into the Watchhouse and detention centre

Even in situations where the young person may be held in a watchhouse prior to being admitted to a Youth Detention Centre, following receipt of a notice of advice of arrest, the Youth Justice intake officer will contact the detention centre admissions officer to arrange admission and case note this discussion, ensuring the following information is provided:

- details of the young person
- how and when they will be transferred
- any risk of self-harm or suicide, health issues and, if known, medication/s used by the young person
- emotional, psychological or behavioural details about the young person
- family details and significant family background factors.

The Youth Detention Centre will record these details for when the young person is admitted into the detention centre.

2.2 Roles and Responsibilities for professional staff, Detention Centre Cultural Liaison Officers. and operations supporting young people at a Watchhouse

Where there are young people being housed in the Brisbane Watchhouse or Townsville Watchhouse for extended periods of time, the Youth Justice coordination of these watchhouse operations will be the responsibility of the Brisbane Youth Detention Centre or the Cleveland Youth Detention Centre Director, respectively. Where young people are being housed in regional watchhouses, responding to these young people's needs will be the responsibility of the Regional Director and local manager.

Where there are young people being housed in Watchhouses for longer than 24 hours, the nearest detention centre staff, the young person's Youth Justice Service Centre case manager (or in the situation where a young person does not have a case manager, a caseworker from youth detention) and psychologists staff will work together to:

- Detention Centre Operational staff will scan the youth detention environment, to ascertain admissions and release dates and available youth detention beds across the state.
- Caseworkers and youth workers will complete welfare checks on a daily basis and contact family where required.
- If available, psychologists will assess the young person's current mental health in the Watchhouse to help identify an order for prioritising young people's admission to the next available detention centre bed. Where a psychologist is not available, Police are to be advised to take any young people who display any signs of distress immediately to hospital for assessment. Where possible, Youth Justice Service Centres will work with the local mental health services to support visits from psychologists on a regular basis.
- Youth Justice Caseworker staff will gather and/ or record information for Youth Detention Centre Management relating to:
 - The young person's age and vulnerability within the Watchhouse
 - Suicide/Self harming risks including previous alerts that have been generated
 - Current and historical mental health concerns
 - Young person's previous admissions to detention centres
 - Aboriginal and Torres Strait Islander status
 - If the young person is subject to child protection intervention
 - Time spent in Watchhouse to date and
 - Whether the young person would be safe to travel to a detention centre that may not be the closest detention centre to the Watchhouse.
- The relevant Team Leader will send this list to the Executive Directors and operations staff for assessment with a recommendation regarding the prioritisation for admissions.
- The Executive Director, on advice from the Deputy Director and Unit Manager Operations, will determine who is to be admitted into youth detention from the priority list.

- The Executive Director and/or the Deputy Director will advise the relevant Regional Directors of each young person being admitted into youth detention and which detention centre they are being admitted to prior to confirming transport arrangements.
- Youth Justice Service Centre Caseworker or Detention Centre Caseworker staff will maintain contact with the young person's family/ guardians to clarify the young person's status and location, the future plan for transferring the young person to a detention centre and any contact details to be able to contact and visit the young person.
- Youth Detention Centre will facilitate admission to legal representatives (including completing bail merit review referral forms for Youth Legal Aid) as soon as possible
- Caseworkers will provide ongoing daily caseworker services to the young person and support telephone calls and visits for the young person whilst in the Watchhouse. Unless specifically arranged with QPS, young people in Watchhouses are typically only permitted one telephone call per day. Where challenges for this exist, for example in regional locations over weekends, all attempts should be made to ensure someone is able to check in on the young person's welfare over a 24 hour period.

Youth workers supporting QPS staff in Watchhouses will have the responsibilities outlined in the Interface Protocol between Youth Justice and Brisbane City Watch house.

Consistent with the Youth Justice Act, in relation to supporting a supporting establishing a routine for young people in Watchhouses, the local Youth Justice Service Centre Manager will be responsible for working with the local Watchhouse to ensure the following for young people who have been in a Watchhouse for longer than two days:

- Educational assistance for the young person to be engaged in schooling
- Family contact and visits
- Cultural supports and visits for Aboriginal and Torres Strait Islander young people
- Access to Legal representative and advocacy services
- Ensuring young people's basic needs are being addressed such as adequate and enough food, privacy and access to hygiene services and
- Ensuring young people's concerns or complaints are being communicated and actively working to resolve these.

Youth Justice Practice will support negotiations for Youth Justice Service Centres with Watchhouses where a previous agreement is not already in place.

2.3 Roles and Responsibilities for transferring young people from Watchhouses to detention centres

An Aboriginal or Torres Strait Islander young person is to be accommodated in a Detention Centre as close as practicable to the young person's family unless the Detention Centre Executive Director is satisfied that the young person does not want to be accommodated near the his or her family and or if it is determined that it not in his or her best interest to do so. There is a particular obligation in this respect in relation to Aboriginal and Torres Strait Islander people. According to Recommendation 168 of the Royal Commission into Aboriginal Deaths in Custody.

Following consideration of the above factors, the Detention Centre Executive Directors are responsible for determining who will be transferred to each detention centre at which time. Time

will be of the essence in making this decision to assist the young person moving into a stable and safe environment as quickly as possible. Once a decision has been made regarding a transfer:

- Youth detention staff will contact the Watchhouse and arrange the logistics for the young person's transfer from the Watchhouse.
- Youth Detention Directors will notify Regional Directors of young people movements, who will pass information to the local service centres. Caseworker staff are to be notified by Regional Directors so that they can advise the young person and their family as soon as possible.

2.4 Roles and Responsibilities for transferring young people between detention centres

In the event a young person is being considered for transfer from a watch house to an alternative Youth Detention Centre outside of the service region the following processes are to occur;

- A Youth Detention Transfer Assessment form is to be completed by the referring Youth Detention Staff within the watch house region in consultation with the Detention Centre Executive Director, Youth Justice Regional Director and or representative from the young person's region.
- Once supported the transfer form is then to be progressed to the receiving Detention Centre Deputy Director or delegate for risk assessment and final recommendation. Once a decision has been made by the Detention Centre Executive Director – the completed form is to be sent back to the referring Executive Centre Director for consideration.
- The Detention Centre Director will advise the relevant Regional Director as soon as possible prior to the transfer occurring.
- The Regional Director will provide the Detention Centre Director with any information they may have that may impact on this decision in a timely manner.

Where a young person has been moved due to detention centre capacity issues:

- The young person's case manager will be responsible for liaising with the family and organising family visits as appropriate.
- The detention centre who made the decision to move the young person will cover costs for family visits to the young person.

2.5 Recording of movements

Recording information about young people underpins statutory service delivery. Movement forms are completed for young people in Watchhouses and detention centres to support essential, operational planning.

To assist with the management and monitoring of young people whilst held in watchhouses, Youth Justice Service Centre Caseworkers must complete the movement events and location tab within ICMS for any young people known to be currently held in a watchhouse.

The following points outline the steps can be taken to complete the movement events:

- open the movement event
- review the YDC detention details form
- open and complete Watchhouse detention details
- complete case note re: Regional Director's conversation with QPS
- complete closure event.

2.6 Recording of court information

In order to assist the bail merit process, it is essential for court case notes to be kept up to date. The court case note / comments tab will include:

- If any bail application was made, the appearance for next court date (i.e. person, video link, not required),
- If CCQ Bail merit has been canvassed, the reason for remand (including if CBP or bail has been considered), completing the CCQ bail merit assessments and on forwarding to Legal Aid and Youth Justice Practice, and
- That the young person is held at the watchhouse pending admission to a youth detention centre.

2.7 Daily Watchhouse reports

Where there are a number of young people being housed in Watchhouses for longer than 24 hours, Youth Justice Practice will take responsibility for providing daily summaries to Youth Detention Centre staff, Youth Justice Service Centre staff and the Assistant Director-General. These Practice Officer responsible for compiling these reports will:

- Collate daily Watchhouse figures provided by Police into a spreadsheet.
 - Use the current spreadsheet we have for WH details as a guide but only fill it with the data we can gather in the emails
 - Flag 10-13 year olds. We should aim to prioritise these to YDCs where possible, and for bail merit assessment.
- Cleanse the data using ICMS information.
- Monitor the information throughout the day, including court outcomes.
- Flag with relevant court coordinators that if young people are remanded further should have appearance excused or in person, as Watchhouses do not have videolink facilities.
- Support regions by contacting courthouses that have young people who are currently in a Watchhouse and scheduled for videolinks the following day to arrange either the young person's attendance in person, appearance excused or via telelink.
- By 3:00pm forward the final list to a manager of Youth Justice Practice, who will forward this information onto the identified stakeholders above.

Date of approval: <Date the procedure was approved>
Date of operation: <Date the procedure is scheduled to become effective>
Date to be reviewed: <Identified by the Policy Officer>

Office: Youth Justice Practice (Diversion and Early Intervention)
Help Contact: Loretta Crombie

Links

[Bail merit assessment process](#)

[Bail and Bail Support](#)

[Developing and Case Managing Conditional Bail Programs](#)

I:\transfer form\Inter-Youth Detention Centre Transfer Assessment.docx

Darren Hegarty
Assistant Director-General

RTI RELEASE

Brett Stephenson

From: CSYW_Corro
Sent: Friday, 11 May 2018 9:23 AM
To: 'Natalie.siegel-brown@publicguardian.qld.gov.au'
Subject: Response letter from Office of the Honourable Di Farmer MP, Minister for Child Safety, Youth and Women and Minister for the Prevention of Domestic and Family Violence (ref: COM 02689-2018)
Attachments: COM 02689-2018 letter.pdf

Dear Ms Siegel-Brown

Please find attached a response from the Office of the Minister for Child Safety, Youth and Women and Minister for the Prevention of Domestic and Family Violence.

Please note a response to this email is not required.

Your sincerely

Office of the Honourable Di Farmer MP
Minister for Child Safety, Youth and Women and
Minister for the Prevention of Domestic and Family Violence

RTI RELEASE



11 MAY 2018

Our reference: COM 02689-2018

Office of the
Director-GeneralDepartment of
Child Safety, Youth and Women

Ms Natalie Sigel-Brown
 Natalie.siegel-brown@publicguardian.qld.gov.au

Dear Ms Siegel-Brown

Thank you for your letter dated 20 April 2018, regarding concerns about the current use of watchhouses to manage population numbers in excess of the youth detention centre built capacity.

Firstly, I would like to thank you and your staff for your dedication to ensuring the safety and wellbeing of young people in the youth justice system, including those in watchhouses. As you are aware, these young people represent some of our most vulnerable, and require a continuum of intensive supports and services across a number of agencies.

Managing populations in excess of the youth detention built capacity is extremely complex, and young people's safety is paramount. I share your concerns in relation to the use of watchhouses to manage excess population numbers. For this reason, I have mobilised a team of dedicated officers to focus solely on the safety and wellbeing of young people held in watchhouses, and expediting their transfer to a youth detention centre as soon as possible. These officers are working closely with the Queensland Police Service, to ensure young people in watchhouses are safe, accommodated separately to adults, and are treated appropriately, with regard to their age, maturity and vulnerability.

In light of recent population pressures, additional supports have been put in place at the Brisbane City Watchhouse. This includes:

- onsite visits from the Child Youth and Mental Health service during business days
- onsite visits from the Brisbane Youth Education and Training Centre staff (further discussions will be held about the delivery of education packs)
- onsite visits from Murri Watch
- daily supervision from youth Justice youth workers
- daily safety and wellbeing assessment by Youth Justice caseworkers
- facilitation of family visits.

Daily dynamic risk assessments of youth detention capacity and watchhouse populations, inform and prioritise transfer and admission decisions. Factors taken into account include: potential room sharing arrangements in youth detention; bed availability; age; vulnerability and trauma history; suicide risk; upcoming court dates and length of stay in a watchhouse.

1 William Street
 Brisbane Queensland 4000
 Locked Bag 3405
 Brisbane Queensland 4001 Australia
 General Enquiries
 Telephone +61 7 3828 2625

Youth Justice has also implemented a number of initiatives to reduce remand, (and the need for watchhouse custody), including rapid bail response procedures, and increased funding to community organisations that assist young people to attain bail or meet the conditions of their bail. These services include:

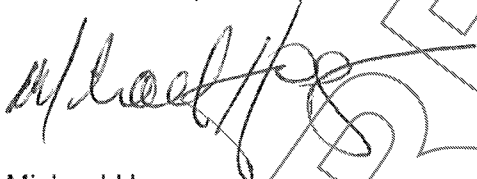
- Youth Justice Supported Bail Accommodation
- Youth Advocacy Centre, Youth Bail Accommodation Service
- Sisters Inside
- Youth Legal Aid.

By increasing wrap-around support, it is anticipated more young people will be able to successfully meet their bail conditions in the community, and importantly reduce their offending. This will also relieve pressure on youth detention centres and overall remand rates, (on any given day, approximately 80 per cent of the youth detention population are remanded).

My officers would be pleased to meet with you to discuss this matter further. My nominated contact officer, Ms Candace Wakeham, Acting Director, Youth Justice Practice, Program and Design, can be contacted on 3006 8127 or Candace.Wakeham@csyw.qld.gov.au

I trust this information is of assistance.

Yours sincerely



Michael Hogan
Director-General

CORRESPONDENCE BRIEF

 Child Safety

 Youth

 Youth Justice

 Women

 Domestic & Family Violence

SUBJECT

- Response to Ms Natalie Siegel-Brown, Public Guardian concerning, the current use of watchhouses, due to capacity issues within youth detention centres.

BACKGROUND

- The letter outlined concerns about the current use of watchhouses to detain children and young people, due to excessive capacity with Queensland Youth Detention Centres, and to highlight the steps both agencies have taken to address this.

ISSUES

- Managing populations in excess of the youth detention built capacity is extremely complex, and young people's safety is paramount.
- Youth Justice (YJ) has a team of officers focusing solely on the safety and wellbeing of young people held in watchhouses, and expediting their transfer to a youth detention centre as soon as possible. These officers are working closely with the Queensland Police Service.
- YJ's primary aim is to move these children out of watchhouses and into a youth detention centre.
- In the event young people remain in the watchhouse, YJ ensures there is support for these children to meet their basic and welfare needs. This includes the following services and supports at the Brisbane City watchhouse:
 - Department of Health – Child Youth and Mental Health services during business days
 - Department of Education – members from the Brisbane Youth Education and Training Centre
 - Murri Watch
 - Cell Visitors
 - Youth Justice youth workers are providing daily supervision
 - Youth justice caseworkers attend to undertake welfare assessments, and
 - Family visits facilitation.
- Youth Justice has offered to meet with OPG (Ms Danielle Jenkins) to discuss the matter further.

CONSULTATION

Internal Consultation

- Not applicable.

External Consultation

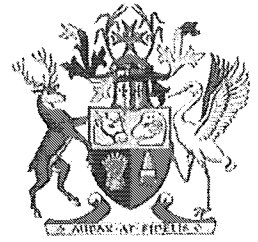
- Not applicable.

APPROVALS

- Ms Candace Wakeham, A/Director, Youth Justice, (07) 3033 0819 (30/04/2018)
- Mr Darren Hegarty, Assistant Director-General, Youth Justice, (07) 3225 2035 (03/05/2018)
- Ms Amanda Currie, Acting Deputy Director-General, Service Delivery.
Ph. 3238 7602

RTI RELEASED

DIRECTOR-GENERAL CORRESPONDENCE REQUEST FORM



Request Date: 23/4

MinCor ref: 02689-2018

Urgent

Confidential

ALLOCATE TO:

- Minister Farmer's office
- ADG Corporate Services
- ADG / CIIO
- DDG Service Delivery
- ADG Youth Justice
- DDG Strategy
- RED _____ Region
- Office of the Director-General
- Other _____

PLEASE PROVIDE:

- Ministerial brief & letter
- DG Letter and Correspondence Brief
- DDG response on behalf of DG
- For discussion at next DG catch up
- Action required / arrange contact
- For advice (dot points)
- For noting

DG INSTRUCTIONS:

MH

ODG ADDITIONAL INSTRUCTIONS:

Allocation Notes (Liaison Services)

If you require any further information regarding this request please contact:
Liaison Services – phone: 3828 2608 or email: CSYW_Corro@communities.qld.gov.au

R
R

Helen Matthews

From: Natalie Siegel-Brown <natalie.siegel-brown@publicguardian.qld.gov.au>
Sent: Friday, 20 April 2018 3:36 PM
To: Michael Hogan
Cc: Natalie Siegel-Brown; Jonty Bush
Subject: Letter to Mr Michael Hogan
Attachments: 20180420163610510.pdf

Categories: Printed

Good afternoon Michael,

Please find attached correspondence from Natalie Siegel-Brown.

Kind regards

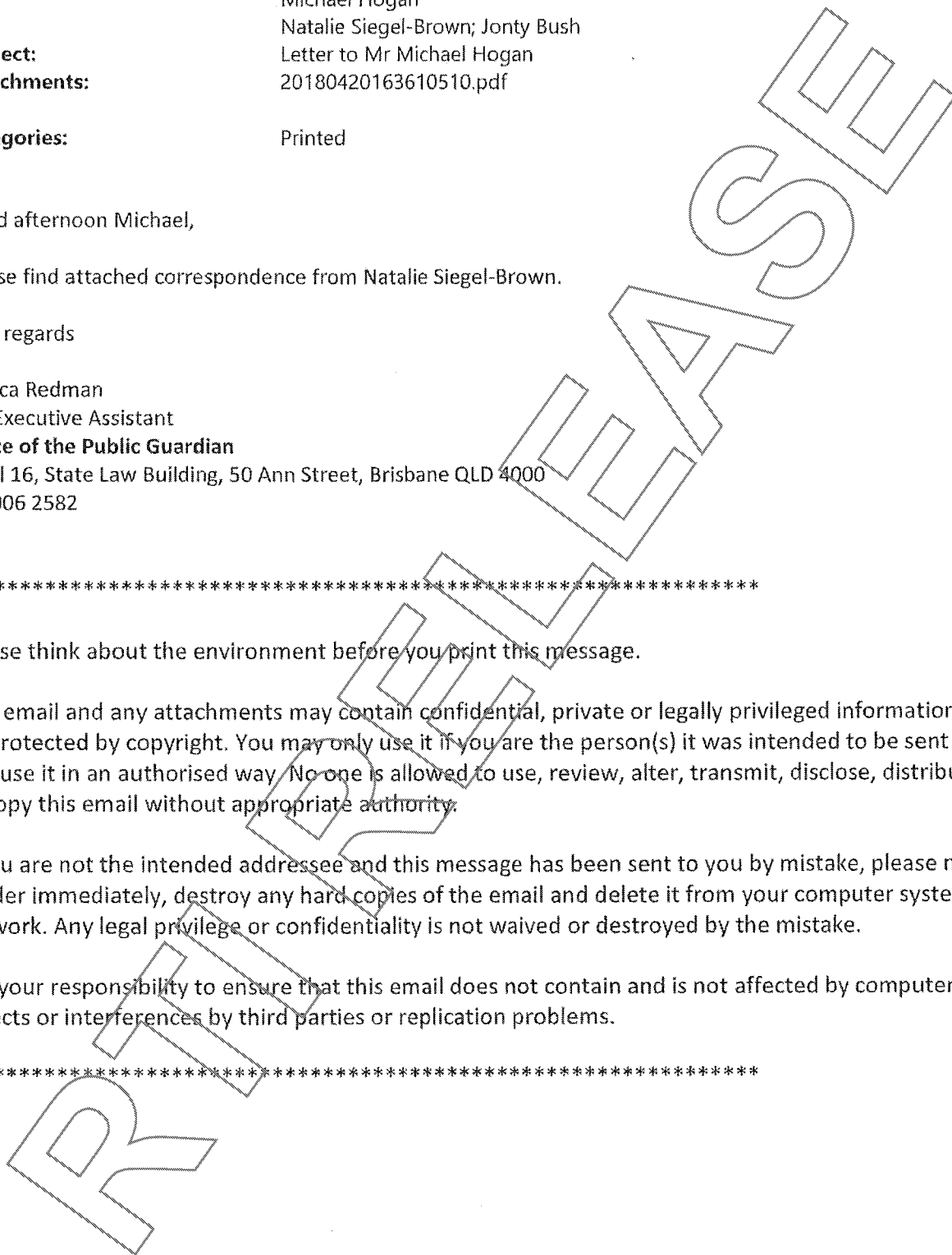
Jessica Redman
Snr Executive Assistant
Office of the Public Guardian
Level 16, State Law Building, 50 Ann Street, Brisbane QLD 4000
T: 3006 2582

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20 April 2018

Mr Michael Hogan
 Director-General
 Department of Child Safety, Youth and Women
 GPO Box 149
 BRISBANE QLD 4001

Via email: michael.hogan@communities.qld.gov.au

Michael

Dear Mr Hogan

I write to summarise the concerns brought to my attention about the current use of Watchhouse's to detain children and young people, due to excessive capacity within Queensland's Youth Detention Centre's, and, to highlight the steps both our agencies have taken to address this.

I acknowledge and appreciate your department's proactive engagement in a recent briefing with my staff followed by the opportunity for my staff to attend a walk-through of the Brisbane Watchhouse.

I must commend the swift multi-agency response to managing the excessive capacity within Queensland's Youth Detention Centres, however I wish to highlight Office of the Public Guardian's (OPG) concern in relation to children being detained in Watchhouses.

Of particular concern to me are the following issues:

- That children are being detained longer than what is ordinarily acceptable in a temporary Watchhouse environment
- That Watchhouses, by design, are inappropriate to meet specific needs of children, this is particularly relevant given the over-representation of Aboriginal and Torres Strait Islander children in custody, and the over-representation of children on child protection orders, and with trauma histories in custody
- That despite the efforts made by Education Queensland, there is a substantial lack of meaningful educational opportunities for children
- That Queensland Police Officers employed in Watchhouses have not received specialised training in working with children, particularly children with trauma histories. I recognise that this training is scheduled to be rolled out shortly, however the fundamental issue here is that the environment is not conducive to the safe wellbeing of children, particularly those most vulnerable – which I acknowledge is something we all concur on.

I understand that there are a range of initiatives being progressed by your office to address the broader concerns of remanding children in custody such as the ongoing roll out of the Supported Bail Accommodation Services, progression of a 'bail blitz', and working with Magistrates to bring particular matters forward.

I wish to acknowledge the work Youth Justice are progressing in relation to the development of a protocol with the Queensland Police Service (QPS), to clarify and standardise the process for required functions of detention youth workers and QPS in the Brisbane City watch house and nominated regional watch houses without overlap or uncertainty, and for the appropriate information exchange between the QPS and Youth Justice.

We appreciate also your Department's commitment to information exchange, as we have recently sought agreement from your team to receive daily Watchhouse custody sheets.

These are initiatives the OPG principally supports and we'd appreciate your continued communication in relation to developments in this area.

I also understand that the Department is placing a strong focus on children subject to dual orders. Our Detention Centre Regional Visiting Manager, Ms Danielle Jenkins who you will know from the Youth Justice Stakeholder Advisory Group meetings, is organising to meet with the officer responsible for this from your department.

Ms Jenkins' current focus includes:

- The review and enhancement of visiting practices within youth detention and to 17 year olds in adult correctional facilities
- Strengthening of relationships and information exchange between OPG and Youth Justice, including management of the centres
- Liaison with Youth Justice in relation to visiting the Supervised Bail Accommodation services
- Increased intervention for children and young people on dual (Child Protection Order and Youth Justice) orders

Ms Jenkins continues to operate within the Community Visitor Program, of which Ms Jonty Bush, Director Visiting is the primary contact. Should you require further information regarding this matter, please contact Ms Jonty Bush, Director Visiting, Office of the Public Guardian, by email on jonty.bush@publicguardian.qld.gov.au, or on (07) 3225 8306.

We look forward to your continued commitment to progressing the rights and interests of young people subject to youth justice interventions, and look forward to receiving updates from you on this.

I trust this is of assistance

Kind regards



Natalie Siegel-Brown
Public Guardian

Service Area/Office: Strategy

Service Area/Office Reference:

Program Area/Region/Office: Youth Justice Operations and Practice

COM 03568-2018

Confidential

Routine

Urgent

DIRECTOR-GENERAL

DEPARTMENT OF CHILD SAFETY, YOUTH AND WOMEN

Memorandum for Approval

Briefing Note for Information

SUBJECT

- Use of police watchhouses to manage young people remanded into custody.

RECOMMENDATION

- That the Director-General notes the contents of the brief.

RELEASABLE

NOTED / APPROVED / NOT APPROVED

Michael Hogan
Director General

20/6/2018

COMMENTS:

> For YJCC
mtg plb
TMV

BACKGROUND

- Aligned with the Royal Commission into Aboriginal Deaths in Custody recommendations and section 56 of the *Youth Justice Act 1992*, the Queensland Police Service (QPS), the Department of Child Safety, Youth and Women actively work together to ensure young people are not accommodated in a watchhouse for longer than 48 hours before being transported to a youth detention centre.
- Ongoing capacity issues across Queensland's two youth detention centres has meant some remanded young people are now experiencing longer than usual stays in police watchhouses, while they await admission to a youth detention centre.
- QPS has agreed young people held in police watchhouses for extended periods are to be transferred to the Brisbane City Watchhouse (BCWH), as it is the most suitable watchhouse to accommodate young people. BCWH has a dedicated 21-bed wing that can be used exclusively for young people.
- The daily average population of BCWH significantly increased in May 2018:
 - March¹ daily average was 11
 - April daily average was six
 - May² daily average was 18.

KEY ISSUES including Cultural Impact

- To ensure the safety and wellbeing of young people at BCWH, the following processes have been put in place:
 - Daily dynamic risk assessment of youth detention capacity and watchhouse populations by casework and therapeutic staff to inform and prioritise admission decisions. Factors taken into account include: potential room sharing arrangements in youth detention; age; gender; vulnerability and trauma history; suicide risk; and length of stay in the watchhouse. Young people aged 10 - 13 years, girls, and those with suicide or self-harm risk are generally prioritised.
 - Additional supports for young people at BCWH include:
 - o onsite visits from the Child Youth and Mental Health service during business days
 - o onsite visits from the Brisbane Youth Education and Training Centre staff
 - o onsite visits from Murri Watch
 - o support from Sisters Inside
 - o daily supervision by youth workers
 - o daily safety and wellbeing assessment by Youth Justice caseworkers
 - o facilitation of family visits.
- A dedicated team is also being established to focus solely on the safety and wellbeing of young people held in watchhouses and expediting their transfer to a youth detention centre as soon as possible.
- This team will also be responsible for ensuring a rapid bail response for young people, establishing clear watchhouse management protocols with QPS, and working with Youth Justice Service Centres to prioritise the finalisation of court matters.
- Despite best efforts by all stakeholders, there have been adverse outcomes, including:
 - extended stays in excess of 14 days for some young people
 - a young person found a syringe in a watchhouse cell mattress and sustained a needle stick injury to his finger
 - altercations between young people in BCWH
 - one young person attempted self-harm in the watchhouse, and others have been placed in suicide risk garments (and not permitted to wear underwear)
 - little time outside in the fresh air
 - complaints from family members and advocates about extended stays and watchhouse conditions.

¹ From 21 March to 30 March 2018.

² From 1 May to 23 May 2018.

- As of 16 May 2018, QPS has agreed to work with the department to create a 'structured day' for young people in BCWH to provide them with increased stimulation.
- All stakeholders are continuing to work together to ensure the safety and wellbeing of young people in police watchhouses.
- It should be noted both youth detention centres are operating almost permanently at capacity and youth detention staff are increasingly fatigued. Cleveland Youth Detention Centre is not using all of its built capacity (96 beds in total) due to safety concerns with the Independent Living Unit. This means, any time the population exceeds 92, some young people are being accommodated on mattresses on the floor.

FINANCIAL IMPLICATIONS / GST

- Not applicable.

CONSULTATION

Internal Consultation

- Not applicable.

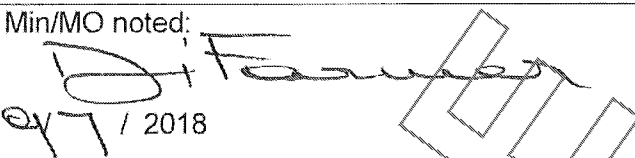
External Consultation

- Not applicable.

	Name	Ph (Work)	Ph (Mobile)	Date endorsed
Executive Director:	Glen Knights	3271 0702	Mobile number	30/05/2018
A/Senior Executive Director:	Fran Biddulph-Amaral			11/06/2018
A/Deputy Director-General and Chief Operating Officer	Amanda Currie	3238 7586		20/06/2018

**Minister for Child Safety, Youth and Women and
Minister for the Prevention of Domestic and Family Violence**

Meeting Brief

<input type="checkbox"/> Child Safety <input type="checkbox"/> Youth <input checked="" type="checkbox"/> Youth Justice <input type="checkbox"/> Women <input type="checkbox"/> Domestic and Family Violence	DG/ODG noted: 2 / 7 / 2018
<input type="checkbox"/> Routine <input checked="" type="checkbox"/> Priority	Min/MO noted:  2 / 7 / 2018
Ref: COM 04106-2018 Service area/office: Service Delivery / Youth Justice Services	

Meeting Details:

Organisation: Brisbane City Watchhouse

Date: Thursday 5 July 2018

Time: 10 to 11am

Venue: Brisbane City Watchhouse, 240 Roma Street, Brisbane.

Attendees:

- The Honourable Mark Ryan MP, Minister for Police and Minister for Corrective Services
- Mr Russell Halfpenny, Inspector, State Watchhouse Group, Queensland Police Service
- Ms Kym Hayes, Acting Senior Sargent, Officer-in-Charge, Brisbane City Watchhouse, Queensland Police Service
- *Mr Michael Hogan, Director-General (Ph: 3828 2624)*

TOPICS WHICH THE PERSON / ORGANISATION HAS REQUESTED TO DISCUSS

1. Detention centres at capacity
2. Young people in watchhouses
3. Extension of services currently being offered to young people to the adult cohort.

FUNDING AND SERVICES

- A watchhouse Memorandum of Understanding (MOU) has historically operated between the Queensland Police Service (QPS) and Youth Justice. Although the formal MOU expired some time ago, QPS and Youth Justice continue to collaborate closely in the planned transfer of young people between watchhouses, detention centres, and courts. A new MOU is under consideration by senior officers in Youth Justice Services.

RELATIONSHIP WITH DEPARTMENT

- QPS is responsible for the security and safety of young people held in watchhouses, as well as their transfer between courts and the watchhouse and detention centres in Queensland.

Topics which the Organisation / Individual has requested to discuss

TOPIC 1: Detention centres at capacity

- With the transition of 17 year olds to the youth justice system in February 2018, significant pressure has been placed on detention centre numbers resulting in delays in transferring young people from watchhouses to detention.
- Sixteen additional beds are coming on-line for Brisbane Youth Detention Centre in July 2018, and 12 additional beds for Cleveland Youth Detention Centre by February 2019.
- Youth Justice is actively engaged in rapid bail assessments, supporting accelerated court processes and strengthening bail support to minimise the length of time a young person is held in watchhouses and detention.
- QPS and Youth Justice share the view that the less time a young person is held in a watchhouse environment the better.

TOPIC 2: Young people in watchhouses

- During April 2018, there was an average of six young people in watchhouses each day, in May 2018 it was 17 and in June 2018 it was 11. The average length of stays in watchhouses across Queensland is five days.
- While QPS is familiar with managing a young person in a watchhouse, the high number of young people in watchhouses and their length of stay has been unusual this year. Youth Justice is working in partnership with QPS to meet the unique needs of young people in the Brisbane City Watchhouse.
- This partnership is continuing to develop strategies in collaboration with the Forensic Child Youth and Mental Health Service, the Brisbane Youth Education and Training Centre, Murri Watch, and Sisters Inside to support young people in the Brisbane City Watchhouse.
- On occasion, family visits have been facilitated for young people in the watchhouse. This is outside normal QPS practice, and their support has been appreciated.
- In addition, a Youth Justice caseworker is available to attend the Brisbane City Watchhouse as required to assess ongoing safety and wellbeing needs of young people, and youth workers from the Brisbane Youth Detention Centre also attend the watchhouse to supervise young people in custody.
- During the establishment period, staff attendance at the watchhouse has been irregular. A plan is in place to address this.
- A formal protocol to delineate the roles and responsibilities of the parties, including Youth Justice staff and QPS officers, in relation to young people detained in a watchhouse pending admission to a youth detention centre, is being finalised.
- Youth Justice officers may be working with young people on-site during the Minister's visit.

s73(2)

Cyndi White

Subject: Visit: Brisbane Watch-house visit with Minister Ryan (DG to attend) arrival 9:50 for 10:00am

Location: Brisbane Watch-house, 240 roma Street, Brisbane

Start: Thu 5/07/2018 9:50 AM
End: Thu 5/07/2018 11:30 AM

Recurrence: (none)

Meeting Status: Accepted

Organizer: Di Farmer

Required Attendees: Virginia Bruce (Virginia.Bruce@ministerial.qld.gov.au); Cyndi White; External - Bulimba Electorate Office; michael.hogan@communities.qld.gov.au; Noela Quadrio

Optional Attendees: Michael Hogan

Brief requested 19/6
 Protocol form sent 27/6 (from Minister Ryan's office)
 Brief from Minister Ryan's office attached and forwarded to DG's office 2/7
 Brief attached 3/7

Car Park Bay 8 at Police Headquarters, Basement 1 (Minister Ryan will have Car Park Bay 9)
 Registration details of Ministerial car advised to Police HQ by Minister Ryan's office 27/6
 A/Inspector Whelan will meet and greet the Ministers and staff members in the basement of PHQ and will escort them to the watch-house

Contact:
 Inspector Russell Halfpenny
 Mobile number

As advised by Minister Ryan's office, We have been advised by QPS staff that there is a limitation to how many people can visit to inspect the Brisbane Watch-house on 5 July 2018.
 The Watch-house is operational at all times and an excessive number of visitors could impact its operation.
 Therefore, DG will attend with the Minister (Fiona on leave this week)

Brett Stephenson

From: CSYW_Corro
Sent: Wednesday, 4 July 2018 9:32 AM
To: 'Natalie.siegel-brown@publicguardian.qld.gov.au'
Subject: Reply from the Office of the Director-General, Department of Child Safety, Youth and Women. COM 04432-2018
Attachments: COM 04432-2018 letter.pdf

Dear Ms Siegel-Brown

Please find attached a response letter from the Office of the Director-General, Department of Child Safety, Youth and Women.

Please note a response to this email is not required.

Yours sincerely

Office of the Director-General
Department of Child Safety, Youth and Women

RTI RELEASES



Our reference: COM 04432-2018

04 JUL 2018

Ms Natalie Siegel-Brown
Public Guardian
Office of the Public Guardian
PO Box 13554
BRISBANE QLD 4003

Office of the
Director-General

Department of
Child Safety, Youth and Women

Dear Ms Siegel-Brown

Thank you for your letter regarding the detention of children in Queensland Police Service (QPS) watchhouses. The issues relating to the frequency and duration of young people engaged with the youth justice system, placed in watchhouses, is a matter of priority and one the Department of Child Safety, Youth and Women is monitoring closely.

Queensland's two youth detention centres are operating at full capacity. This has resulted in a number of young people held in police watchhouses longer than normal. I want to assure you the department is actively pursuing all options, short to long term, to minimise the length of time a young person is held in a watchhouse.

From a legislative point of view, young people are remanded into the Chief Executive (Director-General) of Child Safety, Youth and Women's custody. The *Youth Justice Act 1992* allows for a transfer of custody from the QPS Commissioner to the Director-General. Unfortunately the act does not allow us to transfer custody to another entity, nor are the young people allowed to be held by us in a place that is not deemed a youth detention centre.

The process of a young person's admission into a watchhouse commences when they are refused watchhouse bail by a QPS Officer. The young person may remain in the watchhouse following the refusal of watchhouse bail or the remand of a young person by court. They are transferred to a youth detention centre at the earliest available time, as the watchhouse placement is intended as a pre-admission into youth detention. Whilst not ideal, the most logical place of remand that leads to the least number of movements for a young person is from the watchhouse to youth detention. The department is also limited in being able to direct police to change the place of remand whilst in their custody.

The department has established a dedicated team solely focused on the safety and wellbeing of young people held in watchhouses, expediting bail applications and their transfer to a youth detention centre. This team explores the underlying reasons for remand rates, identifying matters that have been delayed in the court process and expediting these matters, as well as referring bail merit applications to Legal Aid Queensland. The team also provides rapid bail responses for young people, works with Youth Justice Service Centres to prioritise the finalisation of court matters and establish clear watchhouse management protocols with QPS.

1 William Street
Brisbane Queensland 4000
Locked Bag 3405
Brisbane Queensland 4001 Australia
General Enquiries
Telephone +61 7 3828 2625
Facsimile +61 3235 4327
Email DGOffice@csyw.qld.gov.au
Website www.csyw.qld.gov.au

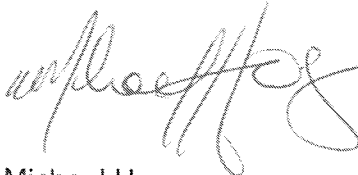
Where a young person is likely to be held for an extended period they are transferred to the Brisbane City Watchhouse which has a dedicated 21 bed wing that can be used exclusively for young people. Additionally, the department provides a range of services and support to young people in watchhouses including behavioural support services and advocacy. The department also facilitates services from other agencies including onsite visits from the Child Youth and Mental health service, Brisbane Youth Education and Training centre, Murri Watch and Sisters Inside. On occasion, family visits have been facilitated for young people in the watchhouse. This is outside of normal police practice and their support has been appreciated.

There has been an increase to funding for some of the above services to ensure young people held in watchhouses receive services commiserate to their presenting risks and needs. Funding is also under review for other key stakeholders.

If you require any further information or assistance in relation to this matter, please contact Mr David Herbert, Director, Youth Justice Practice, Youth Justice Services, Department of Child Safety, Youth and Women on 07 3029 2282.

I trust this information is of assistance.

Yours sincerely



Michael Hogan
Director-General

RTI RELEASED

CORRESPONDENCE BRIEF

Child Safety
 Youth
 Youth Justice
 Women
 Domestic & Family Violence

SUBJECT

- Response to Ms Natalie Siegel-Brown, Public Guardian, office of the Public Guardian concerning detention of young people in Queensland Police Service watchhouses.

BACKGROUND

- Ms Siegel-Brown represents the Office of the Public Guardian, whose interest is in the provision of community visitors, who have a statutory obligation to visit children and young people in detention or in care of the Department of Child Safety, Youth and Women.

CONSULTATION

Internal Consultation

- Mr David Herbert, Director, Youth Justice Services
- Ms Leanne Beikoff, Manager, Youth Justice Services

External Consultation

- Not applicable.

APPROVALS

- Mr David Herbert, Director, Youth Justice Services, Ph: 3029 2282
- Mr Glen Knights, Executive Director, Youth Justice Services, Ph:
- Ms Frances Biddulph-Amaral, A/Senior Executive Director, Ph (02/07/2018)
- Mr Rob Seiler, Deputy Director-General and Chief Operating Officer, Service Delivery Ph: 3238 7602 / (02/07/2018).

Sharon Roes

From: Alex Robynson
Sent: Friday, 29 June 2018 11:17 AM
To: ODDG_SDS
Cc: Kobie Turner; Lisa Barrett
Subject: 04432-2018 RE: URGENT - FOLLOW UP - Correspondence to Mr Michael Hogan from Natalie Siegel-Brown, re: Detention of Children in Watchhouses

Thanks Tyler – yes please

Lisa from YJS has asked the Ops and Practice team to start preparing a response. So can you formally allocate to them now please.

Lisa - FYI

Thanks

Alex

From: Tyler Brown **On Behalf Of** ODDG_SDS
Sent: Friday, 29 June 2018 11:13 AM
To: Alex Robynson <Alex.Robynson@csyw.qld.gov.au>
Cc: Kobie Turner <Kobie.TURNER@csyw.qld.gov.au>
Subject: RE: URGENT - FOLLOW UP - Correspondence to Mr Michael Hogan from Natalie Siegel-Brown, re: Detention of Children in Watchhouses

Hi Alex

We've had a search in Mincor and our old SD mailbox and we don't seem to have received any request to register (the emails haven't included our mailbox).

I can register and allocate to YJ now.

T

Tyler Brown | Acting Senior Business Officer (part-time – Thursday and Friday)
Office of the Deputy Director-General / Chief Operating Officer
Service Delivery, Department of Child Safety, Youth and Women
T: 07 3238 7582
tyler.brown@csyw.qld.gov.au

From: Alex Robynson
Sent: Friday, 29 June 2018 9:59 AM
To: OADG Youth Justice Mailbox/Calendar <oadgyjmail@communities.qld.gov.au>; ODDG_SD <ODDG_SD@communities.qld.gov.au>
Cc: Kobie Turner <Kobie.TURNER@csyw.qld.gov.au>; Frances BIDDULPHAMARAL <Frances.BIDDULPHAMARAL@csyw.qld.gov.au>
Subject: FW: URGENT - FOLLOW UP - Correspondence to Mr Michael Hogan from Natalie Siegel-Brown, re: Detention of

Can you please advise of status?

I can't find on Mincor.

Regards

Helen Matthews | Executive Officer, Office of the Director-General
Department of Child Safety, Youth and Women

E: helen.matthews@csyw.qld.gov.au
A: Level 34, 1 William Street, Brisbane, Qld, 4001
T: 07 3828 2625 |
Customers first | Ideas into action | Unleash potential | Be courageous | Empower people

From: Michael Hogan
Sent: Wednesday, 13 June 2018 11:01 AM
To: Amanda Z Currie <Amanda.Currie@csyw.qld.gov.au>
Cc: Frances BIDDULPHAMARAL <Frances.BIDDULPHAMARAL@csyw.qld.gov.au>; Fergus Hogarth <Fergus.Hogarth@csyw.qld.gov.au>; Helen Matthews <Helen.Matthews@csyw.qld.gov.au>
Subject: Fwd: Correspondence to Mr Michael Hogan from Natalie Siegel-Brown, re: Detention of Children in Watchhouses

Amanda

Can I have a reply pls

(Helen - pls log as incoming corro)

Regards

Michael Hogan | Director-General
Department of Child Safety, Youth and Women
Level 33, 1 William Street Brisbane QLD 4001
W: <https://www.csyw.qld.gov.au>
T: 07 3828 2625
E: michael.hogan@csyw.qld.gov.au

Begin forwarded message:

From: Natalie Siegel-Brown <natalie.siegel-brown@publicguardian.qld.gov.au>
Date: 13 June 2018 at 9:52:16 am AEST
To: "michael.hogan@csyw.qld.gov.au" <michael.hogan@csyw.qld.gov.au>
Cc: Natalie Siegel-Brown <natalie.siegel-brown@publicguardian.qld.gov.au>
Subject: Correspondence to Mr Michael Hogan from Natalie Siegel-Brown, re: Detention of Children in Watchhouses

Good morning Michael,

Please find attached correspondence from the Public Guardian regarding the Detention of Children in Watchhouses.

Kind regards

On behalf of Natalie Siegel-Brown

13 June 2018

Mr Michael Hogan
Director-General
Department of Child Safety, Youth and Women
GPO Box 149
BRISBANE QLD 4001

Via email: michael.hogan@csyw.qld.gov.au

Dear Mr Hogan

Thank you for your email to me dated 24 April, responding to my letter to you dated 20 April. I am grateful you share my concerns about the detention of children in police watchhouses and your commitment to working through the matters with my Office.

Having visited children and young people under my advocacy remit detained in watchhouses, I hold significant concerns about the period of time and the environment of a watchhouse for the detention of children and young people. In order to carry out my functions and powers to effectively advocate for their issues, I therefore seek to understand what alternatives for detaining these children have been explored or examined – and why they were deemed unsuitable, or indeed less preferable to the watchhouses.

Could you please also confirm whether your department contributes any funding for the detention of children and young people in watchhouses, so as to assist informing me which provisions of the Public Guardian Act 2014 are most suitable to invoke to visit them.

Yours sincerely



Natalie Siegel-Brown
Public Guardian

Service Area/Office: Youth Justice Services

Service Area/Office Reference:

Program Area/Region/Office: Youth Justice Operations and Practice

COM 05321-2018

Confidential

Routine

Urgent

**SENIOR EXECUTIVE DIRECTOR, YOUTH JUSTICE
DEPARTMENT OF CHILD SAFETY, YOUTH AND WOMEN**

Memorandum for Approval

Briefing Note for Information

SUBJECT

- Costs associated with police transport between Brisbane City Watchhouse (BCWH) and Youth Detention Centres (YDC).

RECOMMENDATIONS

- That the Senior Executive Director:
 1. **Approves** the criteria for reimbursement of the costs to the Queensland Police Service (QPS); and
 2. **Identifies** a source of funding for costs that are reimbursed to QPS

RELEASED

<p>NOTED / APPROVED / NOT APPROVED</p> <p><i>[Signature]</i></p> <p>Darren Hegarty Acting Senior Executive Director Youth Justice</p> <p>31 / 11 / 2018</p> <p>COMMENTS:</p> <p>Costs to be held against the Cost Centre to be created for the Watchhouse Team</p>
--

BACKGROUND

- Ongoing capacity issues across Queensland's two YDC's has meant that some remanded young people are now experiencing longer than usual stays in police watchhouses, while they await admission to a youth detention centre.
- QPS has determined that young people, held in police watchhouses for extended periods, are to be transferred to the BCWH as it is the most suitable watchhouse to accommodate young people and has some Youth Justice (YJ) support available.
- In line with the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) recommendations and section 56 of the *Youth Justice Act 1992*, Youth Justice and Child Safety actively work together to ensure young people are accommodated in a watchhouse for the shortest period of time possible before being transported to a youth detention centre.
- On 16 May 2018, the YJ Senior Executive Director met with Chief Superintendent Cameron Harsley and at this meeting discussed the arrangement of young people in watchhouses particularly BCWH.
- With young people in youth detention and in watchhouses expected to rise in the coming months, QPS are wanting to have clean, written formalisation of these arrangements.

KEY ISSUES including Cultural Impact

- There is legislative provision for QPS to provide transport of young people from the courts to a YDC upon fresh arrest and when a young person is remanded in custody by the court.
- Outside of this provision there is no legislative provision for QPS to provide transport (e.g for subsequent transport from detention centre to court whilst on remand, and return to the detention centre) but QPS has undertaken transport under a Memorandum of Understanding arrangement.
- QPS are not responsible for the costs arising from the transportation or escort of a child between YDCs, where this occurs at the request of YJ. This also applies where a child is transported from a watchhouse or court to a YDC outside of the designated catchment area.
- QPS have presented a proposal for recovery of costs where extraordinary travel is required for young people to be either admitted to the BCWH, transported to and from court, or transported for admission to either YDC. Their proposal is as follows:
 - Where transportation to and from a watch house, court or detention, is within standard business as usual arrangements, QPS will continue to cover costs of transportation.
 - Where additional transportation measures are required as a result of YDC capacity issues and where the QPS are required to make additional arrangements to move children in their custody (from a regional watchhouse to BCWH as requested by YJ), QPS have proposed that YJ be responsible for costs associated with the transportation and police escorts.
 - Where a young person is in QPS custody, and suffers a medical incident requiring admission to a medical facility and where YJ are unable to take over custody of that child, QPS have proposed that YJ be responsible for costs.
 - Escort costs will be charged at QPS Special Services rates or overtime to and from a watch house, court and the initial admission to a youth detention centre. These costs will include costs for the child's travel and the return journey for the escorting police.
 - For QPS escort costs exceeding eight (8) hours, QPS will cover costs for the first four (4) hours and YJ will be responsible for the additional hours.
 - For the purpose of QPS cost recovery, overtime will be recovered at a rate of \$95.00 per hour on a normal day, and at the appropriate overtime rate on any public holiday as per the QPS award rates. This rate will cover overtime up to the top pay point for a Senior Constable.
- Whilst some of the costs can be covered from the Child Related Costs funding by a service centre. It remains to be determined how overall transportation costs arising from youth detention capacity issues will be covered.
- The table indicating which agency and which branch within DCSYW is proposed as responsible for the costs is indicated in **attachment 1**.

FINANCIAL IMPLICATIONS / GST

- Regions (Youth Justice Service Centres) are currently responsible for the payment of travel costs when a young person is released from detention. This funding can be allocated through Child Related Costs Expenditure. A comparison example (**Attachment 2**) provides the costs that would be covered by the detention centre and costs to be covered by the YJ Service Centre. Regional Executive Directors will need to be aware of the potential increased costs in this area.
- As noted in Child Related Cost Policy, Watchhouse minimisation funding can be used where the police have remanded a young person in custody, and there has been an inability to use the Police Air Wing for the transportation of the young person to Brisbane YDC or Cleveland YDC.
- QPS are responsible for costs to provide transport of young people from the courts to a youth detention centre upon fresh arrest and when a young person is remanded in custody by the court.
- Advice is sought from the SED as to where funds are to be sourced from to cover non-budgeted expenses within youth detention centres, and arising from the cost recovery from QPS.

CONSULTATION

Internal Consultation

- Mr Lazaro Herrera, Manager, Practice, Intensive Support
- Mr Michael Drane, Executive Director Brisbane Youth Detention Centre
- Ms Frances Biddulph-Amaral, Executive Director Cleveland Youth Detention Centre
- Mr David Herbert, Director Youth Justice Practice
- Mr Glen Knights, Executive Director Youth Justice Operations and Practice

External Consultation

- Chief Superintendent Cameron Harsley, QPS agreed to consult on the attached documents. (**Attachment 3 QPS proposed cost recovery**).

ATTACHMENTS

- Attachment 1 – Proposal for coverage of costs
- Attachment 2 – Predicted flight and escort costs associated with the transport of a young person
- Attachment 3 – QPS proposed cost recovery

	Name	Ph (Work)	Ph (Mobile)	Date endorsed
Author:	Laz Herrera	3097 7529	Mobile number	03/08/2018
Director:	David Herbert	3097 7523		07/08/2018
Executive Director:	Glen Knights			09/08/2018

ATTACHMENT 1 – Proposal for coverage of costs

Identification of party responsible for young person transport costs					
Event	Watchhouse to Youth Detention Centre (YDC)	Watchhouse to Brisbane City Watchhouse (BCWH)	BCWH to CYDC (where YP is unable to be accommodated in BYDC)	YDC to Court appearance location (where outside the usual catchment)	Release from YDC to place of residence
Arrest	\$				
QPS incur costs	\$				
YDC incur costs		\$	\$	\$	
YJSC incur costs					\$

ATTACHMENT 2

Predicted flight and escort costs associated with the transport of a young person:

Transport Costs for Young Person*			
Responsible for payment	Transport type	Cost	Total
YDC	Flights from BCWH to CYDC	\$360.00	\$360.00
	Return flight to attend court	\$320.00	\$320.00
	QPS Escort officer Flights	\$1320.00	\$1320.00
			\$2000.00
YJSC	Flight from Townsville to place of residence (YP released from YDC)	\$770.00	\$770.00
			\$770.00
QPS	QPS Escort Officer Wages**	\$760.00	\$760.00
			\$760.00
			Total Cost: \$3530.00

*All costs are circumstantial and subject to change

**Based on 1 x QPS Escort Officer for a 12 hour shift:

- \$95.00 per hour
- QPS to cover costs of initial 4 hours
- Youth Justice to cover costs of additional 8 hours thereafter
- Overnight accommodation may also be required on occasion and which will increase associated costs.

Attachment 3

Juvenile Justice

Cost Recovery

FLIGHTS:

Flying Young Persons (YP) from North Queensland to Brisbane or from SEQ to Nth Qld shall be subject to the following cost recovery conditions:

- (Option 1) Flying from Nth Qld to Brisbane via QGair with available police escort - Cost of YP seat and any JJ staff seat
- (Option 2) Flying from SEQ to Nth Qld via QGair with available police escort. Cost of YP seat and any JJ staff seat
- (Option 3) Flying from Nth Qld to Brisbane via QGair with NO available police escort. Cost of YP seat and any JJ staff seat and Escort Officer(s) seat. Overtime for escorting officer(s) from home Station to home Station. If escorting officer(s) cannot return same day via QGair, then Commercial air flight to home station.
- (Option 4) Flying from SEQ Qld to Nth Qld via QGair with NO available police escort. Cost of YP seat and any JJ staff seat and Escort Officer(s) seat. Overtime for escorting officer from Station to Station. If escorting officer(s) cannot return same day via QGair, then Commercial air flight to home station.
- (Option 5) Flying from Nth Qld to Brisbane via Commercial Air. Cost of air flight ticket for YP to Brisbane, return ticket for escorting officer(s) and Overtime for escorting officer(s) from home Station to home Station.
- (Option 6) Flying from Brisbane to Nth Qld via Commercial Air. Cost of air flight ticket for YP to Nth Qld, return ticket for escorting officer(s) and Overtime for escorting officer(s) from home Station to home Station.

If Youth Justice advise QPS that the Cleveland Youth Detention Centre cannot take custody of a YP who has appeared in Court and been remanded or sentenced to a period of detention, AND that period of detention will exceed three (3) days, AND request QPS to manage the YP through QPS protocols, then the QPS will make arrangements to fly the YP with police escort to BCWH on the next available flight, (either QGair or Commercial) with appropriate Police Escort (either 1 or 2 officers). This will occur with the escort officer(s) on overtime from home station and back to home station. (Full Cost Recovery)

If the Escorting Officer(s) cannot fly back to their home Station on the same day (due to unavailable flights), then Accommodation and Travel Allowance expenses will be paid for 1 night.

If a YP who has been transported from Nth Qld to BCWH is required for personal appearance in a Nth Qld Court, then QPS will arrange for the YP to be escorted back to Nth Qld via the aforementioned flight options.

MEDICAL CARE:

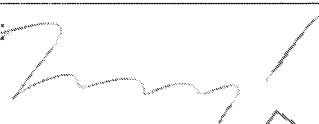

This cost recovery schedule relates to YP who are detained at a Watchhouse and require transport and medical care at a facility outside of the Watchhouse.

- (Option 1) The YP has been in custody at a Watchhouse in SEQ or Townsville for a period of more than eight (8) hours - First Four (4)hrs – Nil Cost
- (Option 2) If the four (4) hrs is exceeded as per Option 1, then all further care outside the Watchhouse shall be on overtime until released by a Court or returned to the Watchhouse.
- (Option 3) The YP has been in custody at a Watchhouse outside of SEQ or Townsville for a period of more than 24hrs – First Four (4)hrs – Nil Cost.
- (Option 4) If the four (4)hrs is exceeded as per Option 3, then all further care outside the Watchhouse shall be on overtime until released by a Court or returned to the Watchhouse.

For the purpose of this cost recovery, Overtime will be recovered at a rate of \$95.00 per hour on a normal day, and at the appropriate overtime rate on any public holiday as per the QPS award rates. This rate will cover overtime up to the top pay point for a Senior Constable.

**Minister for Child Safety, Youth and Women and
Minister for the Prevention of Domestic and Family Violence**

Meeting Brief

<input checked="" type="checkbox"/> Child Safety <input checked="" type="checkbox"/> Youth <input type="checkbox"/> Youth Justice <input type="checkbox"/> Women <input type="checkbox"/> Domestic and Family Violence	DG/ODG noted:  24 / 9 / 2018
<input checked="" type="checkbox"/> Routine <input type="checkbox"/> Priority	Min/MO noted:  / / 2018
Ref: COM 05973-2018 Service area/office: Service Delivery	

Meeting Details:

Organisation: **Queensland Family and Child Commission**

Individual: Ms Cheryl Vardon, Principal Commissioner, Queensland Family and Child Commission (QFCC)

Date: Thursday 27 September 2018

Time: 2:30pm

Venue: Minister's Office, 1 William Street, Brisbane.

Attendees:

- Ms Cheryl Vardon, Principal Commissioner, QFCC
- Mr Phillip Brooks, Commissioner, QFCC
- Ms Amanda Currie, Assistant Chief Operating Officer, Service Delivery (Ph: 3898 0332 /)

TOPICS WHICH THE PERSON (NAME) / ORGANISATION HAS REQUESTED TO DISCUSS

s73(2)

5. Watchhouses
6. Youth Detention Centre Bed Numbers.

FUNDING AND SERVICES

- Not applicable.

RELATIONSHIP WITH DEPARTMENT

- Not applicable, the QFCC regularly meets with the Minister.

**Minister for Child Safety, Youth and Women and
Minister for the Prevention of Domestic and Family Violence**

Meeting Brief

<input checked="" type="checkbox"/> Child Safety <input checked="" type="checkbox"/> Youth <input type="checkbox"/> Youth Justice <input type="checkbox"/> Women <input type="checkbox"/> Domestic and Family Violence	DG/ODG noted: / / 2018
<input checked="" type="checkbox"/> Routine <input type="checkbox"/> Priority	Min/MO noted: / / 2018
Ref: COM 05973-2018 Service area/office: Service Delivery	/ / 2018

Meeting Details:

Organisation: **Queensland Family and Child Commission**
 Individual: Ms Cheryl Vardon, Principal Commissioner, Queensland Family and Child Commission (QFCC)
 Date: Thursday 27 September 2018
 Time: 2:30pm
 Venue: Minister's Office, 1 William Street, Brisbane

Attendees:

- Ms Cheryl Vardon, Principal Commissioner, QFCC
- Mr Phillip Brooks, Commissioner, QFCC
- Mr Michael Hogan, Director-General, Department of Child Safety, Youth and Women
- Ms Amanda Currie, Assistant Chief Operating Officer, Service Delivery (Ph: 3898 0332 /

TOPICS WHICH THE PERSON (NAME) / ORGANISATION HAS REQUESTED TO DISCUSS

s73(2)

5. Watchhouses
6. Youth Detention Centre Bed Numbers.

FUNDING AND SERVICES

- Not applicable.

RELATIONSHIP WITH DEPARTMENT

- Not applicable, the QFCC regularly meets with the Minister.

s73(2)

TOPIC 5: Watchhouses

- Detention centres are considered the most appropriate place to hold young people in custody. Since February 2018, detention centre numbers have been frequently above safe capacity, and at times above built capacity.
- Ongoing capacity issues across Queensland's two youth detention centres has meant that some remanded young people are now experiencing longer than usual stays in police watchhouses while they await admission to a youth detention centre.
- Watchhouse numbers change on a daily basis due to court decisions where, at times, young people may be released or moved to youth detention where capacity exists
- Young people in watchhouses are in the custody of the Queensland Police Service (QPS), but the department provides staff to ensure a level of service that will maintain the safety and wellbeing of young people. The department also works to:
 - expedite transfers of young people to detention centres
 - provide a rapid bail response for young people
 - adhere to clear watch house protocols with QPS
 - work with youth justice service centres to help finalise court matters quickly.
- On 17 September 2018, Ms Cheryl Vardon, Principal Commissioner, QFCC sent a letter to Director-General, DCSYW in regards to concerns of children being detained in watchhouses. A response letter is being progressed separately (COM 06309-2018 – Attachment 3).

Topic 6: Youth Detention Centre Bed Numbers

- Queensland has two youth detention centres with a total built capacity of 226: Cleveland Youth Detention Centre in Townsville, with a built capacity of 96, and Brisbane Youth Detention Centre (BYDC) at Wacol, with a built capacity of 130.
- Youth detention centres identify a 'safe' capacity, which is 85 per cent of their built capacity, or 192 young people between the two centres. Operating in excess of safe capacity provides significant challenges in the safe and secure management of young people.
- Running at safe capacity provides for accommodation decisions regarding young people sharing rooms intended for single occupancy.
- Room sharing decisions are made on grounds such as gender, suicide risk, violent or sexual offences, trauma, mental or physical health and substance withdrawal.
- The government has committed \$32.8 million towards infrastructure and systems upgrades to improve safety and security of young people and staff at BYDC. To date, the government has delivered an accommodation block at the BYDC that will assist in the management of the safety of young people and staff while security upgrades are underway. All programs of work are expected to be completed by December 2019.

ATTACHMENTS

-
-
- Attachment 3 – Copy of incoming letter from Principal Commissioner, QFCC

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DIRECTOR-GENERAL CORRESPONDENCE REQUEST FORM



Request Date: 19/9

MinCor ref: LA06306-208

Urgent

Confidential

ALLOCATE TO:

- Minister Farmer's office _____
- ADG Corporate Services _____
- ADG / CIIO _____
- DDG Service Delivery _____
- SED Youth Justice _____
- DDG Strategy _____
- RED _____ Region
- Office of the Director-General _____
- Other _____

PLEASE PROVIDE:

- Ministerial brief & letter
- DG Letter and Correspondence Brief
- DDG response on behalf of DG
- For discussion at next DG catch up
- Action required / arrange contact
- For advice (dot points)
- For noting

DG INSTRUCTIONS:

MH

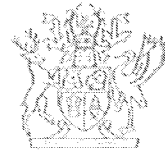
ODG ADDITIONAL INSTRUCTIONS:

please make TM + KL info officers

Allocation Notes (Liaison Services)

If you require any further information regarding this request please contact:
Liaison Services – phone: 3828 2608 or email: CSYW_Corro@dcswy.qld.gov.au

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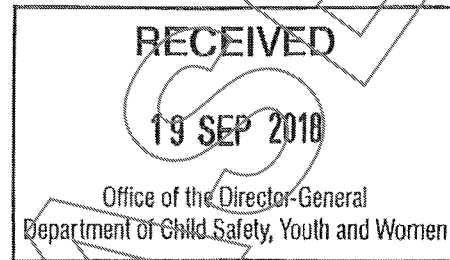


Queensland
Government

Telephone: 07 3900 6000
Reference: PAL - TF18/544 - D17/20473

Queensland
Family & Child
Commission

Mr Michael Hogan
Director-General
Department of Child Safety, Youth and Women
GPO Box 806
BRISBANE QLD 4001



Dear Mr Hogan

The Queensland Family and Child Commission (QFCC) is aware of growing concerns of children being detained in watch-houses and the associated issues with these facilities not meeting the needs for people of their age.

The Public Guardian has raised her concerns with me about the impact of detaining children in watch-houses. I would like to see action taken to reduce remand and divert children from any period of detention where possible. This is especially true for children in facilities that are not child-safe.

In particular, I am interested to understand actions taken to address issues raised in the report *Predictors of Remand in Queensland Youth Justice* regarding refusal of bail from watch-houses on the grounds of absence of suitable accommodation. The *Seen and Heard: Priority for Children in the Legal Process* (1997) report highlighted the same issue stating 'lack of accommodation' is not sufficient reason to refuse bail to a young person.

Given 'absence of suitable accommodation' is one of the most frequently cited reasons behind decisions to refuse bail for children (see the *Report on Youth Justice*), are you able to please advise whether Supervised Bail Accommodation services and other community accommodation services have been made available to support bail where police assess the absence of suitable accommodation? Please also provide information regarding supports provided to police to make decisions in the best interests of children and prevent children being refused bail.

In the interests of improving experiences and outcomes for children on remand and/or awaiting transfer to a youth detention centre, I seek an update on the following:

- the progress of ceasing the practice of detaining children in watch-houses as more than a temporary measure
- the progress of the new 16-bed unit at the Brisbane Youth Detention Centre (which was due to commence in July 2018).

I also invite you to ask the Youth Detention Inspectorate to undertake an extraordinary inspection of the Brisbane watch-house, managed by Queensland Police Services, and provide me with a copy of the inspection report. I understand the Youth Detention Inspectorate does not currently have a legislative responsibility to inspect watch-houses, however, its observations through the *youth*

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Brisbane City East Qld 4002
Telephone 07 3900 6000
Facsimile 07 3900 6050
Website www.qfcc.qld.gov.au
www.talkingfamilies.qld.gov.au

detention lens will provide insight into watch-house conditions relative to the needs of children who are detained.

I appreciate your commitment to answering my questions and addressing these concerns.

If you or your officers have any queries in relation to this matter they may contact me directly on 3900 6002 or by e-mail Cheryl.Vardon@qfcc.qld.gov.au.

Yours sincerely



Cheryl Vardon
Principal Commissioner
Queensland Family and Child Commission

17 SEP 2018

RTI RELEASES

CORRESPONDENCE BRIEF

Child Safety Youth Youth Justice Women Domestic & Family Violence

SUBJECT

- Response to Ms Cheryl Vardon, Principal Commissioner, Queensland Family and Child Commission, concerning children being detained in watchhouses.

BACKGROUND

- The concerns outlined in the letter were raised to the Queensland Family and Child Commission by the Office of the Public Guardian; the letter does not provide a date that this occurred.
- Appendix 7 below was not referred to in the body of the letter or the enclosures, because the procedure will shortly be submitted for approval to the Senior Executive Director, Youth Justice. However the current practice is already aligned with the procedure.
- The letter from Ms Vardon asks for progress on ceasing the practice of detaining children in watchhouses as more than a temporary measure. The draft response has been written in such a way as to allow the government some flexibility, should the current use of watchhouses be required for some time into the future.

CONSULTATION**Internal Consultation**

- Not applicable.

External Consultation

- Mr David Law – YLAQ: regarding the Bail Merit Assessment procedure

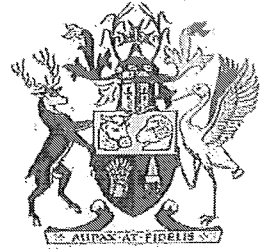
ATTACHMENTS

- Appendix 1 - Daily emails in the morning and afternoon from both Youth Detention Centres in relation to capacity
- Appendix 2 - Brisbane City Watchhouse (BCWH) Operations Manual
- Appendix 2.1 – Consent to Information Exchange Form
- Appendix 2.2 - Youth CCQ Bail Form
- Appendix 2.3 - Priority Assessment Tool
- Appendix 2.4 - Watchhouse Assessment Priority Form
- Appendix 2.5 – BCWH Priority List Example
- Appendix 2.6 – BCWH meaningful Activity Appendix
- Appendix 2.7 - BCWH Mental Health Triage Guidelines
- Appendix 2.8 - Reducing Watchhouse Custody Communications Plan
- Appendix 2.9 - Daily afternoon reporting for DCSYW Director-General and Minister's Office
- Appendix 3 – QPS Interface Protocol
- Appendix 4 - QPS and YJ Watchhouse Memorandum of Understanding (MOU)
- Appendix 5 – Education provision in BCWH for young people
- Appendix 6 – Children's Court of Queensland (CCQ) Bail Analysis
- Appendix 7 - YJ Procedure: Bail Merit Assessment (**NOT TO BE SENT WITH CORRESPONDENCE**).

APPROVALS

- Mr David Herbert, Director, Youth Justice Services. Ph: 3097 7523 (27/09/2018)
- Mr Glen Knights, Executive Director, Youth Justice Services. Ph: 3097 7522 / (27/09/2018)
- Mr Darren Hegarty, Senior Executive Director, Youth Justice Services. Ph: 3097 0020 / (02/10/2018)
- Mr Rob Seiler, Deputy Director-General and Chief Operating Officer, Service Delivery. Ph: 3238 7602 / (SED obo DDG/COO).

DIRECTOR-GENERAL CORRESPONDENCE REQUEST FORM



Request Date: 19/9

MinCor ref: Com 06306-2018

Urgent

Confidential

ALLOCATE TO:

- Minister Farmer's office _____
- ADG Corporate Services _____
- ADG / CIIO _____
- DDG Service Delivery _____
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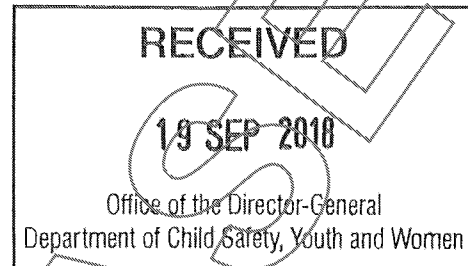
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Telephone: 07 3900 6000
Reference: PAL - TF18/544 - D17/20473

Queensland
Family & Child
Commission

Mr Michael Hogan
Director-General
Department of Child Safety, Youth and Women
GPO Box 806
BRISBANE QLD 4001



Dear Mr Hogan *Michael*

The Queensland Family and Child Commission (QFCC) is aware of growing concerns of children being detained in watch-houses and the associated issues with these facilities not meeting the needs for people of their age.

The Public Guardian has raised her concerns with me about the impact of detaining children in watch-houses. I would like to see action taken to reduce remand and divert children from any period of detention where possible. This is especially true for children in facilities that are not child-safe.

In particular, I am interested to understand actions taken to address issues raised in the report *Predictors of Remand in Queensland Youth Justice* regarding refusal of bail from watch-houses on the grounds of absence of suitable accommodation. The *Seen and Heard: Priority for Children in the Legal Process* (1997) report highlighted the same issue stating 'lack of accommodation' is not sufficient reason to refuse bail to a young person.

Given 'absence of suitable accommodation' is one of the most frequently cited reasons behind decisions to refuse bail for children (see the *Report on Youth Justice*), are you able to please advise whether Supervised Bail Accommodation services and other community accommodation services have been made available to support bail where police assess the absence of suitable accommodation? Please also provide information regarding supports provided to police to make decisions in the best interests of children and prevent children being refused bail.

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Yours sincerely



Cheryl Vardon
Principal Commissioner
Queensland Family and Child Commission

17 SEP 2018

RTI RELEASE



Office of the
Director-General

Department of
Child Safety, Youth and Women

Your reference: PAL-TF18/544 – D17/20473
Our reference: COM 06306-2018

1/2 OCT 2018

Ms Cheryl Vardon
Principal Commissioner
Queensland Family and Child Commission
Level 22, 53 Albert Street
BRISBANE QLD 4000

Dear Ms Vardon

Thank you for your letter regarding children being detained in watchhouses. I share your concerns (and the concerns previously raised by the Office of the Public Guardian) relating to the use of watchhouses to manage excess youth detention centre population numbers. I provide the following information and attachments in response.

As a government response to emerging youth detention centre population pressures, it was determined if youth detention centres were unable to accommodate a young person, they would be held in Queensland Police Service (QPS) custody. As part of these considerations, it was decided the Brisbane City Watchhouse (BCWH) would be the most suitable QPS facility to safely accommodate these young people. To support this arrangement, the Department of Child Safety, Youth and Women is directly delivering and coordinating a range of additional services to the BCWH to ensure young people held there are provided with wellbeing, legal, cultural, physical and mental health supports. This includes specific services to expedite bail outcomes and/or admission to youth detention.

It should also be noted, all young people remanded to a youth detention centre are pre-admitted while awaiting their transfer from the watchhouse. While the department may not always be able to immediately place a young person in detention, the young person's transfer is only delayed, not refused. Pursuant to section 54 and 56 of the *Youth Justice Act 1992*, these young people are transferred to a detention centre as soon as capacity is available.

The additional 16-bed unit at the Brisbane Youth Detention Centre (BYDC) has now been completed. The unit is currently being utilised whilst the BYDC security upgrade of each existing unit is being undertaken. This is a major and essential project which, once completed, will increase the capacity of BYDC.

Youth Justice Response

Youth Justice remains committed to ensuring each young person is transferred to a youth detention centre as soon as practicable. Daily assessments are undertaken and information communicated to indicate the current accommodation capacity of each centre and what admissions they are able to take. Samples of this communication may be found at Appendix 1.

To ensure the continued provision of services and support to young people in QPS watchhouses, the Watchhouse Response Team (WRT) was established. This dedicated team focuses on the wellbeing and support of young people remanded in QPS watchhouses, as well as ensuring young people are transferred to a youth detention centre as soon as practicable.

The overall Youth Justice response and practices in relation to support, including external agency engagement is outlined in the Youth Justice, BCWH Operations Manual and supporting documents (Appendix 2 – 2.9). The WRT also utilises a suite of priority assessment tools and frameworks, including the Priority Assessment Tool (Appendix 2.3) and the Watchhouse Assessment Priority Form (Appendix 2.4).

Youth Justice has collaborated and developed both an Interface Protocol (Appendix 3) and a Memorandum of Understanding (Appendix 4) with QPS. Whilst QPS assumes all custodial responsibility for young people detained in QPS watchhouses, Youth Justice engages with and provides support to young people.

It should be noted, the Operations Manual, Interface Protocol and Memorandum of Understanding documents are currently in working draft form → they are being used for practical purposes, but at this point do not have final sign-off by the parties.

Youth Justice provides young people with ongoing services and supports across the state, including the BCWH. Numerous stakeholders are engaged with young people at QPS watchhouses, including: Queensland Health, Education Queensland, Office of the Public Guardian, Legal Aid Queensland, Sisters Inside, and Youth Advocacy Queensland. The list of approved educational programs for BCWH can be found in Appendix 5.

In regard to your request for the Youth Detention Inspectorate (YDI) to undertake an extraordinary inspection of the BCWH, I support the concept of such an inspection and value the work of the YDI, however the *Youth Justice Act 1992* does not give authority to conduct such an inspection. An inspection request would need to be directed to the Minister for Police, who is responsible for the BCWH facility and the custody of young people while they are there.

Supervised Community Accommodation

I note your specific concern in regard to the absence of suitable accommodation being one of the most frequently cited reasons for refusal of bail. Supervised Community Accommodation (SCA) (previously Supervised Bail Accommodation) services have been established in Townsville and South East Queensland to address accommodation issues relating to bail. These services complete daily assessments of all young people who are remanded in a watchhouse and in youth detention centres to determine their eligibility and suitability for accommodation within an SCA. To be eligible and suitable, a young person must meet the following eligibility and suitability criteria:

Eligibility criteria

- Aged between 14 and 17 years at time of referral.
- The young person is (or identifies as) the same gender as other residents accommodated in the service (for South-East Queensland only).
- The young person will otherwise be (or currently is) remanded in custody (for South-East Queensland only) or is subject to a Youth Justice intervention.
- The young person usually resides and is expecting to reside within the geographic catchment of the service.

- The young person is willing to be bailed to the SCA with a Conditional Bail Program or with conditions to comply with Youth Justice directions and has no disqualifying bail conditions (e.g. not permitted to associate with another resident).
- The young person is willing to abide by house rules.

Suitability principles

- There must be a bedroom available for the young person within the SCA.
- The young person must be placed on a Conditional Bail Program or bail that includes following directions of Youth Justice, and have no disqualifying bail conditions (e.g. association with another resident).
- Young people who have acute mental health, suicide ideations, sexualised behaviours, or have committed very violent offences are not likely to receive appropriate supports and are unlikely to be suitable for the SCA, however assessments can still be completed.
- Young people on a Child Protection Order can be accommodated at the service as long as they are assessed as being eligible and suitable. An SCA is not to take the place of Child Safety sourcing more appropriate accommodation for the young person, and time constraints of the SCA still apply to dual order clients.
- The SCA service provider cannot refuse a young person who has been bailed to the service by the court. However, Youth Justice should undertake all measures to ensure as much information is provided to the SCA provider as quickly as possible and do their best to represent the united views of the SCA provider and Youth Justice to the court.
- Youth Justice will not offer the possibility of a placement at an SCA in court unless a young person can be immediately and safely accommodated (i.e. the young person is assessed as suitable and there is an available bed).

Further, in relation to the referral pathways to the SCAs, Youth Justice is in the process of operationalising watchhouse practice for referring directly to the SCA and negotiating the necessary contractual variations.

Despite accommodation being cited as a reason for bail refusal, current data regarding young people in the BCWH indicates a lack of suitable accommodation is not the most significant factor for those detained. The most significant factors are reoffending on bail, seriousness of the offence and being arrested for outstanding warrants for failing to appear in court. A recent analysis of Children's Court of Queensland bail applications (Appendix 6) supports the findings of the BCWH. Reoffending while on bail is the greatest factor contributing to remand. Strategies to address issues relating to remand, such as reoffending, will form part of the Youth Justice Strategy currently in development.

Strategies to support young people being granted bail

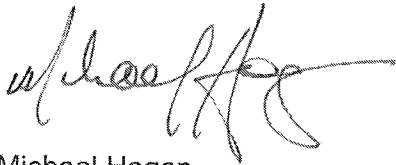
Youth Justice is currently working with Youth Legal Aid Queensland (YLAQ) regarding bail merit assessments and as an adjunct to existing processes an operational procedure has been developed, in consultation with YLAQ, to assess bail merit and make an immediate bail application if there is merit. The aim of this is to ensure no young person is being detained for insufficient reasons, including lack of accommodation.

Recent training and practice resources have been delivered to Child Safety After Hours staff who provide an afterhours service for Youth Justice when young people are arrested. The aim of this training and resources is to give workers a greater understanding of the issues relating to bail, and equipping them with the skills to be able to discuss options available that may assist police in their decision making regarding bail.

Should you require further information in relation to this matter, please contact Mr Glen Knights, Executive Director, Youth Justice Operations and Practice on 3097 7523 or at Glen.Knights@csyw.qld.gov.au.

Thank you for taking the time to make me aware of your concerns.

Yours sincerely



Michael Hogan
Director-General

Enc.

RTI RELEASES

Appendix 4 Daily emails (morning and afternoon) from YDCs indicating capacity

Morning email example (BYDC)

Please find below BYDC Bedstate for Thursday, 13/09/18.

BYDC 13/09/2018			
Number of Young People on centre as at 09:00am	132	Built capacity	130
		Safe capacity	110.5
		Funded capacity	116
DAILY MOVEMENTS - AM UPDATE			
Court appearances today	9		
• Personal appearance	5		
• Video link appearance	4		
• Not Required	0		
No. of YP schedule for release	0		
No. of beds unavailable (damage/repairs)	0		
Current bed availability	1		
• Under 15 Boys	0		
• Over 15 Boys	0		
• Girls	1		
No. of Young People remaining in detention	132		

Afternoon email example (BYDC)

Updated BYDC bed state as follows;

BYDC 13/09/2018			
Number of young People on centre as at 16:30pm	126	Built capacity	130
		Safe capacity	110.5
		Funded capacity	116

DAILY MOVEMENTS - PM UPDATE			
	Incoming (+)	Outgoing (-)	Total
No. of young people released today (fixed release)			0
No. of young people released from court (sentence/bail)			6
No. of young people awaiting a court outcome			0
No. of young people readmitted from court (existing admissions)			4
No. of young people being admitted from WH/Court (new admissions)			0
Sub-total expected young people			126
Room Status and bed availability			
Rooms out of bounds (due to damage/repairs)			0
Total Bed availability			130
	Boys <15		3
	Boys 15 >		3
	Girls		1

Please note that our total bed capacity has returned to 130.

At this stage, we have 3 bed available for over 15 males, 1 bed available for females and 3 beds available for under 15 males.

As always, our Operations team will contact watchhouses should additional over 15 beds become available through changes to dynamics and the resolution of mixing issues.

Please outline your priority list accordingly.

Morning email example (CYDC):

Please see the daily update for Cleveland Youth Detention Centre – please feel free to ring if you have any questions

Cleveland Youth Detention Centre - 12 September 2018			
Number of Young People on centre as at 6:00am	85	Built capacity	88 Purpose Built + 8 ILU = 96 ILU not used as overflow

		Safe capacity	81.6
		Funded capacity	96
DAILY MOVEMENTS - AM UPDATE			
Court appearances today		2	
• Personal appearance	2		
• Video link appearance	0		
No. of YP scheduled for release	0		
No. of beds unavailable (damage/repairs)		0	
Current bed availability			
• Under 15 Boys (on centre)	17		
• Over 15 Boys (on Centre)	60		
• Girls (on centre)	8		
No. of Young People remaining in detention		85	

Afternoon email example (CYDC).

Please see the daily update for Cleveland Youth Detention Centre – please feel free to ring if you have any questions. Watch house List attached for 11 September 2018.

Cleveland Youth Detention Centre – 11 September 2018			
Number of Young People on centre as at 4:00pm	89	Built capacity	88 Purpose Built + 8 ILU = 96 ILU not used as overflow
		Safe capacity	81.6
		Funded capacity	96
DAILY MOVEMENTS - PM UPDATE			
	Incoming (+)	Outgoing (-)	Total
No. of young people for transfer (From BCWH/BYDC)	0	0	0

No. of young people released today (fixed release)		0	0
No. of young people released from court (sentence/bail)		0	0
No. of young people awaiting a court outcome	0		0
No. of young people readmitted from court (existing admissions) including post video links	0		0
No. of young people being admitted from WH/Court (new admissions)	6	0	6
Sub-total expected young people	6	0	6
Room Status and bed availability			
Rooms out of bounds (due to damage/repairs)			0
Total Bed availability			13
* Note: 'shares' in a 'surge' context means mattresses on the floor - not beds	Boys <15		2
	Boys 15>		8
	Boys 17		1
	Girls		2

RTI REVIEW

Who are we?

We are a team of lawyers with Youth Legal Aid at Legal Aid Queensland.

Our lawyers have extensive experience working with children as well as assessing, preparing and appearing in Childrens Court of Queensland (CCQ) bail applications.

What do we do?

Our primary role is to assess, prepare and advocate for children in CCQ bail applications.

Once we receive a referral for a child we start investigating whether there is any merit in making a CCQ bail application.

We investigate and assess merit by contacting relevant stakeholders, sourcing court or police paperwork and speaking directly with the child.

If there is merit, we prepare all court documents and personally appear at the bail application on behalf of the child.

The applications are usually made before a judge in the CCQ at Brisbane.

We will only make a CCQ bail application if the child's existing legal representative provides permission and there is merit in making the bail application.

Who can make a referral?

Anyone can make a referral to our team on a child's behalf.

This can include referrals from:

- a child's legal representative
- Youth Justice
- youth detention centres
- parents or guardian
- the child
- non-government organisations
- child safety officers.

How do you refer a matter to us?

If a child is remanded in custody, regardless of whether they are in a watch house or detention centre, you can refer a matter to us.

The easiest way to refer a matter to us is by email. Our email is ccqbail@legalaid.qld.gov.au

If the matter is urgent or you would prefer to speak to someone directly please call (07) 3917 0339.

4. Current Physical ailments:

- | | |
|--|--|
| <input type="checkbox"/> Allergies (please specify) _____ | <input type="checkbox"/> Diabetes |
| <input type="checkbox"/> Disability (please specify) _____ | <input type="checkbox"/> Epilepsy |
| <input type="checkbox"/> Fractures (please specify) _____ | <input type="checkbox"/> Heart condition |
| <input type="checkbox"/> Respiratory issues (including sinus and asthma) | <input type="checkbox"/> Pregnant |
| <input type="checkbox"/> Other (please specify) _____ | |

5. Number of detention admissions (also taking into consideration approximate length of each admission) (vulnerability decreases with increase to admissions) inverse relationship:

- 0 1 Length: _____ 2-5 Lengths: _____ 6+ Lengths: _____

6. Location and number of days in the watch house:

- 0 days 1-2 days 3-5 days 6+ days Location: _____

- 0 days 1-2 days 3-5 days 6+ days Location: _____

- 0 days 1-2 days 3-5 days 6+ days Location: _____

7. Family Contact (are family able / likely to visit in BCWH):

- Yes
 No – Unable to Visit. Reasons: _____
 No – Unwilling to Visit. Details: _____

8. Behavioural Factors:

- | | | | |
|---|--|--|---|
| <input type="checkbox"/> ADHD | <input type="checkbox"/> ASD | <input checked="" type="checkbox"/> Conduct Disorder | <input type="checkbox"/> Drug and Alcohol Withdrawal |
| <input type="checkbox"/> FASD | <input type="checkbox"/> ODD | <input type="checkbox"/> Issues with QPS | <input type="checkbox"/> Issues with other young people |
| <input type="checkbox"/> Issues with YJ staff | <input type="checkbox"/> Physical aggression | <input type="checkbox"/> Verbal aggression | <input type="checkbox"/> Other: _____ |

9. Would placement at Cleveland Youth Detention Centre be an option:

- Yes
 No – Reasons: _____

10. Any other issues / vulnerabilities:

Recommendation:

Any other comments:

Completed by: _____ Date: _____

Position: _____ Signature: _____

Appendix 3.6 – BCWH priority list example email

The recommended priority admissions for today are as follows:

Name	M/F	A/TSI	Watchhouse	Age	Priority
[REDACTED]	M	N	Brisbane	16	Priority 1
[REDACTED]	M	N	Brisbane	16	Priority 2
[REDACTED]	M	Y	Brisbane	15	Priority 3
[REDACTED]	M	N	Ipswich	15	BYDC have agreed to accept him in an under 15 bed, he is currently en-route to the BCWH from Ipswich WH

RTI RELEASE

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Youth Justice in the Brisbane City Watchhouse

Meaningful activity

- To be implemented by Youth workers. YW will have access to the internet and a laptop.
- YWs are to ask each young person what they would like to do to keep them busy.
- Note: Youth workers need to ask what the young person wants to work on – individualise it, not one size fits all.

Area	Action	Resources needed
Education		
Reading and writing: <ul style="list-style-type: none"> • Letter-sound practice and learning 	YW to go through the Spelfabet workbooks	Spelfabet workbooks Decodable readers – free online
Educational card games: <ul style="list-style-type: none"> • Social skills 	To play social skills card game with young person. Talk about different	<ul style="list-style-type: none"> • "Should I or Shouldn't I?" card game (Middle School/High School Edition)
Language and vocabulary development	YWs to work through selected workbook activities to stimulate language learning.	"Teaching Vocabulary words with multiple meanings" activity book
Discussions around skills for activities for daily living.	YW to complete worksheets that are conversation openers about activities of daily living, hygiene, safety, life skills.	Functional Sequencing Activity Sheets for Daily Living Skills
Discussion around different types of social situations and perspectives.	YW to use and talk about the card scenes with the YP. All questions are on the back. YW/YP can choose what they want to talk about.	Book - Social Language Development Scenes - Elementary

2.6

Calming strategies		
Mindfulness/meditation apps	3-10 minutes of mindfulness – listen to the app.	Headspace app (free) Smiling Mind app (free) Calm, Breathe Think app (free)
Mindful colouring		Colouring books; crayons. Can photocopy pages to colour in.
Positive goal setting	On the outside of the YP's glass wall, write with a whiteboard marker: <ul style="list-style-type: none"> • A goal they would like to achieve • Something they would like to do when they get out 	
	<ul style="list-style-type: none"> • Discuss 3 things that you are good at • Discuss 3 things that you need to work on. How can you get better at these things. 	'Talking up our strengths' cards
Planning with the YP	<ul style="list-style-type: none"> • What do I need to do after I leave? • Where will I go if I feel unsafe? • Make a list of what keeps me calm. • Make a list of what stresses me out. How can I de-stress? 	
	YW to check with the Caseworker if the YP can work on any conditions of their Order while they are in the Watch House.	

Recreational strategies		
Books, graphic novels, comics, magazines		It sounds like the YW needs to supervise the YP at all times if there are materials involved.
Bingo		
Find-A-Word puzzle books; Crossword books		
Writing letters	YW to support the young person to write letters.	
Support learning a new skill	YW to chat with the YP on what new skill they have wanted to learn.	Can discuss the steps of the new skill at first, look at YouTube clips (e.g. cooking a new recipe)
Physical activities		
Exercise program that doesn't require any equipment.	<p>The YW can run these exercises.</p> <p>The PE teacher from BYETC could check in with the young people as well.</p> <p>Can write the exercise plan up on the outside of the YP's glass with the whiteboard marker.</p>	Can print Kayla Itsines exercises with pictures for free off internet.
Training needs		
Ask the young people what they would like to	Watch House Youth Workers to ask the young people what	

pass the time.	they would like to pass the time. Then put into a list and email back to us.	
YJ PIS staff to provide training to YWs on how to implement these strategies.	YJ PIS to provide a training session.	Demonstrate with the purchased resources.
Communication strategies brief training	Provide some brief training in working with young people in communication strategies, including how to modify written information so a YP can understand it.	Stella can provide this information and support.
YJ Key Caseworker (Deb longi and Danielle O'Dempsey) to guide/support the YWs in implementing these strategies.		

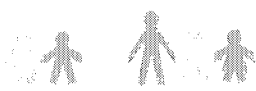
RTI RELEASED

BCWH Mental Health Triage Guidelines

The following triage guidelines are based on the UK Mental Health Triage Scale and the HEADS-ED. The purpose of these guidelines is to assist Brisbane Youth Detention Centre staff working within the Brisbane City Watchhouse identify young people who would benefit from assessment by Forensic Child and Youth Mental Health Service (Forensic CYMHS). It is expected that this process will improve the outcomes for young people by expediting care for those most in need. The guidelines include examples and are not considered an exhaustive list of reasons for referral. Similarly, there may be situations in which staff feel that the categorisation of a young person's needs according to these guidelines is not accurately represented. Staff are encouraged to utilise their best judgement and liaise with Forensic CYMHS clinicians and/or their management structures if unsure whether a young person should be referred.

Triage Category	Examples
A Requires review by Forensic CYMHS	Demonstrating suicidal or self harming behaviour in the watch house.
	Expressing current thoughts, plans or intent to engage in suicidal or self harming acts
	Have been placed in suicide resistant clothing by Queensland Police Service
	Presenting with evidence of seeing or hearing things; expressing unusual beliefs; bizarre thoughts; or behaving unusually
	Appearing depressed which may manifest as tearfulness, flat/low mood or irritability
	Report being medicated for a mental health disorder whilst in the community
	Detained in the watch house for seven days or more
	Appear to be or report withdrawing from alcohol or an illicit substance (should also be referred to medical staff)
B Would benefit from review by Forensic CYMHS	Placed on an Emergency Examination Order by QPS whilst in custody
	Report engaging in recent (i.e., within the past month) suicidal or self harming behaviour
	Report experiencing recent (i.e., within the past month) thoughts, plans or intent to engage in suicidal or self harming behaviour.
C More appropriately dealt with outside of WH	Evidence of anxiety that would be considered outside the norm for the environment (e.g., particularly fearful, expressing inability to cope, seeking significant support from staff)
	History of trauma
	Disrupted home environment
	Serious or repeated offending behaviour
	Disengagement from school and/or other services

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RTI RELEASE



Service Area/Office: Service Delivery

Service Area/Office Reference:

Program Area/Region/Office: Youth Justice Services

COM 06977-2018

Confidential

Routine

Urgent

DIRECTOR-GENERAL

DEPARTMENT OF CHILD SAFETY, YOUTH AND WOMEN

Memorandum for Approval

Briefing Note for Information

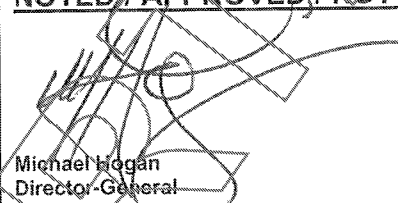
SUBJECT

- Memorandum of Understanding (MOU) between the Department of Child Safety, Youth and Women (DCSYW) and the Queensland Police Service (QPS).

RECOMMENDATIONS

- That the Director-General:
 1. approves and signs the MOU between DCSYW and QPS (Attachment 1) and
 2. signs the letter to Mr Bob Gee, Deputy Commissioner (Regional Operations), QPS (Attachment 2).

RELEASABLE

NOTED / APPROVED / NOT APPROVED
 Michael Hogan Director-General
26 / 10 / 2018
COMMENTS:

BACKGROUND

- The intent of the MOU is to provide mutual understanding between DCSYW and QPS with regards to agreed processes and responsibilities to minimise the duration of a child's detention in a watchhouse.
- A protocol to support the MOU, encourage proactive information exchange and articulate the provision of care and services to children temporarily accommodated in a watchhouse, is currently in draft and will be finalised shortly.
- This protocol will be finalised and managed by a director directly with the Inspector State Watchhouse group for QPS.
- DCSYW and QPS have reviewed the MOU to incorporate Youth Detention Centre (YDC) capacity issues and current practice, ensuring the continued safety and wellbeing of children in Queensland watchhouses.

KEY ISSUES including Cultural Impact

- The MOU has been reviewed to ensure:
 - The needs of Aboriginal and Torres Strait Islander children are carefully considered and support is provided to nurture connections with family, community, culture and country.
 - The transfer or escort of children held in QPS custody to a YDC occurs at the earliest possible opportunity.
 - Where extenuating circumstances exist, such as clear evidence of intellectual, physical or mental health concerns, a child is not held in a watchhouse for extended periods of time.
 - Where there are YDC capacity issues, and a child cannot be admitted immediately, QPS will determine which watchhouse the child will be held in pending admission to a YDC.
 - Youth Justice advises QPS on their ability to admit a child into youth detention, as soon as a bed becomes available.
 - The review and monitoring of issues arising at local and regional levels can be established by either party and escalated accordingly.
- This document is imperative to ensure children in the youth justice system are provided with the upmost care and support whilst held in QPS custody.

FINANCIAL IMPLICATIONS / GST

- For local transportation to and from a watchhouse, court or detention, QPS will continue to cover costs of transportation as per standard arrangements.
- Where extraordinary transportation measures are required as a result of YDC capacity issues, and where QPS are required to make additional arrangements to move children in their custody (from a regional watchhouse to the Brisbane City Watchhouse as requested by Youth Justice), DCSYW will be responsible for costs associated with the transportation and police escorts at QPS special services rates, or overtime to and from a watchhouse, court and the initial admission to a YDC. These costs will include costs for the child's travel and the return journey for the escorting police.
- Where a young person is in QPS custody and suffers a medical incident requiring admission to a medical facility, and where Youth Justice are unable to take over custody of the child, the costs of the continued static escort will be funded by Youth Justice at special services or QPS overtime rates.

CONSULTATION

Internal Consultation

- Mr David Herbert, Director, Practice, Program and Design, Youth Justice
- Mr Lazaro Herrera, Manager, Practice, Intensive Support, Youth Justice
- Ms Loretta Crombie, Manager, Diversion and Early Intervention, Youth Justice
- Legal advice been provided by DCSYW.

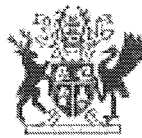
External Consultation

- Chief Superintendent Harsley, QPS.

ATTACHMENTS

- Attachment 1- MOU between DCSYW and QPS
- Attachment 2 - Letter to Mr Bob Gee, Deputy Commissioner (Regional Operations), QPS.

	Name	Ph (Work)	Ph (Mobile)	Date endorsed
Executive Director	Glen Knights	3097 7522	Mobile number	15/10/2018
Senior Executive Director:	Darren Hegarty	3035 2605		19/10/2018
Deputy Director-General	Rob Seiler	3238 7582		25/10/2018



Queensland Government

Department of Child Safety, Youth and Women

*MEMORANDUM OF UNDERSTANDING BETWEEN THE
DEPARTMENT OF CHILD SAFETY, YOUTH AND WOMEN AND
THE QUEENSLAND POLICE SERVICE
REGARDING THE CUSTODY OF CHILDREN IN WATCHHOUSES*



Final 1.0

RTI REQUEST

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RTI REQUEST

DATED this _____ day of _____ 2018

BETWEEN Department of Child Safety, Youth and Women – Youth Justice of
Level 25, 111 George Street, Brisbane, Queensland 4000

AND Queensland Police Service of 200 Roma Street, Brisbane, Queensland
4000.

1 PURPOSE OF AGREEMENT

1.1 The Queensland Police Service and Youth Justice agree there is a need for a Memorandum of Understanding (MOU) to minimise the length of time spent by a child in custody in a Queensland Police Service watchhouse. In circumstances where custody of a child in a watchhouse is unavoidable, such custody should be for the least time reasonable in the circumstances and the standard of care provided, should ensure the safety and wellbeing of the child.

1.2 The intent of this MOU is to provide for:

- mutual assistance and understanding between Youth Justice and the Queensland Police Service with regards to agreed processes and responsibilities to **minimise** the duration of a child's detention in a watchhouse and ensure the highest level of safety and welfare is provided to the child; and
- mechanisms to identify and support processes and systemic concerns related to the detention and transport of a child pre-sentence; and
- acknowledgement by Youth Justice that the Queensland Police Service may recover costs relating to the detention and escort of young persons in Queensland for Youth Justice purposes in certain circumstances.

1.3 This MOU does not apply to:

- a person aged 19 years or over; or
- a person aged 18 years held in custody in a watchhouse in connection with adult and child charges and not already in the custody of Youth Justice.

1.4 This document is intended to complement existing legislation and procedures. It is not the intention to replicate, detail or override existing legislation, procedures and manuals of the respective agencies within this document.

2 RECITALS

2.1 This MOU is a record of cooperative arrangements between the parties determined with the intent of ensuring that the custody of children in watchhouses is an option of last resort, is for the shortest possible period, and the child's safety, security and wellbeing is paramount.

2.2 This MOU is not intended to be legally binding.

2.3 This MOU is to be considered in its entirety and the contents of the document should be read in reference to other parts of the document which are related.

2.4 Wherever this MOU refers to a responsibility or action by the delegated officer of Youth Justice or where other urgent contact with the Youth Justice is necessary, the point of

contact is Youth Justice. Outside normal business hours, the point of contact is the Youth Justice After Hours Service, currently provided by Child Safety.

- 2.5. The MOU may be varied, extended or renegotiated with the written agreement of all parties at any time. A schedule to this MOU may be amended by any party with written notice to all other parties. Any amendment to a schedule to this MOU does not otherwise alter, change or effect the substantive provisions of the MOU.
- 2.6. Each party is responsible for maintaining their respective procedures for managing and responding to a child being detained in a watchhouse or being transported to a detention centre.

3 DEFINITION AND INTERPRETATIONS

- 3.1 Throughout this MOU the following words and phrases shall have the following meanings:

Child –

- A person under the age of 18 years,
- A person aged 18 years who is held in custody in connection with offences committed as a child only, or
- A person aged 18 years held in custody in a watchhouse on adult charges but is already:
 - remanded in the custody of the Chief Executive, Department of Child Safety, Youth and Women on a child offence, or
 - serving a period of detention in a detention centre for a child offence, or
 - otherwise being held in a detention centre.

Commissioned Officer – A person who holds the position in the Queensland Police Service, or who is temporarily relieving in the position, as a Commissioned Officer (Inspector or above)

Custody – Subject to any legislative changes that may occur post signing of this MOU, the child is considered to be in the custody of Youth Justice when the child is inside the Youth Detention Centre, and in the custody of the Queensland Police Service when the child is in a watchhouse or being transported by the Queensland Police Service. Custody will transfer at the point of handover of a child to the other party.

MOU – refers to the Memorandum of Understanding.

Officer-In Charge – of a police station or police establishment, includes a police officer nominated by the officer-in-charge of the police station or police establishment as the officer-in-charge of the police station or police establishment during the officer-in-charge's absence.

OPM – means the Queensland Police Service Operational Procedures Manual.

Overnight in the watchhouse – is defined as a continuous period of detention in a watchhouse which includes at least six hours after 9pm and ending at or before 6am.

Parent – of a child, means a parent of the child, the Chief Executive (Department of Child Safety, Youth and Women) or a person nominated by the chief executive for the purpose, who holds an office within the department for which the chief executive has responsibility; and if the Chief Executive (Department of Child

Safety, Youth and Women) has custody or guardianship of the child under the *Child Protection Act 1999*, the chief executive or a person nominated by the chief executive for the purpose, who holds an office in the department for which the chief executive has responsibility (see section 392 *Police Powers and Responsibilities Act 2000*).

Parties – refers to the Department of Child Safety, Youth and Women; and the Queensland Police Service.

Prescribed Police Officer – in relation to a person in custody, means-

- if the person is in custody at a police station or police establishment - the officer-in charge of the police station or police establishment; or
- if the person is in custody at a watchhouse:
 - the watchhouse manager; or
 - another police officer whose duties include performing functions at the watchhouse in relation to persons in custody (see section 7(10) *Bail Act 1980*).

Transport/Escort –refers to moving a child from a watchhouse, court or youth detention centre to:

- another watchhouse;
- a youth detention centre;
- a court;or
- or medical facility.

Youth Justice – means the Department of Child Safety, Youth and Women and is inclusive of Youth Detention Centres and Youth Justice Service Centres

Youth Justice After Hours Service –means the after-hours service on behalf of Youth Justice that police contact to provide advice of arrest.

Youth Detention Centres – includes Brisbane Youth Detention Centre (BYDC), Cleveland Youth Detention Centre (CYDC) and any other facility gazetted as a Youth Detention Centre.

4 KEY PRINCIPLES

4.1 Members of the Queensland Police Service and the Youth Justice shall have regard to the following principles:

- The needs of Aboriginal children and Torres Strait Islander children are paramount when they are detained in custody. Children will be provided with opportunities and support to nurture their connections with family, community, culture and country.
- The holding of children in custody should only be the option of last resort and after all other options have been exhausted.
- The transfer or escort of children held in Queensland Police Service custody to a Youth Detention Centre will occur at the earliest possible opportunity.
- Ensure compliance with the provisions of the *Youth Justice Act 1992* and the *Police Powers and Responsibilities Act 2000*.

- A child in custody should be treated in a manner that has due regard to their age, level of maturity and vulnerability and is consistent with their safe custody at all times. It is recognised however that where a child has to be transported by Queensland Government Air (QG Air), their segregation from adult detainees is not possible while in flight. Where possible, 10 to 13 year olds will be held separately from 16 to 17 year olds.
- Permitting visits by family members, legal representatives or other appropriate adults to children in watchhouses can contribute significantly to the wellbeing and morale of such children.

5 GUIDING LEGISLATION AND INSTRUMENTS

5.1 The primary statutory authorities relevant to this MOU are:

- the *Youth Justice Act 1992*;
- the *Police Powers and Responsibilities Act 2000*;
- the *Justice and Other Information Disclosure Act 2008*; and
- the *Bail Act 1980*.
- Queensland Police Service OPM'S
- Interface Protocol

6 AGREEMENT

6.1 Arrest and Immediate Custody of a Child

6.1.1 The police officer commencing a proceeding against a child, who is alleged to have committed an offence, will determine the best way to proceed against the child in accordance with the *Youth Justice Act 1992* and the *Police Powers and Responsibilities Act 2000*.

6.1.2 Where the child is released on bail, the Prescribed Police Officer, or delegate, will as soon as practicable advise an officer of Youth Justice of:

- the child's name, date of birth, and usual address;
- the offence with which the child is charged;
- whether the child's parents or other persons have been advised;
- bail being granted (including any special conditions);
- where applicable, the name of the person/s to whom the child has been released;
- whether the child will be held for any length of time before their release; and
- the place, date and time of the Children's Court to which the child has been bailed.

6.1.3 If watchhouse bail is refused, the parties agree that the child will be held in a watchhouse in Queensland Police Service custody until the matter is brought to court for the child's first court appearance on those matters.

- 6.1.4 Following a child's first court mention for charges where watchhouse bail was refused, and if the child is still in Queensland Police Service custody, should the child be further remanded or sentenced by a court to a period of custody, the Queensland Police Service will contact Youth Justice at the earliest opportunity to request admission to a Youth Detention Centre. Where there are capacity issues at the relevant facility, and the child cannot be admitted immediately, the Queensland Police Service will determine which watchhouse the child will be held in pending admission to a Youth Detention Centre.
- 6.1.5 It is the responsibility of Youth Justice to advise the Queensland Police Service on their ability to admit a child into Youth Detention Centre custody, as soon as a bed becomes available and at the earliest possible opportunity.
- 6.1.6 All parties will work together to ensure that a child held in detention (either in a watchhouse or Youth Detention Centre) will be brought before the court as promptly as possible for consideration of court ordered bail.

6.2 Refusal of Bail

- 6.2.1 A decision to not release a child on watchhouse bail that may result in the child being held in a watchhouse overnight or longer, can only be made by a Prescribed Police Officer.
- 6.2.2 The Prescribed Police Officer, or delegate, where the child is being detained must, as soon as practicable, advise the child and their parent or guardian (or other individuals or agencies in accordance with local community arrangements) and Youth Justice, of details relating to:
- i. the reason the child is being kept in custody;
 - ii. the date and time of the intended appearance of the child before a Children's Court or justice; and
 - iii. if advised that the child can be admitted to a Youth Detention Centre, any arrangements made for transporting the child to a detention centre, but only after those arrangements have been confirmed and the child is about to be transported.
- 6.2.3 Where the Prescribed Officer, or delegate, makes an assessment that a child should be kept in custody, but could be released with additional support or assistance, for example, transport to court, support to meet bail conditions or suitable accommodation, they may contact Youth Justice to discuss options for supporting the child's release. Outside of business hours, the Youth Justice After Hours Service will provide the first point of contact for these discussions.

6.3 The Well-Being of the Child

- 6.3.1 Prior to a child's admission to a watchhouse, a child shall be assessed by the Queensland Police Service Prescribed Officer to determine if the child is fit to be accepted into and/or remain in police custody in accordance with the Queensland Police Service OPM 16.13.1 'Assessment of Prisoners'.
- 6.3.2 Known medical issues of the child not requiring immediate treatment must be identified by the admitting police officer.
- 6.3.3 If the child is to be transported to a Youth Detention Centre, any known medical issues should be brought to the attention of the Youth Detention Centre prior to the admission of the child to that facility.

- 6.3.4 Where a child is assessed as being vulnerable or at risk, additional supports, for example, increased visitations or increased frequency of supervision should be arranged including requesting the relevant officers of Youth Justice to attend the watchhouse and provide appropriate support to the child if required.
- 6.3.5 Youth Justice will provide the Queensland Police Service with background information, where available, on other children detained in the same watchhouse, including whether there are any risks of violence or sexual offending towards other young people. A child shall be segregated according to the gender the child identifies with.
- 6.3.6 Where safe and possible to do so (including consideration of staffing levels at the time), the officer in charge or shift supervisor of the watchhouse where the child is detained should facilitate access to visits by parents or adult caregivers, or officers of Youth Justice and Child Safety (for a child in the care of the department):
- Where an Indigenous or Authorised Cell Visitor scheme exists in the local area, provision should be made to allow Indigenous children to have access to cell visits as per this program.
 - The level of access (contact or non-contact), is to be determined by the officer in charge or shift supervisor of the watchhouse after considering all of the security issues.
 - The child should also be permitted, and assisted if necessary, to maintain contact with his/her family by telephone whilst they are detained in a watchhouse if the child wishes contact.
- 6.3.7 Parents, adult caregivers and other approved watchhouse cell visitors (i.e. officers of Youth Justice or Indigenous cell visitors who are part of a recognised Indigenous cell visit scheme) should be permitted to provide the child with clothing and/or other approved material if required, for example:
- A change of clothes if clothing is damaged or the child has no suitable clothing to wear to court, and
 - In cases when a child is to be detained for more than four hours, materials for age appropriate activities, unless any of these items constitute a security risk.
- 6.3.8 Where a child is to be admitted to a Youth Detention Centre, as required under section 11 of the Youth Justice Regulation 2016, if the Chief Executive (Department of Child Safety, Youth and Women) considers that a child about to be admitted to a Youth Detention Centre is physically or mentally ill, injured, or intoxicated and needs immediate medical treatment the Chief Executive:
- must not admit the child to a detention centre unless the child has been examined by a doctor and given the immediate treatment required; and
 - the doctor has given a medical certificate stating the child is medically fit to be admitted to the detention centre.

6.4 Transportation and Escort of a Child to or from a Watchhouse

6.4.1 It is the responsibility of the Officer in Charge, or delegate, of the watchhouse where the child is detained to make arrangements for the child's transportation or escort to another watchhouse, a court, or to a Youth Detention Centre in accordance with section 56(4) *Youth Justice Act 1992*.

6.4.2 The police officer with custody of the child must, where practicable and as soon as

practicable, advise Youth Justice of the scheduled time for transporting the child to the Youth Detention Centre or another watchhouse location.

6.4.3 The Queensland Police Service is not responsible for the costs arising from the transportation or escort of a child between Youth Detention Centres where this occurs at the request of Youth Justice. This also applies where a child is transported from a watchhouse or court to a Youth Detention Centre outside of the designated catchment area.

6.4.4 The Queensland Police Service responsibility for transportation or escort does not extend to situations where a child is released from court either on bail or following finalisation of their matter in the court. Where extraordinary transport requirements arise, the costs of providing such transports are to be addressed by Youth Justice.

6.4.5 The Queensland Police Service will continue to provide assistance for the transportation and escort of a child from a Youth Detention Centre to a court within the designated catchment areas.

6.4.6 The transportation or escort of a child to or from a watchhouse should:

- be undertaken as promptly as possible, subject to staffing and operational arrangements;
- ensure the child's and the community's safety and security; and
- be consistent with the standards of care to be provided to a child held in a watchhouse.

6.4.7 Where it becomes necessary to transport and escort a child over extended distances (i.e. distances involving three or more hours in travelling time), consideration should be given to the assets available to facilitate transport (such as motor vehicles, aircrafts, etc.). The child should be transported in a manner appropriate to:

- their age and gender;
- their level of maturity;
- environmental factors (such as climate);
- their level of vulnerability, including ability for the transporting officer to source or seek medical or other assistance due to the journey distance or route to be undertaken; and
- health and safety and security requirements including:
 - suicide risk;
 - communicable disease status;
 - previous history of offences of violence or escape risk; and
 - the child's immediate physical and emotional demeanour.

6.4.8 The transporting officers must ensure that any medication for the child is managed as prescribed and all documentation noted in accordance with established procedures.

6.4.9 Where it is within standard business practices for the Queensland Police Service to provide local transportation to and from a watchhouse, court or detention, the Queensland Police Service will continue to cover costs of transportation as per standard arrangements.

6.4.10 Where extraordinary transportation measures are required as a result of Youth Detention Centre capacity issues, and where the Queensland Police Service are required to make additional arrangements to move children in their custody, Youth

Justice will be responsible for costs associated with the transportation including to and from a watchhouse, court and the initial admission to a Youth Detention Centre. These costs will include costs for the young person's travel and the return journey for the escorting police.

Where a young person is in Queensland Police Service custody, and suffers a medical incident requiring admission to a medical facility and where Youth Justice are unable to take over custody of that young person, the costs of the continued static escort will be funded by Youth Justice. For all cost recovery rates, refer to the cost recovery schedule.

- 6.4.11 A young person may remain in a regional watchhouse prior to attending court if the young person would otherwise be subject to lengthy transport to the Brisbane City Watchhouse only to return soon after to the same police watchhouse to attend court.
- 6.4.12 If a young person is remanded from court and unable to be admitted to a Youth Detention Centre, arrangements will be made between the regional watchhouses and the Brisbane City Watchhouse to escort and transport the young person to the Brisbane City Watchhouse, pending admission to youth detention.

On a case by case basis Youth Justice and the Queensland Police Service may raise individual needs of young people that require admission to Brisbane City Watchhouse and this is to be organised between the relevant Youth Justice Officer and the Inspector of State Watchhouse group. At any time if the Queensland Police Service require Youth Justice support they may request this via the local Regional Director. In addition, if there are any conflicting issues, the Inspector Brisbane City Watchhouse can be contacted.

Youth Justice Regional Director and Executive Director contact details: Refer to Youth Justice contact schedule.

- 6.4.13 Where it is considered necessary or appropriate to transport the child by air, due to distance or other factors and it is in the best interests of the child, a child shall be transported to a Youth Detention Centre by:
- Queensland Government Air; or
 - if Queensland Government Air is unavailable, then a commercial flight; or
 - if Queensland Government Air and a commercial flight are both unavailable, then by a charter flight.

- 6.4.14 With respect to transportation of a child from a watchhouse to a Youth Detention Centre by air, the Queensland Police Service will identify the most suitable arrangements in accordance with Queensland Police Service operational capacity. Following the Queensland Police Service initial determination, Youth Justice may suggest an alternative option.

6.5 Ongoing Custody of a Child in a Watchhouse

- 6.5.1 When it is not practicable for the child to be transported and placed in a Youth Detention Centre, and other arrangements cannot be made for the detention of the child, the child will remain in the custody of the Queensland Police Service.
- 6.5.2 A child should not be held in a watchhouse for extended periods of time particularly where extenuating factors exist. Examples of extenuating factors which may indicate that a child should be prioritised for admission to a Youth Detention Centre include:

- clear evidence of suicidal ideation;
- advice of intellectual disability and/or mental health concerns;
- where the police watchhouse cannot facilitate the separate accommodation of the child and meet the standards of care required under this MOU; and
- any other relevant factors indicating that they should not be held at the watchhouse.

6.5.3 Alternatively, if the child has been remanded and/or sentenced in relation to matters pursuant to the *Youth Justice (Transitional) Regulations 2018*, and is to be held in, or is likely to be held in a Queensland Corrective Services correctional centre. The child will remain at the watchhouse, as per policy and procedure negotiated between the Queensland Police Service and Queensland Corrective Services.

6.6 Detention of a Child Remanded in the Custody of the Chief Executive or Sentenced to a Period of Detention

6.6.1 Escort of a Child to a Youth Detention Centre

6.6.1.1 The principle guiding the movement of any child remanded in custody is there should be no unreasonable delay in transporting or accepting the child into a Youth Detention Centre.

6.6.1.2 Where a child is denied court bail and held in police custody, all parties will work together to ensure the child is transported to a Youth Detention Centre as promptly as possible.

6.6.1.3 Both parties acknowledge that there may be instances where it is not operationally viable to immediately transport a child to a Youth Detention Centre or another watchhouse. This may include, but is not limited to:

- Regional watchhouses where immediate transport cannot be arranged;
- Where a child may be required to be brought before a court and moving them to another watchhouse or Youth Detention Centre would not be in their best interest;
- Where there are capacity issues at the receiving facility; or,
- Where there may be safety issues in the transportation that require additional planning and resources.

6.6.1.4 In accordance with the Queensland Police Service OPM 10.4.22 and 10.4.23, it is the responsibility of the Queensland Police Service to:

- arrange for the escort of a child to the Youth Detention Centre where:
 - the child has appeared before a Children's Court or court of competent jurisdiction, and the Children's Court or court of competent jurisdiction has issued a verdict and judgement record remanding a child in the custody of the Chief Executive (Department of Child Safety, Youth and Women); or
 - a court has sentenced the child to a detention order; and
- ensure that appropriate documentation accompanies the child (OPM 10.4.24).

6.6.2 Admission of a Child to a Youth Detention Centre Post-Court

6.6.2.1 A representative of Youth Justice in attendance at the court will arrange for the pre-admission or admission of a child remanded in custody or sentenced to a detention order to a Youth Detention Centre. These arrangements must occur immediately following the child's court appearance.

6.6.2.2 A representative of Youth Justice must advise the watchhouse manager which Youth Detention Centre the child is to be taken to as soon as possible.

6.6.2.3 In rural areas where there is not an officer of Youth Justice in attendance at court, the watchhouse manager shall, by the most expeditious means available, consult with the Youth Justice Service Centre with responsibility for that area.

6.6.3 Detention of a Child in Transit from a Youth Detention Centre to Court

6.6.3.1 Where a child is being detained in a Youth Detention Centre pending their appearance before a court or any subsequent appearance before a court.

6.6.3.2 The Youth Detention Centre will ensure immediate contact is made with the Queensland Police Service, when receiving notification of a child's requirement to appear in court. The Officer in Charge of the relevant police establishment (or their delegate) shall make arrangements for escorting the child with the Youth Detention Centre Director (or their delegate). Where possible, such arrangements should be made at least 24 hours before the child is to be ready for escort.

6.6.3.3 Escorting arrangements shall ensure there is a minimum delay between the child's release from the Youth Detention Centre and their appearance before the court.

6.6.3.4 The Youth Detention Centre Director shall authorise the release of the child to the police escort where the timing of the escort requires that the child be detained in a police watchhouse overnight or as negotiated prior to their appearance before a court.

6.6.3.5 The principle guiding the actions of the Commissioned Officer or Watchhouse Manager is that there should be the least possible delay between the time the child is released from the Youth Detention Centre into police custody and the time of the court appearance.

6.6.4 Removal by Police from Youth Detention Centre into Police Custody for Other Purpose

6.6.4.1 Where a child has been removed under legislation from a Youth Detention Centre and will be detained in a watchhouse as part of the process of questioning the child about an offence or investigating an offence, the relevant Prescribed Officer shall advise the Youth Detention Centre Director (or their delegate) of the location and anticipated period of detention.

7 INFORMATION SHARING

7.1 The parties agree that in order to make decisions about the well-being of a child in the criminal justice system, sensitive information will need be exchanged.

7.2 Except as otherwise prohibited by legislation, the parties will work collaboratively together and disclose information that will assist in decision making about the child and the child's care and well-being. Such information may include: details of the child's character, or other relevant history, associations, home environment,

employment and background.

7.3 Pursuant to the MOU, the Queensland Police Service will escort a child from a Youth Detention Centre to the child's required court appearance, Youth Justice will provide the Queensland Police Service with any information that may affect the child's safety and well-being, or the safety and well-being of the escorting officers or the community, for example, information on how the child has behaved whilst in the Youth Detention Centre, including any incidents of violence, or any medical issues of concern. Similarly, the Queensland Police Service will advise Youth Detention Centre staff of any issues arising from the escort of the child.

8 REVIEW AND MONITORING

8.1 For the purpose of identifying any local, state-wide or systemic issues related to the detention and/ or transport of a child within or from a watchhouse, the parties to this MOU agree to meet every three months to review:

- Any issues arising in the previous quarter related to detention of children and transportation between watchhouses and Youth Detention Centres.

8.2 Further, local/regional review processes may be established by either party to address local issues and local patterns emerging where possible. Local representatives for each party may then escalate ongoing issues to the relevant central agency for systemic and state-wide resolution.

9 DISPUTE RESOLUTION

9.1 The process to resolve disputes between the Queensland Police Service and the Youth Justice that cannot be resolved at a local level, will be escalated to a State Watchhouse Liaison Committee.

9.2 A State Watchhouse Liaison Committee will be established and comprise of:

- Director, Practice, Program and Design, Department of Child Safety, Youth and Women (Chairperson);
- Manager, Youth Justice Practice, Department of Child Safety, Youth and Women;
- Deputy Directors, Brisbane Youth Detention Centre and Cleveland Youth Detention Centre;
- Regional Directors, Department of Child Safety, Youth and Women;
- Inspector, State Watchhouse Coordinator;
- Senior Sergeant, Officer in Charge, Brisbane Watchhouse;
- A representative from the Office of the Public Guardian;
- Manager, Child Safety After Hours Service Centre, Department of Child Safety, Youth and Women.

9.3 Any issue pertaining to the application of this MOU should, in the first instance, be resolved at a local level. In the event that an issue cannot be resolved at a local level, the matter can be referred to one of the following State Watchhouse Liaison Committee members:

- Director, Practice, Program and Design, Department of Child Safety, Youth and Women;

- Inspector in Charge, Brisbane Watchhouse;
- Executive Director, Youth Justice Operations and Practice, Child Safety, Department of Child Safety, Youth and Women.

These three representatives will discuss the information provided in order to resolve the matter and will report to the State Watchhouse Liaison Committee in relation to any significant operational problems that are identified.

9.4 The State Watchhouse Liaison Committee is to meet quarterly on dates to be arranged and will be responsible for establishing systems to monitor the operation of this MOU. The State Watchhouse Liaison Committee will also be responsible for assessing reported overstays and breaches relevant to this memorandum and other relevant trends and issues relating to children in police custody.

9.5 Secretariat services will be evenly distributed between all signatories to the MOU.

10 DURATION

10.1 The MOU comes into effect immediately on signing and dating by all parties. If not signed by all parties on the same day, the date that the last party signs the MOU is taken as the date of effect for the purposes of commencement.

10.2 The duration of the MOU is two years from commencement date unless:

- a) Extended in writing by mutual agreement by all parties to the MOU; or
- b) Amended in writing by mutual agreement by all parties to the MOU; or
- c) Terminated in writing, earlier than two years after the commencement date by a party to the MOU.

EXECUTION

Signed by the parties on the dates set out below

SIGNED for and on behalf of)

**DEPARTMENT OF CHILD SAFETY, YOUTH)
AND WOMEN)**

this 26th day of October 2018)

by Michael Hogan.....)
(full name)

Director-General.....)
(designation)

who is a duly authorised officer, in the presence)
of:

Morcu

.....)
(signature of witness)

Tanja Morcu

.....)
(print name of witness)

SIGNED for and on behalf of)

QUEENSLAND POLICE SERVICE)

this _____ day of _____ 2018)

by)
(full name)

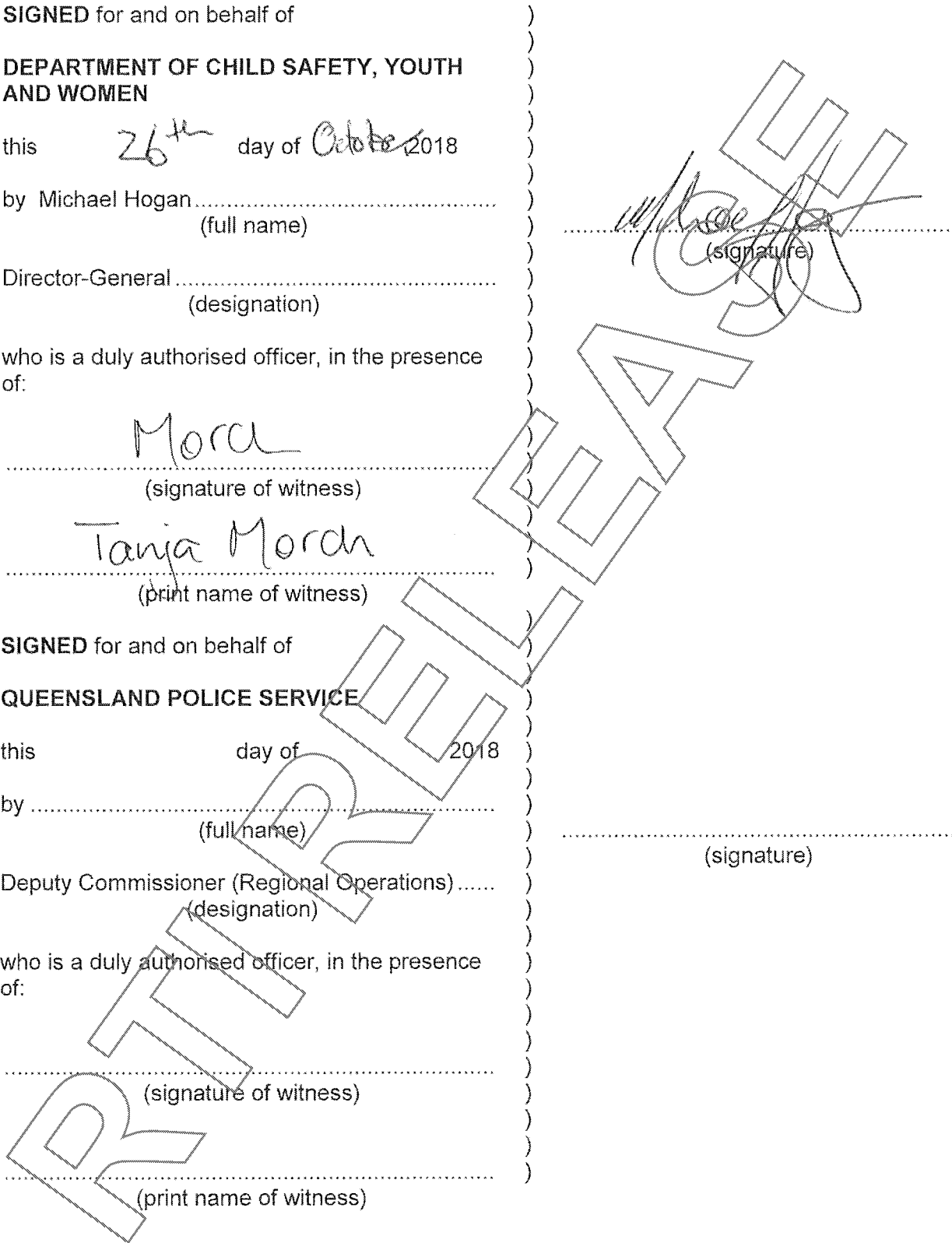
Deputy Commissioner (Regional Operations).....)
(designation)

who is a duly authorised officer, in the presence)
of:

.....)
(signature of witness)

.....)
(print name of witness)

[Handwritten Signature]
.....)
(signature)



SCHEDULE A: CONTACT PERSONS/ ADDRESS FOR NOTICES

LIAISON CONTACTS:

Department of Child Safety, Youth and Women

Position: Director, Youth Justice Practice, Program and Design
Address for service: Level 25, 111 George Street, Brisbane QLD 4001.
Telephone: (07) 3097 7523

Queensland Police Service

Position: Inspector, State Watchhouse Coordinator
Address for service:
Telephone:

Position: Officer in Charge Brisbane City Watchhouse
Address for service:
Telephone:

RTI RELEASED



Our reference: COM 06977-2018

Office of the
Director-General

Department of
Child Safety, Youth and Women

29 OCT 2018

Deputy Commissioner Bob Gee
Regional Operations
Queensland Police Service
GPO Box 1140
BRISBANE QLD 4001

Dear Deputy ^{Bob} Commissioner

A recent review of the watchhouse Memorandum of Understanding (MOU) between the Department of Child Safety, Youth and Women (DCSYW) and the Queensland Police Service (QPS) has been completed. These revisions have been conducted in close consultation with QPS officers.

The intent of the MOU is to provide mutual understanding between DCSYW and QPS with regards to agreed processes and responsibilities. A protocol to support the MOU is currently in draft and will be finalised at director and inspector level between our departments.

The MOU is imperative to ensure children in the youth justice system are provided with the upmost care and support whilst detained in a watchhouse or in the custody of QPS. The finalisation of the MOU will ensure DCSYW and QPS can continue to work collaboratively together to ensure the safety and wellbeing of young people.

I would like to take this opportunity to thank you and your staff for your ongoing support and commitment to young people in your care. I have enclosed a copy of the MOU for your endorsement.

If you require any further information or assistance in relation to this matter, please contact Mr Darren Hegarty, Senior Executive Director, Youth Justice, Department of Child Safety, Youth and Women on 3097 0020.

Yours sincerely



Michael Hogan
Director-General

Enc (1)

Service Area/Office: Governance

Service Area/Office Reference No:

Program Area/Region/Office: Corporate Services

COM 04271-2018

Confidential Routine Priority Critical

**MINISTER FOR CHILD SAFETY, YOUTH AND WOMEN AND
 MINISTER FOR THE PREVENTION OF DOMESTIC AND FAMILY VIOLENCE**

Memorandum for Approval Briefing Note for Information

SUBJECT

- Inspection Reports and Youth Justice responses for the Brisbane and Cleveland Youth Detention Centres, March quarter 2018.

ELECTORATE

- Statewide

MEDIA

Positive announcement – Youth Detention Centre summaries and Youth Justice responses for online publishing attached	<input checked="" type="checkbox"/>	Negative implications	<input type="checkbox"/>
Contentious – Not recommended	<input type="checkbox"/>	Not applicable	<input type="checkbox"/>

RECOMMENDATIONS:

- That the Director-General:
 1. approves and signs the March 2018 inspection reports for the Brisbane and Cleveland Youth Detention Centres (Attachment 1 and 2)
 2. notes the attached responses by Youth Justice to the March 2018 inspection reports for the Brisbane and Cleveland Youth Detention Centres (Attachment 2 and 3)
- That the Minister:
 1. notes the contents of this brief, the attached reports and the intention to publish online by 29 June 2018 the executive summaries of the attached inspection reports together with the Youth Justice responses.

<u>NOTED / ENDORSED / NOT ENDORSED</u>	<u>NOTED / APPROVED / NOT APPROVED</u>
<p>Endorsed by DG on 13/07/2018</p> <p>Michael Hogan Director-General Department of Child Safety, Youth and Women /2018</p>	<p align="center"><i>Di Farmer</i></p> <p>Di Farmer MP Minister for Child Safety, Youth and Women and Minister for the Prevention of Domestic and Family Violence 25/7 /2018</p>
<p>COMMENTS:</p> <ol style="list-style-type: none"> 1. Copy for DG 2. For Min/DG YJ meeting 3. Copy for Fiona F. <p><i>(Please note: all the above DG comments have been actioned by ODG)</i></p>	<p>COMMENTS:</p> <p><i>For discussion pl. - before Zest creator</i></p>

- The three recommendations made in the March 2018 BYDC inspection report are:

1. ^{s73(2)}

2. That Youth Justice investigates demand on detention centre capacity across the state to inform strategies to manage demand pressures, with the view to improving the safety and wellbeing of young people in youth detention centres and to reducing the need to hold young people in watch-houses for extended periods. At the same time, Youth Justice should position the imminent rollout of the revised Behaviour Development Model towards greater rehabilitation and reintegration of young people through on- and off-centre activities and rewards in an effort to reduce returns to custody.

- 3.

Cleveland Youth Detention Centre

- The on-site inspection of the Cleveland Youth Detention Centre (CYDC) occurred from 9-13 April 2018 and had the same focus areas as BYDC.
- As recently announced, capacity at CYDC is increasing via the construction of an additional 12 beds in February 2019, however, the number of detained young people is increasing and unless the demand for capacity is reduced, young people will continue to be banked up in watch-houses for the remainder of 2018. The inspectorate has repeated recommendation 2 above for CYDC.

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- The one recommendation made in the March 2018 CYDC inspection is the same as recommendation 2 for BYDC:
 - that Youth Justice investigates demand on detention centre capacity across the state to inform strategies to manage demand pressures, with the view to improving the safety and wellbeing of young people in youth detention centres and to reducing the need to hold young people in watch-houses for extended periods. At the same time, Youth Justice should position the imminent rollout of the revised Behaviour Development Model towards greater rehabilitation and reintegration of young people through on- and off-centre activities and rewards in an effort to reduce returns to custody.

FINANCIAL IMPLICATIONS / GST

- Not applicable

CONSULTATION**Internal Consultation**

- Consultation on the draft reports occurred with the Acting Executive Directors, BYDC and CYDC, and acting and incumbent Senior Executive Director, Youth Justice Services. Their feedback has been incorporated within the attached reports and responses.

External Consultation

- Not applicable

ATTACHMENTS

- Attachment 1 – BYDC Inspection Report, March 2018
- Attachment 2 – CYDC Inspection Report, March 2018
- Attachment 3 – Youth Justice Response to the BYDC report
- Attachment 4 – Youth Justice Response to the CYDC report

	Name	Ph (Work)	Ph (Mobile)	Date endorsed
Author: Principal Inspector	Troy Bawden	3097 5784	Mobile number	18/06/2018
Director, Governance:	Cameron Bunkum	3097 5780		21/06/2018
Assistant Director-General, Corporate Services:	Danny Short obo Arthur O'Brien	3238 7682	<i>D Short</i>	27/6 /2018
Information Officers: Troy Bawden, Cameron Bunkum				
File path:				

Inspection of the Brisbane Youth Detention Centre

March 2018

Approved:



Michael Hogan
Director-General
Department of Child Safety, Youth and Women

13/7/2018

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RTI REVIEW

Snapshot of BYDC during on-site inspection

Dates of inspection	19 to 23 March 2018
Acting Executive Director, BYDC at time of inspection	Trevor Cox
Built capacity (i.e. the number of purpose-built bedrooms in general accommodation units plus four bedrooms in the Oak alternative accommodation unit – excludes beds in Independent Living Units and Admissions area holding cells)	130
Highest daily number of young people	130
Average population of young people	128
Average population of males	112
Average population of females	16
Average percentage of young people on remand	90%
Average percentage of young people sentenced	9%
Average percentage remanded and sentenced	1%
Average population of Aboriginal and/or Torres Strait Islander young people	75 (58%)
Number of young people on Child Protection Orders	19 (15%)
Youngest detainee on centre	12 years 0 months
Oldest detainee on centre	18 years 1 month

Executive Summary

This is a report of a quarterly statutory inspection of the Brisbane Youth Detention Centre (BYDC). The on-site inspection occurred from 19 to 23 March 2018. This was the first inspection conducted under the new Department of Child Safety, Youth and Women following the transfer of Youth Justice functions from the Department of Justice and Attorney-General in December 2017. Statutory detention centre inspections continue to be conducted by delegated inspectors, located for this inspection within Internal Audit and Compliance Services, Department of Communities (since relocated to Governance, Corporate Services), and a report of each inspection provided to the Director-General.

The focus areas under inspection in this quarter were security, the use of force (in particular, mechanical restraints i.e. handcuffs), the reporting of harm, relationships between staff and young people, and programs and purposeful activity. The key observations, findings and recommendations in relation to the focus areas are summarised within this section. Various other issues were discussed with relevant centre managers by way of the Inspectorate's encouragement of local monitoring and presaging of potential inspection focus areas in future.

As a general observation, Inspectors found BYDC to be coping with population pressures following the February 2018 intake of 17-year-olds. However, continued demand on the system has unfortunately resulted in young people waiting in state watch-houses for beds to be made available at the detention centres. Inspectors commend both BYDC staff and Queensland Police Service watch-house staff for the professionalism evident in their collaborative work to keep detained young people safe in what are currently difficult conditions for both services to manage.

In this regard, the Inspectorate has made a recommendation that Youth Justice investigate demand on detention centre capacity across the state with a view to improving the safety and wellbeing of young people in youth detention centres and reducing the need to hold young people in watch-houses for extended periods. At the same time, the Inspectorate encourages Youth Justice to position the imminent rollout of the revised Behaviour Development Model towards greater rehabilitation and reintegration of young people through on- and off-centre activities and rewards in an effort to reduce returns to custody. It is acknowledged that a new 16-bed unit is being built at BYDC, with operation estimated to commence in July 2018.

s73(2)

Introduction

Section 263(1) of the *Youth Justice Act 1992* (YJA) makes the chief executive responsible for the security and management of youth detention centres and the safe custody and wellbeing of detained children. Section 263(4) states that the chief executive must monitor the operation of detention centres and inspect each at least once every three months. The function is delegated to Principal Inspectors, which were re-located within Governance, Corporate Services on 30 April 2018. The inspection framework is based on Director-General-approved Expectations informed by:

- The YJA and the *Youth Justice Regulation 2016*;
- United Nations standards and rules to which Australia is a signatory,
- Relevant recommendations from previous inquiries such as the *Commission of Inquiry into Abuse of Children in Queensland Institutions* and the *Royal Commission into Aboriginal Deaths in Custody* report; and
- Director-General-approved recommendations from previous inspection reports.

Inspection methodology

The inspection methodology consisted of:

- An on-site inspection of BYDC from 19 to 23 March 2018;
- A visit to the Brisbane Central Watch-house on 22 March 2018;
- Interviews with the Acting Executive Director (A/ED), Deputy Director (DD); Operations Manager (OM); Acting Casework Services Manager; Practice Support Manager; Acting Programs Coordinator; Principal and Deputy Principal, Brisbane Youth Education and Training Centre (BYETC); Senior Intelligence Officer; and Training Officers.
- Conversations with various staff and young people in accommodation units throughout the centre and in the Brisbane Watch-house;
- An examination of relevant DCOIS records and data produced by Youth Justice Facts and Figures;
- A post-inspection briefing of the Senior Executive Director (SED), Youth Justice (YJ).

s73(2)

Accommodation of young people in watch-houses

The introduction of 17 y.o. offenders into the youth justice system has seen the populations of both detention centres exceed built capacity. Inspectors visited the Brisbane Watch-house during the inspection week and found 12 young people being held there (some for up to eight days) while waiting for beds to become available at BYDC.

The young people were being held in a separate wing to adult prisoners and were subject to continuous line-of-sight and CCTV supervision. There were also additional young people held in suburban and regional watch-houses pending the freeing up of beds at the Brisbane City Watch-house.

Youth Justice and the detention centres have implemented an assessment process to ensure that young people are accepted for admission at BYDC in order of assessed need by accounting for factors such as youthfulness, suicide risk, and connection to country.

Young people are being transferred to and from CYDC in accordance with bed availability at both centres. It was evident in the Brisbane City watch-house that there had been significant goodwill from police officers in having had to manage youthful offenders there for longer than usual. It was also evident that the goodwill would not be able to go on indefinitely.

In the meantime, BYDC has put in measures to ensure the safety and wellbeing of young people detained at the Brisbane watch-house and assist police officers with their daily management. The watch-house was receiving additional and continuous staffing by BYDC youth workers. Centre caseworkers and psychologists were visiting daily to assess young people's needs and deliver interventions where required.

Young people held in the watch-house were being provided with activities and exercise in accordance with watch-house rules and operational convenience, although they were kept confined for most of the day. Inspectors spoke with those held there during their visit. All indicated frustration at their protracted detention in the watch-house and were eagerly awaiting a bed at BYDC.

Inspectors noted the efforts of the Deputy Director, the Casework Services Manager and their staff in responding to the sudden and arduous task of conducting assessments of young people each day at the watch-house, in addition to their normal duties. Inspectors were advised that both detention centre and community caseworkers have been increasing their efforts to have eligible young people released on bail to reduce pressure on the system.

Throughout the inspection period the population of BYDC has remained at or around 130 (in line with an agreement between management and unions to only use serviceable bedrooms² on a single-occupancy basis subject to there being individual young people willing and able to share them). It could be expected that these figures are likely to persist, with

² Serviceable bedrooms contain a bed, basin, shower and lavatory.

numbers of young people excess to capacity continuing to fluctuate in watch-houses around the state.

An inevitable correlate of continuing at-or near-capacity detention centre populations is the increased volatility of detainees. As stated below, with the exception of the month in which the three CYDC transferees arrived at BYDC (November 2016), the most recent two months of corporate detention centre data (February and March 2018) reflect the highest incident rates within the last three years to date, even when corrected for population.

The safety and wellbeing of detained young people is compromised because of the often violent or potentially violent nature of many of these incidents, which are not likely to abate while the centre is at capacity, and while confinement to units remains a not-uncommon occurrence.

Continuing high numbers could create further safety and wellbeing risks for detained young people should business continuity arrangements be inadequate, e.g. in the event of a natural disaster requiring the relocation of young people to an alternate facility.

The Inspectorate is aware that in preparation for Cyclone Yasi in 2011, young people at CYDC were relocated to the adult Townsville Correctional Centre due to the flood prone nature of the CYDC grounds. Now that adult correctional centres are also overcrowded, relocation of young people to these facilities may no longer be an option. Historically, overstate populations at BYDC were able to be managed through decantation to CYDC, but neither is this likely to be a contingency option in the future because of population pressures at both centres.

Finding 2

Demand on beds at BYDC has at times exceeded built capacity prior to and following the introduction this year of 17 year olds into the youth justice system. This could result in young people continuing to bank up in watch-houses across the state unless demand is reduced and/or capacity increased. It is noted that 16 new beds are forecast to come online at BYDC in July 2018 and a further 12 at CYDC planned for January 2019.

Recommendation 2

Youth Justice investigates demand on detention centre capacity across the state to inform strategies to manage demand pressures, with the view to improving the safety and wellbeing of young people in youth detention centres and to reducing the need to hold young people in watch-houses for extended periods.

At the same time, Youth Justice should position the imminent rollout of the revised Behaviour Development Model towards greater rehabilitation and reintegration of young people through on- and off-centre activities and rewards in an effort to reduce returns to custody.

Accepted: Yes

Responsible officer: SED YJ

Timeline for implementation: TBC

Response from YJ during consultation:

Managing populations in excess of the youth detention built capacity is extremely complex and young people's safety is paramount. Youth Justice Officers are working closely with the Queensland Police Service to ensure young people in watch houses are safe, accommodated

separately to adults and are treated appropriately, with regard to their age, maturity and vulnerability. Additionally, Youth Justice is mobilising a team of dedicated officers to focus solely on the safety and wellbeing of young people held in watchhouses and expediting their transfer to a youth detention centre as soon as possible. These officers are conducting daily dynamic risk assessments of youth detention capacity and watch house populations inform and prioritise transfer and admission decisions.

Youth Justice has also implemented a number of initiatives to reduce remand (and the need for watchhouse custody), including rapid bail response procedures and increased funding to community organisations that assist young people to attain bail or meet the conditions of their bail. These services include: Youth Justice Supported Bail Accommodation, Youth Advocacy Centre, Youth Bail Accommodation Service, Sisters Inside, and Youth Legal Aid.

By increasing wrap-around support, it is anticipated that more young people will be able to successfully meet their bail conditions in the community, and importantly reduce their offending. This will also relieve pressure on youth detention centres and overall remand rates (on any given day, approximately 80 per cent of the youth detention population are remanded).

Youth Justice acknowledges that effective behaviour development responses contribute to centre safety and security. BYDC has ongoing and multi-disciplinary team approaches that provide a framework to address challenging behaviours. This process is informed by theories of positive behaviour development and intervention support models that ensure a holistic and trauma informed individualised approach to supporting positive change for young people within youth detention.

Focus Area 2 – Programs and Purposeful Activity

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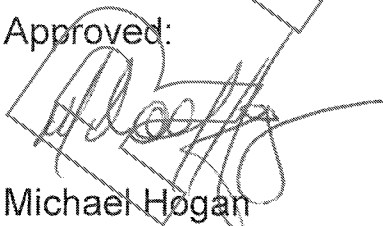
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RELEVANT

Inspection of the Cleveland Youth Detention Centre

April 2018

Approved:



Michael Hogan
Director-General
Department of Child Safety, Youth and Women

13/7/2018

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Snapshot of CYDC during on-site inspection

Dates of inspection	9 to 13 April 2018
Acting Executive Director, CYDC at time of inspection	Fran Biddulph-Amaral
Built capacity (i.e. the number of purpose-built bedrooms in general accommodation units plus four bedrooms in the Oak segregation unit – excludes beds in Independent Living Units and Admissions area holding cells)	4x 12 bed Units (total 48 beds) 5x 08 bed Units (total 40 beds) 2x 04 bed Units (total 08 beds) Total Bed Capacity = 96 beds.
Highest daily number of young people	104
Average population of young people	99
Average population of males	84
Average population of females	14
Average percentage of young people on remand	84.7%
Average percentage of young people sentenced	12.5%
Average percentage remanded and sentenced	1.4%
Average population of Aboriginal and/or Torres Strait Islander young people	92 (88%)
Number of young people on Child Protection Orders	21 (20%)
Youngest detainee on centre	11 years 7 months
Oldest detainee on centre	17 years 11 months

Executive Summary

The quarterly statutory inspection of the Cleveland Youth Detention Centre (CYDC) occurred from 9 to 13 April 2018. The inspection focus areas were security, the use of force (mechanical restraints), the reporting of harm, relationships between staff and young people, and programs and purposeful activity.

As recently announced, capacity at CYDC is increasing via the construction of an additional 12 beds in February 2019, however, the number of detained young people is increasing and unless the demand for capacity is reduced, young people will continue to be banked up in watch houses for the remainder 2018. Further, should the demand for capacity continue to exceed what is available, young people will remain in watch houses after the new unit is operational. As such, the report makes a recommendation to Youth Justice to investigate detention centre demand options.

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In closing, CYDC is performing well in all areas subject of this inspection, however, the Inspectorate sees the issue of overcrowding and young people remaining in QPS watch houses continuing into the foreseeable future, but this is beyond the control of CYDC management.

Introduction

Section 263(1) of the *Youth Justice Act 1992* (YJA) makes the chief executive responsible for the security and management of youth detention centres and the safe custody and wellbeing of detained children. Section 263(4) states that the chief executive must monitor the operation of detention centres and inspect each at least once every three months. The function is delegated to Principal Inspectors, which were re-located within Governance, Corporate Services on 30 April 2018. The Inspection framework is based on Director-General-approved Expectations, which are informed by:

- The YJA and the *Youth Justice Regulation 2016*;
- United Nations standards and rules to which Australia is a signatory;
- Relevant recommendations from previous inquiries such as the *Commission of Inquiry into Abuse of Children in Queensland Institutions* and the *Royal Commission into Aboriginal Deaths in Custody* report; and
- Director-General-approved recommendations from previous inspection reports.

Inspection methodology

The inspection methodology consisted of:

- An on-site inspection of CYDC from 9 to 13 April 2018;
- Interviews with the Acting Executive Director (A/ED); Deputy Director (DD); Acting Operations Manager (A/OM); Practice Support Manager; Manager, Client Relations; Principal, Cleveland Education and Training Centre (CETC); Intelligence Officer; and Training Officer.
- Conversations with various staff and young people in accommodation units throughout the centre;
- An examination of relevant DCOIS records.

Focus Areas

Focus Area 1 – Security

During the inspection, in addition to examining security requirements set out in the Youth Detention Expectations, inspectors also looked at potential weaknesses and issues associated with ad hoc functions occurring at CYDC that may cause security concerns.

Overcrowding

CYDC has a built and funded bed capacity of 96 and at the time of the inspection, the average population at CYDC was 99 with the highest number of young people peaking at 104. Due to the high population at the centre, there were a number of young people held in watch houses across North Queensland awaiting vacancy at CYDC. Inspectors also spoke with four young people who had recently been transferred (reportedly against their will) to CYDC from BYDC in response to the lack of available capacity in Brisbane.

As mentioned in the September 2017 CYDC Inspection Report, it was predicted that, following the intake of 17 y.o.s that commenced on 12 February 2018, the population at *both detention centres* would increase by up to eight young people per month¹ and peak in June/July 2018.

As shown in the table below, the current numbers in detention are consistent with the Inspectorates' prediction, with the number of 17 y.o.s housed at CYDC (24 at time of inspection) doubling since February 2018 and continuing on the predicted trajectory. If CDYC cannot accept young people into the centre, this will result in more young people being held in QPS watch houses for extended periods.

Average Number of young people in CYDC each week by age group and offending age cohort, between 12 February 2018 and 13 May 2018

Week	10-16yo		17+yo		CYDC Total
	Aged 10-16 and offended as 10-16yo cohort	Aged 17yo+ and offended as 10-16yo cohort	Aged 17yo+ and offended as 17yo+ cohort	Aged 17yo+ and offended as 17yo+ cohort	
12 Feb to 18 Feb	87.3	12.4			99.7
19 Feb to 25 Feb	82.0	10.7	0.6		93.3
26 Feb to 4 Mar	77.6	8.9	2.4		88.9
5 Mar to 11 Mar	73.7	7.3	4.0		85.0
12 Mar to 18 Mar	66.3	7.0	5.1		78.4
19 Mar to 25 Mar	69.9	8.1	6.4		84.4
26 Mar to 1 Apr	66.1	8.0	9.6		83.7
2 Apr to 8 Apr	72.4	9.6	12.1		94.1
9 Apr to 15 Apr	79.0	10.0	11.0		100.0
16 Apr to 22 Apr	82.1	8.3	13.3		101.7
23 Apr to 29 Apr	77.0	7.1	12.6		96.7
30 Apr to 6 May	79.9	6.4	12.1		98.4
7 May to 13 May	75.1	6.3	13.9		95.3

Source: Youth Justice Performance and Reporting, Department of Child Safety, Youth and Women.
Ref: YJ_1332

NOTES:

- 1) Data excludes young people who are in alternative custodial settings eg young people who are remanded by court to detention but are held in a police watchhouse until they can be safely accommodated in a detention centre.

Inspectors were advised of the planned construction of 12 new beds adjoining the [redacted] due for completion in early 2019. The additional 12 beds will lessen the overcrowding issue only partially, unless further capacity is built and/or, more diversionary strategies are implemented.

¹ Calculated using Queensland Corrective Services data for 2016/17. There were on average between 40 and 50 17y.o.s housed in adult correctional centres throughout Queensland, with the highest number of 17y.o.s peaking at 67 in April 2017.

In regards to diversionary efforts, the A/ED spoke of the recently appointed Child Safety Officer located within the CYDC case work team to assist with the Supervised Bail Accommodation assessment and referral process intended to free-up space within the centre. During consultation YJ advised:

Youth Justice has also implemented a number of initiatives to reduce remand (and the need for watchhouse custody), including rapid bail response procedures, and increased funding to community organisations that assist young people to attain bail or meet the conditions of their bail.

Finding/Risk

The population of young people detained at CYDC is at and regularly above maximum built capacity forcing young people to remain in QPS watch houses for extended periods. This is expected to continue until the additional 12 beds are come online in 2019, which may only partially address the demand for further built capacity. This issue will also affect business continuity arrangements should young people require to be relocated as was experienced in the 2011 Cyclone Yasi when they CYDC young people were transferred to the QCS Townsville Correctional Centre (QCS is currently experiencing its own overcrowding issues).

Risk	Rating
<p>High numbers of young people will continue be detained in QPS watch houses for extended periods due to detention centre capacity and diversionary efforts failure to meet demand. This will result in a failure to provide for the safety and wellbeing of detained young people and sustained media coverage.</p> <p>Likelihood: Almost Certain Consequence: Major</p>	<p>Extreme</p>

Recommendation

That Youth Justice investigates demand on detention centre capacity across the state to inform strategies to manage demand pressures, with the view to improving the safety and wellbeing of young people in youth detention centres and to reducing the need to hold young people in watch-houses for extended periods. At the same time, Youth Justice should position the imminent rollout of the revised Behaviour Development Model towards greater rehabilitation and reintegration of young people through on- and off-centre activities and rewards in an effort to reduce returns to custody.

Accepted: Yes

Responsible officer: SED YJ

Timeline for implementation: TBC

Response from YJ during consultation:

Managing populations in excess of the youth detention built capacity is extremely complex and young people's safety is paramount. Youth Justice Officers are working closely with the Queensland Police Service to ensure young people in watch houses are safe, accommodated separately to adults and are treated appropriately, with regard to their age, maturity and vulnerability. Additionally, Youth Justice is mobilising a team of dedicated officers to focus solely on the safety and wellbeing of young people held in watchhouses and

expediting their transfer to a youth detention centre as soon as possible. These officers are conducting daily dynamic risk assessments of youth detention capacity and watch house populations inform and prioritise transfer and admission decisions.

Youth Justice has also implemented a number of initiatives to reduce remand (and the need for watchhouse custody), including rapid bail response procedures and increased funding to community organisations that assist young people to attain bail or meet the conditions of their bail. These services include: Youth Justice Supported Bail Accommodation, Youth Advocacy Centre, Youth Bail Accommodation Service, Sisters Inside, and Youth Legal Aid.

By increasing wrap-around support, it is anticipated that more young people will be able to successfully meet their bail conditions in the community, and importantly reduce their offending. This will also relieve pressure on youth detention centres and overall remand rates (on any given day, approximately 80 per cent of the youth detention population are remanded).

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