

OPG complaint referral to external agency

The OPG is referring this complaint to your agency in exercise of its statutory functions and powers set out in the Public Guardian Act 2014 (Qld) and the Guardianship and Administration Act 2000 (Qld).

Background information

OPG REFERENCE NO.			
COMPLAINT REFERRAL TYPE	Complaint on OPG's own initiative (s. 144(a), PGA)	REFERRED DATE	
OPG CONTACT PERSON/s	Community Visiting and Advocacy Mark Sprenger mark.sprenger@publicguardian.qld.gov.au Jane Stone jane.stone@publicguardian.qld.gov.au		
ADULT/CHILD/YOUNG PERSON/s	Child/young person <ul style="list-style-type: none"> Name & DOB: [redacted] YJ - exempt info 		
VISITABLE LOCATION/s <i>(if relevant)</i>	[redacted] Watchhouse	SERVICE PROVIDER <i>(if relevant)</i>	Department of Children, Youth Justice and Multicultural Affairs.

Complaint details

SUBJECT OF OPG CONCERNS <i>(who this complaint is about - e.g., person, agency, service provider)</i>	<ul style="list-style-type: none"> Queensland Police Service (QPS) Watchhouses. Department of Children, Youth Justice and Multicultural Affairs Youth Detention Centres.
REFERRAL TO <i>(entity this complaint is being referred to)</i>	Agency: <ul style="list-style-type: none"> QPS Ethical Standards Command YJS Professional Standards Unit <i>Queensland Human Rights Commission (for information only)</i> Service Provider/NGO/Other : n/a
REQUESTED OUTCOMES <i>(including a proposed response date - e.g., within 45 business days)</i>	1. Please assess this matter, including [redacted] extended custody in the [redacted] Watchhouse, the delay in transferring [redacted] due to systemic capacity issues in youth detention centres, and whether [redacted] was provided and/or explained [redacted] rights, to establish if the issues and concerns described warrant your investigation.

- 2. Suitably refer the matter for appropriate action, including any required notification to other relevant agencies.

We would be grateful if you would acknowledge receipt of this complaint and advice on your next steps and how you will manage these issues at your earliest convenience.

The OPG would appreciate relevant updates regarding the progress of this matter to inform OPG's ongoing advocacy concerning [redacted] and/or manage expectations and any associated risks.

Once the relevant agency finalises any investigation, we would appreciate your advice regarding any findings or outcomes of the process, including for example:

- a) If you found each concern to be either substantiated, unsubstantiated, or unable to be substantiated.
- b) Any actions agreed to be taken by the subject of the complaint regarding any issue.
- c) Any remedial action concerning the complaint or issue.
- d) Information about how OPG may seek reconsideration of the decision if required.

The OPG may attempt to discuss the information gathered and your advice with [redacted] which will assist the OPG in promoting and protecting [redacted] rights and interests.

Proposed response date: [redacted]

STATEMENT OF CONCERN/S
(each act/omission/behaviour which may be inconsistent with policy/procedure/principle/legislation)

- 1. On [redacted] the Queensland Police Service Watchhouse, custody lists indicated that [redacted] a [redacted] young person [redacted] had been in extended custody in the [redacted] Watchhouse for five Days. The reason for the length of stay was due to capacity restraints in detention centres and no bed available for [redacted] at that time.

The OPG is concerned that incidents such as this continue to be reported, noting:

- a) **The QPS Watchhouse environment is not suitable for children and young peoples' safety and well-being.**

In particular, the OPG has observed the following concerns:

- Watchhouses are designed to detain adults for short, temporary periods.
- They are inadequately resourced or regulated to care for children and young people for extended periods.

- While detained in a small Watchhouse cell with minimal facilities, young people are often in the proximity and view of adult inmates.
- Children and young people have limited access to open and fresh air and sunlight, daily hygiene facilities (e.g. showers), or appropriate services, including healthcare, psychological support, and education.
- This type of environment can lead to increased anxiety and trauma, particularly if detained in this environment for a prolonged period.

This incident may have been contrary to the (QPS) Operational Procedures Manual:

- **Chapter 16.17.1(v)** - Considerations for the custody of children, which requires that a child held in custody is to, wherever reasonably possible, be held in a youth detention centre and the additional considerations as outlined in 16.14.1 (vi) to (vii) as may be relevant to the individual's circumstances.
 - **Chapter 16.14.5** - Custody of children in watchhouses, which requires that wherever practicable children are not to be kept in custody in a watchhouse
- b) **Extended custody in a Watchhouse may be inconsistent with young peoples' rights and interests under the *Youth Justice Act 1992 (Qld)*.**

The OPG notes that Youth Justice Services is responsible for administering the *Youth Justice Act 1992 (Qld)* to deal with children and young people who encounter the youth justice system, including detention and custody issues. The youth justice principles established in schedule 1 of the *Youth Justice Act 1992 (Qld)* ('Charter of Youth Justice Principles') underlie the operation of the Act.

This incident may have been contrary to the following *Youth Justice Act 1992* youth justice principles:

- **Principle 2** - The youth justice system should uphold the rights of children, keep them safe and promote their physical and mental wellbeing.
- **Principle 13** - A person making a decision relating to a child under this Act should consider the child's age, maturity and where appropriate, cultural, and religious beliefs and practices.

- **Principle 19** - A child detained in custody should only be held in a facility suitable for children.

c) **Extended custody in a Watchhouse may be an unreasonable and unjustifiable limitation of a young person's human rights under the *Human Rights Act 2019* (Qld).**

The OPG is concerned that by failing to promptly provide [redacted] with suitable accommodation in a youth detention centre, resulting in [redacted] prolonged detention in an adult Watchhouse, Youth Justice Services may have acted incompatibly with [redacted] - exempt human rights, including:

- **Section 15(2) - Every person has the right to enjoy the person's human rights without discrimination.**

The OPG is concerned that children and young people may not be afforded the right to enjoy their human rights on the same basis as others due to their status as a child or young person (i.e., based on their age). The lack of availability in a youth detention centre may result in children and young people remaining remanded in Watchhouse custody for longer periods than adults in some instances.

- **Section 14(b) - A person must not be treated or punished in a cruel, inhuman or degrading way.**

The OPG is concerned that [redacted] may have been treated in a degrading way while detained in the [redacted] Watchhouse, including as a result of the lack of access to daily hygiene facilities.

- **Section 26(1) - Families are the fundamental group unit of society and are entitled to be protected by society and the State.**

The OPG is concerned that prolonged detention in an adult Watchhouse limits a young person's right to stay connected to their family with restrictions on visits, letter writing and making phone and video calls.

- **Section 26(2) - The right of every child, without discrimination, to the protection that is needed by the child, and is in the child's best interests, because of being a child.**

The OPG is concerned that prolonged detention in an adult Watchhouse is not in a young person's best interests for the reasons described above.

- **Section 30(1) and (2) – All persons deprived of liberty must be treated with humanity and with respect for the inherent dignity of the human person, and an accused person who is detained or a person detained without charge must be treated in a way that is appropriate for a person who has not been convicted.**

The OPG is concerned that [redacted] was not treated with humanity and with respect for [redacted] inherent dignity or in a way that was appropriate due to the reasons described above.

- **Section 33(1) - An accused child who is detained, or a child that is detained without charge, must be segregated from all detained adults.**

The OPG is concerned that detention in a Watchhouse, particularly for a prolonged period, is inappropriate as young people are often detained in the proximity and view of adult inmates.

- **Section 36(1) – Every child has the right to have access to primary and secondary education appropriate to the child's needs.**

The OPG is concerned that [redacted] and children and young people generally do not have access to appropriate education services while detained in an adult Watchhouse facility.

HUMAN RIGHTS

(note any human rights under the Human Rights Act 2019 (Qld) that may have been limited)

1. s.15 - Right to recognition and equality before the law
2. S.14 - Right to protection from torture and cruel, inhuman or degrading treatment
3. s.26 - Protection of families and children
4. s.30 - Humane treatment when deprived of liberty
5. s.33 - Children in the criminal process
6. s.36 - Right to education

BACKGROUND INFORMATION

(chronology, including dates, times and place of events, people involved/witnesses, OPG role, current CP intervention/guardianship)

- [redacted] is a [redacted] young person [redacted]
- Or [redacted] was placed in custody at the [redacted] Watchhouse as indicated by the Queensland Police Service Watchhouse custody lists.

<p><i>appointment, diagnoses/support needs, and any other supporting evidence if available - e.g., documents/camera/audio recordings)</i></p>	<ul style="list-style-type: none"> On [redacted] in accordance with the OPG Community Visiting and Advocacy practice guidance, an alternative technology inquiry (ATI) was attempted with [redacted] whilst in the [redacted] Watchhouse. OPG Community Visitor and Advocate Jane Stone (Ms Stone) was informed [redacted] [redacted] YJ - exempt info [redacted] would be transferred to the Brisbane Youth Detention Centre in the morning. On [redacted] the Queensland Police Service Watchhouse custody lists indicated that [redacted] had been in extended custody in the [redacted] Watchhouse for five Days. Later, on [redacted] the OPG understands that [redacted] was transported to the Brisbane Youth Detention Centre.
<p>VIEWS AND WISHES OF OPG CLIENT (also consider: 1. Whether child/young person/adult is aware of/has requested/agreed with the complaint being made, 2. Child/young person/adult's capacity/willingness to participate in complaints process and any preferences regarding contact/involvement.)</p>	<ul style="list-style-type: none"> Ms Stone did not have an opportunity to speak with [redacted] to discuss [redacted] views and wishes.
<p>ATTEMPTS TO RESOLVE AT LOCAL LEVEL SUMMARY (if relevant, include details of any attempts to resolve the matter with the relevant person/agency/provider)</p>	<ul style="list-style-type: none"> The capacity issue impacting on young people awaiting a bed in a youth detention centre appears to be a systemic issue and unable to be resolved locally.
<p>HAS THIS MATTER BEEN REPORTED TO ANOTHER AGENCY? (if so, provide details - whether referred by OPG or another person/agency/provider)</p>	<ul style="list-style-type: none"> Queensland Police Service ([redacted] Watchhouse).
<p>ATTACHMENTS (attach any relevant correspondence/documents/emails)</p>	<ul style="list-style-type: none"> Nil

Progress of complaint

We would be grateful if you would acknowledge receipt of this complaint and advice of your next steps and how you will manage these issues at your earliest convenience.

OPG would appreciate relevant updates regarding the progress of this matter to inform OPG's ongoing advocacy in relation to the client, and/or manage expectations and any associated risks.

Once the investigation is finalised, we would appreciate your advice regarding any findings or outcomes of the process, including for example:

- a) If you found each concern to be either *substantiated*, *unsubstantiated*, or *unable to be substantiated*.
- b) Any actions agreed to be taken by the subject of the complaint regarding any issue.
- c) Any remedial action concerning the complaint or issue.
- d) Information about how OPG may seek reconsideration of the decision if required.

The OPG may attempt to discuss the information gathered and your advice with our client, which will assist the OPG in promoting and protecting their rights and interests.

If you would like to discuss this matter further, please do not hesitate to contact the Principal Complaints Officer, OPG, by telephone on 3738 9489 or by email at complaintreferral@publicguardian.qld.gov.au.

Statement Of Complaint

Complainants

Person	Type	Address
	YJ - exempt info	

Complaint To Centre: Yes

Complaint To Police: Yes

**Complaint To Crime and
Corruption
Commission:** No

Complaint

Date Complaint Signed: [Redacted]

Complaint Type: Treatment by the QPS

Received Date: [Redacted]

Completed By Staff 1: [Redacted]

Completed By Staff 2: [Redacted]

Human Rights

**Is this potentially a
Human Rights
Complaint?** No

Associated Incidents

Incident Number	Date	Incident Level/Codes
No Records		

Complaint Details

Perpetrators

Person	Type	Address
No Records		

Details

**Date Complaint
Relates to:** [Redacted]

Details Of Complaint:

[redacted] does not feel safe [redacted]
[redacted] Claims Police [redacted] does not protect
[redacted] family.

Desired Outcome:

[redacted] For [redacted] family to feel safe.

Assessment

Risks

Complaint Category: Category 2

Risk Rating: Moderate

Assess Complaint

Recommendation: Investigate

Further Clarifying Advice:

[redacted]

YJ - exempt info

Summary of Findings:

Outcome:

Actions/Remedy

Referrals/Actions/Remedies

ID	Type	Description	Assigned to	Due Date	Completed Date	Completed By	Status
No Records							

Attachments

Attachment	Dated	Author	Description
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Status: Log and Assess

Attachment	Dated	Author	Description
COM 1			
Other			

Review

Reviewed By	Reviewed Date	Reviewed Comments	Last Updated

Notifications

To	Description	Created on	Status	Status By
No Records				

History

Event	Date	Status	Officer	Notes
Complaint Created		Log and Assess		

END OF REPORT

RTI REQUEST

s73(2)

RELEASES

From: Vanessa Brown <Vanessa.Brown@cyjma.qld.gov.au>

Sent: [redacted] Y - exempt info

To: Billy F Ross <Billy.Ross@cyjma.qld.gov.au>; Aleks Chamberlain <Aleks.Chamberlain@cyjma.qld.gov.au>

Cc: FNQ CairnsYJSC Court <FNQ_CairnsYJSC_Court@cyjma.qld.gov.au>

Subject: [redacted] WH

Hi Billy and Aleks,

I just wanted to make you aware of some concerns raised by [redacted] today.

[redacted]

[redacted] housed in the adult section upon [redacted] admission to the WH. [redacted]

[redacted] then took

[redacted] out and moved [redacted] to another appropriate section.

[redacted] not drinking any water due to fears around germs on the tap attached to the toilet and WH [redacted] after a lot of back and forth, was allowed to bring a sealed juice drink in for [redacted] after being inspected by the officers, which was good to hear.

I have forwarded [redacted] a copy of the QPS complaints options and advised [redacted] right to complain if [redacted] would like to. [redacted] is very concerned about [redacted] being in there any longer.

YJ - exempt info

Let me know if you need any further information regarding this.
Thanks for your time
Kind regards,

Vanessa Brown | Caseworker
Youth Justice | Far North Queensland Region
Department of Children, Youth Justice and Multicultural Affairs

120 Spence Street, Cairns Qld 4870
PO Box 5121, Cairns QLD 4870

P: 07 4255 7585 M: [redacted] Mobile number E: Vanessa.Brown@youthjustice.qld.gov.au



HEAL COUNTRY!
4-11 JULY 2021



RTI REQUEST

Statement Of Complaint

Complainants

Person	Type	Address
[REDACTED]	YJ - exempt info	[REDACTED]

Complaint To Centre: No

Complaint To Police: No

**Complaint To Crime and
Corruption
Commission:** Yes

Complaint

Date Complaint Signed: [REDACTED]

Complaint Type: Treatment by the QPS

Received Date: [REDACTED]

Completed By Staff 1: [REDACTED]

Completed By Staff 2: [REDACTED]

Human Rights

**Is this potentially a
Human Rights
Complaint?** Yes

**Category/s of possible
Human Right breached:** 30 - Humane treatment when deprived of liberty

Associated Incidents

Incident Number	Date	Incident Level/Codes
No Records		

Complaint Details

Perpetrators

Person	Type	Address
Mr [REDACTED] POLICE	Visitor	[REDACTED]

Details

Date Complaint
 Relates to:

Details Of Complaint:

Alleged that QPS Officer choked while was in the Watch House Holding Cell.

Desired Outcome:

Investigated

Assessment

Risks

Complaint Category: Category 1

Risk Rating: Low

Assess Complaint

Recommendation: Refer

Further Clarifying
 Advice:

----- Added on at Brisbane Youth Detention Centre
 Referred to CCC.

Summary of Findings:

----- Added on at Brisbane Youth Detention Centre
 N/A

Outcome:

Referred - no return advice expected

Actions/Remedy

Referrals/Actions/Remedies

ID	Type	Description	Assigned to	Due Date	Completed Date	Completed By	Status
No Records							

Attachments

Attachment	Dated	Author	Description
COM 1	<input type="text"/>	<input type="text"/>	Complaint Form
<input type="text"/>			



Review

Reviewed By	Reviewed Date	Reviewed Comments	Last Updated
No Records			

Notifications

To	Description	Created on	Status	Status dy
No Records				

History

Event	Date	Status	Officer	Notes
'Complete' workflow action performed		Complete		
'Endorse' workflow action performed		Endorse		
'Endorsement of Outcomes' workflow action performed		Endorsement of Outcomes		
'Remedies and Actions' workflow action performed		Remedies and Actions		
'Investigation' workflow action performed		Investigation		
Complaint Created		Log and Assess		

END OF REPORT

RTI REVIEW

Statement Of Complaint

Complainants

Person	Type	Address

Complaint To Centre: No

Complaint To Police: No

**Complaint To Crime and
Corruption
Commission:** Yes

Complaint

Date Complaint Signed:

Complaint Type: Treatment by the QPS

Received Date:

Completed By Staff 1:

Completed By Staff 2:

Human Rights

**Is this potentially a
Human Rights
Complaint?** Yes

**Category/s of possible
Human Right breached:**

- 17 - Protection from torture and cruel, inhuman or degrading treatment
- 30 - Humane treatment when deprived of liberty

Associated Incidents

Incident Number	Date	Incident Level/Codes
No Records		

Complaint Details

Perpetrators

Person	Type	Address
Commissioner Commissioner QPS	Visitor	200 Roma Street BRISBANE QLD 4000

Details

Date Complaint Relates to: [Redacted]

Details Of Complaint: [Redacted] yelling and telling [Redacted] to sit down, up in [Redacted] face. [Redacted] grabbed [Redacted] by the throat and pushed [Redacted] down [Redacted]

Desired Outcome: Dont know

Assessment

Risks

Complaint Category: Category 3

Risk Rating: High

Assess Complaint

Recommendation: Refer

Further Clarifying Advice: ----- Added on [Redacted] at Brisbane Youth Detention Centre

Complaint: YP completed a COM1 [Redacted]

Summary of Findings: ----- Added on [Redacted] at Brisbane Youth Detention Centre

Additional Information

[Redacted]

Complaint referred to PSU.

Outcome: Referred - no return advice expected

Actions/Remedy

Referrals/Actions/Remedies

ID	Type	Description	Assigned to	Due Date	Completed Date	Completed By	Status
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No Records

Attachments

Attachment	Dated	Author	Description
COM 1	26 Jul 21	Kelly Carter	COM1 - [REDACTED]

Review

Reviewed By	Reviewed Date	Reviewed Comments	Last Updated
[REDACTED]	[REDACTED]	Complaint received during readmission process. Photos taken. Matter referred to PSU for review and assessment. Matter relates to treatment by OPS. BYDC does not expect to receive an outcome for this complaint.	[REDACTED]

Notifications

To	Description	Created on	Status	Status By
No Records				

History

Event	Date	Status	Officer	Notes
'Complete' workflow action performed	[REDACTED]	Complete	[REDACTED]	
'Endorse' workflow action performed	[REDACTED]	Endorse	[REDACTED]	
'Endorsement of Outcomes' workflow action performed	[REDACTED]	Endorsement of Outcomes	[REDACTED]	
'Investigation' workflow action performed	[REDACTED]	Investigation	[REDACTED]	
Complaint Created	[REDACTED]	Log and Assess	[REDACTED]	

END OF REPORT

Statement Of Complaint

Complainants

Person	Type	Address

Complaint To Centre: No

Complaint To Police: Yes

**Complaint To Crime and
Corruption
Commission:** No

Complaint

Date Complaint Signed:

Complaint Type: Treatment by the QPS

Received Date:

Completed By Staff 1:

Completed By Staff 2:

Human Rights

**Is this potentially a
Human Rights
Complaint?** Yes

**Category/s of possible
Human Right breached:** 17 - Protection from torture and cruel, inhuman or degrading treatment

Associated Incidents

Incident Number	Date	Incident Level/Codes
No Records		

Complaint Details

Perpetrators

Person	Type	Address
No Records		

Details

Date Complaint
Relates to:

Details Of Complaint:

Complaint description: At the watch house
 put in a headlock on the hard floor

Desired Outcome:

Assessment

Risks

Complaint Category: Category 3

Risk Rating: High

Assess Complaint

Recommendation: Refer

Further Clarifying
Advice:

----- Added on at Brisbane Youth Detention Centre

Summary of Findings:

----- Added on at Brisbane Youth Detention Centre

YP disclosed an allegation of excessive force that occurred at Limited information available.

Outcome:

Referred - no return advice expected

Actions/Remedy

Referrals/Actions/Remedies

ID	Type	Description	Assigned to	Due Date	Completed Date	Completed By	Status
No Records							

Attachments

Attachment	Dated	Author	Description
COM 1	<input type="text"/>	<input type="text"/>	COM - <input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Status: Complete

Attachment	Dated	Author	Description

Review

Reviewed By	Reviewed Date	Reviewed Comments	Last Updated
No Records			

Notifications

To	Description	Created on	Status	Status By
No Records				

History

Event	Date	Status	Officer	Notes
'Complete' workflow action performed		Complete		
'Endorse' workflow action performed		Endorse		
'Endorsement of Outcomes' workflow action performed		Endorsement of Outcomes		
'Investigation' workflow action performed		Investigation		
Complaint Created		Log and Assess		

END OF REPORT

RTI REVIEW



Statement Of Complaint

Complainants

Person	Type	Address

Complaint To Centre: No

Complaint To Police: Yes

**Complaint To Crime and
Corruption
Commission:** No

Complaint

Date Complaint Signed:

Complaint Type: Treatment by the QPS

Received Date:

Completed By Staff 1:

Completed By Staff 2:

Human Rights

**Is this potentially a
Human Rights
Complaint?** No

Associated Incidents

Incident Number	Date	Incident Level/Codes
No Records		

Complaint Details

Perpetrators

Person	Type	Address
Commissioner Commissioner QPS	Visitor	200 Roma Street BRISBANE QLD 4000

Details

**Date Complaint
Relates to:**

Details Of Complaint:

[redacted] accommodated in a cell with [redacted] adult. [redacted]

Desired Outcome:

Juvenile's to be kept separate from adult offenders.

Assessment

Risks

Complaint Category: Category 2

Risk Rating: Moderate

Assess Complaint

Recommendation: Refer

Further Clarifying Advice:

----- Added on [redacted] at Brisbane Youth Detention Centre

[redacted]

----- Added on [redacted] at Brisbane Youth Detention Centre

Additional information -

[redacted] put into a cell with an adult [redacted] in the [redacted] Watchhouse

Summary of Findings:

----- Added on [redacted] at Brisbane Youth Detention Centre

Complaint relates to an matter that is alleged to have occurred in the [redacted] Watchhouse while in Police custody. Matter to be referred to PSU for referral to CCC.

Outcome:

Referred - no return advice expected

Actions/Remedy

Referrals/Actions/Remedies

ID	Type	Description	Assigned to	Due Date	Completed Date	Completed By	Status
No Records							

Attachments

Attachment	Dated	Author	Description
COM 1			COM1



Review

Reviewed By	Reviewed Date	Reviewed Comments	Last Updated
		YPs complaint relates to a matter that is alleged to have occurred in the [redacted] Watchhouse while in Police custody. Matter has been referred to PSU for referral to CCC for review and assessment. No outcome advice expected to be received. It is assessed that this complaint can be closed and completed.	

Notifications

To	Description	Created on	Status	Status By
No Records				

History

Event	Date	Status	Officer	Notes
'Endorsement of Outcomes' workflow action performed		Endorsement of Outcomes		
'Investigation' workflow action performed		Investigation		
Complaint Created		Log and Assess		

END OF REPORT

RTI REVIEW

Statement Of Complaint

Complainants

Person	Type	Address

Complaint To Centre: No

Complaint To Police: No

**Complaint To Crime and
Corruption
Commission:** Yes

Complaint

Date Complaint Signed:

Complaint Type: Treatment by the QPS

Received Date:

Completed By Staff 1:

Completed By Staff 2:

Human Rights

**Is this potentially a
Human Rights
Complaint?** No

Associated Incidents

Incident Number	Date	Incident Level/Codes
No Records		

Complaint Details

Perpetrators

Person	Type	Address
Commissioner Commissioner QPS	Visitor	200 Roma Street BRISBANE QLD 4000

Details

**Date Complaint
Relates to:**

Details Of Complaint:

[Redacted] Watch-house breakfast [Redacted]
[Redacted] the officers threw it on the ground [Redacted]
[Redacted] The officers also threw the soap and dinner [Redacted]
[Redacted]

Desired Outcome:

[Redacted] police to have a bit of dignity [Redacted]

Assessment

Risks

Complaint Category: Category 2
Risk Rating: Moderate

Assess Complaint

Recommendation: Refer

Further Clarifying Advice: ----- Added on [Redacted] at Cleveland Youth Detention Centre

[Large redacted area]

Summary of Findings: ----- Added on [Redacted] at Cleveland Youth Detention Centre



[redacted] made a complaint in relation to the alleged treatment by police when the YP was detained in the [redacted] Watch-house [redacted]

Matter was referred to Professional Standards [redacted] for forwarding to the CCC to investigate. No return advice expected.

[redacted]

Outcome: Referred - no return advice expected

Actions/Remedy

Referrals/Actions/Remedies

ID	Type	Description	Assigned to	Due Date	Completed Date	Completed By	Status
No Records							

Attachments

Attachment	Dated	Author	Description
COM 1	[redacted]	[redacted]	YP complaint about police

Review

Reviewed By	Reviewed Date	Reviewed Comments	Last Updated
[redacted]	[redacted]	<p>[redacted] made a complaint in relation to the alleged treatment by police when the YP was detained in the [redacted] Watch-house [redacted]</p> <p>[redacted]</p> <p>Matter was referred to Professional Standards [redacted] for forwarding to the CCC to investigate. No return advice expected.</p> <p>[redacted]</p> <p>Comments noted by ED; Process supported and endorsed at this time.</p>	[redacted]



Notifications

To	Description	Created on	Status	Status By
No Records				

History

Event	Date	Status	Officer	Notes
'Complete' workflow action performed		Complete		
'Endorse' workflow action performed		Endorse		
'Endorsement of Outcomes' workflow action performed		Endorsement of Outcomes		
'Remedies and Actions' workflow action performed		Remedies and Actions		
Complaint Created		Log and Assess		

END OF REPORT

RTI RELEASED

Statement Of Complaint

Complainants

Person	Type	Address

Complaint To Centre: No

Complaint To Police: Yes

**Complaint To Crime and
Corruption
Commission:** No

Complaint

Date Complaint Signed:

Complaint Type: Treatment by the QPS

Received Date:

Completed By Staff 1:

Completed By Staff 2:

Human Rights

**Is this potentially a
Human Rights
Complaint?** No

Associated Incidents

Incident Number	Date	Incident Level/Codes
No Records		

Complaint Details

Perpetrators

Person	Type	Address
Commissioner Commissioner QPS	Visitor	200 Roma Street BRISBANE QLD 4000

Details

**Date Complaint
Relates to:**

Details Of Complaint:

[redacted] does not feel safe [redacted]
[redacted] Claims police [redacted]
does not protect [redacted] family.

Desired Outcome:

Assessment

Risks

Complaint Category: Category 3

Risk Rating: High

Assess Complaint

Recommendation: Refer

Further Clarifying Advice: ----- Added on [redacted] at Cleveland Youth Detention Centre

RTI RELEASE

[Redacted]

Summary of Findings:

----- Added on [Redacted] at Cleveland Youth Detention Centre

[Redacted] made a complaint in relation to [Redacted] alleged treatment by the police. [Redacted]

Matter referred to Professional Standards for forwarding to the Crime and Corruption Commission (CCC) to investigate. No return advice expected

Outcome:

Referred - no return advice expected

Actions/Remedy

Referrals/Actions/Remedies

ID	Type	Description	Assigned to	Due Date	Completed Date	Completed By	Status
No Records							

Attachments

Attachment	Dated	Author	Description
COM 1			YP complaint
COM 1			BYDC DCOIS Complaint [Redacted] summary
[Redacted]			
[Redacted]			
[Redacted]			
[Redacted]			

Review

Reviewed By	Reviewed Date	Reviewed Comments	Last Updated
[Redacted]			



Cleveland Youth Detention Centre

Complaint - YJ - exempt info

Status: Complete

Reviewed By	Reviewed Date	Reviewed Comments	Last Updated
		<p>----- Added on [redacted] at Cleveland Youth Detention Centre</p> <p>[redacted] made a complaint in relation to [redacted] alleged treatment by the police. [redacted]</p> <p>[redacted]</p> <p>Matter referred to Professional Standards for forwarding to the Crime and Corruption Commission (CCC) to investigate. No return advice expected.</p> <p>As per comments noted by ED; Process supported and enorsed at this time.</p>	

Notifications

To	Description	Created on	Status	Status By
No Records				

History

Event	Date	Status	Officer	Notes
'Complete' workflow action performed		Complete		
'Endorse' workflow action performed		Endorse		
'Endorsement of Outcomes' workflow action performed		Endorsement of Outcomes		
'Remedies and Actions' workflow action performed		Remedies and Actions		
'Endorsement of Outcomes' workflow action performed		Endorsement of Outcomes		
'Remedies and Actions' workflow action performed		Remedies and Actions		
Complaint Created		Log and Assess		

END OF REPORT



OPG complaint referral to external agency

The OPG is referring this complaint to your agency in exercise of its statutory functions and powers set out in the *Public Guardian Act 2014 (Qld)* and the *Guardianship and Administration Act 2000 (Qld)*.

Background information

OPG REFERENCE NO.	YJ - exempt info		
COMPLAINT REFERRAL TYPE	Complaint on OPG's own initiative (s. 144(a), PGA)	REFERRED DATE	
OPG CONTACT PERSON/s	Community Visiting and Advocacy – Danielle Jenkins danielle.jenkins@publicguardian.qld.gov.au		
ADULT/CHILD/YOUNG PERSON/s	Child/young person • Name & DOB		
VISITABLE LOCATION/s (if relevant)	Watchhouse	SERVICE PROVIDER (if relevant)	DCYJMA

Complaint details

SUBJECT OF OPG CONCERNS (who this complaint is about – e.g. person, agency, service provider)	Queensland Police Service Watchhouse and Department of Children, Youth Justice and Multicultural Affairs Youth Detention Centres.
REFERRAL TO (entity this complaint is being referred to)	Agency: <ul style="list-style-type: none"> QPS Ethical Standards Command YJS Professional Standards Unit Queensland Human Rights Commission (for information only) Service Provider/NGO/Other:
REQUESTED OUTCOMES (including a proposed response date – e.g. within 45 business days)	<ol style="list-style-type: none"> Please assess this matter, including extended custody in the Watchhouse, the delay in transferring due to systemic capacity issues in youth detention centres, and whether was provided and/or explained rights, to establish if the issues and concerns described warrant investigation. Suitably refer the matter for appropriate action, including any required notification to other relevant agencies. <p>We would be grateful if you would acknowledge receipt of this complaint and advice on your next steps and how you will manage these issues at your earliest convenience.</p>

The OPG would appreciate relevant updates regarding the progress of this matter to inform OPG's ongoing advocacy concerning [redacted] and/or manage expectations and any associated risks.

Once the relevant agency finalises any investigation, we would appreciate your advice regarding any findings or outcomes of the process, including for example:

- a) If you found each concern to be either substantiated, unsubstantiated, or unable to be substantiated.
- b) Any actions agreed to be taken by the subject of the complaint regarding any issue.
- c) Any remedial action concerning the complaint or issue.
- d) Information about how OPG may seek reconsideration of the decision if required.

The OPG may attempt to discuss the information gathered and your advice with [redacted] which will assist the OPG in promoting and protecting [redacted] rights and interests.

Proposed response date: [redacted] YJ - exempt info

STATEMENT OF CONCERN/S
(each act/omission/behaviour which may be inconsistent with policy/procedure/principle/legislation)

1. On [redacted] the QPS Watchhouse custody lists indicated that [redacted] had been in extended custody in the [redacted] watchhouse for five days. The reason for the length of stay was due to capacity restraints in detention and no bed available for [redacted] until [redacted] transfer to Cleveland Youth Detention Centre (CYDC) on [redacted] after five days in the [redacted] Watchhouse.

The OPG is concerned that incidents such as this continue to be reported, noting:

- a) **The QPS Watchhouse environment is not suitable for children and young peoples' safety and well-being.**

In particular, the OPG has observed the following concerns:

- Watchhouses are designed to detain adults for short, temporary periods.
- They are inadequately resourced or regulated to care for children and young people for extended periods.
- While detained in a small Watchhouse cell with minimal facilities, young people are often in the proximity and view of adult inmates.

- Children and young people have limited access to open and fresh air and sunlight, daily hygiene facilities (e.g. showers), or appropriate services, including healthcare, psychological support, and education.
- This type of environment can lead to increased anxiety and trauma, particularly if detained in this environment for a prolonged period.

This incident may have been contrary to the (QPS) Operational Procedures Manual:

- **Chapter 16.17.1(v)** - Considerations for the custody of children, which requires that a child held in custody is to, wherever reasonably possible be held in a youth detention centre and the additional considerations as outlined in 16.17.1 (vi) to (vii) as may be relevant to the individual's circumstances.
- **Chapter 16.17.5** - Custody of children in watchhouses, which requires that wherever practicable children are not to be kept in custody in a watchhouse.

b) Extended custody in a Watchhouse may be inconsistent with young peoples' rights and interests under the Youth Justice Act 1992 (Qld).

The OPG notes that Youth Justice Services is responsible for administering the *Youth Justice Act 1992 (Qld)* to deal with children and young people who encounter the youth justice system, including detention and custody issues. The youth justice principles established in schedule 1 of the *Youth Justice Act 1992 (Qld)* ('Charter of Youth Justice Principles') underlie the operation of the Act.

This incident may have been contrary to the following *Youth Justice Act 1992* youth justice principles:

- **Principle 2** - The youth justice system should uphold the rights of children, keep them safe and promote their physical and mental wellbeing.
- **Principle 13** - A person making a decision relating to a child under this Act should consider the child's age, maturity and, where appropriate, cultural and religious beliefs and practices.

- **Principle 19** - A child detained in custody should only be held in a facility suitable for children.

c) **Extended custody in a Watchhouse may be an unreasonable and unjustifiable limitation of a young person's human rights under the *Human Rights Act 2019* (Qld).**

The OPG is concerned that by failing to promptly provide [redacted] with suitable accommodation in a youth detention centre, resulting in [redacted] prolonged detention in an adult Watchhouse, Youth Justice Services may have acted incompatibly with [redacted]'s human rights, including:

- **Section 15(2) - Every person has the right to enjoy the person's human rights without discrimination.**

The OPG is concerned that children and young people may not be afforded the right to enjoy their human rights on the same basis as others due to their status as a child or young person (i.e. based on their age). The lack of availability in a youth detention centre may result in children and young people remaining remanded in Watchhouse custody for longer periods than adults in some instances.

- **Section 17(b) - A person must not be treated or punished in a cruel, inhuman or degrading way.**

The OPG is concerned that [redacted] may have been treated in a degrading way while detained in the [redacted] Watchhouse, including as a result of the lack of access to daily hygiene facilities.

- **Section 26(1) - Families are the fundamental group unit of society and are entitled to be protected by society and the State.**

The OPG is concerned that prolonged detention in an adult Watchhouse limits a young person's right to stay connected to their family with restrictions on visits, letter writing and making phone and video calls.

	<ul style="list-style-type: none"> • <u>Section 26(2) - The right of every child, without discrimination, to the protection that is needed by the child, and is in the child's best interests, because of being a child.</u> The OPG is concerned that prolonged detention in an adult Watchhouse is not in a young person's best interests for the reasons described above. • <u>Section 30(1) and (2) – All persons deprived of liberty must be treated with humanity and with respect for the inherent dignity of the human person, and an accused person who is detained or a person detained without charge must be treated in a way that is appropriate for a person who has not been convicted.</u> The OPG is concerned that [] was not treated with humanity and with respect for [] inherent dignity or in a way that was appropriate due to the reasons described above. • <u>Section 33(1) - An accused child who is detained, or a child that is detained without charge, must be segregated from all detained adults.</u> The OPG is concerned that detention in a Watchhouse, particularly for a prolonged period, is inappropriate as young people are often detained in the proximity and view of adult inmates. • <u>Section 36(1) – Every child has the right to have access to primary and secondary education appropriate to the child's needs.</u> The OPG is concerned that [] and children and young people generally do not have access to appropriate education services while detained in an adult Watchhouse facility.
<p>HUMAN RIGHTS <i>(note any human rights under the Human Rights Act 2019 (Qld) that may have been limited)</i></p>	<ol style="list-style-type: none"> 1. s.15 - Right to recognition and equality before the law 2. S.17 - Right to protection from torture and cruel, inhuman or degrading treatment 3. s.26 - Protection of families and children 4. s.30 - Humane treatment when deprived of liberty 5. s.33 - Children in the criminal process 6. s.36 - Right to education

<p>BACKGROUND INFORMATION <i>(chronology, including dates, times and place of events, people involved/witnesses, OPG role, current CP intervention/guardianship appointment, diagnoses/support needs, and any other supporting evidence if available - e.g. documents/camera/audio recordings)</i></p>	<ul style="list-style-type: none"> On [redacted] YJ - exempt info [redacted] in accordance with the OPG Community Visiting and Advocacy practice guidance, an ATV was conducted with [redacted] in the [redacted] Watchhouse. [redacted] raised no concerns regarding [redacted] treatment by QPS in the [redacted] Watchhouse. On [redacted] the QPS Watchhouse custody lists indicated that [redacted] had been in the [redacted] Watchhouse custody for five days. The length of stay was due to capacity restraints in youth detention and no bed available for [redacted] OPG Community Visiting and Advocacy was advised that [redacted] was to transfer to the Brisbane Youth Detention Centre (BYDC) rather than Cleveland Youth Detention Centre (CYDC) due to capacity issues at CYDC. Later, OPG Community Visiting and Advocacy was advised that [redacted] priority rating had been adjusted and [redacted] would no longer transfer to the BYDC. On [redacted] [redacted] was transferred to CYDC after five days in custody.
<p>VIEWS AND WISHES OF OPG CLIENT <i>(also consider:</i> 1. <i>Whether child/young person/adult is aware of/has requested/agreed with the complaint being made,</i> 2. <i>Child/young person/adult's capacity/willingness to participate in complaints process and any preferences regarding contact/involvement.)</i></p>	<ul style="list-style-type: none"> [redacted] did not raise any concerns with regard to [redacted] treatment by QPS whilst in Watchhouse custody. [redacted]
<p>ATTEMPTS TO RESOLVE AT LOCAL LEVEL SUMMARY <i>(if relevant, include details of any attempts to resolve the matter with the relevant person/agency/provider)</i></p>	<ul style="list-style-type: none"> The capacity issue impacting on young people awaiting a bed in a youth detention centre appears to be a systemic issue and unable to be resolved locally.
<p>HAS THIS MATTER BEEN REPORTED TO ANOTHER AGENCY? <i>(if so, provide details - whether referred by OPG or another person/agency/provider)</i></p>	<ul style="list-style-type: none"> Inquiries made with both the QPS and Youth Justice Services regarding transfer arrangements.
<p>ATTACHMENTS <i>(attach any relevant correspondence/documents/emails)</i></p>	<ul style="list-style-type: none"> Nil

Progress of complaint

We would be grateful if you would acknowledge receipt of this complaint and advice of your next steps and how you will manage these issues at your earliest convenience.

OPG would appreciate relevant updates regarding the progress of this matter to inform OPG's ongoing advocacy in relation to the client, and/or manage expectations and any associated risks.

Once the investigation is finalised, we would appreciate your advice regarding any findings or outcomes of the process, including for example:

- a) If you found each concern to be either *substantiated*, *unsubstantiated*, or *unable to be substantiated*.
- b) Any actions agreed to be taken by the subject of the complaint regarding any issue.
- c) Any remedial action concerning the complaint or issue.
- d) Information about how OPG may seek reconsideration of the decision if required.

The OPG may attempt to discuss the information gathered and your advice with our client, which will assist the OPG in promoting and protecting their rights and interests.

If you would like to discuss this matter further, please do not hesitate to contact the Principal Complaints Officer, OPG, by telephone on 3738 9489 or by email at complaintreferral@publicguardian.qld.gov.au.

OPG complaint referral to external agency

The OPG is referring this complaint to your agency in exercise of its statutory functions and powers set out in the *Public Guardian Act 2014 (Qld)* and the *Guardianship and Administration Act 2000 (Qld)*.

Background information

OPG REFERENCE NO.	YJ - exempt info		
COMPLAINT REFERRAL TYPE	Complaint on OPG's own initiative (s. 144(a), PGA)	REFERRED DATE	
OPG CONTACT PERSON/s	Community Visiting and Advocacy – Danielle Jenkins danielle.jenkins@publicguardian.qld.gov.au		
ADULT/CHILD/YOUNG PERSON/s	Child/young person • Name & DOB: [redacted]		
VISITABLE LOCATION/s (if relevant)	[redacted] Watchhouse	SERVICE PROVIDER (if relevant)	DCYJMA

Complaint details

SUBJECT OF OPG CONCERNS (who this complaint is about – e.g. person, agency, service provider)	Queensland Police Service [redacted] Watchhouse and Department of Children, Youth Justice and Multicultural Affairs Youth Detention Centres.
REFERRAL TO (entity this complaint is being referred to)	Agency: <ul style="list-style-type: none"> • QPS Ethical Standards Command • YJS Professional Standards Unit • Queensland Human Rights Commission (for information only) Service Provider/NGO/Other:
REQUESTED OUTCOMES (including a proposed response date – e.g. within 45 business days)	<ol style="list-style-type: none"> 1. Please assess this matter, including [redacted] extended custody in the [redacted] Watchhouse, the delay in transferring [redacted] due to systemic capacity issues in youth detention centres, and whether [redacted] was provided and/or explained [redacted] rights, to establish if the issues and concerns described warrant investigation. 2. Suitably refer the matter for appropriate action, including any required notification to other relevant agencies. <p>We would be grateful if you would acknowledge receipt of this complaint and advice on your next steps and how you will manage these issues at your earliest convenience.</p>

The OPG would appreciate relevant updates regarding the progress of this matter to inform OPG's ongoing advocacy concerning [redacted] and/or manage expectations and any associated risks.

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- d) Information about how OPG may seek reconsideration of the decision if required.

The OPG may attempt to discuss the information gathered and your advice with [redacted] which will assist the OPG in promoting and protecting [redacted] rights and interests.

Proposed response date: YJ - exempt info

STATEMENT OF CONCERN/S
(each act/omission/behaviour which may be inconsistent with policy/procedure/principle/legislation)

1. On [redacted] the QPS Watchhouse custody lists indicated that [redacted] had been in extended custody in the [redacted] Watchhouse for four days. The reason for the length of stay was due to capacity restraints in detention and no bed available for [redacted] until [redacted] transfer to the Brisbane Youth Detention Center (BYDC) on [redacted] after five days in the [redacted] Watchhouse.

The OPG is concerned that incidents such as this continue to be reported, noting:

- a) **The QPS Watchhouse environment is not suitable for children and young peoples' safety and well-being.**

In particular, the OPG has observed the following concerns:

- Watchhouses are designed to detain adults for short, temporary periods.
- They are inadequately resourced or regulated to care for children and young people for extended periods.
- While detained in a small Watchhouse cell with minimal facilities, young people are often in the proximity and view of adult inmates.

- Children and young people have limited access to open and fresh air and sunlight, daily hygiene facilities (e.g. showers), or appropriate services, including healthcare, psychological support, and education.
- This type of environment can lead to increased anxiety and trauma, particularly if detained in this environment for a prolonged period.

This incident may have been contrary to the (QPS) Operational Procedures Manual:

- **Chapter 16.17.1(v)** - Considerations for the custody of children, which requires that a child held in custody is to, wherever reasonably possible be held in a youth detention centre and the additional considerations as outlined in 16.17.1 (vi) to (vii) as may be relevant to the individual's circumstances.
- **Chapter 16.17.5** - Custody of children in watchhouses, which requires that wherever practicable children are not to be kept in custody in a watchhouse.

b) Extended custody in a Watchhouse may be inconsistent with young peoples' rights and interests under the Youth Justice Act 1992 (Qld).

The OPG notes that Youth Justice Services is responsible for administering the *Youth Justice Act 1992 (Qld)* to deal with children and young people who encounter the youth justice system, including detention and custody issues. The youth justice principles established in schedule 1 of the *Youth Justice Act 1992 (Qld)* ('Charter of Youth Justice Principles') underlie the operation of the Act.

This incident may have been contrary to the following *Youth Justice Act 1992* youth justice principles:

- **Principle 2** - The youth justice system should uphold the rights of children, keep them safe and promote their physical and mental wellbeing.
- **Principle 13** - A person making a decision relating to a child under this Act should consider the child's age, maturity and, where appropriate, cultural and religious beliefs and practices.

- **Principle 19** - A child detained in custody should only be held in a facility suitable for children.

c) **Extended custody in a Watchhouse may be an unreasonable and unjustifiable limitation of a young person's human rights under the *Human Rights Act 2019* (Qld).**

The OPG is concerned that by failing to promptly provide [redacted] with suitable accommodation in a youth detention centre, resulting in [redacted] prolonged detention in an adult Watchhouse, Youth Justice Services may have acted incompatibly with [redacted] human rights, including:

- **Section 15(2) - Every person has the right to enjoy the person's human rights without discrimination.**

The OPG is concerned that children and young people may not be afforded the right to enjoy their human rights on the same basis as others due to their status as a child or young person (i.e. based on their age). The lack of availability in a youth detention centre may result in children and young people remaining remanded in Watchhouse custody for longer periods than adults in some instances.

- **Section 17(b) - A person must not be treated or punished in a cruel, inhuman or degrading way.**

The OPG is concerned that [redacted] may have been treated in a degrading way while detained in the [redacted] Watchhouse, including as a result of the lack of access to daily hygiene facilities.

- **Section 26(1) - Families are the fundamental group unit of society and are entitled to be protected by society and the State.**

The OPG is concerned that prolonged detention in an adult Watchhouse limits a young person's right to stay connected to their family with restrictions on visits, letter writing and making phone and video calls.

- **Section 26(2) - The right of every child, without discrimination, to the protection that is needed by the child, and is in the child's best interests, because of being a child.**

The OPG is concerned that prolonged detention in an adult Watchhouse is not in a young person's best interests for the reasons described above.

- **Section 30(1) and (2) – All persons deprived of liberty must be treated with humanity and with respect for the inherent dignity of the human person, and an accused person who is detained or a person detained without charge must be treated in a way that is appropriate for a person who has not been convicted.**

The OPG is concerned that [] was not treated with humanity and with respect for [] inherent dignity or in a way that was appropriate due to the reasons described above.

- **Section 33(1) - An accused child who is detained, or a child that is detained without charge, must be segregated from all detained adults.**

The OPG is concerned that detention in a Watchhouse, particularly for a prolonged period, is inappropriate as young people are often detained in the proximity and view of adult inmates.

- **Section 36(1) – Every child has the right to have access to primary and secondary education appropriate to the child's needs.**

The OPG is concerned that [] and children and young people generally do not have access to appropriate education services while detained in an adult Watchhouse facility.

HUMAN RIGHTS

(note any human rights under the Human Rights Act 2019 (Qld) that may have been limited)

1. s.15 - Right to recognition and equality before the law
2. S.17 - Right to protection from torture and cruel, inhuman or degrading treatment
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5. s.33 - Children in the criminal process
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<p>VIEWS AND WISHES OF OPG CLIENT (also consider: 1. Whether child/young person/adult is aware of/has requested/agreed with the complaint being made, 2. Child/young person/adult's capacity/willingness to participate in complaints process and any preferences regarding contact/involvement.)</p>	<ul style="list-style-type: none"> [redacted] raised no concerns regarding [redacted] treatment by QPS in the [redacted] Watchhouse.
<p>ATTEMPTS TO RESOLVE AT LOCAL LEVEL SUMMARY (if relevant, include details of any attempts to resolve the matter with the relevant person/agency/provider)</p>	<ul style="list-style-type: none"> The capacity issue impacting on young people awaiting a bed in a youth detention centre appears to be a systemic issue and unable to be resolved locally.
<p>HAS THIS MATTER BEEN REPORTED TO ANOTHER AGENCY? (if so, provide details - whether referred by OPG or another person/agency/provider)</p>	<ul style="list-style-type: none"> Inquiries made with both the QPS and Youth Justice Services regarding transfer arrangements.
<p>ATTACHMENTS (attach any relevant correspondence/documents/emails)</p>	<ul style="list-style-type: none"> Nil

Progress of complaint

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RTI RELEASED

OPG complaint referral to external agency

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Background information

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ADULT/CHILD/YOUNG PERSON/s	Child/young person • Name & DOB: [redacted]		
VISITABLE LOCATION/s (if relevant)	[redacted] Watchhouse	SERVICE PROVIDER (if relevant)	DCYJMA

Complaint details

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Proposed response date: [redacted] VJ - exempt info

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(each act/omission/behaviour which may be inconsistent with policy/procedure/principle/legislation)

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In particular, the OPG has observed the following concerns:

- Watchhouses are designed to detain adults for short, temporary periods.
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The OPG is concerned that prolonged detention in an adult Watchhouse limits a young person's right to stay connected to their family with restrictions on visits, letter writing and making phone and video calls.

- **Section 26(2) - The right of every child, without discrimination, to the protection that is needed by the child, and is in the child's best interests, because of being a child.**

	<p>The OPG is concerned that prolonged detention in an adult Watchhouse is not in a young person's best interests for the reasons described above.</p> <ul style="list-style-type: none"> • <u>Section 30(1) and (2) – All persons deprived of liberty must be treated with humanity and with respect for the inherent dignity of the human person, and an accused person who is detained or a person detained without charge must be treated in a way that is appropriate for a person who has not been convicted.</u> <p>The OPG is concerned that [redacted] was not treated with humanity and with respect for [redacted] inherent dignity or in a way that was appropriate due to the reasons described above.</p> <ul style="list-style-type: none"> • <u>Section 33(1) - An accused child who is detained, or a child that is detained without charge, must be segregated from all detained adults.</u> <p>The OPG is concerned that detention in a Watchhouse, particularly for a prolonged period, is inappropriate as young people are often detained in the proximity and view of adult inmates.</p> <ul style="list-style-type: none"> • <u>Section 36(1) – Every child has the right to have access to primary and secondary education appropriate to the child's needs.</u> <p>The OPG is concerned that [redacted] and children and young people generally do not have access to appropriate education services while detained in an adult Watchhouse facility.</p>
<p>HUMAN RIGHTS <i>(note any human rights under the Human Rights Act 2019 (Qld) that may have been limited)</i></p>	<ol style="list-style-type: none"> 1. s.15 - Right to recognition and equality before the law 2. S.17 - Right to protection from torture and cruel, inhuman or degrading treatment 3. s.26 - Protection of families and children 4. s.30 - Humane treatment when deprived of liberty 5. s.33 - Children in the criminal process 6. s.36 - Right to education
<p>BACKGROUND INFORMATION <i>(chronology, including dates, times and place of events, people involved/witnesses, OPG role, current CP intervention/guardianship)</i></p>	<ul style="list-style-type: none"> • On Wednesday, 18 August 2021, in accordance with the OPG Community Visiting and Advocacy practice guidance, an ATV was conducted with [redacted] in the [redacted] Watchhouse.

appointment, diagnoses/support needs, and any other supporting evidence if available - e.g. documents/camera/audio recordings)

- [redacted] raised no concerns regarding [redacted] treatment by QPS in the [redacted] Watchhouse.
- OPG Community Visiting and Advocacy was advised that due to capacity issues in the Cleveland Youth Detention Centre (CYDC), [redacted] would transfer to the Brisbane Youth Detention Centre (BYDC).
- On [redacted] the QPS Watchhouse custody lists indicated that [redacted] had been in the [redacted] Watchhouse custody for five days. The length of stay was due to capacity restraints in youth detention and no bed available for [redacted].
- OPG Community Visiting and Advocacy was advised that due to constant changing of youth justice priority ratings, [redacted] would be transferred from the [redacted] Watchhouse to BYDC on [redacted] after seven days in the [redacted] Watchhouse.

VIEWS AND WISHES OF OPG CLIENT

(also consider:

1. Whether child/young person/adult is aware of/has requested/agreed with the complaint being made,
2. Child/young person/adult's capacity/willingness to participate in complaints process and any preferences regarding contact/involvement.)

- [redacted] did not raise any concerns with regard to [redacted] treatment by QPS whilst in Watchhouse custody.

ATTEMPTS TO RESOLVE AT LOCAL LEVEL SUMMARY

(if relevant, include details of any attempts to resolve the matter with the relevant person/agency/provider)

- The capacity issue impacting on young people awaiting a bed in a youth detention centre appears to be a systemic issue and unable to be resolved locally.

HAS THIS MATTER BEEN REPORTED TO ANOTHER AGENCY?

(if so, provide details - whether referred by OPG or another person/agency/provider)

- Inquiries made with both the QPS and Youth Justice Services regarding transfer arrangements.

ATTACHMENTS

(attach any relevant correspondence/documents/emails)

- Nil

Progress of complaint

We would be grateful if you would acknowledge receipt of this complaint and advise of your next steps and how you will manage these issues at your earliest convenience.

OPG would appreciate relevant updates regarding the progress of this matter to inform OPG's ongoing advocacy in relation to the client, and/or manage expectations and any associated risks.

Once the investigation is finalised, we would appreciate your advice regarding any findings or outcomes of the process, including for example:

- a) If you found each concern to be either *substantiated*, *unsubstantiated*, or *unable to be substantiated*.
- b) Any actions agreed to be taken by the subject of the complaint regarding any issue.
- c) Any remedial action concerning the complaint or issue.
- d) Information about how OPG may seek reconsideration of the decision if required.

The OPG may attempt to discuss the information gathered and your advice with our client, which will assist the OPG in promoting and protecting their rights and interests.

If you would like to discuss this matter further, please do not hesitate to contact the Principal Complaints Officer, OPG, by telephone on 3738 9489 or by email at complaintreferral@publicguardian.qld.gov.au.

OPG complaint referral to external agency

The OPG is referring this complaint to your agency in exercise of its statutory functions and powers set out in the *Public Guardian Act 2014 (Qld)* and the *Guardianship and Administration Act 2000 (Qld)*.

Background information

OPG REFERENCE NO.	YJ - exempt info		
COMPLAINT REFERRAL TYPE	Complaint on OPG's own initiative (s. 144(a), PGA)	REFERRED DATE	
OPG CONTACT PERSON/s	Community Visiting and Advocacy – Danielle Jenkins danielle.jenkins@publicguardian.qld.gov.au		
ADULT/CHILD/YOUNG PERSON/s	Child/young person • Name & DOB		
VISITABLE LOCATION/s (if relevant)	Watchhouse	SERVICE PROVIDER (if relevant)	DCYJMA

Complaint details

SUBJECT OF OPG CONCERNS (who this complaint is about – e.g. person, agency, service provider)	Queensland Police Service Watchhouse and Department of Children, Youth Justice and Multicultural Affairs Youth Detention Centres.
REFERRAL TO (entity this complaint is being referred to)	Agency: <ul style="list-style-type: none"> • QPS Ethical Standards Command • YJS Professional Standards Unit • Queensland Human Rights Commission (for information only) Service Provider/NGO/Other:
REQUESTED OUTCOMES (including a proposed response date – e.g. within 45 business days)	<ol style="list-style-type: none"> 1. Please assess this matter, including extended custody in the Watchhouse, the delay in transferring due to systemic capacity issues in youth detention centres, and whether rights, to establish if the issues and concerns described warrant investigation. 2. Suitably refer the matter for appropriate action, including any required notification to other relevant agencies. <p>We would be grateful if you would acknowledge receipt of this complaint and advice on your next steps and how you will manage these issues at your earliest convenience.</p>

The OPG would appreciate relevant updates regarding the progress of this matter to inform OPG's ongoing advocacy concerning [redacted] and/or manage expectations and any associated risks.

Once the relevant agency finalises any investigation, we would appreciate your advice regarding any findings or outcomes of the process, including for example:

- a) If you found each concern to be either substantiated, unsubstantiated, or unable to be substantiated.
- b) Any actions agreed to be taken by the subject of the complaint regarding any issue.
- c) Any remedial action concerning the complaint or issue.
- d) Information about how OPG may seek reconsideration of the decision if required.

The OPG may attempt to discuss the information gathered and your advice with [redacted] which will assist the OPG in promoting and protecting [redacted] rights and interests.

Proposed response date: [redacted] YJ - exempt info

STATEMENT OF CONCERN/S

(each act/omission/behaviour which may be inconsistent with policy/procedure/principle/legislation)

1. On [redacted] the QPS Watchhouse custody lists indicated that [redacted] had been in extended custody in the [redacted] Watchhouse for six days. The reason for the length of stay was due to capacity restraints in detention and no bed available for [redacted] until [redacted] release on bail on [redacted] after six days in the [redacted] Watchhouse.

The OPG is concerned that incidents such as this continue to be reported, noting:

- a) **The QPS Watchhouse environment is not suitable for children and young peoples' safety and well-being.**

In particular, the OPG has observed the following concerns:

- Watchhouses are designed to detain adults for short, temporary periods.
- They are inadequately resourced or regulated to care for children and young people for extended periods.
- While detained in a small Watchhouse cell with minimal facilities, young people are often in the proximity and view of adult inmates.

- Children and young people have limited access to open and fresh air and sunlight, daily hygiene facilities (e.g. showers), or appropriate services, including healthcare, psychological support, and education.
- This type of environment can lead to increased anxiety and trauma, particularly if detained in this environment for a prolonged period.

This incident may have been contrary to the (QPS) Operational Procedures Manual:

- **Chapter 16.17.1(v)** - Considerations for the custody of children, which requires that a child held in custody is to, wherever reasonably possible be held in a youth detention centre and the additional considerations as outlined in 16.17.1 (vi) to (vii) as may be relevant to the individual's circumstances.
- **Chapter 16.17.5** - Custody of children in watchhouses, which requires that wherever practicable children are not to be kept in custody in a watchhouse.

b) Extended custody in a Watchhouse may be inconsistent with young peoples' rights and interests under the Youth Justice Act 1992 (Qld).

The OPG notes that Youth Justice Services is responsible for administering the *Youth Justice Act 1992 (Qld)* to deal with children and young people who encounter the youth justice system, including detention and custody issues. The youth justice principles established in schedule 1 of the *Youth Justice Act 1992 (Qld)* ('Charter of Youth Justice Principles') underlie the operation of the Act.

This incident may have been contrary to the following *Youth Justice Act 1992* youth justice principles:

- **Principle 2** - The youth justice system should uphold the rights of children, keep them safe and promote their physical and mental wellbeing.
- **Principle 13** - A person making a decision relating to a child under this Act should consider the child's age, maturity and, where appropriate, cultural and religious beliefs and practices.

- **Principle 19** - A child detained in custody should only be held in a facility suitable for children.

c) **Extended custody in a Watchhouse may be an unreasonable and unjustifiable limitation of a young person's human rights under the *Human Rights Act 2019* (Qld).**

The OPG is concerned that by failing to promptly provide [redacted] with suitable accommodation in a youth detention centre, resulting in [redacted] prolonged detention in an adult Watchhouse, Youth Justice Services may have acted incompatibly with [redacted] human rights, including:

- **Section 15(2) - Every person has the right to enjoy the person's human rights without discrimination.**

The OPG is concerned that children and young people may not be afforded the right to enjoy their human rights on the same basis as others due to their status as a child or young person (i.e. based on their age). The lack of availability in a youth detention centre may result in children and young people remaining remanded in Watchhouse custody for longer periods than adults in some instances.

- **Section 17(b) - A person must not be treated or punished in a cruel, inhuman or degrading way.**

The OPG is concerned that [redacted] may have been treated in a degrading way while detained in the [redacted] Watchhouse, including as a result of the lack of access to daily hygiene facilities.

- **Section 26(1) - Families are the fundamental group unit of society and are entitled to be protected by society and the State.**

The OPG is concerned that prolonged detention in an adult Watchhouse limits a young person's right to stay connected to their family with restrictions on visits, letter writing and making phone and video calls.

- **Section 26(2) - The right of every child, without discrimination, to the protection that is needed by the child, and is in the child's best interests, because of being a child.**

The OPG is concerned that prolonged detention in an adult Watchhouse is not in a young person's best interests for the reasons described above.

- **Section 30(1) and (2) – All persons deprived of liberty must be treated with humanity and with respect for the inherent dignity of the human person, and an accused person who is detained or a person detained without charge must be treated in a way that is appropriate for a person who has not been convicted.**

The OPG is concerned that [] was not treated with humanity and with respect for [] inherent dignity or in a way that was appropriate due to the reasons described above.

- **Section 33(1) - An accused child who is detained, or a child that is detained without charge, must be segregated from all detained adults.**

The OPG is concerned that detention in a Watchhouse, particularly for a prolonged period, is inappropriate as young people are often detained in the proximity and view of adult inmates.

- **Section 36(1) – Every child has the right to have access to primary and secondary education appropriate to the child's needs.**

The OPG is concerned that [] and children and young people generally do not have access to appropriate education services while detained in an adult Watchhouse facility.

HUMAN RIGHTS

(note any human rights under the Human Rights Act 2019 (Qld) that may have been limited)

1. s.15 - Right to recognition and equality before the law
2. S.17 - Right to protection from torture and cruel, inhuman or degrading treatment
3. s.26 - Protection of families and children
4. s.30 - Humane treatment when deprived of liberty
5. s.33 - Children in the criminal process
6. s.36 - Right to education

<p>BACKGROUND INFORMATION <i>(chronology, including dates, times and place of events, people involved/witnesses, OPG role, current CP intervention/guardianship appointment, diagnoses/support needs, and any other supporting evidence if available - e.g. documents/camera/audio recordings)</i></p>	<ul style="list-style-type: none"> On [redacted] in accordance with the OPG Community Visiting and Advocacy practice guidance, an ATI was conducted with [redacted] in the [redacted] Watchhouse. [redacted] raised no concerns regarding [redacted] treatment by QPS in the [redacted] Watchhouse. On [redacted] the QPS Watchhouse custody lists indicated that [redacted] had been in the [redacted] Watchhouse custody for six days. The length of stay was due to capacity restraints in youth detention and no bed available for [redacted]. [redacted] was later released [redacted] after six days in custody at the [redacted] Watchhouse.
<p>VIEWS AND WISHES OF OPG CLIENT (also consider: 1. Whether child/young person/adult is aware of/has requested/agreed with the complaint being made, 2. Child/young person/adult's capacity/willingness to participate in complaints process and any preferences regarding contact/involvement.)</p>	<ul style="list-style-type: none"> [redacted] did not raise any concerns with regard to [redacted] treatment by QPS whilst in Watchhouse custody.
<p>ATTEMPTS TO RESOLVE AT LOCAL LEVEL SUMMARY <i>(if relevant, include details of any attempts to resolve the matter with the relevant person/agency/provider)</i></p>	<ul style="list-style-type: none"> The capacity issue impacting on young people awaiting a bed in a youth detention centre appears to be a systemic issue and unable to be resolved locally.
<p>HAS THIS MATTER BEEN REPORTED TO ANOTHER AGENCY? <i>(if so, provide details - whether referred by OPG or another person/agency/provider)</i></p>	<ul style="list-style-type: none"> Inquiries made with both the QPS and Youth Justice Services regarding transfer arrangements.
<p>ATTACHMENTS <i>(attach any relevant correspondence/documents/emails)</i></p>	<ul style="list-style-type: none"> Nil

Progress of complaint



We would be grateful if you would acknowledge receipt of this complaint and advice of your next steps and how you will manage these issues at your earliest convenience.

OPG would appreciate relevant updates regarding the progress of this matter to inform OPG's ongoing advocacy in relation to the client, and/or manage expectations and any associated risks.

Once the investigation is finalised, we would appreciate your advice regarding any findings or outcomes of the process, including for example:

- a) If you found each concern to be either *substantiated*, *unsubstantiated*, or *unable to be substantiated*.
- b) Any actions agreed to be taken by the subject of the complaint regarding any issue.
- c) Any remedial action concerning the complaint or issue.
- d) Information about how OPG may seek reconsideration of the decision if required.

The OPG may attempt to discuss the information gathered and your advice with our client, which will assist the OPG in promoting and protecting their rights and interests.

If you would like to discuss this matter further, please do not hesitate to contact the Principal Complaints Officer, OPG, by telephone on 3738 9489 or by email at complaintreferral@publicguardian.qld.gov.au.

RTI RELEASED

OPG complaint referral to external agency

The OPG is referring this complaint to your agency in exercise of its statutory functions and powers set out in the *Public Guardian Act 2014 (Qld)* and the *Guardianship and Administration Act 2000 (Qld)*.

Background information

OPG REFERENCE NO.	YJ - exempt info		
COMPLAINT REFERRAL TYPE	Complaint on OPG's own initiative (s. 144(a), PGA)	REFERRED DATE	
OPG CONTACT PERSON/s	Community Visiting and Advocacy – Mark Sprenger mark.sprenger@publicguardian.qld.gov.au		
ADULT/CHILD/YOUNG PERSON/s	Child/young person • Name & DOB [redacted]		
VISITABLE LOCATION/s <i>(if relevant)</i>	[redacted] Watchhouse	SERVICE PROVIDER <i>(if relevant)</i>	Department of Children, Youth Justice and Multicultural Affairs.

Complaint details

SUBJECT OF OPG CONCERNS <i>(who this complaint is about – e.g., person, agency, service provider)</i>	Queensland Police Service (QPS) Watchhouses and Department of Children, Youth Justice and Multicultural Affairs Youth Detention Centres.
REFERRAL TO <i>(entity this complaint is being referred to)</i>	Agency: <ul style="list-style-type: none"> • QPS Ethical Standards Command • YJS Professional Standards Unit • Queensland Human Rights Commission <i>(for information only)</i> Service Provider/NGO/Other:
REQUESTED OUTCOMES <i>(including a proposed response date - e.g., within 45 business days)</i>	<ol style="list-style-type: none"> 1. Please assess this matter, including [redacted] extended custody in the [redacted] Watchhouse, the delay in transferring [redacted] due to systemic capacity issues in youth detention centres, and whether [redacted] was provided and/or explained [redacted] rights, to establish if the issues and concerns described warrant investigation. 2. Suitably refer the matter for appropriate action, including any required notification to other relevant agencies.

We would be grateful if you would acknowledge receipt of this complaint and advice on your next steps and how you will manage these issues at your earliest convenience.

The OPG would appreciate relevant updates regarding the progress of this matter to inform OPG's ongoing advocacy concerning [redacted] and/or manage expectations and any associated risks.

Once the relevant agency finalises any investigation, we would appreciate your advice regarding any findings or outcomes of the process, including for example:

- a) If you found each concern to be either substantiated, unsubstantiated, or unable to be substantiated.
- b) Any actions agreed to be taken by the subject of the complaint regarding any issue.
- c) Any remedial action concerning the complaint or issue.
- d) Information about how OPG may seek reconsideration of the decision if required.

The OPG may attempt to discuss the information gathered and your advice with [redacted] which will assist the OPG in promoting and protecting [redacted] rights and interests.

Proposed response date: [redacted] YJ - exempt info

STATEMENT OF CONCERN/S

(each act/omission/behaviour which may be inconsistent with policy/procedure/principle/legislation)

1. *On the morning of [redacted] the Queensland Police Service Watchhouse custody lists indicated that [redacted] had been in extended custody in the [redacted] Watchhouse for one day and 17 hours. By [redacted] [redacted] had remained in custody at the [redacted] Watchhouse for over three days. The reason for the length of stay was due to capacity restraints in detention and no bed available for [redacted] at that time.*

The OPG is concerned that incidents such as this continue to be reported, noting:

- a) In this particular instance, [redacted] is only [redacted] years old and [redacted] physical and emotional vulnerability is considered to be greater in these circumstances.
- b) The QPS Watchhouse environment is not suitable for children and young peoples' safety and well-being.

In particular, the OPG has observed the following concerns:

- Watchhouses are designed to detain adults for short, temporary periods.

- They are inadequately resourced or regulated to care for children and young people for extended periods.
- While detained in a small Watchhouse cell with minimal facilities, young people are often in the proximity and view of adult inmates.
- Children and young people have limited access to open and fresh air and sunlight, daily hygiene facilities (e.g., showers), or appropriate services, including healthcare, psychological support, and education.
- This type of environment can lead to increased anxiety and trauma, particularly if detained in this environment for a prolonged period.

This incident may have been contrary to the (QPS) Operational Procedures Manual:

- **Chapter 16.17.1(v)** - Considerations for the custody of children, which requires that a child held in custody is to, wherever reasonably possible, be held in a youth detention centre and the additional considerations as outlined in 16.17.1 (vi) to (vii) as may be relevant to the individual's circumstances.
- **Chapter 16.17.5** - Custody of children in watchhouses, which requires that wherever practicable children are not to be kept in custody in a watchhouse

c) Extended custody in a Watchhouse may be inconsistent with young peoples' rights and interests under the Youth Justice Act 1992 (Qld).

The OPG notes that Youth Justice Services is responsible for administering the *Youth Justice Act 1992 (Qld)* to deal with children and young people who encounter the youth justice system, including detention and custody issues. The youth justice principles established in schedule 1 of the *Youth Justice Act 1992 (Qld)* ('Charter of Youth Justice Principles') underlie the operation of the Act.

This incident may have been contrary to the following *Youth Justice Act 1992* youth justice principles:

- **Principle 2** - The youth justice system should uphold the rights of children, keep them safe and promote their physical and mental wellbeing.

- **Principle 13** - A person making a decision relating to a child under this Act should consider the child's age, maturity and, where appropriate, cultural, and religious beliefs and practices.
- **Principle 19** - A child detained in custody should only be held in a facility suitable for children.

d) Extended custody in a Watchhouse may be an unreasonable and unjustifiable limitation of a young person's human rights under the Human Rights Act 2019 (Qld).

The OPG is concerned that by failing to promptly provide [redacted] with suitable accommodation in a youth detention centre, resulting in [redacted] prolonged detention in an adult Watchhouse, Youth Justice Services may have acted incompatibly with [redacted] human rights, including:

- **Section 15(2) - Every person has the right to enjoy the person's human rights without discrimination.**

The OPG is concerned that children and young people may not be afforded the right to enjoy their human rights on the same basis as others due to their status as a child or young person (i.e., based on their age). The lack of availability in a youth detention centre may result in children and young people remaining remanded in Watchhouse custody for longer periods than adults in some instances.

- **Section 17(b) - A person must not be treated or punished in a cruel, inhuman or degrading way.**

The OPG is concerned that [redacted] may have been treated in a degrading way while detained in the [redacted] Watchhouse, including as a result of the lack of access to daily hygiene facilities.

- **Section 26(1) - Families are the fundamental group unit of society and are entitled to be protected by society and the State.**

The OPG is concerned that prolonged detention in an adult Watchhouse limits a young person's right to stay connected to their family with restrictions on visits, letter writing and making phone and video calls.

	<ul style="list-style-type: none"> <p><u>Section 26(2) - The right of every child, without discrimination, to the protection that is needed by the child, and is in the child's best interests, because of being a child.</u></p> <p>The OPG is concerned that prolonged detention in an adult Watchhouse is not in a young person's best interests for the reasons described above.</p> <p><u>Section 30(1) and (2) – All persons deprived of liberty must be treated with humanity and with respect for the inherent dignity of the human person, and an accused person who is detained or a person detained without charge must be treated in a way that is appropriate for a person who has not been convicted.</u></p> <p>The OPG is concerned that [redacted] was not treated with humanity and with respect for [redacted] inherent dignity or in a way that was appropriate due to the reasons described above.</p> <p><u>Section 33(1) - An accused child who is detained, or a child that is detained without charge, must be segregated from all detained adults.</u></p> <p>The OPG is concerned that detention in a Watchhouse, particularly for a prolonged period, is inappropriate as young people are often detained in the proximity and view of adult inmates.</p> <p><u>Section 36(1) – Every child has the right to have access to primary and secondary education appropriate to the child's needs.</u></p> <p>The OPG is concerned that [redacted] and children and young people generally do not have access to appropriate education services while detained in an adult Watchhouse facility.</p>
<p>HUMAN RIGHTS <i>(note any human rights under the Human Rights Act 2019 (Qld) that may have been limited)</i></p>	<ol style="list-style-type: none"> s.15 - Right to recognition and equality before the law S.17 - Right to protection from torture and cruel, inhuman or degrading treatment s.26 - Protection of families and children s.30 - Humane treatment when deprived of liberty s.33 - Children in the criminal process s.36 - Right to education
<p>BACKGROUND INFORMATION</p>	<ul style="list-style-type: none"> Or [redacted] Queensland Police Service advised of no capacity at Youth Detention at that time.



(chronology, including dates, times and place of events, people involved/witnesses, OPG role, current CP Intervention/guardianship appointment, diagnoses/support needs, and any other supporting evidence if available - e.g., documents/camera/audio recordings)

- On [redacted] OPG Community Visitor and Advocate [redacted] was included in an email [redacted] [redacted] [redacted] outlining Queensland Police Service correspondence with Brisbane Youth Detention Centre and the absence of beds until court finalised for young people at the Centre or [redacted] (Attachment 1).
- On [redacted] the QPS Watchhouse custody lists indicated that [redacted] had been in extended custody in the [redacted] Watchhouse for one day and 17 hours.
 - [redacted]
- Later, on [redacted] in accordance with the OPG Community Visiting and Advocacy practice guidance, an alternative technology inquiry (ATI) was conducted with [redacted] whilst in the [redacted] Watchhouse by telephone.
 - [redacted] did not raise any concerns regarding [redacted] treatment in [redacted] Watchhouse.
 - Following the ATI, [redacted] was advised that the Officer in Charge of [redacted] Watchhouse had communicated with [redacted] Youth Justice.
- On [redacted] [redacted] spoke with [redacted] Youth Justice who confirmed that [redacted] at that time remained at the [redacted] Watchhouse and provided an undertaking to advise when [redacted] is transferred.
- On [redacted] the QPS Watchhouse custody lists indicated that [redacted] had been in extended custody in the [redacted] Watchhouse for over 3 days and 17 hours.
- [redacted] did not raise any concerns with regard to [redacted] treatment whilst in Watchhouse custody.

VIEWS AND WISHES OF OPG CLIENT

(also consider:

1. Whether child/young person/adult is aware of/has requested/agreed with the complaint being made.
2. Child/young person/adult's capacity/willingness to participate in complaints process and any preferences regarding contact/involvement.)

ATTEMPTS TO RESOLVE AT LOCAL LEVEL SUMMARY

(if relevant, include details of any attempts to resolve the matter with the relevant person/agency/provider)

- The capacity issue impacting on young people awaiting a bed in a youth detention centre appears to be a systemic issue and unable to be resolved locally.

HAS THIS MATTER BEEN REPORTED TO ANOTHER AGENCY?

(if so, provide details – whether referred by OPG or another person/agency/provider)

- Queensland Police Service advised on the morning of [redacted] of no capacity at Youth Detention at that time.
- OPG Community Visitor and Advocate [redacted] was included in an email [redacted] [redacted] outlining Queensland Police Service correspondence with Brisbane Youth Detention Centre and the absence of beds until court finalised for young people at the Centre on the [redacted].
- On [redacted] following the Alternative Technology Inquiry, [redacted] was advised that the Officer in Charge of [redacted] Watchhouse had communicated again with [redacted] Youth Justice.
- On [redacted] [redacted] spoke with [redacted] Youth Justice who confirmed that [redacted] at that time remained at the [redacted] Watchhouse and provided an undertaking to advise when [redacted] is transferred.

ATTACHMENTS

(attach any relevant correspondence/documents/emails)

- Attachment 1



Attachment
Juveniles in Custody

Progress of complaint

We would be grateful if you would acknowledge receipt of this complaint and advice of your next steps and how you will manage these issues at your earliest convenience.

OPG would appreciate relevant updates regarding the progress of this matter to inform OPG's ongoing advocacy in relation to the client, and/or manage expectations and any associated risks.

Once the investigation is finalised, we would appreciate your advice regarding any findings or outcomes of the process, including for example:



- a) If you found each concern to be either *substantiated*, *unsubstantiated*, or *unable to be substantiated*.
- b) Any actions agreed to be taken by the subject of the complaint regarding any issue.
- c) Any remedial action concerning the complaint or issue.
- d) Information about how OPG may seek reconsideration of the decision if required.

The OPG may attempt to discuss the information gathered and your advice with our client, which will assist the OPG in promoting and protecting their rights and interests.

If you would like to discuss this matter further, please do not hesitate to contact the Principal Complaints Officer, OPG, by telephone on 3738 9489 or by email at complaintreferral@publicguardian.qld.gov.au.

RTI RELEASE

Subject: FW: Juveniles in Custody [redacted] Watchhouse

[redacted]
YJ - exempt info

Good afternoon [redacted]

There are currently [redacted] juveniles in custody at the [redacted] Watchhouse.

[redacted]

[redacted] from YJ has attempted to get placements for the juveniles at BYDC however has not been successful.

I have called BYDC and spoken with [redacted] who advised that at this time they do not have any beds available for [redacted] Juvenile.

[redacted] There are also numerous other juveniles in Watchhouse waiting for beds at BYDC. [redacted] advised to call back after 6pm to see if they have any beds available. There is no ability for the [redacted] Watchhouse to provide an escort to Brisbane after 6pm. [redacted] are also unable to assist with an operational crew to perform the escort either after 6pm.

The juveniles currently remanded in custody are:

1. [redacted]
[redacted]

The Watchhouse shift Supervisor will advise you later this afternoon who will be required to stay in custody at the [redacted] Watchhouse overnight.

Regards,



[redacted signature area]

CONFIDENTIALITY: The information contained in this electronic mail message and any electronic files attached to it may be confidential information, and may also be the subject of legal professional privilege and/or public interest immunity. If you are not the intended recipient you are required to delete it. Any use, disclosure or copying of this message and any attachments is unauthorised. If you have received this electronic message in error, please inform the sender or contact 1300ITPSBA@psba.qld.gov.au. This footnote also confirms that this email message has been checked for the presence of computer viruses.

RTI RELEASE



OPG complaint referral to external agency

The OPG is referring this complaint to your agency in exercise of its statutory functions and powers set out in the *Public Guardian Act 2014 (Qld)* and the *Guardianship and Administration Act 2000 (Qld)*.

Background information

OPG REFERENCE NO.	YJ - exempt info		
COMPLAINT REFERRAL TYPE	Complaint on OPG's own initiative (s. 144(a), PGA)	REFERRED DATE	
OPG CONTACT PERSON/s	Community Visiting and Advocacy Mark Sprenger mark.sprenger@publicguardian.qld.gov.au Jane Stone jane.stone@publicguardian.qld.gov.au		
ADULT/CHILD/YOUNG PERSON/s	Child/young person <ul style="list-style-type: none"> Name & DOB [redacted] 		
VISITABLE LOCATION/s <i>(if relevant)</i>	[redacted] Watchhouse	SERVICE PROVIDER <i>(if relevant)</i>	Department of Children, Youth Justice and Multicultural Affairs.

Complaint details

SUBJECT OF OPG CONCERNS <i>(who this complaint is about – e.g., person, agency, service provider)</i>	<ul style="list-style-type: none"> Queensland Police Service (QPS) Watchhouses. Department of Children, Youth Justice and Multicultural Affairs Youth Detention Centres.
REFERRAL TO <i>(entity this complaint is being referred to)</i>	Agency: <ul style="list-style-type: none"> QPS Ethical Standards Command YJS Professional Standards Unit Queensland Human Rights Commission <i>(for information only)</i> Service Provider/NGO/Other: n/a
REQUESTED OUTCOMES <i>(including a proposed response date - e.g., within 45 business days)</i>	<ol style="list-style-type: none"> Please assess this matter, including [redacted] extended custody in the [redacted] Watchhouse, the delay in transferring [redacted] due to systemic capacity issues in youth detention centres, and whether [redacted] was provided and/or explained [redacted] rights, to establish if the issues and concerns described warrant your investigation.



2. Suitably refer the matter for appropriate action, including any required notification to other relevant agencies.

We would be grateful if you would acknowledge receipt of this complaint and advice on your next steps and how you will manage these issues at your earliest convenience.

The OPG would appreciate relevant updates regarding the progress of this matter to inform OPG's ongoing advocacy concerning [redacted] and/or manage expectations and any associated risks.

Once the relevant agency finalises any investigation, we would appreciate your advice regarding any findings or outcomes of the process, including for example:

- a) If you found each concern to be either substantiated, unsubstantiated, or unable to be substantiated.
- b) Any actions agreed to be taken by the subject of the complaint regarding any issue.
- c) Any remedial action concerning the complaint or issue.
- d) Information about how OPG may seek reconsideration of the decision if required.

The OPG may attempt to discuss the information gathered and your advice with [redacted] which will assist the OPG in promoting and protecting [redacted] rights and interests.

Proposed response date VJ - exempt info

STATEMENT OF CONCERN/S

(each act/omission/behaviour which may be inconsistent with policy/procedure/principle/legislation)

1. On [redacted] the Queensland Police Service Watchhouse custody lists indicated that [redacted] a [redacted] young person aged [redacted] years, had been in extended custody in the [redacted] Watchhouse for five days. The reason for the length of stay was due to capacity restraints in detention centres and no bed available for [redacted] at that time.

The OPG is concerned that incidents such as this continue to be reported, noting:

- a) **The QPS Watchhouse environment is not suitable for children and young peoples' safety and well-being.**

In particular, the OPG has observed the following concerns:

- Watchhouses are designed to detain adults for short, temporary periods.
- They are inadequately resourced or regulated to care for children and young people for extended periods.

- While detained in a small Watchhouse cell with minimal facilities, young people are often in the proximity and view of adult inmates.
- Children and young people have limited access to open and fresh air and sunlight, daily hygiene facilities (e.g. showers), or appropriate services, including healthcare, psychological support, and education.
- This type of environment can lead to increased anxiety and trauma, particularly if detained in this environment for a prolonged period.

This incident may have been contrary to the (QPS) Operational Procedures Manual:

- **Chapter 16.17.1(v)** - Considerations for the custody of children, which requires that a child held in custody is to, wherever reasonably possible, be held in a youth detention centre and the additional considerations as outlined in 16.17.1 (vi) to (vii) as may be relevant to the individual's circumstances.
- **Chapter 16.17.5** - Custody of children in watchhouses, which requires that wherever practicable children are not to be kept in custody in a watchhouse

b) Extended custody in a Watchhouse may be inconsistent with young peoples' rights and interests under the Youth Justice Act 1992 (Qld).

The OPG notes that Youth Justice Services is responsible for administering the *Youth Justice Act 1992 (Qld)* to deal with children and young people who encounter the youth justice system, including detention and custody issues. The youth justice principles established in schedule 1 of the *Youth Justice Act 1992 (Qld)* ('Charter of Youth Justice Principles') underlie the operation of the Act.

This incident may have been contrary to the following *Youth Justice Act 1992* youth justice principles:

- **Principle 2** - The youth justice system should uphold the rights of children, keep them safe and promote their physical and mental wellbeing.
- **Principle 13** - A person making a decision relating to a child under this Act should consider the child's age, maturity and, where appropriate, cultural, and religious beliefs and practices.

- **Principle 19** - A child detained in custody should only be held in a facility suitable for children.

c) **Extended custody in a Watchhouse may be an unreasonable and unjustifiable limitation of a young person's human rights under the Human Rights Act 2019 (Qld).**

The OPG is concerned that by failing to promptly provide [] with suitable accommodation in a youth detention centre, resulting in [] prolonged detention in an adult Watchhouse, Youth Justice Services may have acted incompatibly with [] human rights, including:

- **Section 15(2) - Every person has the right to enjoy the person's human rights without discrimination.**

The OPG is concerned that children and young people may not be afforded the right to enjoy their human rights on the same basis as others due to their status as a child or young person (i.e., based on their age). The lack of availability in a youth detention centre may result in children and young people remaining remanded in Watchhouse custody for longer periods than adults in some instances.

- **Section 17(b) - A person must not be treated or punished in a cruel, inhuman or degrading way.**

The OPG is concerned that [] may have been treated in a degrading way while detained in the [] Watchhouse, including as a result of the lack of access to daily hygiene facilities.

- **Section 26(1) - Families are the fundamental group unit of society and are entitled to be protected by society and the State.**

The OPG is concerned that prolonged detention in an adult Watchhouse limits a young person's right to stay connected to their family with restrictions on visits, letter writing and making phone and video calls.

- **Section 26(2) - The right of every child, without discrimination, to the protection that is needed by the child, and is in the child's best interests, because of being a child.**

The OPG is concerned that prolonged detention in an adult Watchhouse is not in a young person's best interests for the reasons described above.

- **Section 30(1) and (2) – All persons deprived of liberty must be treated with humanity and with respect for the inherent dignity of the human person, and an accused person who is detained or a person detained without charge must be treated in a way that is appropriate for a person who has not been convicted.**

The OPG is concerned that [redacted] was not treated with humanity and with respect for [redacted] inherent dignity or in a way that was appropriate due to the reasons described above.

- **Section 33(1) - An accused child who is detained, or a child that is detained without charge, must be segregated from all detained adults.**

The OPG is concerned that detention in a Watchhouse, particularly for a prolonged period, is inappropriate as young people are often detained in the proximity and view of adult inmates.

- **Section 36(1) – Every child has the right to have access to primary and secondary education appropriate to the child's needs.**

The OPG is concerned that [redacted] and children and young people generally do not have access to appropriate education services while detained in an adult Watchhouse facility

HUMAN RIGHTS

(note any human rights under the Human Rights Act 2019 (Qld) that may have been limited)

1. s.15 - Right to recognition and equality before the law
2. s.17 - Right to protection from torture and cruel, inhuman or degrading treatment
3. s.26 - Protection of families and children
4. s.30 - Humane treatment when deprived of liberty
5. s.33 - Children in the criminal process
6. s.36 - Right to education

BACKGROUND INFORMATION

(chronology, including dates, times and place of events, people involved/witnesses, OPG role, current CP intervention/guardianship appointment, diagnoses/support needs, and any other supporting evidence if available - e.g.,

- [redacted] YJ - exempt info
- Or [redacted] was placed in custody at the [redacted] Watchhouse as indicated by the Queensland Police Service Watchhouse custody lists.



<p><i>documents/camera/audio recordings)</i></p>	<ul style="list-style-type: none"> On [redacted] in accordance with the OPG Community Visiting and Advocacy practice guidance, an alternative technology inquiry (ATI) was conducted with [redacted] whilst in the [redacted] Watchhouse. Later, on [redacted] OPG Community Visitor and Advocate [redacted] phoned the [redacted] Watchhouse and arranged to speak to [redacted] later that evening. When [redacted] later phoned the Watchhouse, staff did not answer the call. On [redacted] the Queensland Police Service Watchhouse custody lists indicated that [redacted] had been in extended custody in the [redacted] Watchhouse for five Days. On [redacted] YJ - exempt info [redacted] and was transported to Cleveland Youth Detention Centre CYDC [redacted]
<p>VIEWS AND WISHES OF OPG CLIENT (also consider: 1. Whether child/young person/adult is aware of/has requested/agreed with the complaint being made, 2. Child/young person/adult's capacity/willingness to participate in complaints process and any preferences regarding contact/involvement.)</p>	<ul style="list-style-type: none"> [redacted] did not have an opportunity to speak with [redacted] at the [redacted] Watchhouse to discuss [redacted] views and wishes. [redacted] has since spoke to [redacted] at CYDC and concerns were not raised.
<p>ATTEMPTS TO RESOLVE AT LOCAL LEVEL SUMMARY (if relevant, include details of any attempts to resolve the matter with the relevant person/agency/provider)</p>	<ul style="list-style-type: none"> The capacity issue impacting on young people awaiting a bed in a youth detention centre appears to be a systemic issue and unable to be resolved locally.
<p>HAS THIS MATTER BEEN REPORTED TO ANOTHER AGENCY? (if so, provide details whether referred by OPG or another person/agency/provider)</p>	<ul style="list-style-type: none"> Queensland Police Service [redacted] Watchhouse).
<p>ATTACHMENTS (attach any relevant correspondence/documents/emails)</p>	<ul style="list-style-type: none"> Nil

Progress of complaint

We would be grateful if you would acknowledge receipt of this complaint and advise of your next steps and how you will manage these issues at your earliest convenience.

OPG would appreciate relevant updates regarding the progress of this matter to inform OPG's ongoing advocacy in relation to the client, and/or manage expectations and any associated risks.

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- c) Any remedial action concerning the complaint or issue.
- d) Information about how OPG may seek reconsideration of the decision if required.

The OPG may attempt to discuss the information gathered and your advice with our client, which will assist the OPG in promoting and protecting their rights and interests.

If you would like to discuss this matter further, please do not hesitate to contact the Principal Complaints Officer, OPG, by telephone on 3738 9489 or by email at complaintreferral@publicguardian.qld.gov.au.

OPG complaint referral to external agency

The OPG is referring this complaint to your agency in exercise of its statutory functions and powers set out in the *Public Guardian Act 2014 (Qld)* and the *Guardianship and Administration Act 2000 (Qld)*.

Background information

OPG REFERENCE NO.	YJ - exempt info		
COMPLAINT REFERRAL TYPE	Complaint on OPG's own initiative (s. 144(a), PGA)	REFERRED DATE	
OPG CONTACT PERSON/s	Community Visiting and Advocacy – Mark Sprenger mark.sprenger@publicguardian.qld.gov.au		
ADULT/CHILD/YOUNG PERSON/s	Child/young person • Name & DOB: [redacted]		
VISITABLE LOCATION/s <i>(if relevant)</i>	[redacted] Watchhouse	SERVICE PROVIDER <i>(if relevant)</i>	Department of Children, Youth Justice and Multicultural Affairs.

Complaint details

SUBJECT OF OPG CONCERNS <i>(who this complaint is about – e.g. person, agency, service provider)</i>	Queensland Police Service (QPS) Watchhouses and Department of Children, Youth Justice and Multicultural Affairs Youth Detention Centres.
REFERRAL TO <i>(entity this complaint is being referred to)</i>	Agency: <ul style="list-style-type: none"> • QPS Ethical Standards Command • YJS Professional Standards Unit • <i>Queensland Human Rights Commission (for information only)</i> Service Provider/NGO/Other:
REQUESTED OUTCOMES <i>(including a proposed response date - e.g., within 45 business days)</i>	<ol style="list-style-type: none"> 1. Please assess this matter, including [redacted] extended custody in the [redacted] Watchhouse, the delay in transferring [redacted] due to systemic capacity issues in youth detention centres, and whether [redacted] was provided and/or explained [redacted] rights, to establish if the issues and concerns described warrant investigation. 2. Suitably refer the matter for appropriate action, including any required notification to other relevant agencies.

We would be grateful if you would acknowledge receipt of this complaint and advice on your next steps and how you will manage these issues at your earliest convenience.

The OPG would appreciate relevant updates regarding the progress of this matter to inform OPG's ongoing advocacy concerning [redacted], and/or manage expectations and any associated risks.

Once the relevant agency finalises any investigation, we would appreciate your advice regarding any findings or outcomes of the process, including for example:

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- d) Information about how OPG may seek reconsideration of the decision if required.

The OPG may attempt to discuss the information gathered and your advice with [redacted] which will assist the OPG in promoting and protecting [redacted] rights and interests.

Proposed response date [redacted] YJ - exempt info

STATEMENT OF CONCERN/S
(each act/omission/behaviour which may be inconsistent with policy/procedure/principle/legislation)

1. *On the morning of [redacted] the Queensland Police Service Watchhouse custody lists indicated that [redacted] had been in extended custody in the [redacted] Watchhouse for four days and 21 hours. The reason for the length of stay was due to capacity restraints in detention and no bed available for [redacted] at that time.*

The OPG is concerned that incidents such as this continue to be reported, noting:

- a) **The QPS Watchhouse environment is not suitable for children and young peoples' safety and well-being.**

In particular, the OPG has observed the following concerns:

- Watchhouses are designed to detain adults for short, temporary periods.
- They are inadequately resourced or regulated to care for children and young people for extended periods.

- While detained in a small Watchhouse cell with minimal facilities, young people are often in the proximity and view of adult inmates
- Children and young people have limited access to open and fresh air and sunlight, daily hygiene facilities (e.g., showers), or appropriate services, including healthcare, psychological support, and education.
- This type of environment can lead to increased anxiety and trauma, particularly if detained in this environment for a prolonged period.

This incident may have been contrary to the (QPS) Operational Procedures Manual:

- **Chapter 16.17.1(v)** Considerations for the custody of children, which requires that a child held in custody is, to, wherever reasonably possible, be held in a youth detention centre and the additional considerations as outlined in 16.17.1 (vi) to (vii) as may be relevant to the individual's circumstances.
- **Chapter 16.17.5** - Custody of children in watchhouses, which requires that wherever practicable children are not to be kept in custody in a watchhouse

b) Extended custody in a Watchhouse may be inconsistent with young peoples' rights and interests under the Youth Justice Act 1992 (Qld).

The OPG notes that Youth Justice Services is responsible for administering the *Youth Justice Act 1992 (Qld)* to deal with children and young people who encounter the youth justice system, including detention and custody issues. The youth justice principles established in schedule 1 of the *Youth Justice Act 1992 (Qld)* ('Charter of Youth Justice Principles') underlie the operation of the Act.

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- **Principle 19** - A child detained in custody should only be held in a facility suitable for children.

c) **Extended custody in a Watchhouse may be an unreasonable and unjustifiable limitation of a young person's human rights under the *Human Rights Act 2019* (Qld).**

The OPG is concerned that by failing to promptly provide [redacted] with suitable accommodation in a youth detention centre, resulting in [redacted] prolonged detention in an adult Watchhouse, Youth Justice Services may have acted incompatibly with [redacted]'s human rights, including:

- **Section 15(2) - Every person has the right to enjoy the person's human rights without discrimination.**

The OPG is concerned that children and young people may not be afforded the right to enjoy their human rights on the same basis as others due to their status as a child or young person (i.e., based on their age). The lack of availability in a youth detention centre may result in children and young people remaining remanded in Watchhouse custody for longer periods than adults in some instances.

- **Section 17(b) - A person must not be treated or punished in a cruel, inhuman or degrading way.**

The OPG is concerned that [redacted] may have been treated in a degrading way while detained in the [redacted] Watchhouse, including as a result of the lack of access to daily hygiene facilities.

- **Section 26(1) - Families are the fundamental group unit of society and are entitled to be protected by society and the State.**

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- **Section 30(1) and (2) – All persons deprived of liberty must be treated with humanity and with respect for the inherent dignity of the human person, and an accused person who is detained or a person detained without charge must be treated in a way that is appropriate for a person who has not been convicted.**

The OPG is concerned that [redacted] was not treated with humanity and with respect for [redacted] inherent dignity or in a way that was appropriate due to the reasons described above.

- **Section 33(1) - An accused child who is detained, or a child that is detained without charge, must be segregated from all detained adults.**

The OPG is concerned that detention in a Watchhouse, particularly for a prolonged period, is inappropriate as young people are often detained in the proximity and view of adult inmates.

- **Section 36(1) – Every child has the right to have access to primary and secondary education appropriate to the child's needs.**

The OPG is concerned that [redacted] and children and young people generally do not have access to appropriate education services while detained in an adult Watchhouse facility.

	<p>court finalised for young people at the Centre on the [redacted] (Attachment 2).</p>
<p>ATTACHMENTS (attach any relevant correspondence/ documents/emails)</p>	<ul style="list-style-type: none"> Attachment 1 Attachment 2 <p>RE [redacted] Young people a [redacted]</p> <p>Attachment Juveniles in Custody</p>

Progress of complaint

We would be grateful if you would acknowledge receipt of this complaint and advice of your next steps and how you will manage these issues at your earliest convenience.

OPG would appreciate relevant updates regarding the progress of this matter to inform OPG's ongoing advocacy in relation to the client, and/or manage expectations and any associated risks.

Once the investigation is finalised, we would appreciate your advice regarding any findings or outcomes of the process, including for example:

- If you found each concern to be either *substantiated*, *unsubstantiated*, or *unable to be substantiated*.
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If you would like to discuss this matter further, please do not hesitate to contact the Principal Complaints Officer, OPG, by telephone on 3738 9489 or by email at complaintreferral@publicguardian.qld.gov.au.

From: [redacted]
To: YJ - exempt info
Cc: [redacted]
Subject: Young people at [redacted] Watchhouse
Date: [redacted]
Attachments: image004.jpg
 image005.png
 image006.jpg
 image007.jpg
 image011.jpg

Good morning [redacted]

Thank you for your email.

Yes we are currently holding [redacted] juveniles in the [redacted] Watch-house who are on remand and awaiting placement at BYDZ, who are currently at capacity.

Can I please ask that you liaise directly with [redacted] to make the necessary arrangements to speak with these juveniles.

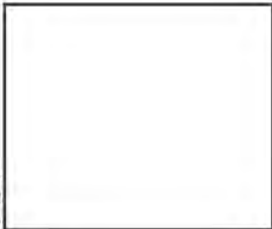
Regards

[redacted]

badge



Phone
Email
Address



This message and any attachments are confidential and may also be privileged. Its contents do not constitute a commitment by the Queensland Police Service except where provided for in a written agreement between you and the Queensland Police Service. Any unauthorised disclosure, use and dissemination other than as stated is prohibited. If you are not the intended recipient of this message, please notify the sender immediately. The views expressed in this message do not necessarily reflect those of the Queensland Police Service.

From: [redacted]
Sent: [redacted]
To: [redacted]
Subject: [redacted] - Young people at [redacted] Watchhouse

CAUTION: This email originated from outside of Queensland Police Service. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi [redacted]

I hope you are well.

The list received by the Office of Public Guardian of young people in Queensland Watchhouses this morning documents [redacted] young people present at the [redacted] Watchhouse for a period of just over four days.

May I please request an opportunity to speak with those young people via phone or videolink at a time that is suitable to the Watchhouse either this afternoon or later tomorrow afternoon?

Kind regards,



YJ - exempt info

Visit us at www.qld.gov.au



Please think about the environment before you print this message.

This email and any attachments may contain confidential, private or legally privileged information and may be protected by copyright. You may only use it if you are the person(s) it was intended to be sent to and if you use it in an authorised way. No one is allowed to use, review, alter, transmit, disclose, distribute, print or copy this email without appropriate authority.

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It is your responsibility to ensure that this email does not contain and is not affected by computer viruses, defects or interferences by third parties or replication problems.

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RTI RELEASED

Subject: FW: Juveniles in Custody - [redacted] Watchhouse

[redacted]
YJ - exempt info

Subject: Juveniles in Custody - [redacted] Watchhouse

Good afternoon [redacted]

There are currently [redacted] juveniles in custody at the [redacted] Watchhouse

[redacted] from YJ has attempted to get placements for the juveniles at BYDC however has not been successful.

I have called BYDC and spoken with [redacted] who advised that at this time they do not have any beds available for [redacted] juvenile.

[redacted] There are also numerous other Juveniles in Watchhouse waiting for beds at BYDC. [redacted] advised to call back after 6pm to see if they have any beds available. There is no ability for the [redacted] Watchhouse to provide an escort to Brisbane after 6pm. [redacted] are also unable to assist with an operational crew to perform the escort either after 6pm.

The Juveniles currently remanded in custody are:

[redacted]

The Watchhouse shift Supervisor will advise you later this afternoon who will be required to stay in custody at the [redacted] Watchhouse overnight.

Regards,



[redacted]

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RTI RELEASE

OPG complaint referral to external agency

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Background information

OPG REFERENCE NO.	YJ - exempt info		
COMPLAINT REFERRAL TYPE	Complaint on OPG's own initiative (s. 144(a), PGA)	REFERRED DATE	
OPG CONTACT PERSON/s	Community Visiting and Advocacy – Mark Sprenger marksprenger@publicguardian.qld.gov.au		
ADULT/CHILD/YOUNG PERSON/s	Child/young person <ul style="list-style-type: none"> Name & DOB 		
VISITABLE LOCATION/s <i>(if relevant)</i>	Watchhouse	SERVICE PROVIDER <i>(if relevant)</i>	Department of Children, Youth Justice and Multicultural Affairs.

Complaint details

SUBJECT OF OPG CONCERNS <i>(who this complaint is about – e.g. person, agency, service provider)</i>	Queensland Police Service (QPS) Watchhouses and Department of Children, Youth Justice and Multicultural Affairs Youth Detention Centres.
REFERRAL TO <i>(entity this complaint is being referred to)</i>	Agency: <ul style="list-style-type: none"> QPS Ethical Standards Command YJS Professional Standards Unit Queensland Human Rights Commission <i>(for information only)</i> Service Provider/NGO/Other:
REQUESTED OUTCOMES <i>(including a proposed response date – e.g. within 45 business days)</i>	<ol style="list-style-type: none"> Please assess this matter, including extended custody in the Watchhouse, the delay in transferring due to systemic capacity issues in youth detention centres, and whether was provided and/or explained rights, to establish if the issues and concerns described warrant investigation. Suitably refer the matter for appropriate action, including any required notification to other relevant agencies.

We would be grateful if you would acknowledge receipt of this complaint and advice on your next steps and how you will manage these issues at your earliest convenience.

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- c) Any remedial action concerning the complaint or issue.
- d) Information about how OPG may seek reconsideration of the decision if required.

The OPG may attempt to discuss the information gathered and your advice with [] which will assist the OPG in promoting and protecting [] rights and interests.

Proposed response date: YJ - exempt info []

STATEMENT OF CONCERN/S

(each act/omission/behaviour which may be inconsistent with policy/procedure/principle/legislation)

1. *On the morning of [] the Queensland Police Service Watchhouse custody lists indicated that [] had been in extended custody in the [] Watchhouse for four days and 22 hours. The reason for the length of stay was due to capacity restraints in detention and no bed available for [] at that time.*

The OPG is concerned that incidents such as this continue to be reported, noting:

- a) **The QPS Watchhouse environment is not suitable for children and young peoples' safety and well-being.**

In particular, the OPG has observed the following concerns:

- Watchhouses are designed to detain adults for short, temporary periods.
- They are inadequately resourced or regulated to care for children and young people for extended periods.

- While detained in a small Watchhouse cell with minimal facilities, young people are often in the proximity and view of adult inmates
- Children and young people have limited access to open and fresh air and sunlight, daily hygiene facilities (e.g., showers), or appropriate services, including healthcare, psychological support, and education.
- This type of environment can lead to increased anxiety and trauma, particularly if detained in this environment for a prolonged period.

This incident may have been contrary to the (QPS) Operational Procedures Manual:

- **Chapter 16.17.1(v)** Considerations for the custody of children, which requires that a child held in custody is, to, wherever reasonably possible, be held in a youth detention centre and the additional considerations as outlined in 16.17.1 (vi) to (vii) as may be relevant to the individual's circumstances.
- **Chapter 16.17.5** - Custody of children in watchhouses, which requires that wherever practicable children are not to be kept in custody in a watchhouse

b) Extended custody in a Watchhouse may be inconsistent with young peoples' rights and interests under the Youth Justice Act 1992 (Qld).

The OPG notes that Youth Justice Services is responsible for administering the *Youth Justice Act 1992 (Qld)* to deal with children and young people who encounter the youth justice system, including detention and custody issues. The youth justice principles established in schedule 1 of the *Youth Justice Act 1992 (Qld)* ('Charter of Youth Justice Principles') underlie the operation of the Act.

This incident may have been contrary to the following *Youth Justice Act 1992* youth justice principles:

- **Principle 2** - The youth justice system should uphold the rights of children, keep them safe and promote their physical and mental wellbeing.

- **Principle 13** - A person making a decision relating to a child under this Act should consider the child's age, maturity and, where appropriate, cultural, and religious beliefs and practices.
- **Principle 19** - A child detained in custody should only be held in a facility suitable for children.

c) **Extended custody in a Watchhouse may be an unreasonable and unjustifiable limitation of a young person's human rights under the *Human Rights Act 2019* (Qld).**

The OPG is concerned that by failing to promptly provide [] with suitable accommodation in a youth detention centre, resulting in [] prolonged detention in an adult Watchhouse, Youth Justice Services may have acted incompatibly with []'s human rights, including:

- **Section 15(2) - Every person has the right to enjoy the person's human rights without discrimination.**

The OPG is concerned that children and young people may not be afforded the right to enjoy their human rights on the same basis as others due to their status as a child or young person (i.e., based on their age). The lack of availability in a youth detention centre may result in children and young people remaining remanded in Watchhouse custody for longer periods than adults in some instances.

- **Section 17(b) – A person must not be treated or punished in a cruel, inhuman or degrading way.**

The OPG is concerned that [] may have been treated in a degrading way while detained in the [] Watchhouse, including as a result of the lack of access to daily hygiene facilities.

- **Section 26(1) - Families are the fundamental group unit of society and are entitled to be protected by society and the State.**

The OPG is concerned that prolonged detention in an adult Watchhouse limits a young person's right to stay connected to their family with restrictions on visits, letter writing and making phone and video calls.

- **Section 26(2) - The right of every child, without discrimination, to the protection that is needed by the child, and is in the child's best interests, because of being a child.**

The OPG is concerned that prolonged detention in an adult Watchhouse is not in a young person's best interests for the reasons described above.

- **Section 30(1) and (2) – All persons deprived of liberty must be treated with humanity and with respect for the inherent dignity of the human person, and an accused person who is detained or a person detained without charge must be treated in a way that is appropriate for a person who has not been convicted.**

The OPG is concerned that [redacted] was not treated with humanity and with respect for [redacted] inherent dignity or in a way that was appropriate due to the reasons described above.

- **Section 33(1) - An accused child who is detained, or a child that is detained without charge, must be segregated from all detained adults.**

The OPG is concerned that detention in a Watchhouse, particularly for a prolonged period, is inappropriate as young people are often detained in the proximity and view of adult inmates.

- **Section 36(1) – Every child has the right to have access to primary and secondary education appropriate to the child's needs.**

The OPG is concerned that [redacted] and children and young people generally do not have access to appropriate education services while detained in an adult Watchhouse facility.



<p>HUMAN RIGHTS <i>(note any human rights under the Human Rights Act 2019 (Qld) that may have been limited)</i></p>	<ol style="list-style-type: none"> s.15 - Right to recognition and equality before the law S.17 - Right to protection from torture and cruel, inhuman or degrading treatment s.26 - Protection of families and children s.30 - Humane treatment when deprived of liberty s.33 - Children in the criminal process s.36 - Right to education
<p>BACKGROUND INFORMATION <i>(chronology, including dates, times and place of events, people involved/witnesses, OPG role, current CP intervention/guardianship appointment, diagnoses/support needs, and any other supporting evidence if available - e.g., documents/camera/audio recordings)</i></p>	<ul style="list-style-type: none"> On the morning of [redacted] the Queensland Police Service Watchhouse custody lists indicated that [redacted] had been in extended custody in the [redacted] Watchhouse for 4 days and 22 hours. On [redacted] in accordance with the OPG Community Visiting and Advocacy practice guidance, an alternative technology inquiry (ATI) was with [redacted] whilst in the [redacted] Watchhouse. [redacted] did not raise any concerns regarding [redacted] treatment in [redacted] Watchhouse.
<p>VIEWS AND WISHES OF OPG CLIENT <i>(also consider:</i> <ol style="list-style-type: none"> Whether child/young person/adult is aware of/has requested/agreed with the complaint being made, Child/young person/adult's capacity/willingness to participate in complaints process and any preferences regarding contact/involvement.) </p>	<ul style="list-style-type: none"> [redacted] did not raise any concerns with regard to [redacted] treatment whilst in Watchhouse custody.
<p>ATTEMPTS TO RESOLVE AT LOCAL LEVEL SUMMARY <i>(if relevant, include details of any attempts to resolve the matter with the relevant person/agency/provider)</i></p>	<ul style="list-style-type: none"> The capacity issue impacting on young people awaiting a bed in a youth detention centre appears to be a systemic issue and unable to be resolved locally.
<p>HAS THIS MATTER BEEN REPORTED TO ANOTHER AGENCY? <i>(if so, provide details - whether referred by OPG or another person/agency/provider)</i></p>	<ul style="list-style-type: none"> The Queensland Police Service advised on the morning of [redacted] of no capacity at Youth Detention at that time (Attachment 1). OPG Community Visitor and Advocate [redacted] was included in an email [redacted] [redacted] [redacted] outlining Queensland Police Service correspondence with Brisbane Youth Detention Centre and the absence of beds until

	<p>court finalised for young people at the Centre on the [redacted] (Attachment 2).</p>
<p>ATTACHMENTS (attach any relevant correspondence/ documents/emails)</p>	<ul style="list-style-type: none"> Attachment 1 Attachment 2 <p>RE [redacted] Young people a [redacted]</p> <p>Attachment Juveniles in Custody</p>

Progress of complaint

We would be grateful if you would acknowledge receipt of this complaint and advice of your next steps and how you will manage these issues at your earliest convenience.

OPG would appreciate relevant updates regarding the progress of this matter to inform OPG's ongoing advocacy in relation to the client, and/or manage expectations and any associated risks.

Once the investigation is finalised, we would appreciate your advice regarding any findings or outcomes of the process, including for example:

- If you found each concern to be either *substantiated*, *unsubstantiated*, or *unable to be substantiated*.
- Any actions agreed to be taken by the subject of the complaint regarding any issue.
- Any remedial action concerning the complaint or issue.
- Information about how OPG may seek reconsideration of the decision if required.

The OPG may attempt to discuss the information gathered and your advice with our client, which will assist the OPG in promoting and protecting their rights and interests.

If you would like to discuss this matter further, please do not hesitate to contact the Principal Complaints Officer, OPG, by telephone on 3738 9489 or by email at complaintreferral@publicguardian.qld.gov.au.

From: [redacted]
To: [redacted]
Cc: [redacted]
Subject: [redacted] - Young people at [redacted] Watchhouse
Date: [redacted]
Attachments: [image004.jpg](#)
[image005.png](#)
[image006.jpg](#)
[image007.jpg](#)
[image008.jpg](#)

Good morning [redacted]

Thank you for your email.


Yes we are currently holding [redacted] juveniles in the [redacted] Watch-house who are on remand and awaiting placement at BYDZ, who are currently at capacity.

Can I please ask that you liaise directly with the [redacted] Watch-house Shift Supervisor [redacted] [redacted] to make the necessary arrangements to speak with these juveniles.

Regards

[redacted]

badge



Phone
Email
Address

[redacted]



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From: [redacted]
Sent: [redacted]
To: [redacted]
Subject: [redacted] - Young people at [redacted] Watchhouse

CAUTION: This email originated from outside of Queensland Police Service. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi [redacted]

I hope you are well.

The list received by the Office of Public Guardian of young people in Queensland Watchhouses this morning documents [redacted] young people present at the [redacted] Watchhouse for a period of just over four days.

May I please request an opportunity to speak with those young people via phone or videolink at a time that is suitable to the Watchhouse either this afternoon or later tomorrow afternoon?

Kind regards,

[redacted]

YJ - exempt info

Viewing at www.publishing.csi.cri.nz/rtti/any.asp



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RTTI RELEASED

Subject: FW: Juveniles in Custody [redacted] Watchhouse

[redacted]

Subject: Juveniles in Custody [redacted] Watchhouse

Good afternoon [redacted]

There are currently [redacted] Juveniles in custody at the [redacted] Watchhouse.

[redacted]

[redacted] from YJ has attempted to get placements for the juveniles at BYDC however has not been successful.

I have called BYDC and spoken with [redacted] who advised that at this time they do not have any beds available for [redacted] juvenile [redacted]

[redacted] There are also numerous other Juveniles in Watchhouse waiting for beds at BYDC [redacted] advised to call back after 6pm to see if they have any beds available. There is no ability for the [redacted] Watchhouse to provide an escort to Brisbane after 6pm. [redacted] are also unable to assist with an operational crew to perform the escort either after 6pm.

The Juveniles currently remanded in custody are:

[redacted]

The Watchhouse shift Supervisor will advise you later this afternoon who will be required to stay in custody at the Toowoomba Watchhouse overnight.

Regards,



[redacted]

CONFIDENTIALITY: The information contained in this electronic mail message and any electronic files attached to it may be confidential information, and may also be the subject of legal professional privilege and/or public interest immunity. If you are not the intended recipient you are required to delete it. Any use, disclosure or copying of this message and any attachments is unauthorised. If you have received this electronic message in error, please inform the sender or contact 1300ITPSBA@psba.qld.gov.au. This footnote also confirms that this email message has been checked for the presence of computer viruses.

RTI RELEASE

OPG complaint referral to external agency

The OPG is referring this complaint to your agency in exercise of its statutory functions and powers set out in the *Public Guardian Act 2014 (Qld)* and the *Guardianship and Administration Act 2000 (Qld)*.

Background information

OPG REFERENCE NO.	YJ - exempt info		
COMPLAINT REFERRAL TYPE	Complaint on OPG's own initiative (s. 144(a), PGA)	REFERRED DATE	
OPG CONTACT PERSON/s	Community Visiting and Advocacy – Mark Sprenger mark.sprenger@publicguardian.qld.gov.au		
ADULT/CHILD/YOUNG PERSON/s	Child/young person • Name & DOB: [redacted]		
VISITABLE LOCATION/s (if relevant)	[redacted] Watchhouse	SERVICE PROVIDER (if relevant)	Department of Children, Youth Justice and Multicultural Affairs.

Complaint details

SUBJECT OF OPG CONCERNS (who this complaint is about – e.g. person, agency, service provider)	Queensland Police Service (QPS) Watchhouses and Department of Children, Youth Justice and Multicultural Affairs Youth Detention Centres.
REFERRAL TO (entity this complaint is being referred to)	Agency: <ul style="list-style-type: none"> • QPS Ethical Standards Command • YJS Professional Standards Unit • Queensland Human Rights Commission (for information only) Service Provider/NGO/Other:
REQUESTED OUTCOMES (including a proposed response date – e.g. within 45 business days)	<ol style="list-style-type: none"> 1. Please assess this matter, including [redacted] extended custody in the [redacted] Watchhouse, the delay in transferring [redacted] due to systemic capacity issues in youth detention centres, and whether [redacted] was provided and/or explained [redacted] rights, to establish if the issues and concerns described warrant investigation. 2. Suitably refer the matter for appropriate action, including any required notification to other relevant agencies.

We would be grateful if you would acknowledge receipt of this complaint and advice on your next steps and how you will manage these issues at your earliest convenience.

The OPG would appreciate relevant updates regarding the progress of this matter to inform OPG's ongoing advocacy concerning [redacted] and/or manage expectations and any associated risks.

Once the relevant agency finalises any investigation, we would appreciate your advice regarding any findings or outcomes of the process, including for example:

- a) If you found each concern to be either substantiated, unsubstantiated, or unable to be substantiated.
- b) Any actions agreed to be taken by the subject of the complaint regarding any issue.
- c) Any remedial action concerning the complaint or issue.
- d) Information about how OPG may seek reconsideration of the decision if required.

The OPG may attempt to discuss the information gathered and your advice with [redacted] which will assist the OPG in promoting and protecting [redacted] rights and interests.

Proposed response date: YJ - exempt info

STATEMENT OF CONCERN/S

(each act/omission/behaviour which may be inconsistent with policy/procedure/principle/legislation)

1. *On the morning of [redacted] the Queensland Police Service Watchhouse custody lists indicated that [redacted] had been in extended custody in the [redacted] Watchhouse for four days and 23 hours. The reason for the length of stay was due to capacity restraints in detention and no bed available for [redacted] at that time.*

The OPG is concerned that incidents such as this continue to be reported, noting:

- a) **The QPS Watchhouse environment is not suitable for children and young peoples' safety and well-being.**

In particular, the OPG has observed the following concerns:

- Watchhouses are designed to detain adults for short, temporary periods.
- They are inadequately resourced or regulated to care for children and young people for extended periods.

- While detained in a small Watchhouse cell with minimal facilities, young people are often in the proximity and view of adult inmates
- Children and young people have limited access to open and fresh air and sunlight, daily hygiene facilities (e.g., showers), or appropriate services, including healthcare, psychological support, and education.
- This type of environment can lead to increased anxiety and trauma, particularly if detained in this environment for a prolonged period.

This incident may have been contrary to the (QPS) Operational Procedures Manual:

- **Chapter 16.17.1(v)** Considerations for the custody of children, which requires that a child held in custody is, to, wherever reasonably possible, be held in a youth detention centre and the additional considerations as outlined in 16.17.1 (vi) to (vii) as may be relevant to the individual's circumstances.
- **Chapter 16.17.5** - Custody of children in watchhouses, which requires that wherever practicable children are not to be kept in custody in a watchhouse

b) Extended custody in a Watchhouse may be inconsistent with young peoples' rights and interests under the Youth Justice Act 1992 (Qld).

The OPG notes that Youth Justice Services is responsible for administering the *Youth Justice Act 1992 (Qld)* to deal with children and young people who encounter the youth justice system, including detention and custody issues. The youth justice principles established in schedule 1 of the *Youth Justice Act 1992 (Qld)* ('Charter of Youth Justice Principles') underlie the operation of the Act.

This incident may have been contrary to the following *Youth Justice Act 1992* youth justice principles:

- **Principle 2** - The youth justice system should uphold the rights of children, keep them safe and promote their physical and mental wellbeing.

- **Principle 13** - A person making a decision relating to a child under this Act should consider the child's age, maturity and, where appropriate, cultural, and religious beliefs and practices.
- **Principle 19** - A child detained in custody should only be held in a facility suitable for children.

c) **Extended custody in a Watchhouse may be an unreasonable and unjustifiable limitation of a young person's human rights under the *Human Rights Act 2019* (Qld).**

The OPG is concerned that by failing to promptly provide [] with suitable accommodation in a youth detention centre, resulting in [] prolonged detention in an adult Watchhouse, Youth Justice Services may have acted incompatibly with []'s human rights, including:

- **Section 15(2) - Every person has the right to enjoy the person's human rights without discrimination.**

The OPG is concerned that children and young people may not be afforded the right to enjoy their human rights on the same basis as others due to their status as a child or young person (i.e., based on their age). The lack of availability in a youth detention centre may result in children and young people remaining remanded in Watchhouse custody for longer periods than adults in some instances.

- **Section 17(b) – A person must not be treated or punished in a cruel, inhuman or degrading way.**

The OPG is concerned that [] may have been treated in a degrading way while detained in the [] Watchhouse, including as a result of the lack of access to daily hygiene facilities.

- **Section 26(1) - Families are the fundamental group unit of society and are entitled to be protected by society and the State.**

The OPG is concerned that prolonged detention in an adult Watchhouse limits a young person's right to stay connected to their family with restrictions on visits, letter writing and making phone and video calls.

- **Section 26(2) - The right of every child, without discrimination, to the protection that is needed by the child, and is in the child's best interests, because of being a child.**

The OPG is concerned that prolonged detention in an adult Watchhouse is not in a young person's best interests for the reasons described above.

- **Section 30(1) and (2) – All persons deprived of liberty must be treated with humanity and with respect for the inherent dignity of the human person, and an accused person who is detained or a person detained without charge must be treated in a way that is appropriate for a person who has not been convicted.**

The OPG is concerned that [] was not treated with humanity and with respect for [] inherent dignity or in a way that was appropriate due to the reasons described above.

- **Section 33(1) - An accused child who is detained, or a child that is detained without charge, must be segregated from all detained adults.**

The OPG is concerned that detention in a Watchhouse, particularly for a prolonged period, is inappropriate as young people are often detained in the proximity and view of adult inmates.

- **Section 36(1) – Every child has the right to have access to primary and secondary education appropriate to the child's needs.**

The OPG is concerned that [] and children and young people generally do not have access to appropriate education services while detained in an adult Watchhouse facility.

HUMAN RIGHTS

(note any human rights under the Human Rights Act 2019 (Qld) that may have been limited)

1. s.15 - Right to recognition and equality before the law
2. S.17 - Right to protection from torture and cruel, inhuman or degrading treatment
3. s.26 - Protection of families and children
4. s.30 - Humane treatment when deprived of liberty
5. s.33 - Children in the criminal process
6. s.36 - Right to education

BACKGROUND INFORMATION

(chronology, including dates, times and place of events, people involved/witnesses, OPG role, current CP intervention/guardianship appointment, diagnoses/support needs, and any other supporting evidence if available - e.g., documents/camera/audio recordings)

- On the morning of [REDACTED] the Queensland Police Service Watchhouse custody lists indicated that [REDACTED] had been in extended custody in the [REDACTED] Watchhouse for 4 days and 23 hours
- On [REDACTED] in accordance with the OPG Community Visiting and Advocacy practice guidance, an alternative technology inquiry (ATI) was conducted with [REDACTED] whilst in the [REDACTED] Watchhouse.
- [REDACTED] did not raise any concerns regarding [REDACTED] treatment in [REDACTED] Watchhouse.

VIEWS AND WISHES OF OPG CLIENT

(also consider:

1. Whether child/young person/adult is aware of/has requested/agreed with the complaint being made,
2. Child/young person/adult's capacity/willingness to participate in complaints process and any preferences regarding contact/involvement.)

- [REDACTED] did not raise any concerns with regard to [REDACTED] treatment whilst in Watchhouse custody.

ATTEMPTS TO RESOLVE AT LOCAL LEVEL SUMMARY

(if relevant, include details of any attempts to resolve the matter with the relevant person/agency/provider)



- The capacity issue impacting on young people awaiting a bed in a youth detention centre appears to be a systemic issue and unable to be resolved locally.

HAS THIS MATTER BEEN REPORTED TO ANOTHER AGENCY?

(if so, provide details - whether referred by OPG or another person/agency/provider)

- The Queensland Police Service advised on the morning of [REDACTED] of no capacity at Youth Detention at that time (**Attachment 1**).
- On [REDACTED] OPG Community Visitor and Advocate [REDACTED] was included in an email [REDACTED]

[REDACTED] outlining Queensland Police Service correspondence with Brisbane Youth Detention Centre and the absence of beds until court finalised for young

	people at the Centre on the [REDACTED] (Attachment 2).
ATTACHMENTS <i>(attach any relevant correspondence/ documents/emails)</i>	<ul style="list-style-type: none"> Attachment 1  RE [REDACTED] Young people a [REDACTED] Attachment 2  Attachment Juveniles in Custody

Progress of complaint

We would be grateful if you would acknowledge receipt of this complaint and advice of your next steps and how you will manage these issues at your earliest convenience.

OPG would appreciate relevant updates regarding the progress of this matter to inform OPG's ongoing advocacy in relation to the client, and/or manage expectations and any associated risks.

Once the investigation is finalised, we would appreciate your advice regarding any findings or outcomes of the process, including for example:

- If you found each concern to be either *substantiated*, *unsubstantiated*, or *unable to be substantiated*.
- Any actions agreed to be taken by the subject of the complaint regarding any issue.
- Any remedial action concerning the complaint or issue.
- Information about how OPG may seek reconsideration of the decision if required.

The OPG may attempt to discuss the information gathered and your advice with our client, which will assist the OPG in promoting and protecting their rights and interests.

If you would like to discuss this matter further, please do not hesitate to contact the Principal Complaints Officer, OPG, by telephone on 3738 9489 or by email at complaintreferral@publicguardian.qld.gov.au.

From: [redacted]
To: [redacted]
Cc: [redacted]
Subject: RE: [redacted] - Young people at [redacted] Watchhouse
Date: [redacted]
Attachments: [image004.jpg](#)
[image005.png](#)
[image006.jpg](#)
[image007.jpg](#)
[image008.jpg](#)

Good morning [redacted]

Thank you for your email.

Yes we are currently holding [redacted] juveniles in the [redacted] Watch-house who are on remand and awaiting placement at BYDZ, who are currently at capacity.

Can I please ask that you liaise directly with the [redacted] Watch-house Shift Supervisor on [redacted] [redacted] to make the necessary arrangements to speak with these juveniles.

Regards

[redacted]

badge
[redacted]
Phone
Email
Address

[redacted]

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From: [redacted]
Sent: [redacted]
To: [redacted]
Subject: [redacted] Young people at [redacted] Watchhouse

CAUTION: This email originated from outside of Queensland Police Service. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi [redacted]

I hope you are well.

The list received by the Office of Public Guardian of young people in Queensland Watchhouses this morning documents [redacted] young people present at the [redacted] Watchhouse for a period of just over four days.

May I please request an opportunity to speak with those young people via phone or videolink at a time that is suitable to the Watchhouse either this afternoon or later tomorrow afternoon?

Kind regards

[redacted]

Visit us at www.rtiinfo.qld.gov.au



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If you are not the intended addressee and this message has been sent to you by mistake, please notify the sender immediately, destroy any hard copies of the email and delete it from your computer system network. Any legal privilege or confidentiality is not waived or destroyed by the mistake.

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RTI RELEASED

Subject: FW: Juveniles in Custody [redacted] Watchhouse

[redacted]

Subject: Juveniles in Custody [redacted] Watchhouse

Good afternoon [redacted]

There are currently [redacted] juveniles in custody at the Toowoomba Watchhouse.

[redacted]

[redacted] from YJ has attempted to get placements for the juveniles at BYDC however has not been successful.

I have called BYDC and spoken with [redacted] who advised that at this time they do not have any beds available for [redacted] Juvenile.

[redacted] There are also numerous other Juveniles in Watchhouse waiting for beds at BYDC [redacted] advised to call back after 6pm to see if they have any beds available. There is no ability for the [redacted] Watchhouse to provide an escort to Brisbane after 6pm. [redacted] are also unable to assist with an operational crew to perform the escort either after 6pm.

The Juveniles currently remanded in custody are:

[redacted]

The Watchhouse shift Supervisor will advise you later this afternoon who will be required to stay in custody at the [redacted] Watchhouse overnight.

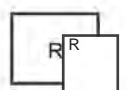
Regards,



[redacted]

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RTI RELEASE



OPG complaint referral to external agency

The OPG is referring this complaint to your agency in exercise of its statutory functions and powers set out in the *Public Guardian Act 2014 (Qld)* and the *Guardianship and Administration Act 2000 (Qld)*.

Background information

OPG REFERENCE NO.	YJ - exempt info		
COMPLAINT REFERRAL TYPE	Complaint on OPG's own initiative (s. 144(a), PGA)	REFERRED DATE	
OPG CONTACT PERSON/s	Community Visiting and Advocacy – Mark Sprenger mark.sprenger@publicguardian.qld.gov.au		
ADULT/CHILD/YOUNG PERSON/s	Child/young person • Name & DOB		
VISITABLE LOCATION/s <i>(if relevant)</i>	Watchhouse	SERVICE PROVIDER <i>(if relevant)</i>	Department of Children, Youth Justice and Multicultural Affairs.

Complaint details

SUBJECT OF OPG CONCERNS <i>(who this complaint is about – e.g. person, agency, service provider)</i>	Queensland Police Service (QPS) Watchhouses and Department of Children, Youth Justice and Multicultural Affairs Youth Detention Centres.
REFERRAL TO <i>(entity this complaint is being referred to)</i>	Agency: <ul style="list-style-type: none"> • QPS Ethical Standards Command • YJS Professional Standards Unit • Queensland Human Rights Commission <i>(for information only)</i> Service Provider/NGO/Other:
REQUESTED OUTCOMES <i>(including a proposed response date – e.g. within 45 business days)</i>	<ol style="list-style-type: none"> 1. Please assess this matter, including [] extended custody in the [] Watchhouse, the delay in transferring [] due to systemic capacity issues in youth detention centres, and whether [] was provided and/or explained [] rights, to establish if the issues and concerns described warrant investigation. 2. Suitably refer the matter for appropriate action, including any required notification to other relevant agencies.

We would be grateful if you would acknowledge receipt of this complaint and advice on your next steps and how you will manage these issues at your earliest convenience.

The OPG would appreciate relevant updates regarding the progress of this matter to inform OPG's ongoing advocacy concerning [redacted] and/or manage expectations and any associated risks.

Once the relevant agency finalises any investigation, we would appreciate your advice regarding any findings or outcomes of the process, including for example:

- a) If you found each concern to be either substantiated, unsubstantiated, or unable to be substantiated.
- b) Any actions agreed to be taken by the subject of the complaint regarding any issue.
- c) Any remedial action concerning the complaint or issue.
- d) Information about how OPG may seek reconsideration of the decision if required.

The OPG may attempt to discuss the information gathered and your advice with [redacted] which will assist the OPG in promoting and protecting [redacted] rights and interests.

Proposed response date [redacted]

STATEMENT OF CONCERN/S

(each act/omission/behaviour which may be inconsistent with policy/procedure/principle/legislation)

1. *On the morning of [redacted] the Queensland Police Service Watchhouse custody lists indicated that [redacted] had been in extended custody in the [redacted] Watchhouse for four days and 23 hours. The reason for the length of stay was due to capacity restraints in detention and no bed available for [redacted] at that time.*

The OPG is concerned that incidents such as this continue to be reported, noting:

- a) **The QPS Watchhouse environment is not suitable for children and young peoples' safety and well-being.**

In particular, the OPG has observed the following concerns:

- Watchhouses are designed to detain adults for short, temporary periods.
- They are inadequately resourced or regulated to care for children and young people for extended periods.

- While detained in a small Watchhouse cell with minimal facilities, young people are often in the proximity and view of adult inmates
- Children and young people have limited access to open and fresh air and sunlight, daily hygiene facilities (e.g., showers), or appropriate services, including healthcare, psychological support, and education.
- This type of environment can lead to increased anxiety and trauma, particularly if detained in this environment for a prolonged period.

This incident may have been contrary to the (QPS) Operational Procedures Manual:

- **Chapter 16.17.1(v)** Considerations for the custody of children, which requires that a child held in custody is, to, wherever reasonably possible, be held in a youth detention centre and the additional considerations as outlined in 16.17.1 (vi) to (vii) as may be relevant to the individual's circumstances.
- **Chapter 16.17.5** - Custody of children in watchhouses, which requires that wherever practicable children are not to be kept in custody in a watchhouse

b) Extended custody in a Watchhouse may be inconsistent with young peoples' rights and interests under the Youth Justice Act 1992 (Qld).

The OPG notes that Youth Justice Services is responsible for administering the *Youth Justice Act 1992 (Qld)* to deal with children and young people who encounter the youth justice system, including detention and custody issues. The youth justice principles established in schedule 1 of the *Youth Justice Act 1992 (Qld)* ('Charter of Youth Justice Principles') underlie the operation of the Act.

This incident may have been contrary to the following *Youth Justice Act 1992* youth justice principles:

- **Principle 2** - The youth justice system should uphold the rights of children, keep them safe and promote their physical and mental wellbeing.

- **Principle 13** - A person making a decision relating to a child under this Act should consider the child's age, maturity and, where appropriate, cultural, and religious beliefs and practices.
- **Principle 19** - A child detained in custody should only be held in a facility suitable for children.

c) **Extended custody in a Watchhouse may be an unreasonable and unjustifiable limitation of a young person's human rights under the *Human Rights Act 2019* (Qld).**

The OPG is concerned that by failing to promptly provide [redacted] with suitable accommodation in a youth detention centre, resulting in [redacted] prolonged detention in an adult Watchhouse, Youth Justice Services may have acted incompatibly with [redacted] human rights, including:

- **Section 15(2) - Every person has the right to enjoy the person's human rights without discrimination.**

The OPG is concerned that children and young people may not be afforded the right to enjoy their human rights on the same basis as others due to their status as a child or young person (i.e., based on their age). The lack of availability in a youth detention centre may result in children and young people remaining remanded in Watchhouse custody for longer periods than adults in some instances.

- **Section 17(b) – A person must not be treated or punished in a cruel, inhuman or degrading way.**

The OPG is concerned that [redacted] may have been treated in a degrading way while detained in the [redacted] Watchhouse, including as a result of the lack of access to daily hygiene facilities.

- **Section 26(1) - Families are the fundamental group unit of society and are entitled to be protected by society and the State.**

The OPG is concerned that prolonged detention in an adult Watchhouse limits a young person's right to stay connected to their family with restrictions on visits, letter writing and making phone and video calls.

- **Section 26(2) - The right of every child, without discrimination, to the protection that is needed by the child, and is in the child's best interests, because of being a child.**

The OPG is concerned that prolonged detention in an adult Watchhouse is not in a young person's best interests for the reasons described above.

- **Section 30(1) and (2) – All persons deprived of liberty must be treated with humanity and with respect for the inherent dignity of the human person, and an accused person who is detained or a person detained without charge must be treated in a way that is appropriate for a person who has not been convicted.**

The OPG is concerned that [] was not treated with humanity and with respect for [] inherent dignity or in a way that was appropriate due to the reasons described above.



- **Section 33(1) - An accused child who is detained, or a child that is detained without charge, must be segregated from all detained adults.**

The OPG is concerned that detention in a Watchhouse, particularly for a prolonged period, is inappropriate as young people are often detained in the proximity and view of adult inmates.

- **Section 36(1) – Every child has the right to have access to primary and secondary education appropriate to the child's needs.**

The OPG is concerned that [] and children and young people generally do not have access to appropriate education services while detained in an adult Watchhouse facility.

<p>HUMAN RIGHTS <i>(note any human rights under the Human Rights Act 2019 (Qld) that may have been limited)</i></p>	<ol style="list-style-type: none"> 1. s.15 - Right to recognition and equality before the law 2. S.17 - Right to protection from torture and cruel, inhuman or degrading treatment 3. s.26 - Protection of families and children 4. s.30 - Humane treatment when deprived of liberty 5. s.33 - Children in the criminal process 6. s.36 - Right to education
<p>BACKGROUND INFORMATION <i>(chronology, including dates, times and place of events, people involved/witnesses, OPG role, current CP intervention/guardianship appointment, diagnoses/support needs, and any other supporting evidence if available - e.g., documents/camera/audio recordings)</i></p>	<ul style="list-style-type: none"> • On the morning of [REDACTED] the Queensland Police Service Watchhouse custody lists indicated that [REDACTED] had been in extended custody in the [REDACTED] Watchhouse for over four days. • On [REDACTED] in accordance with the OPG Community Visiting and Advocacy practice guidance, an Alternative Technology Inquiry (ATI) was with [REDACTED] whilst in the [REDACTED] Watchhouse. • [REDACTED] did not raise any concerns regarding [REDACTED] treatment in [REDACTED] Watchhouse.
<p>VIEWS AND WISHES OF OPG CLIENT <i>(also consider:</i> 1. <i>Whether child/young person/adult is aware of/has requested/agreed with the complaint being made,</i> 2. <i>Child/young person/adult's capacity/willingness to participate in complaints process and any preferences regarding contact/involvement.)</i></p>	<ul style="list-style-type: none"> • [REDACTED] did not raise any concerns with regard to [REDACTED] treatment whilst in Watchhouse custody.
<p>ATTEMPTS TO RESOLVE AT LOCAL LEVEL SUMMARY <i>(if relevant, include details of any attempts to resolve the matter with the relevant person/agency/provider)</i></p>	<ul style="list-style-type: none"> • The capacity issue impacting on young people awaiting a bed in a youth detention centre appears to be a systemic issue and unable to be resolved locally.
<p>HAS THIS MATTER BEEN REPORTED TO ANOTHER AGENCY? <i>(if so, provide details - whether referred by OPG or another person/agency/provider)</i></p>	<ul style="list-style-type: none"> • The Queensland Police Service advised on the morning of [REDACTED] of no capacity at Youth Detention at that time (Attachment 1). • OPG Community Visitor and Advocate [REDACTED] was included in an email [REDACTED] [REDACTED] outlining Queensland Police Service correspondence with Brisbane Youth Detention Centre and the absence of beds until [REDACTED]

	court finalised for young people at the Centre on the [redacted] [redacted] Attachment 2).
ATTACHMENTS <i>(attach any relevant correspondence/ documents/emails)</i>	<ul style="list-style-type: none"> Attachment 1 Attachment 2  RE [redacted] Young people [redacted]  Attachment Juveniles in Custody

Progress of complaint

We would be grateful if you would acknowledge receipt of this complaint and advice of your next steps and how you will manage these issues at your earliest convenience.

OPG would appreciate relevant updates regarding the progress of this matter to inform OPG's ongoing advocacy in relation to the client, and/or manage expectations and any associated risks.

Once the investigation is finalised, we would appreciate your advice regarding any findings or outcomes of the process, including for example:

- If you found each concern to be either *substantiated*, *unsubstantiated*, or *unable to be substantiated*.
- Any actions agreed to be taken by the subject of the complaint regarding any issue.
- Any remedial action concerning the complaint or issue.
- Information about how OPG may seek reconsideration of the decision if required.

The OPG may attempt to discuss the information gathered and your advice with our client, which will assist the OPG in promoting and protecting their rights and interests.

If you would like to discuss this matter further, please do not hesitate to contact the Principal Complaints Officer, OPG, by telephone on 3738 9489 or by email at complaintreferral@publicguardian.qld.gov.au.

From: [redacted]
To: [redacted]
Cc: [redacted]
Subject: RE: [redacted] - Young people at [redacted] Watchhouse
Date: [redacted]
Attachments: image004.jpg
image005.png
image006.jpg
image007.jpg
image011.jpg

Good morning [redacted]

Thank you for your email.

Yes we are currently holding [redacted] juveniles in the [redacted] Watch-house who are on remand and awaiting placement at BYDZ, who are currently at capacity.

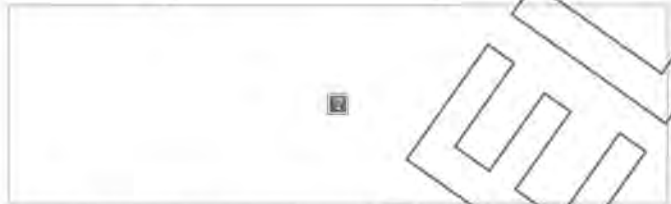
Can I please ask that you liaise directly with the [redacted] Watch-house Shift Supervisor or [redacted] [redacted] to make the necessary arrangements to speak with these juveniles.

Regards

[redacted]



Phone
Email
Address



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From: [redacted]
Sent: [redacted]
To: [redacted]
Subject: [redacted] - Young people at [redacted] Watchhouse

CAUTION: This email originated from outside of Queensland Police Service. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi [redacted]

I hope you are well.

The list received by the Office of Public Guardian of young people in Queensland Watchhouses this morning documents [redacted] young people present at the [redacted] Watchhouse for a period of just over four days.

May I please request an opportunity to speak with those young people via phone or videolink at a time that is suitable to the Watchhouse either this afternoon or later tomorrow afternoon?

Kind regards,





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RTI RELEASED

Subject: FW: Juveniles in Custody - [redacted] Watchhouse

[redacted]

Subject: Juveniles in Custody - [redacted] Watchhouse

Good afternoon [redacted]

There are currently [redacted] Juveniles in custody at the [redacted] Watchhouse. [redacted]

[redacted] from YJ has attempted to get placements for the juveniles at BYDC however has not been successful.

I have called BYDC and spoken with [redacted] who advised that at this time they do not have any beds available for [redacted] Juvenile. [redacted]

[redacted] There are also numerous other Juveniles in Watchhouse waiting for beds at BYDC. [redacted] advised to call back after 6pm to see if they have any beds available. There is no ability for the [redacted] to provide an escort to Brisbane after 6pm. [redacted] are also unable to assist with an operational crew to perform the escort either after 6pm.

The Juveniles currently remanded in custody are:

[redacted]

The Watchhouse shift Supervisor will advise you later this afternoon who will be required to stay in custody at the [redacted] Watchhouse overnight.

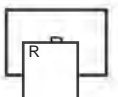
Regards,



[redacted]

CONFIDENTIALITY: The information contained in this electronic mail message and any electronic files attached to it may be confidential information, and may also be the subject of legal professional privilege and/or public interest immunity. If you are not the intended recipient you are required to delete it. Any use, disclosure or copying of this message and any attachments is unauthorised. If you have received this electronic message in error, please inform the sender or contact 1300ITPSBA@psba.qld.gov.au. This footnote also confirms that this email message has been checked for the presence of computer viruses.

RTI RELEASES



OPG complaint referral to external agency

The OPG is referring this complaint to your agency in exercise of its statutory functions and powers set out in the *Public Guardian Act 2014 (Qld)* and the *Guardianship and Administration Act 2000 (Qld)*.

Background information

OPG REFERENCE NO.	YJ - exempt info		
COMPLAINT REFERRAL TYPE	Complaint on OPG's own initiative (s. 144(a), PGA)	REFERRED DATE	
OPG CONTACT PERSON/s	Community Visiting and Advocacy – Mark Sprenger mark.sprenger@publicguardian.qld.gov.au		
ADULT/CHILD/YOUNG PERSON/s	Child/young person		
VISITABLE LOCATION/s (if relevant)	Name & DOB: [redacted] e Watchhouse	SERVICE PROVIDER (if relevant)	Department of Children, Youth Justice and Multicultural Affairs.

Complaint details

SUBJECT OF OPG CONCERNS (who this complaint is about – e.g., person, agency, service provider)	Queensland Police Service (QPS) Watchhouses and Department of Children, Youth Justice and Multicultural Affairs Youth Detention Centres.
REFERRAL TO (entity this complaint is being referred to)	Agency: <ul style="list-style-type: none"> • QPS Ethical Standards Command • YJS Professional Standards Unit • Queensland Human Rights Commission (for information only) Service Provider/NGO/Other:
REQUESTED OUTCOMES (including a proposed response date – e.g., within 45 business days)	<ol style="list-style-type: none"> 1. Please assess this matter, including [redacted] extended custody in the [redacted] Watchhouse, the delay in transferring [redacted] due to systemic capacity issues in youth detention centres, and whether [redacted] was provided and/or explained [redacted] rights, to establish if the issues and concerns described warrant investigation. 2. Suitably refer the matter for appropriate action, including any required notification to other relevant agencies.

We would be grateful if you would acknowledge receipt of this complaint and advice on your next steps and how you will manage these issues at your earliest convenience.

The OPG would appreciate relevant updates regarding the progress of this matter to inform OPG's ongoing advocacy concerning [] and/or manage expectations and any associated risks.

Once the relevant agency finalises any investigation, we would appreciate your advice regarding any findings or outcomes of the process, including for example:

- a) If you found each concern to be either substantiated, unsubstantiated, or unable to be substantiated.
- b) Any actions agreed to be taken by the subject of the complaint regarding any issue.
- c) Any remedial action concerning the complaint or issue.
- d) Information about how OPG may seek reconsideration of the decision if required.

The OPG may attempt to discuss the information gathered and your advice with [] which will assist the OPG in promoting and protecting [] rights and interests.

Proposed response date YJ - exempt info []

STATEMENT OF CONCERN/S

(each act/omission/behaviour which may be inconsistent with policy/procedure/principle/legislation)

1. *On the morning of [] the Queensland Police Service watchhouse custody lists indicated that [] had been in extended custody in the [] Watchhouse for 4 days and 23 hours. The reason for the length of stay was due to capacity restraints in detention and no bed available for [] at that time.*

The OPG is concerned that incidents such as this continue to be reported, noting:

- a) **The QPS Watchhouse environment is not suitable for children and young peoples' safety and well-being.**

In particular, the OPG has observed the following concerns:

- Watchhouses are designed to detain adults for short, temporary periods.
- They are inadequately resourced or regulated to care for children and young people for extended periods.

- While detained in a small Watchhouse cell with minimal facilities, young people are often in the proximity and view of adult inmates
- Children and young people have limited access to open and fresh air and sunlight, daily hygiene facilities (e.g., showers), or appropriate services, including healthcare, psychological support, and education.
- This type of environment can lead to increased anxiety and trauma, particularly if detained in this environment for a prolonged period.

This incident may have been contrary to the (QPS) Operational Procedures Manual:

- **Chapter 16.17.1(v)** Considerations for the custody of children, which requires that a child held in custody is, to, wherever reasonably possible, be held in a youth detention centre and the additional considerations as outlined in 16.17.1 (vi) to (vii) as may be relevant to the individual's circumstances.
- **Chapter 16.17.5** - Custody of children in watchhouses, which requires that wherever practicable children are not to be kept in custody in a watchhouse

b) Extended custody in a Watchhouse may be inconsistent with young peoples' rights and interests under the Youth Justice Act 1992 (Qld).

The OPG notes that Youth Justice Services is responsible for administering the *Youth Justice Act 1992 (Qld)* to deal with children and young people who encounter the youth justice system, including detention and custody issues. The youth justice principles established in schedule 1 of the *Youth Justice Act 1992 (Qld)* ('Charter of Youth Justice Principles') underlie the operation of the Act.

This incident may have been contrary to the following *Youth Justice Act 1992* youth justice principles:

- **Principle 2** - The youth justice system should uphold the rights of children, keep them safe and promote their physical and mental wellbeing.

- **Principle 13** - A person making a decision relating to a child under this Act should consider the child's age, maturity and, where appropriate, cultural, and religious beliefs and practices.
- **Principle 19** - A child detained in custody should only be held in a facility suitable for children.

c) **Extended custody in a Watchhouse may be an unreasonable and unjustifiable limitation of a young person's human rights under the *Human Rights Act 2019* (Qld).**

The OPG is concerned that by failing to promptly provide [redacted] with suitable accommodation in a youth detention centre, resulting in [redacted] prolonged detention in an adult Watchhouse, Youth Justice Services may have acted incompatibly with [redacted] human rights, including:

- **Section 15(2) - Every person has the right to enjoy the person's human rights without discrimination.**

The OPG is concerned that children and young people may not be afforded the right to enjoy their human rights on the same basis as others due to their status as a child or young person (i.e., based on their age). The lack of availability in a youth detention centre may result in children and young people remaining remanded in Watchhouse custody for longer periods than adults in some instances.

- **Section 17(b) – A person must not be treated or punished in a cruel, inhuman or degrading way.**

The OPG is concerned that [redacted] may have been treated in a degrading way while detained in the [redacted] Watchhouse, including as a result of the lack of access to daily hygiene facilities.

- **Section 26(1) - Families are the fundamental group unit of society and are entitled to be protected by society and the State.**

The OPG is concerned that prolonged detention in an adult Watchhouse limits a young person's right to stay connected to their family with restrictions on visits, letter writing and making phone and video calls.

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The OPG is concerned that prolonged detention in an adult Watchhouse is not in a young person's best interests for the reasons described above.

- **Section 30(1) and (2) – All persons deprived of liberty must be treated with humanity and with respect for the inherent dignity of the human person, and an accused person who is detained or a person detained without charge must be treated in a way that is appropriate for a person who has not been convicted.**

The OPG is concerned that [redacted] was not treated with humanity and with respect for [redacted] inherent dignity or in a way that was appropriate due to the reasons described above.

- **Section 33(1) - An accused child who is detained, or a child that is detained without charge, must be segregated from all detained adults.**

The OPG is concerned that detention in a Watchhouse, particularly for a prolonged period, is inappropriate as young people are often detained in the proximity and view of adult inmates.

- **Section 36(1) – Every child has the right to have access to primary and secondary education appropriate to the child's needs.**

The OPG is concerned that [redacted] and children and young people generally do not have access to appropriate education services while detained in an adult Watchhouse facility.

HUMAN RIGHTS
 (note any human rights under the Human Rights Act 2019 (Qld) that may have been limited)

- s.15 - Right to recognition and equality before the law
- S.17 - Right to protection from torture and cruel, inhuman or degrading treatment
- s.26 - Protection of families and children
- s.30 - Humane treatment when deprived of liberty
- s.33 - Children in the criminal process
- s.36 - Right to education

BACKGROUND INFORMATION
 (chronology, including dates, times and place of events, people involved/witnesses, OPG role, current CP intervention/guardianship appointment, diagnoses/support needs, and any other supporting evidence if available - e.g., documents/camera/audio recordings)

- On the morning of [redacted] the Queensland Police Service Watchhouse custody lists indicated that [redacted] had been in extended custody in the [redacted] Watchhouse for four days and 23 hours.
- On [redacted] in accordance with the OPG Community Visiting and Advocacy practice guidance, an alternative technology inquiry (ATI) was with [redacted] whilst in the [redacted] Watchhouse
- [redacted] did not raise any concerns regarding [redacted] treatment in [redacted] Watchhouse.

VIEWS AND WISHES OF OPG CLIENT
 (also consider:

- Whether child/young person/adult is aware of/has requested/agreed with the complaint being made,
- Child/young person/adult's capacity/willingness to participate in complaints process and any preferences regarding contact/involvement.)

- [redacted] did not raise any concerns with regard to [redacted] treatment whilst in Watchhouse custody.

ATTEMPTS TO RESOLVE AT LOCAL LEVEL SUMMARY
 (if relevant, include details of any attempts to resolve the matter with the relevant person/agency/provider)



- The capacity issue impacting on young people awaiting a bed in a youth detention centre appears to be a systemic issue and unable to be resolved locally.

HAS THIS MATTER BEEN REPORTED TO ANOTHER AGENCY?

(if so, provide details – whether referred by OPG or another person/agency/provider)

The Queensland Police Service advised on the morning of [redacted] of no capacity at Youth Detention at that time (Attachment 1).

- OPG Community Visitor and Advocate [redacted] was included in an email [redacted] [redacted] [redacted] [redacted] [redacted] outlining Queensland Police Service correspondence with Brisbane Youth Detention Centre and the absence of beds until [redacted]

	<p>court finalised for young people at the Centre on the <input type="checkbox"/></p> <p><input type="checkbox"/> Attachment 2).</p>
<p>ATTACHMENTS (attach any relevant correspondence/ documents/emails)</p>	<ul style="list-style-type: none"> Attachment 1 <p> RE <input type="checkbox"/> Young people <input type="checkbox"/></p> <ul style="list-style-type: none"> Attachment 2. <p> Attachment Juveniles in Custody</p>

Progress of complaint

We would be grateful if you would acknowledge receipt of this complaint and advice of your next steps and how you will manage these issues at your earliest convenience.

OPG would appreciate relevant updates regarding the progress of this matter to inform OPG's ongoing advocacy in relation to the client, and/or manage expectations and any associated risks.

Once the investigation is finalised, we would appreciate your advice regarding any findings or outcomes of the process, including for example:

- If you found each concern to be either *substantiated*, *unsubstantiated*, or *unable to be substantiated*.
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The OPG may attempt to discuss the information gathered and your advice with our client, which will assist the OPG in promoting and protecting their rights and interests.

If you would like to discuss this matter further, please do not hesitate to contact the Principal Complaints Officer, OPG, by telephone on 3738 9489 or by email at complaintreferral@publicguardian.qld.gov.au.

From: [redacted]
To: [redacted]
Cc: [redacted]
Subject: RE: [redacted] - Young people at [redacted] Watchhouse
Date: [redacted]
Attachments: image004.jpg
image005.png
image006.jpg
image007.jpg
image008.jpg

Good morning [redacted]

Thank you for your email.


Yes we are currently holding [redacted] juveniles in the [redacted] Watch-house who are on remand and awaiting placement at BYDZ, who are currently at capacity.

Can I please ask that you liaise directly with the [redacted] Watch-house Shift Supervisor on [redacted] [redacted] to make the necessary arrangements to speak with these juveniles.


Regards

[redacted]

badge



Phone
Email
Address



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From: [redacted]
Sent: [redacted]
To: [redacted]
Subject: [redacted] Young people at [redacted] Watchhouse

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Hi [redacted]

I hope you are well.

The list received by the Office of Public Guardian of young people in Queensland Watchhouses this morning documents [redacted] young people present at the [redacted] Watchhouse for a period of just over four days.

May I please request an opportunity to speak with those young people via phone or videolink at a time that is suitable to the Watchhouse either this afternoon or later tomorrow afternoon?

Kind regards,

[redacted signature area]



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RTI RELEASED

Subject: FW: Juveniles in Custody - [redacted] Watchhouse

[redacted]

Subject: Juveniles in Custody - [redacted] Watchhouse

Good afternoon [redacted]

There are currently [redacted] Juveniles in custody at the [redacted] Watchhouse. [redacted]

[redacted] from YJ has attempted to get placements for the juveniles at BYDC however has not been successful.

I have called BYDC and spoken with [redacted] who advised that at this time they do not have any beds available for [redacted] Juvenile. [redacted]

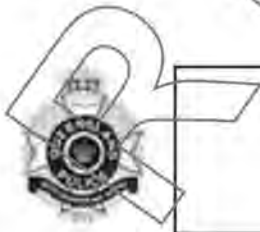
[redacted] There are also numerous other Juveniles in Watchhouse waiting for beds at BYDC. [redacted] advised to call back after 6pm to see if they have any beds available. There is no ability for the [redacted] to provide an escort to Brisbane after 6pm. [redacted] are also unable to assist with an operational crew to perform the escort either after 6pm.

The Juveniles currently remanded in custody are:

[redacted]

The Watchhouse shift Supervisor will advise you later this afternoon who will be required to stay in custody at the [redacted] Watchhouse overnight.

Regards,



[redacted signature box]

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