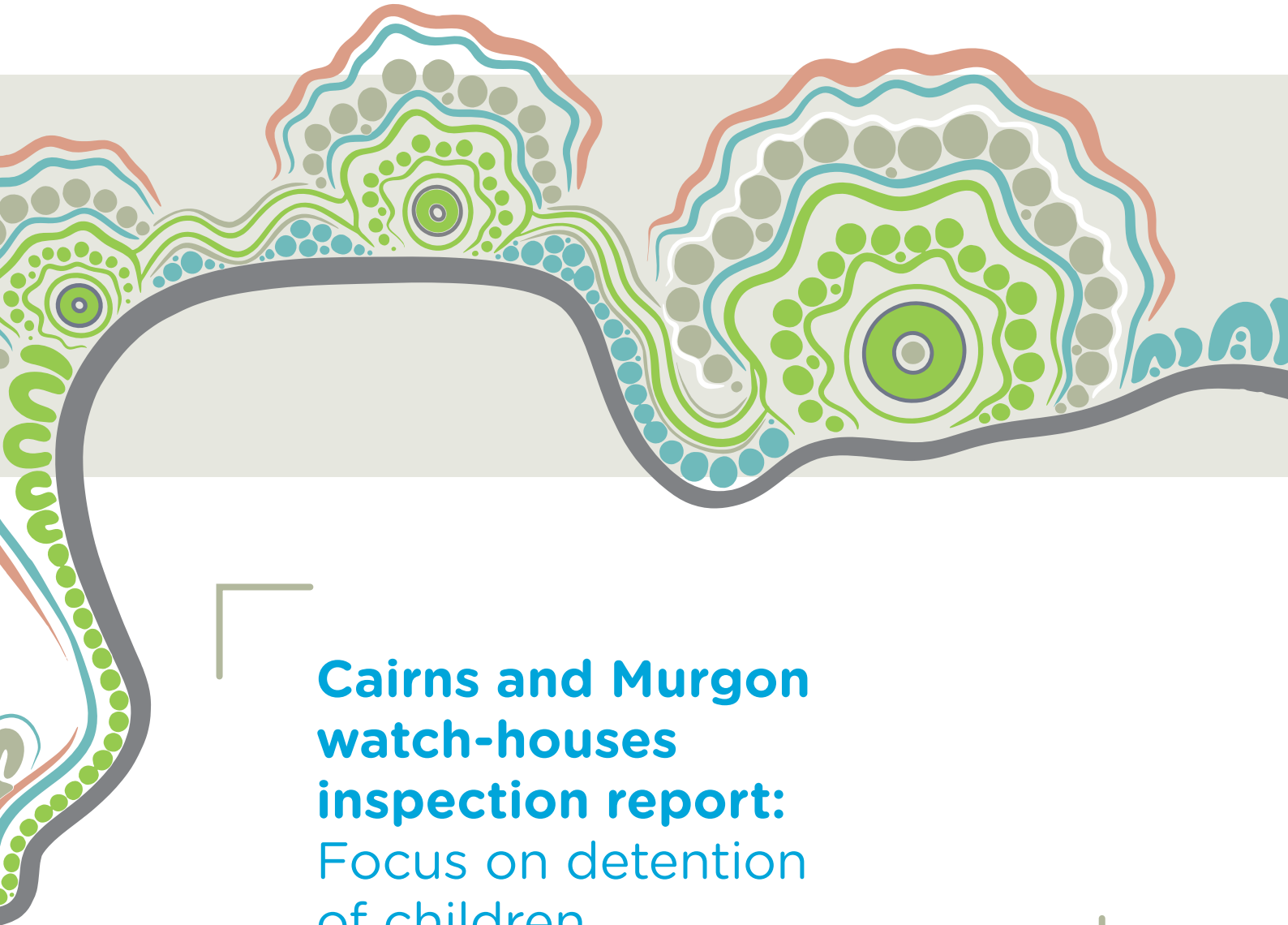


Inspector of Detention Services



**Cairns and Murgon
watch-houses
inspection report:**
Focus on detention
of children

September 2024



QUEENSLAND
OMBUDSMAN



Nathaniel Chapman

Leaving Our Mark, (2023).

Digital artwork (cover uses elements)

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Nathaniel Chapman is a Goenpul and Yuggera Man, also from the Wambia Tribe in Northern Territory and Waka Waka country in Eidsvold, Queensland.

We acknowledge the Traditional Owners of the land throughout Queensland and their continuing connection to land, culture and community. We pay our respects to Elders past, present and emerging.

Authority

The Inspector of Detention Services prepared this report for the Speaker under the *Inspector of Detention Services Act 2022*. The final report was given to the Speaker of the Queensland Parliament for tabling in the Legislative Assembly.

Public

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Snapshot

Watch-houses, which are operated by the Queensland Police Service, are intended to be used for the short-term detention of a person prior to them being granted bail or being transferred to a youth detention centre or prison. However, watch-houses in Queensland are now used to detain children for lengthy periods of time.

The Cairns and Murgon watch-houses are two facilities in which children have spent many weeks.

The majority of children detained in watch-houses, including at Cairns and Murgon, are Aboriginal and/or Torres Strait Islander peoples. Children who are placed in watch-houses are often already vulnerable, and many have significant health complexities and traumatic backgrounds.

In our inspections of these two watch-houses, we focused on the fundamental issues of keeping children safe and unharmed, and treating them humanely.

We are concerned that:

- The infrastructure of both watch-houses is not suitable for detaining children, especially for longer periods of time. For example:
 - the Cairns watch-house was overcrowded at the time of the inspection and has no natural light in its cells or common areas
 - the Murgon watch-house has no access to fresh air
 - in both watch-houses there is a lack of privacy regarding access to toilets.
- The admission process at both watch-houses is inadequate. Of particular concern is that health clinicians are not generally involved in the assessment process and the process is not specifically designed for children, including Aboriginal and Torres Strait Islander children.
- The approach for managing at-risk children in watch-houses is inadequate compared with the options available in youth detention centres.
- Some children are being held in isolation from others, due to either being the only child in the watch-house or because they need to be removed from other children. This can cause significant harm to them.
- There is limited guidance for watch-house staff on behavioural management strategies for children, and staff are not provided with specialist training geared towards working with children, let alone those with complex needs.
- There are no organised activities for children.
- In the case of the Murgon watch-house, important service providers (such as youth justice, health and mental health professionals) do not have regular, consistent and coordinated access to detained children. This means the children are not being regularly visited by services that can check on their welfare, and if necessary, escalate concerns.

Based on the information in this report, the detention of children in watch-houses creates risk of harm and it should be avoided. If detained in a watch-house, children should be held for the minimum time possible and transferred to a more suitable facility as soon as possible.

We have made recommendations to address the concerns we identified during the inspection.



Catchment

This watch-house is in the catchment for Cleveland Youth Detention Centre (345 km away; approx. 4-hour drive)



Location

On Gimuy country in Cairns City in Far North Queensland

Cairns watch-house

On 5 January 2024:

11 children were being held
- 9 boys, 2 girls

10

were Aboriginal and/or Torres Strait Islander children



Catchment

This watch-house is in the catchment for Brisbane Youth Detention Centre and West Moreton Youth Detention Centre (242 km away; approx. 3-hour drive)



Location

On Wakka Wakka country in Murgon, in the South Burnett region

Murgon watch-house

On 20 November 2023:

3 children were being held
- 2 boys, 1 girl

All

were Aboriginal and/or Torres Strait Islander children



Recommendations

Recommendation 1

The Queensland Police Service:

- a) examines ways to increase privacy in relation to the use of toilets for children sharing a cell
- b) ensures the design of new watch-houses provides more privacy for children when using the toilet
- c) examines ways to increase privacy in relation to the use of showers by children at the Cairns watch-house.

Recommendation 2

The broader review of watch-houses announced by the Queensland Police Service in July 2024, and the review of the Queensland Police Service building design manual, both include an assessment of issues arising from watch-house infrastructure that create risk of harm to children, and develop strategies to address them.

Recommendation 3

The Queensland Police Service develops and delivers mandatory training for staff who undertake admissions and assessments of children, covering such topics as trauma-informed approaches to communicating with children with complex needs and engaging with Aboriginal and Torres Strait Islander children.

Recommendation 4

The Queensland Police Service consults with Queensland Health and/or other appropriate health experts, to develop and implement a standardised process to be applied to all children who are detained in watchhouses:

- that facilitates the examination of the child by a qualified health practitioner within a timeframe recommended by Queensland Health and/or the other health experts
- that takes into account the needs of Aboriginal and Torres Strait Islander children.

Recommendation 5

The Queensland Police Service, in consultation with the Department of Youth Justice, seeks expert advice (including from relevant Aboriginal and Torres Strait Islander stakeholders) and develops appropriate assessment tools to use in the watch-house to identify the needs and level of risk of children (including Aboriginal and/or Torres Strait Islander children).

Recommendation 6

The Queensland Police Service ensures admission discussions with children are culturally appropriate and conducted in a confidential and non-threatening environment.

Recommendation 7

The Queensland Police Service reviews the mandatory minimum observations for children to determine if they are appropriate for reducing risk of harm to children.

Recommendation 8

- a) When children are identified as being at risk of self-harm or suicide, the Queensland Police Service:
- refers the child to mental health and/or medical staff immediately
 - ensures the child is monitored and provided support by mental health and/or medical staff while in the watch-house
 - notifies the Department of Youth Justice about the risk identified, to assist the chief executive in determining when the child will be admitted to a youth detention centre
- b) The Queensland Police Service conduct a review of Chapter 16 of the Operational Procedures Manual relating to managing the risk of suicide and self-harm for all detainees.

Recommendation 9

For children who are detained in isolation (by virtue of being the only child in the watch-house or because they need to be removed from other children), the Queensland Police Service ensures:

- the child is referred to mental health and/or medical staff, and cultural support services
- mental health and/or medical staff and cultural support services are assisted to provide ongoing monitoring and support while the child is detained in the watch-house
- notification is made to the Department of Youth Justice about the isolation of the child, to assist the chief executive in determining when the child will be admitted to a youth detention centre.

Recommendation 10

The Queensland Police Service, in consultation with the Department of Youth Justice, seeks expert advice to inform the development of:

- a) a behaviour management policy/strategy that provides guidance to watch-house staff in relation to behaviour management strategies, including identifying which entitlements are mandatory and cannot be withheld
- b) training (which is mandatory for all watch-house staff) in the trauma-informed and culturally appropriate management of children in custody.

Recommendation 11

The Queensland Police Service develop nutritional guidelines for the provision of food to children.

Recommendation 12

Where children are detained in watchhouses for longer periods of time, the Queensland Police Service ensures contact between a child in a watch-house and their family is given a high priority.

Recommendation 13

The Department of Youth Justice and the Queensland Police Service work together to develop structured visiting times for Youth Justice officers at the Murgon watch-house and improved communication and coordination around their visits.

Recommendation 14

The Queensland Police Service works with the Department of Youth Justice to identify Aboriginal and Torres Strait Islander services for the Cairns and Murgon watch-houses and ensure:

- the regular involvement of community organisations is facilitated
- children have access to culturally appropriate mental health care and welfare visits
- protocols and agreements are in place to support this.

Recommendation 15

The Queensland Police Service ensures Murgon watch-house staff promptly send advice of the arrest of a child to the Department of Youth Justice.

Recommendation 16

The Queensland Police Service and the Department of Youth Justice conduct a joint review of services to children in watch-houses across the state. This should identify gaps and develop strategies to address them, including facilitating access by appropriate Aboriginal and Torres Strait Islander organisations, and Aboriginal and Torres Strait Islander Police Liaison Officers, to children in watch-houses.

Recommendation 17

The Queensland Police Service, in its review of watch-houses, consider whether there should be increased central oversight and coordination of watch-houses to improve the levels of support, and the quality and consistency of services provided to children in watch-houses.

Recommendation 18

The Queensland Police Service reviews its complaints-handling policies and procedures to ensure it has an effective, transparent and confidential process in place for children held in a watch-house. The complaints system should be user-friendly for children with low levels of literacy, those with disabilities and those for whom English is an additional language or dialect.

Recommendation 19

Children should only be detained in a watch house as a last resort and for the minimum time possible. Children should be admitted to a more suitable facility as soon as possible.

1. Introduction

Focus of this report

Police watch-houses are designed to detain people for short periods of a day or more. However, in Queensland they are being used to detain children for longer periods. This report considers critical aspects of watch-house detention that are relevant to ensuring that children are safe and free from harm while detained there.

The Queensland Police Service operates 63 watch-houses of varying sizes across Queensland. They have advised us that they are not designed or resourced to hold people in custody beyond 72 hours. While they are predominantly used to detain adults, they are also used to detain children.

While in a police watch-house, children are in the custody of the Queensland Police Service, which has the primary responsibility for meeting their needs. However, the Department of Youth Justice also provides a range of supports and services.

Children are held in watch-houses as part of the processing following arrest by police. If the police do not grant bail, a child will remain in the watch-house until they appear in court. If they are also refused bail by the court, they will then remain in the watch-house until they are admitted to a youth detention centre.

In line with the usual pathway through the criminal justice system, children would normally be moved out of the watch-house to a youth detention centre quickly. However, Queensland has the highest average daily rate of children in detention in the country (Australian Government Productivity Commission's *Report on Government Services 2024 (ROGS)*), leading to its youth detention centres often being full. In 2022–23, the centres had a utilisation rate of 98%, which is the highest in Australia, where the average rate is 56% (ROGS). As a result, there are often no spaces to accommodate children in youth detention centres, causing them to be held for days in a watch-house until a space becomes available.

According to the Department of Youth Justice, in early January 2023, the number of children detained in watch-houses peaked at 104 per day and remained above 80 per day throughout that month. From January to April 2024, numbers have consistently averaged between 42 and 75 children held in watch-houses awaiting admission to a youth detention centre, peaking at 102 on 13 February 2024 (ROGS). On 9 September 2024, the Queensland Police Service website reported that there were 38 children in custody across Queensland.

The Queensland Family and Child Commission's Report in December 2023 – *Who's responsible: Understanding why young people are being held for longer in Queensland watch houses* – identified that there is a risk of harm to children who are detained in watch-houses, particularly for long periods. In accordance with the objective of the *Inspector of Detention Services Act 2022* (the Act) to prevent detainees from being subject to harm, we considered it important to conduct inspections and report to parliament about this issue.

In this report, we do not critique every aspect of the management and treatment of children in these watch-houses. Instead, we focus on what we consider to be the basic and critical aspects relevant to ensuring that children are detained safely and humanely and are free from harm.

Relevant reports

Concerns about children being detained in Queensland watch-houses have been raised over many years, including by the Queensland Human Rights Commission and the Office of the Public Guardian.

In addition, the Queensland Family and Child Commission's report in December 2023 – *Who's responsible: Understanding why young people are being held for longer in Queensland watch houses* – stated:

Watch houses are not appropriate places to hold children, potentially exposing them to violent and anti-social adult behaviour, which is harmful, re-traumatising and does not reduce the likelihood of reoffending.

In that report, the Queensland Family and Child Commission also says watch-houses are an inadequate place to keep children overnight.

The 2015 United Nations' *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment* recommended to all countries that children not be detained in law enforcement establishments for more than 24 hours, and only in child-friendly environments.

In June 2024, *The inquest into the deaths of Shiralee Deanne Tilberoo and Vlasta Wylucki* was delivered. Ms Tilberoo died at the Brisbane City watch-house in 2020 and Ms Wylucki died at the Southport watch-house in 2018. Issues considered by the Deputy State Coroner include:

- the adequacy of checks conducted by watch-house staff
- the adequacy of the provision of clinical treatment in the watch-house
- the appropriateness of current Queensland Police Service policies and procedures relating to the supervision of prisoners in watch-houses
- the appropriateness of cultural communication and liaison with Ms Tilberoo's next of kin.

Although the detainees were not children, we observed similarities between the issues and recommendations made in the Deputy Coroner's report and our report and will address these in the relevant sections below.

Reasons for selecting these two watch-houses

Queensland has many watch-houses of various sizes across the state. We inspected the Cairns and Murgon watch-houses because both have been used to detain children for long periods (including over a month in some cases) and they represent different types of watch-houses. The two vary in several key aspects, including:

- Size: Cairns is a large facility with capacity to hold 42 detainees; Murgon is small and only able to hold nine detainees.
- Location: Cairns is situated in a large regional metropolitan area; Murgon is in a more isolated rural setting.
- Design: Cairns is of an older design; Murgon is a more modern facility.

By selecting different types of watch-houses, we hoped to gain a broader understanding of the issues and challenges in detaining children.

Despite the differences, we found many similarities between the two watch-houses, and we discuss these throughout this report.

Role of Inspector of Detention Services

The Inspector of Detention Services was established under the *Inspector of Detention Services Act 2022* (the Act) to provide independent oversight of detention services and places of detention in Queensland.

The purpose of the Act is to promote the improvement of detention services and places of detention, with a focus on humane treatment of detainees and on preventing them from being subjected to harm.

Key functions of the Act involve inspecting detention services and places of detention (once every year for youth detention centres, once every five years for adult prisons and the Southport and Brisbane watch-houses, although any watch-house can be inspected), and then reporting to the Legislative Assembly with advice and recommendations.

Inspection process

We conducted the inspections of the Cairns and Murgon watch-houses under section 8(1) (b) of the Act, which empowers the Inspector to 'inspect a place of detention at any time'.

We conducted these inspections to enable us to review the watch-houses against the main purpose of the Act (Part 1, section 3), which is to promote the improvement of detention services and places of detention, with a focus on:

- a) promoting and upholding the humane treatment of detainees, including humane conditions of their detention; and
- b) preventing detainees from being subjected to harm, including torture and cruel, inhuman or degrading treatment.

We conducted our onsite inspection of the Murgon watch-house on 20 and 21 November 2023, and of the Cairns watch-house from 3 to 5 January 2024. We also reviewed and analysed information from:

- the Queensland Police Service, including relevant provisions in the Queensland Police Service's Operational Procedures Manual (OPM)
- Queensland Government departments responsible for providing services at the watch-houses, including the Department of Youth Justice, the Department of Education, the Darling Downs Hospital and Health Service (Murgon watch-house) and the Cairns and Hinterland Hospital and Health Service (Cairns watch-house)
- other government agencies, including those with oversight of youth detention centres
- local community organisations.

We also observed the practices of watch-house staff and listened to the views of children detained at the watch-houses.

Relevant standards

We are currently developing inspection standards for watch-houses. However, for these inspections, we benchmarked various aspects of the watch-house operations and treatment of children against relevant:

- international standards
- youth detention centre operational policies and legislation (Department of Youth Justice)
- prison custodial operations practice directives and legislation (Queensland Corrective Services).

We acknowledge that some of these may not be directly applicable to a watch-house. However, they provide good reference points for what is expected or what would be applicable to children if they were transferred to a youth detention centre instead of having to stay in a watch-house.

We also considered it useful to compare the management of children in watch-houses with the management of adults in prison.

Acknowledgements

We wish to acknowledge the support and assistance we received throughout the inspections from the Queensland Police Service and its staff at both watch-houses. They were generous with their time and allowed us unlimited access to the facilities, despite the demands of their work.

We would also like to acknowledge the assistance of staff from the Department of Youth Justice and other government and non-government stakeholders. We especially want to acknowledge the help provided to us by the Office of the Public Guardian, who provided valuable information in the lead-up to and during the inspections.

Finally, we thank the children who spoke with us and shared valuable information about their experiences in the watch-houses.

Submissions

As is required by section 24 of the Act, on 10 and 19 July 2024, we provided a consultation draft of this report to a number of entities to allow them to make submissions. The entities that provided submissions and the dates of those submissions are detailed in the table below.

1 August 2024	Queensland Police Service
7 August 2024	Department of Youth Justice
7 August 2024	Cairns and Hinterland Hospital and Health Service
7 August 2024	Office of the Public Guardian
8 August 2024	Office of the Health Ombudsman
9 August 2024	Queensland Health
9 August 2024	Darling Downs Hospital and Health Service

We carefully considered each of the submissions prior to finalising this report. Where we considered it relevant, some parts of this report have been amended to reflect the information provided. The submissions of each entity have been included in full at the end of this report. The recommendations and numbering referred to in the submissions may no longer align with the current recommendations due to the process of review undertaken after submissions were received.

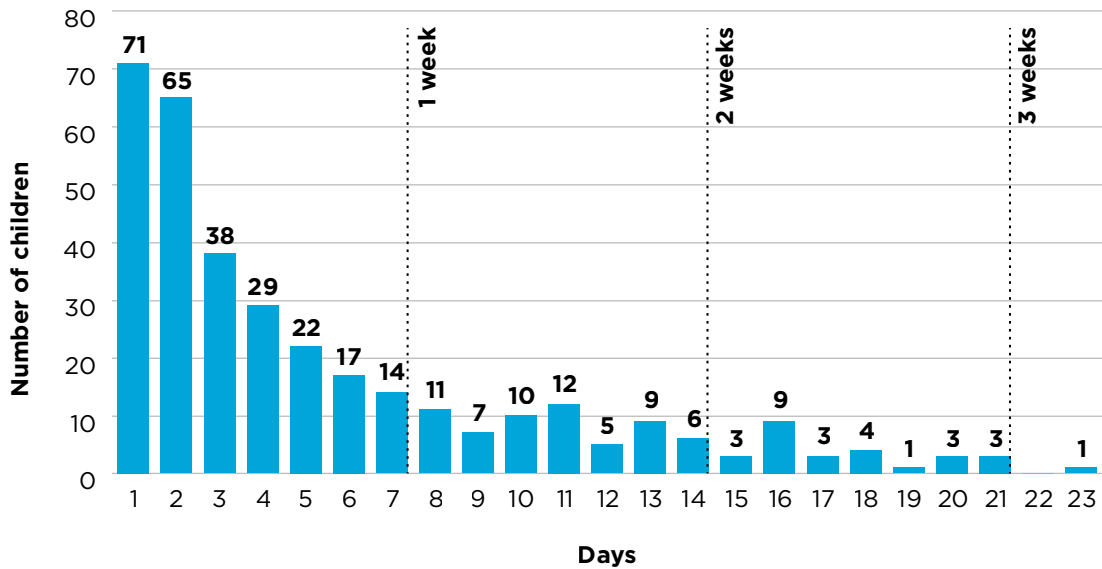
2. How long children stay in the Cairns and Murgon watch-houses

Cairns watch-house

During a 13-month period from 1 January 2023 to 31 January 2024, there was a total of 381 admissions of children to the Cairns watch-house. (This refers to the total number of individual admissions. Some children may have been admitted on multiple occasions over that period.)

Of the 381 admissions, 38 were for periods of less than 24 hours. Graph 1 details the number of days the remaining children spent in the watch-house for each admission.

Graph 1: Length of time children spent in the Cairns watch-house - 1 January 2023 to 31 January 2024



Source: Office of the Queensland Ombudsman using information provided by the Queensland Police Service.

The youngest child admitted for a period of more than 24 hours was a 10-year-old boy (with four admissions in the period). The youngest girls admitted for periods of more than 24 hours were 12 years of age, with one admission being for 11 days.

Figure 1: Length of time children spent in the Cairns watch-house by age - 1 January 2023 to 31 January 2024

Days	Age								Total
	10	11	12	13	14	15	16	17	
1-2	4	4	4	25	25	24	24	26	136
3-6		3	1	15	22	22	19	24	106
7-13			1	2	14	22	15	14	68
14-20					8	6	6	9	29
21-23							3	1	4

Source: Office of the Queensland Ombudsman using information provided by the Queensland Police Service.

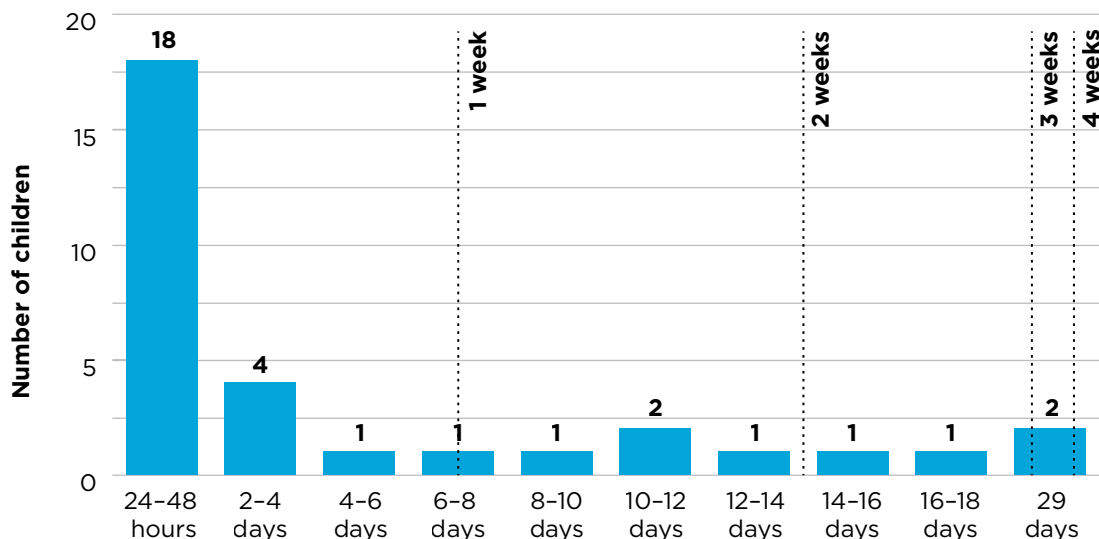
Of the 90 admissions of girls, all but three were Aboriginal and/or Torres Strait Islander children. Of the boys, 272 out of 292 admissions were Aboriginal and/or Torres Strait Islander children.

Murgon watch-house

During an eight-month period from January to October 2023, there was a total of 93 admissions of children to the Murgon watch-house. (Again, this refers to the total number of individual admissions, with some children being admitted on multiple occasions over that period.)

Of these, 61 were for periods of less than 24 hours. Graph 2 details the number of days the remaining 32 children spent in the watch-house for each admission.

Graph 2: Length of time children spent in the Murgon watch-house - 1 January to 31 October 2023

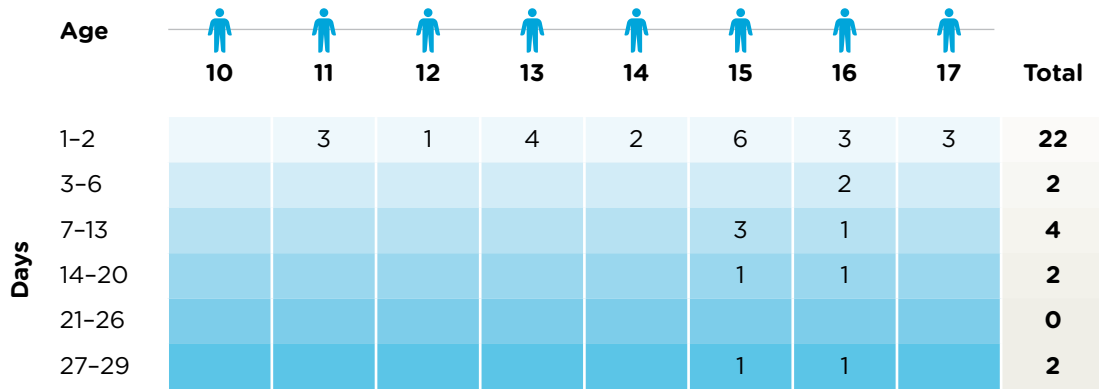


Source: Office of the Queensland Ombudsman using information provided by the Queensland Police Service.

The longest stays in the watch-house were 29 days. These were two boys (aged 14 and 16).

As shown in Figure 2, the youngest children admitted for a period of more than 24 hours were two boys aged 11 years (who spent 34 and 45 hours in the watch-house respectively). Only one girl (aged 17 years) was admitted for a period of more than 24 hours (37 hours). Of the 32 admissions, all but one were Aboriginal and/or Torres Strait Islander children.

Figure 2: Length of time children spent in the Murgon watch-house by age - 1 January to 31 October 2023



Source: Office of the Queensland Ombudsman using information provided by the Queensland Police Service.

3. Accommodation and living conditions

Children detained in custody must be held in infrastructure that is suitable for children. This is central to their safety and humane containment.

Key observations

The infrastructure at the watch-houses in Cairns and Murgon is not suitable for detaining children, especially for longer periods of time. Prolonged detention of children in this type of environment can significantly affect their wellbeing.

At the Cairns watch-house there is:

- a lack of any natural light in accommodation areas
- a lack of a consistently available area for boys to interact, leading to them being locked in their cells for substantial periods of time
- significant overcrowding of cells at times
- a lack of privacy regarding access to toilets and showers.

At the Murgon watch-house there is:

- absolutely no access to fresh air during the period of detention, as there is no usable outdoor exercise yard
- a lack of privacy regarding access to toilets.

Relevant standards

The following *United Nations Rules for the Protection of Juveniles Deprived of their Liberty* are relevant to infrastructure and accommodation:

- 31** Juveniles deprived of their liberty have the right to facilities and services that meet all the requirements of health and human dignity.
- 32** The design of detention facilities for juveniles and the physical environment should be in keeping with the rehabilitative aim of residential treatment, with due regard to the need of the juvenile for privacy, sensory stimuli, opportunities for association with peers and participation in sports, physical exercise and leisure-time activities ...
- 34** Sanitary installations should be so located and of a sufficient standard to enable every juvenile to comply, as required, with their physical needs in privacy and in a clean and decent manner.

Additionally, Rule 14a of the *United Nations Standard Minimum Rules for the Treatment of Prisoners* expects that prisoners will have access to windows that let in natural light. Rule 23 states 'every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily ...'.

Youth justice principle 19 in Schedule 1 of Queensland's *Youth Justice Act 1992* states that 'a child detained in custody should only be held in a facility suitable for children'.

If a child were accommodated at a youth detention centre, then generally they would have:

- their own cell (with privacy from other children offered when they shower and use the toilet)
- a common area where they can interact with other children during the day
- an adjoining outdoor exercise yard that is also accessible during the day.

It would also be expected that they would have access to other outdoor areas, including an oval, to exercise and play sport.

Layout

Cairns watch-house

The Cairns watch-house was built in 1992. It has:

- 18 accommodation cells (most with two built-in bed bases and some with three)
- three detainee common rooms
- two isolation cells
- two padded cells
- four holding cells
- one exercise yard with access to the open air
- two interview rooms, one of which is non-contact.

We were told that up to 40 individuals can be accommodated (or 42 if the two isolation cells are used) when the watch-house is being used to its built/designed capacity.

The accommodation cells are divided into four distinct areas (units). Each unit has a corridor (spine) with a number of accommodation cells coming off it. The spines are separated by doors from other units and/or other corridors. The four accommodation units are made up of:

- the Men's unit, with 11 accommodation cells and two common rooms with televisions
- the Women's and girls' unit, with four accommodation cells and one common room with a television
- the Boys' unit, with three accommodation cells and no common room
- isolation cells, which are two standard single accommodation cells with no common room.

We observed that the areas the detainees use are of a design that offers ligature point reduction (which means that 'hanging points' are minimised).

Most areas of the watch-house, including cells, common rooms and the exercise yard, are covered by closed-circuit television cameras (CCTV), with monitors located in the officers' area. The CCTV system features a black square on each monitor that covers the toilets, to block out the footage of a detainee using one of them. There is no CCTV coverage of any of the showers.

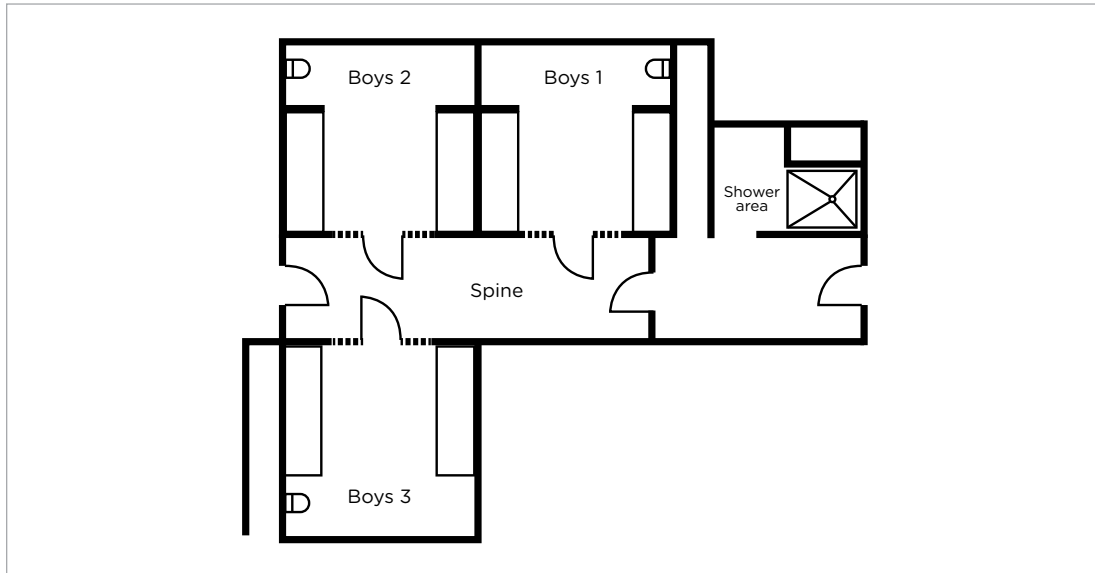
With the exception of the outdoor exercise yard, there is no natural light in the watch-house. There are no windows to the outside, either in the accommodation cells or common rooms. Research has demonstrated that access to natural light can impact on a detainee's overall wellbeing.¹

Because of this alone, the Cairns watch-house should not be used to accommodate children for longer periods of time.

Boys' unit

The Boys' unit is separated from the other accommodation units by doors at the end of the spine, as shown in Figure 3.

Figure 3: Floor plan of the Boys' unit at Cairns watch-house



Source: Office of the Queensland Ombudsman using information provided by the Queensland Police Service.

This has the advantage of allowing for physical separation from adult detainees and girls (although noise tends to travel around the whole watch-house). However, at times there are not enough cells for the number of boys in the watch-house, and some are held in cells in the Men's unit. We discuss this in more detail in the following section on accommodation cells.



Photo 1 - The spine of the Boys' unit. (Lunch had just finished and the unit had not yet been cleaned, so there is some rubbish visible in the photo.)

A significant disadvantage of the infrastructure as it relates to boys is that (as already noted) there is no common room or television attached to the unit. This means there is no dedicated area where boys can interact and watch television during the day. During the inspection, we saw boys with their mattresses on the floor at the doors of their cells, so they could converse with boys in other cells.

While they have access to the outdoor exercise yard, it is limited – often to an hour a day. Time in the exercise yard needs to be allocated to other groups (adult male detainees, adult female detainees, girls, and detainees who are in isolation). We were also told that watch-house staff try to give the boys time in one of the men's common areas when the men are in the exercise yard. However, this is dependent on operational requirements, is only for about an hour, and is never guaranteed.

The combination of a lack of dedicated common room and a lack of access to an outdoor exercise yard can increase feelings of isolation and boredom. Over extended periods, this may negatively impact on the boys' wellbeing. It is also inconsistent with relevant standards.

Women's and girls' unit

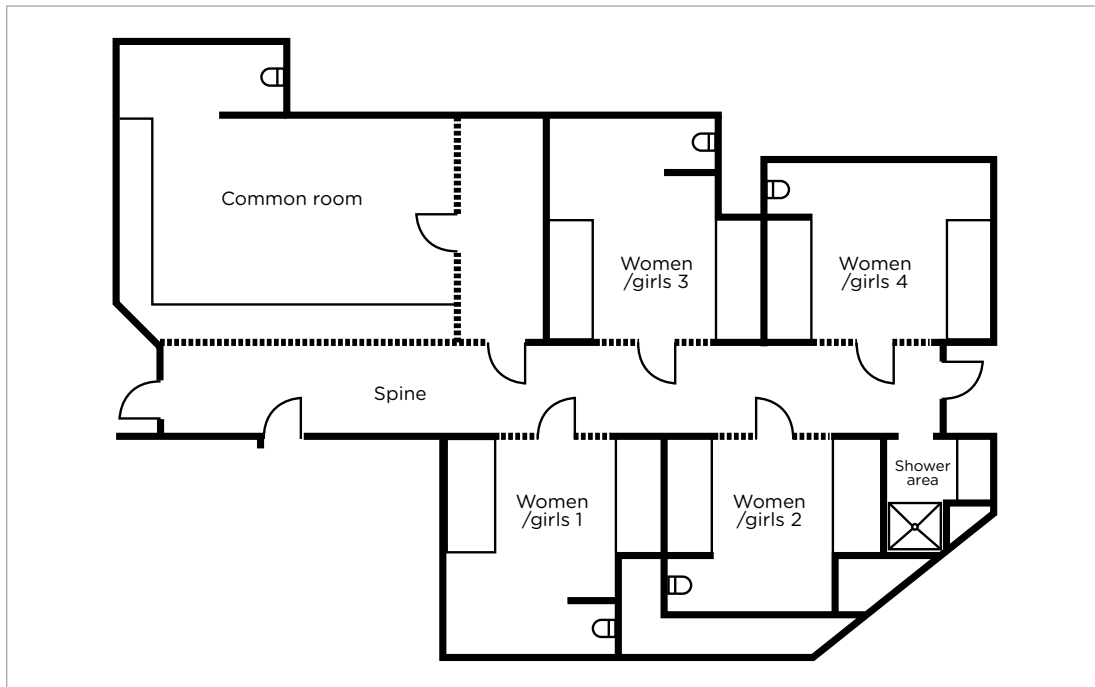
Unlike the Boys' unit, the Women's and girls' unit has a common area/television room.



Photo 2 – Common room similar to the one located in the Women's and girls' unit.

We observed two girls using this room for significant periods of the day, watching television together (which is one of the limited number of activities available).

A disadvantage of this accommodation is that adult female detainees and girls may be in the same unit. Even though they physically cannot access each other (they are always separated by at least one or two doors), they are able to communicate, as the cell doors open into the common spine, as shown in Figure 4.

Figure 4: Floor plan of the Women's and girls' unit at Cairns watch-house

Source: Office of the Queensland Ombudsman using information provided by the Queensland Police Service.

Section 16.12.1 of the Queensland Police Service's Operational Procedures Manual (OPM) states that 'children are not to be placed in the same cell as an adult prisoner, unless there are compelling reasons in the child's interests', for example:

... the custody of an Aboriginal or Torres Strait Islander youth with an Aboriginal or Torres Strait Islander adult prisoner may be safer than isolation where the child is agreeable, and the adult is the same gender.

While placing girls and adult women in the same unit does not breach the OPM requirement, we are concerned that it provides an opportunity for an adult detainee to communicate with a child. This could mean verbal abuse, threats or other inappropriate communication.

Murgon watch-house

The Murgon watch-house was built in 2010. It has:

- five individual accommodation cells (four with a two-bed capacity and one single cell)
- two common rooms
- one padded cell and one holding cell
- one non-contact interview room
- no usable outdoor exercise yard.

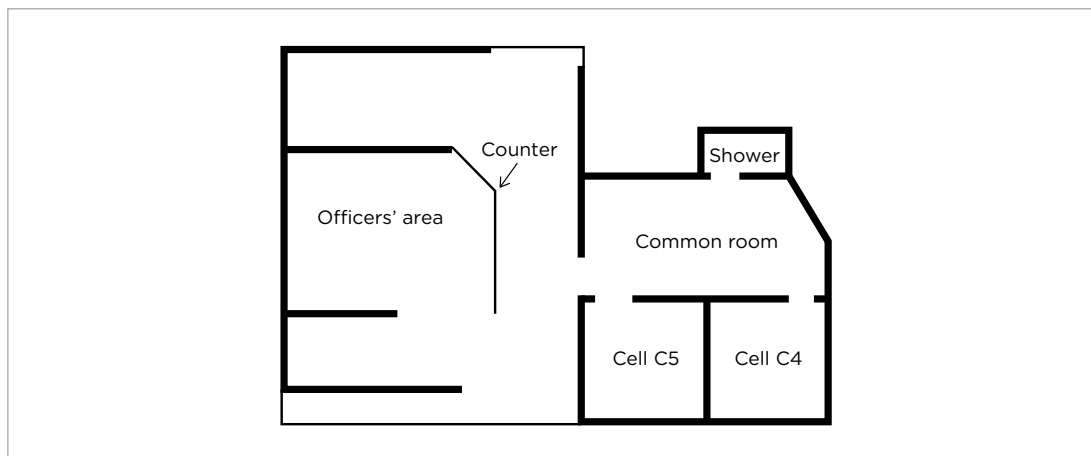
As four accommodation cells have double capacity, nine individuals can be accommodated under the watch-house's designed/built capacity.

The accommodation is divided into two distinct areas:

- Unit 1 has three accommodation cells (two double and one single), which open onto a common room/television area, with a shower accessible from the common room.
- Unit 2 has two accommodation cells (both doubles), which open onto a common room/television area, with a shower accessible from the common room (see Figure 5).

As we will discuss below, these two units are used in a flexible manner, and various configurations are used to accommodate men, women, boys and girls (depending on the mix on any given day).

Figure 5 - Plan of Unit 2 at Murgon watch-house



Note: The plan is not to scale.

Source: Office of the Queensland Ombudsman using information provided by the Queensland Police Service.

Both units are adjacent to a large, open-plan area that contains a reception counter and officers' area. The wall between the accommodation units and the cells that adjoin the officers' area is made of a glass-type material with internal blinds. When the blinds are open, officers can see directly into the common areas and some cells. This provides much greater visual connection between officers and detainees than the Cairns watch-house has.

We observed that the areas of the watch-house used by detainees are of a modern, ligature point-reduced design (again, reducing hanging points).

All key areas of the watch-house, including cells, are covered by CCTV, with monitors located in the officers' area. (There are no privacy squares on the monitors in the areas of the toilets.)

Unlike Cairns, Murgon has windows to the outside from the common areas and some cells that allow some natural light to enter both units.

Accommodation for boys and girls

Unlike Cairns, Murgon's infrastructure does not allow for discrete areas to accommodate boys and girls, so the accommodation units are used flexibly, depending on demand.

During our visit, two boys were being accommodated in Unit 2 (Cell C4) and one girl was being accommodated in the same unit (Cell C5). While this allowed for separation of children from adults, it did not allow for complete separation of the boys from the girl.

At times during our inspection, the two boys were in the common room when the girl was in her cell. Section 16.12.1 of the OPM states that 'male and female prisoners are not to be held in the same cell or permitted direct access to each other in other areas within a watch-house'.

There is no direct access, but because the cells open directly onto the common area, the boys could communicate with the girl or look into her cell through a mesh panel inserted into the door (see photos 3 and 4).



Photo 3 (composite image) - Murgon watch-house common room with two cells (C4 and C5) opening onto it. This photo also shows the shower access and the mesh in the cell door (lower right).



Photo 4 - Close-up of mesh panel in cell door in Murgon watch-house.



Photos 5 and 6 - Inside Cell C5 in Murgon watch-house.

Children cannot be completely separated from adults when men, women and children are accommodated in the watch-house at the same time. We were told that adults and children never share a cell, and men would never be placed in the same accommodation unit as children. However, as mentioned previously, women sometimes are.

One advantage of Murgon over Cairns is that each unit has its own common room with a television. (See Photo 3.) This means that, depending on the mix of detainees on any given day, children are likely to spend time in the common room, mixing with other children and/or watching television.

Watch-house staff advised us that they prioritise Cell 4 for children, as it allows them to watch television from the inspection slot of the cell. We observed that children had placed their mattresses on the floor of Cell 4 near the door to do this.

Accommodation cells

Cairns watch-house

The cells used to accommodate children and adults in the Cairns watch-house are generally similar in size and design. They contain two or three raised concrete platforms for mattresses to be placed on. The size of the cells appears adequate for the accommodation of two people.

In the Boys' unit, the three cells can accommodate two boys each. At times, however, more than five boys are held in the watch-house. During our inspection, two of the boys' cells were accommodating three boys each, meaning at least two (one in each room) had to sleep on mattresses on the floor.



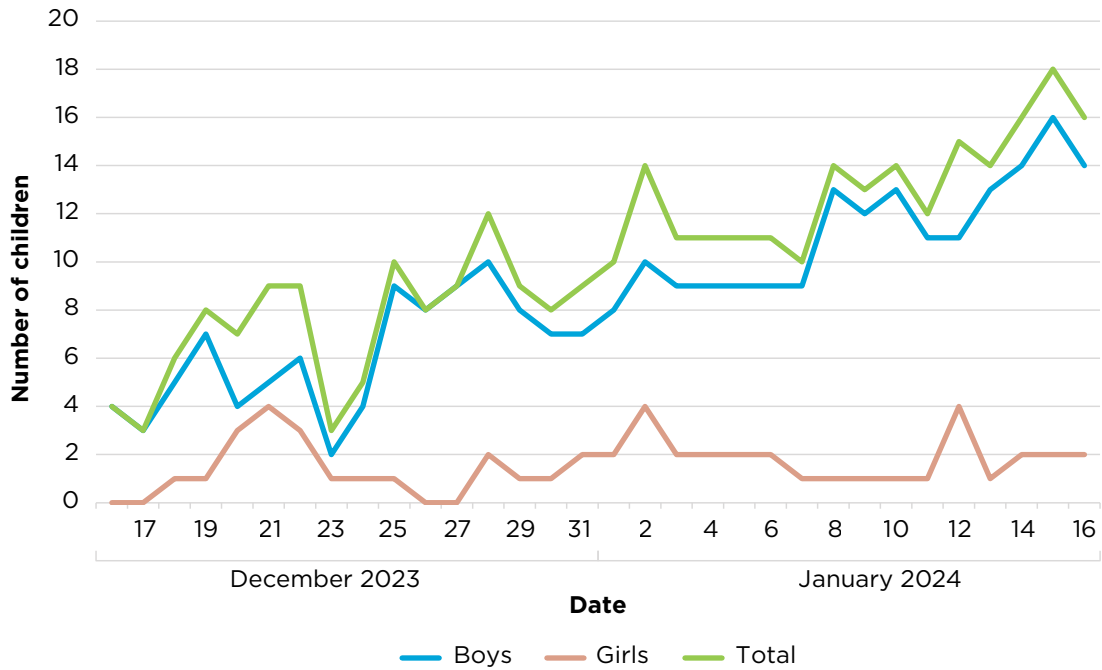
Photos 7 and 8 - Accommodation cells in the Boys' unit at the Cairns watch-house.



Photo 9 - An accommodation cell in the Women's and girls' unit at the Cairns watch-house.

We reviewed Queensland Police Service records for the period from 16 December 2023 to 16 January 2024, which included the three days during which we carried out our onsite inspection. As shown in Graph 3, in that time, the number of boys in the watch-house ranged from two to 16 and the number of girls ranged from zero to four.

Graph 3: Number of boys and girls in the Cairns watch-house 16 December 2023 to 16 January 2024




























































Note: This shows the number of children who were in the Cairns watch-house as at 5.00 am or 6.00 am on each day, apart from 18 and 25 December 2023, when it was at 2.00 pm.

Source: Office of the Queensland Ombudsman using information provided by the Queensland Police Service.

As shown in Graph 3, up to 16 boys were held overnight at the watch-house in the period from 16 December 2023 to 16 January 2024. With only three Boys’ unit cells, each designed to accommodate two people, it means these boys were held in overcrowded cells in the Boys’ unit, in isolation cells, or in cells in the Mens’ unit, as shown in Table 1.

Table 1: Number and location of boys held in Cairns watch-house - 10 to 16 January 2024

Cell	Designed (built) capacity	10 Jan	11 Jan	12 Jan	13 Jan	14 Jan	15 Jan	16 Jan
Boys' cell 1				 	 	 	 	 
Boys' cell 2		 	 			 	 	 
Boys' cell 3		 	 	 	 	 	 	 
Men's cell 1								
Men's cell 2								
Isolation cell 1								
Isolation cell 2								
Total		13	11	11	13	14	16	14

Note: This shows the number of children in the Cairns watch-house as at 5.00 am or 6.00 am each day.

Source: Office of the Queensland Ombudsman using information provided by the Queensland Police Service.

We acknowledge that it may be preferable for children to share a cell, particularly given the lack of areas to interact and activities available to them. Sharing a cell allows them to interact with each other. But care needs to be taken to ensure there are no specific risks that may be posed to any of the children when sharing.

Having many children sharing a cell gives them no privacy and increases the potential for conflict.

The lights in the accommodation cells and spine areas are dimmed overnight, but never turned off. We were advised that this is to allow staff to conduct overnight cell checks on detainees. We understand that some children complain about the impact this has on their sleep.

Accommodation cells – Murgon watch-house

The accommodation cells throughout the Murgon watch-house are largely the same as each other. With the exception of one cell in Unit 1, they contain two raised concrete platforms for mattresses.

We observed up to two children being accommodated per cell.

As with Cairns, while lighting in the accommodation cells and common areas can be dimmed, it is left on overnight.



Photo 10 – Cell C4 at Murgon watch-house, with mattresses on the floor so children can watch television on the opposite wall of the common room through a slot or mesh in the cell door.

Privacy

Toilets

Each cell has one toilet located in one of the far corners. A basin with access to running water is located above the toilet cistern.



Photos 11 and 12 – Cell toilet in Cairns cell. Photo 12 shows the view of the toilet from one of the beds.



Photos 13 and 14 – Cell toilet in Murgon cell. Photo 13 shows the proximity of the bed adjacent to the toilet.

The toilets have a partial wall that provides some privacy in terms of the view from the spine into the cell. It provides little privacy from others in the cell, especially when three or more children are sharing it. There is a bed adjacent to the toilet (see Photos 12 and 14).

In the Cairns watch-house, we saw children using their mattresses to surround themselves in an attempt to get privacy when using the toilet. We were advised that this is a common practice, and that children do the same at Murgon.

Showers

In the Cairns watch-house, each unit has its own shower area. We were told children are offered daily showers and given a clean towel and soap and shampoo for every shower.

The shower area has no door from the spine (see Figure 4). This means there is a risk that staff and/or detainees can see a child in the shower from the spine when walking past. We are concerned that this lack of privacy may not meet the international standards identified earlier in this chapter.



Photo 15 - Shower in the Women's and girls' unit at the Cairns watch-house, as seen from the doorway.

In the Murgon watch-house, as mentioned previously, each common room has a shower attached to it. We were told by watch-house staff that children are offered daily showers, and we confirmed this through a review of a sample of children's detention files. We also observed children being provided with a clean towel, soap and shampoo on each occasion.

The wall that adjoins the common room is made from a glass-type material; however, most of the door and the wall is covered in an opaque material, which means only the feet of a child would be visible while in the shower areas (see Photo 3 for shower location). This design offers more privacy than the showers at the Cairns watch-house.

Recommendation 1

The Queensland Police Service:

- a) examines ways to increase privacy in relation to the use of toilets for children sharing a cell
- b) ensures the design of new watch-houses provides more privacy for children when using the toilet
- c) examines ways to increase privacy in relation to the use of showers by children at the Cairns watch-house.

Outdoor exercise yard

Cairns watch-house

The Cairns watch-house contains a large outdoor exercise yard with high, solid walls and a caged roof that lets sunlight through. The ground is concrete. We saw boys and (separately) men using this exercise yard on one of the days we were at the watch-house. The boys were kicking or throwing balls or talking in small groups.

Most boys were gathered in the small amounts of shade offered in the yard. During our visit in January 2024, we went into the yard a short time after the men had been using it. We found it to be oppressively hot, with little shade.



Photo 16 – The exercise yard at the Cairns watch-house. (Note the partially exposed toilet at left.)

Watch-house staff told us that children use the area for at least an hour a day, and often for longer periods (when operationally possible). However, we were also told by some children that they had not been out to the exercise yard for a number of days prior to our inspection.

We found that staff do not consistently record that a child has been out in the exercise yard. This makes it difficult to either confirm or deny the daily access.

While the exercise yard may provide adequate access to the outdoors for very short stays, it is not an adequate arrangement for children being held longer term. By way of comparison, children held in youth detention centres are expected to have some access to grassed ovals for exercise and activity. The Cairns watch-house does not provide the same.

Given the absence of natural light inside the watch-house and the extremely limited activities available, the failure to provide children with daily access to the exercise yard can impact on their wellbeing, and it is inconsistent with relevant international standards.

Murgon watch-house



Photo 17 – The disused exercise yard at the Murgon watch-house.

One of the most significant limitations of the Murgon watch-house is that it has no useable outside exercise yard, and therefore no access to outdoor fresh air. While a small outdoor room is attached to the watch-house, it is not used, cannot be accessed without leaving the watch-house, and is not fit for purpose. This is inconsistent with international standards and is likely to impact on children's psychological and physical wellbeing.

Because of this alone, the Murgon watch-house should not be used to accommodate children for longer periods of time.

Space in the cells and common area is insufficient for children to engage in physical activities.

Interview rooms

The Cairns watch-house has one non-contact interview room and one other interview room (which is also used for video conferencing). As the watch-house has the capacity to hold 42 detainees, only having two rooms available limits the ability for people from the outside (that is, family or professional visitors) to interact with a child held in the watch-house. Watch-house staff confirmed that it impacts on their capacity to facilitate visits to children during the day.

There is also only one non-contact interview room at Murgon, but it only has nine detainees to share it. As shown in Photos 18 and 19, the visitor sits on one side of a glass partition and the child on the other.



Photos 18 and 19: Non-contact interview room at the Murgon watch-house.

Padded cells



Photo 20 - A padded cell at the Cairns watch-house.

The Cairns watch-house has two padded cells.

The Murgon watch-house contains one padded cell of a similar design to those at Cairns.

Telephones

There is only one telephone available for all detainees at the Cairns watch-house to use to speak to family and relevant others, and it is located at the counter in the reception/officers' area. This means the children have limited access to it. We were told that their access is also affected by other detainees using the phone and by operational demands on staff.

There is very little privacy for children when using this telephone, as conversations can be overheard by watch-house staff and any other person in that area at the time (such as another detainee being admitted).

Unlike Cairns, Murgon has one telephone between a maximum of nine detainees, which is likely to allow better access for the children. Also, the telephone is located in a much more private area, allowing for confidential communication.

Maintenance and hygiene

Cairns watch-house

A permanent cleaner is employed to clean the Cairns watch-house, and we were advised that the cleaner attends the watch-house daily.

We walked through the units shortly after lunch, and saw food wrappers, uneaten lunches and other items left around the cells and in the spine areas (as shown in Photo 1), which made the area look untidy. On another day, we observed the unit after the cleaner had been through, and it was much cleaner.

There is a lot of graffiti on the walls of all three boys' cells (as shown in Photos 7 and 8). We were advised that the area had recently been cleaned and painted, but it was difficult to keep it that way.

Murgon watch-house

We found the Murgon watch-house to be clean and well maintained. This included the accommodation cells, common areas and officers' area. A cleaner is permanently employed to clean the watch-house and adjoining police station, and we were advised that they do so daily. We saw the cleaner in the watch-house, and confirmed, when reviewing a sample of children's detention files, that there were regular file notations of cells being cleaned.

No damage to fixtures or other property was evident. Unlike in Cairns, the cells and common areas were largely free from graffiti.

Mattresses and bedding

From our observations and the information provided, we were generally satisfied with the provision and condition of mattresses, bedding and clothing provided to children at both watch-houses.

Improving watch-house infrastructure

Our inspection identified a range of deficiencies in the suitability of the watch-house infrastructure at Cairns and Murgon for the detention of children. These are summarised in the key observations section at the start of this chapter.

The Queensland Police Service submission in response to this report acknowledges that watch-houses in Queensland were not designed to hold people in custody beyond 72 hours. It mentioned the lack of outside exercise yards by way of example.

The response also advises of two current Queensland Police Service reviews that relate to watch-house infrastructure:

- a review of the Queensland Police Service design building manual in response to the design and development of the Wacol Remand Centre
- a broader review of watch-houses, announced in July 2024, that will examine the three areas of people, operations and capital. The Queensland Police Service advises that a substantial consideration of this review will be extended custody operations, particularly for young people.

Queensland Police Service notes in its submission that retrofitting current facilities will require significant financial resources. We acknowledge this limitation on the capacity of the Queensland Police Service to effect improvements to infrastructure. However, if children are to continue to be detained in Queensland's watch-houses, then it is vital that problems with each facility be identified, and strategies be identified to address the risks they create for the safety of children.

Strategies could include seeking capital funding from government for watch-house infrastructure improvements, or identifying watch-houses that should not be used for detaining children for long periods – or a combination of the two.

Based on our inspection findings, we recommend that both of the above reviews assess the issues arising from watch-house infrastructure that create risk of harm to children, and develop strategies to address them. Based on our inspection, issues that ought to be considered include:

- capacity to separate adults from children
- capacity to separate boys from girls
- provision of separate common areas
- access to fresh air
- access to natural light
- impact of continuous lighting of cells at night
- availability of private areas to conduct admission assessments
- availability of facilities and telephones to support contact with family
- privacy of toilets and showers.

Recommendation 2

The broader review of watch-houses announced by the Queensland Police Service in July 2024, and the review of the Queensland Police Service building design manual, both include an assessment of issues arising from watch-house infrastructure that create risk of harm to children, and develop strategies to address them.

4. Assessment on admission to the watch-house

Children need to be safe when they are held in custody. Their admission to a watch-house must identify their individual risks and critical needs so they can be addressed. An assessment needs to be able to identify if a child:

- is at risk of self-harm or suicide
- has any critical physical health and medical needs that must be addressed
- has any mental health or cognitive impairments requiring special management.

Children who are admitted to watch-houses often have complex needs that affect their ability to communicate and interact with those undertaking an assessment. For example, they may present with mental health and/or cognitive issues (such as Foetal Alcohol Spectrum Disorder or Autism Spectrum Disorder). This is likely to affect their information processing and executive functioning (their working memory, flexible thinking and self-control).

Other issues, for example, traumatic backgrounds, hearing impairments and/or substance use, can also affect their communication and understanding.² Aboriginal and Torres Strait Islander children may also have specific cultural communication needs.

We refer to 'culturally appropriate', and 'trauma-informed' approaches throughout this report, because they are relevant to the needs of children detained in watch-houses. Trauma-informed approaches recognise the effects of trauma on people's behaviour and needs. At the very least, they aim to not harm people any further. Similarly, culturally appropriate approaches aim to be understanding of, and responsive to, the needs of Aboriginal and Torres Strait Islander people.

Key observations

The admission processes at Cairns and Murgon watch-houses are currently inadequate, given the complex needs of the children who are admitted there. Of particular concern is that:

- Medical and other specialist staff are generally not involved in the assessment process.
- The process the watch-houses apply is not specifically suited to children, particularly children with complex needs.
- The area where the assessment is undertaken is not private.

The combination of the above issues poses a risk that the critical individual needs of a child will not be identified and therefore addressed. This may result in harm to the child and others.

The admission assessment processes at both watch-houses also fall well short of the processes applied in youth detention centres and adult prisons

Relevant standards

International conventions, relevant standards and prison and youth detention operating procedures all focus on the importance of an effective admission assessment process and of involving professional staff.

The Royal Commission into Aboriginal Deaths in Custody (1987) touched on the need for comprehensive admission assessments including:

Recommendation 156: That upon initial reception at a prison all Aboriginal prisoners should be subject to a thorough medical assessment with a view to determining whether the prisoner is at risk of injury, illness or self-harm. Such assessment on initial reception should be provided, wherever possible, by a medical practitioner. Where this is not possible, it should be performed within 24 hours by a medical practitioner or trained nurse ...

Rule 50 of the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty* states:

Every juvenile has a right to be examined by a physician immediately upon admission to a detention facility, for the purpose of recording any evidence of prior ill-treatment and identifying any physical or mental condition requiring medical attention.

According to Queensland Corrective Services' practice directives for custodial operations, an adult, when admitted to a Queensland prison, is subject to an immediate risk needs assessment conducted by a counsellor or psychologist. If a self-harm suicide risk is identified, 'a full assessment of the prisoner's at-risk status must be conducted by a psychologist'.

Department of Youth Justice operational policies (on the provision of medical and other health services and on suicide and self-harm risk management) require children admitted to a youth detention centre in Queensland to undergo a comprehensive medical and at-risk assessment process, specifying that:

- all young people must be assessed by Queensland Health – Hospital and Health Service staff upon admission and before being moved to an accommodation section
- a psychologist will conduct the suicide and self-harm risk assessment if the admission is during business hours, after an initial check by the nurse and shift supervisor
- nursing staff and the shift supervisor will assess young people admitted after hours.

Lack of involvement of specialist staff in the process

The Deputy State Coroner's June 2024 report into the death of two women, one at Southport watch-house and the other at Brisbane City watch-house, identified the need for:

- increased training for watch-house officers and specialised police officers working within Queensland watch-houses
- Queensland Health to place nursing and/or paramedical clinicians in all Queensland watch-houses on a 24 hours a day, 7-days a week basis
- the initial health assessment of people in a watch-house to be conducted by a Queensland Health Clinician.

We support these recommendations.

No specialist health staff (for example, registered nurses, psychologists or other allied health professionals) are involved in the initial assessment of children when they are admitted to a watchhouse. Instead, a police officer is responsible for identifying who may be at risk of self-harm or suicide, or who may have physical or mental health concerns that need immediate attention or adjustments put in place. In most cases, the officer will not have undergone any specialist training.

By comparison, a child admitted to a youth detention centre and an adult admitted to a prison will be subject to an assessment of their risk of self-harm or their suicide status by either a multi-disciplinary team, which includes professional staff (in the case of a youth detention centre) or a counsellor/psychologist who has been specifically trained (in the case of a prison).

This reflects the relevant international standards and recognises that there are various challenges in communicating with and assessing people in these circumstances. When staff have specialist training, they can apply expertise to the critical task of assessing risks and needs.

Health professionals are also involved in the health assessments on admission to both youth detention centres and prisons.

We are concerned that police officers in the watch-houses have either inadequate or no specific training in areas including:

- communicating with children with traumatic backgrounds, mental health issues, cognitive impairments and/or other complex needs
- engaging with Aboriginal and/or Torres Strait children.

It is unrealistic to expect all police officers to be able, without appropriate guidance and training, to adequately phrase questions in a trauma-informed and culturally appropriate manner, or in a way that can be understood by a child with a cognitive impairment. While some training modules are available to police officers (for example, on cultural competency) they are not mandatory or specific to the needs of children.

The assessment process in both watch-houses for at-risk status and health is outlined in Chapter 16 of the Queensland Police Service's Operational Procedures Manual (OPM) and requires, among other things, police officers to assess and reassess a detainee using a series of questions.

The OPM also requires the officer to carefully observe the person, looking for various signs, symptoms or indications of health concerns, disability, or vulnerability. However, it is not always specific in its requirements. For example, it says that if a 'reasonable degree of suspicion' is identified, watch-house officers must contact a professional health care provider and closely monitor the person. (It does not clarify what 'a reasonable degree of suspicion' means.)

The officers are often referred back to various policies and procedures within the OPM for further guidance. In undertaking these tasks, police officers, in most cases, are required to rely on training they received when they first joined the police service.

These observations are not intended to reflect negatively on the professionalism of the officers we dealt with during our inspections. However, when it comes to identifying and assessing the complex needs of children admitted to watch-houses, there is no effective substitute for the involvement of expert and appropriately trained staff such as registered nurses, psychologists and other allied health professionals.

If the child has an injury, or a reasonable suspicion is formed about a health condition, the police must involve health professionals. In the case of Murgon, that usually involves attendance by the Queensland Ambulance Service and, where necessary, transport to the local hospital for assessment and treatment.

Similar arrangements apply in Cairns, which has a contracted registered nurse onsite during the day (seven days a week) to provide medical assistance. While the nurse is not involved in the admission assessment process, we saw evidence of health care professionals being involved at other times, and of health care referrals being made.

However, we are concerned that self-harm/suicide risks or significant health and medical issues may not be identified through the admission process. This would leave a child, who may subsequently spend many days or even weeks detained in the watch-house, with unaddressed risks or medical needs. The consequences could be catastrophic.

Case study 1 gives an example of a child who made disclosures about their physical and mental health in the admission assessment that were not followed up until many days later.

Case study 1 - Cairns watch-house

A child admitted to the Cairns watch-house responded to the standard medical assessment questions advising that they had consumed methamphetamine (ICE) in the 24 hours before their arrest, they had a chest infection, they usually took ADHD medication, and they had attempted to self-harm within the last three months. This included a suicide attempt while in custody.

No further medical or mental health assessments were undertaken on that day (or over the subsequent six days), either within the watch-house or in a hospital, to adequately assess the child's immediate/initial needs. The child was, however, placed on 30-minute observations for the duration of their detention in the watch-house (meaning staff had to check on the child every 30 minutes).

Despite reporting that they had a chest infection, the child did not see the onsite nurse until Day 8. By this time, they had complained of sore ribs, a blocked nose, fever and stomach cramps. When their condition had not improved by Day 13, the nurse administered medication that day and on the following four consecutive days.

There is no record of the child being administered ADHD medication while they were in the watch-house. Four incidents were recorded for the child, with the most serious being an assault on another child and a watch-house officer. The same records refer to 'self-harm' and the child being placed in a padded cell for approximately three hours. There is very little information about the manner or seriousness of the self-harm. The child was not seen by a mental health service until two days after the self-harm incident.

We saw some evidence (including in file reviews) of specialist staff attending to undertake certain assessments of children at both watch-houses. Cairns has effective communication arrangements in place with external service providers (such as the Child and Youth Forensic Health Outreach Service), which allow their staff to visit and assess children. However, this generally only occurs when the child is known to those services and has an ongoing relationship with them, or when a specific referral has been made to them by watch-house staff or other service providers.

Senior police at the Murgon watch-house advised that, in most cases, the children being admitted are already known to the police and have been through the watch-house on many occasions. Officers told us that, because of this, they understand the children and their needs. They also rely on information provided to them by the Department of Youth Justice.

Similar advice was provided to us in relation to the Cairns watch-house, with staff stating they have good background knowledge about a number of children.

While we accept that familiarity with the children assists in identifying their individual needs, it is still not a substitute for the much more rigorous processes discussed and does not identify any health or substance abuse issues that have occurred between admissions.

Inadequacy of the assessment tools

Culturally appropriate assessment tools that are suitable to a child's age and level of development should be used to identify the specific needs and risks associated with children. We are concerned that the policy and assessment tool police officers currently use is not designed for children. The tool used at both watch-houses is the same as that used for adults.

A child who is being admitted is asked a series of questions, and officers undertake various observations of the child. Section 16.13.1 of the OPM also requires them to:

- seek from police, watch-house officers or other people who have had contact with the detainee, 'information that will assist in the management of the prisoner'
- locate 'medication etc. in their property'
- check 'relevant QPRIME entries'. (QPRIME is the Queensland Police Service information system.)

Notwithstanding these other potential sources of information, much seems to rest on the questionnaire police use when a child is admitted. They use it to assess drug and alcohol issues and assess suicide/self-harm risk.

Figure 6 is an extract from a custody report of a child admitted to the watch-house. It shows the admission questions and the child's responses.

Figure 6: Extract of a custody report – questions asked at admission to a watch-house

Has the detainee temperature been taken? Yes
Provide Details: 35.6 - 37.3 Normal
Are your Blood Sugar Levels able to be checked?
Result:
Do you suffer from fits or seizures? No
Provide details:

Do you have any illness or injury: No
If yes give details:
Do you require any medication: No
If yes give details:
Do you have any prosthetic device: No
If yes give details:
Are you pregnant: No
If yes give details:
Do you have any special dietary requirements or allergies: No
If yes give details:
Do you have diabetes: No
If yes give details:
Are you addicted to or dependent on alcohol or drugs of any kind: No
If yes give details:
Are you on a methadone, suboxone or subutex program: No
If yes give details:
Have you consumed any alcohol in the last 24 hours: No
If yes give details:
Have you taken any drugs of any kind (prescription or non prescription) in the last 24 hours: No
If yes give details:
Have you inhaled any paints, solvents, glue or other substances in the last 24 hours: No
If yes give details:
Are you currently or have you been treated for a mental health problem: No
If yes give details
Have you been treated for depression: No
If yes give details:
Have you ever attempted suicide or self harm: No
If yes give details:
Have you thought of suicide or self harm now or in the past 3 months: No
If yes give details:
I CERTIFY THAT I HAVE BEEN ASKED THE QUESTIONS ABOUT MY HEALTH AND THE ANSWERS RECORDED ARE CORRECT

Source: Queensland Police Service.

This, along with observing the child, obtaining information from others at the time of admission, and checking the police system, is the sum total of the assessment process.

Children are expected to be responsible for providing accurate and truthful information about such matters as their health, drug use and self-harm/suicide risk.

We are concerned that this does not give adequate regard to a child's age, level of development, possible mental health/cognitive limitations, and ability to understand. No other tools are used to identify cognitive function, vulnerability or other needs. There is, for example, no process to record body-mass index (BMI), weight or nutritional needs, or to assess potential hearing impairments.

This is in contrast to the more rigorous approach applied for children being admitted to youth detention centres or even adults being admitted to prison.

Based on our reviews of Queensland Police Service records, observations at the watch-houses and discussions with watch-house staff, the police are compliant with the assessment process outlined in the OPM. Our concern is not with their level of compliance, but with the adequacy of the tools and processes.

Impact on prioritisation processes

The *Youth Justice Act 1992* (s 56) sets out the matters that Youth Justice must consider in deciding when to admit a child from a watch-house to a youth detention centre. This includes the child's needs regarding:

- their historic and current self-harm risk and suicide risk
- their medical conditions
- their physical health and mental health issues
- their substance misuse and withdrawal issues
- their cognitive capacity
- any other issue that may affect the child's health or wellbeing in a watch-house environment or while being transported between a watch-house and a detention centre.

We are aware that the Department of Youth Justice has developed *Prioritisation Assessment Guidelines* to assist in identifying those children who should be admitted to a youth detention centre from a watch-house as a matter of priority. These are essentially based on the identified vulnerability of the child.

For example, some of the criteria that indicate vulnerability (and priority for transfer and admission) include 'cognitive impairment/speech and language deficits' and 'mental health conditions including ADHD'. Without any specific assessment tools being applied at the watch-house, such matters are only likely to be identified if the child is already known to the Queensland Police Service or the Department of Youth Justice or other service providers, and if previous assessments have been completed and shared between the relevant departments.

We are concerned that the police admission assessment process is unlikely to identify these matters, which may mean Youth Justice prioritisation decisions could be based on incomplete or incorrect information.

Where the admission process takes place

The admission assessment at both the Cairns and Murgon watch-houses is carried out at the main counter in the reception area. This offers no privacy or confidentiality for communication with the child.

Children (or anyone admitted for detention in the watch-house) are required to stand behind a yellow line in front of a large counter, with the officer carrying out the admission process standing on the other side. In Murgon, the floor is raised on the officer's side, which means the officer physically looks down on the detainee. In Cairns, they are on the same level.

In Cairns, the location where the child stands behind the yellow line at the counter is in a very busy and noisy area. The child stands in the middle of the only walkway between the external entry/exit door and all other parts of the watch-house. There can be a lot of people in the area, including watch-house staff, other police officers, detainees, service providers and legal officers.

Staff sitting at the desks in the officers' area, or anyone else in that area at the time, can hear the admission process. Two holding cells are also located directly behind where the child stands. It is possible someone in those cells could overhear the child's conversation with the officer.

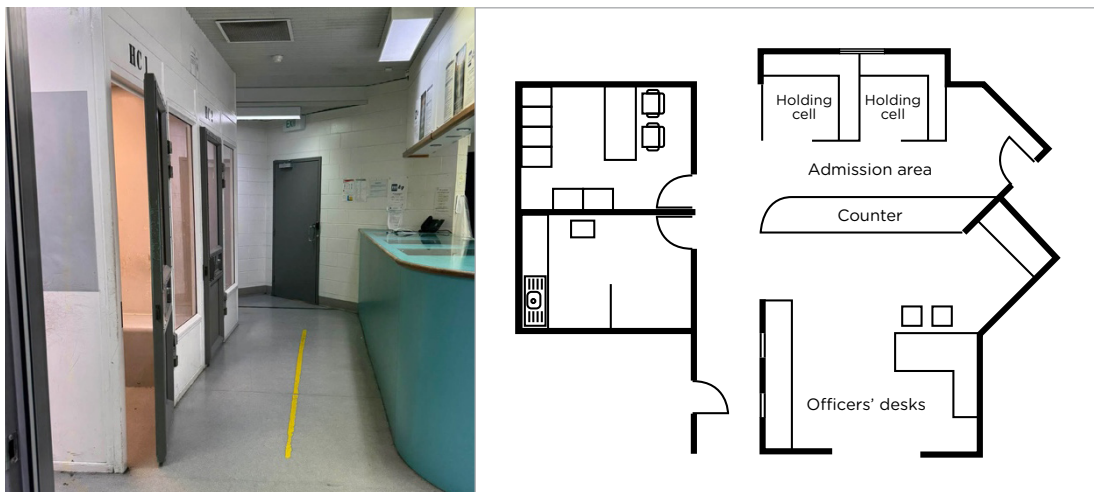


Photo 21 - The admission area of the Cairns watch-house. Figure 7 - Plan of Cairns watch-house

Source: Office of the Queensland Ombudsman using information provided by the Queensland Police Service.

In Murgon, some cells and the detention common rooms open onto the area where the admission process is carried out, making it possible for other detainees in those areas to overhear.



Photo 22 – The admission area of the Murgon watch-house, showing proximity of cells and common room.

In both cases, the environment is not conducive to undertaking an effective and comprehensive admission assessment process. Many of the questions are of a highly confidential nature (for example, those about medical conditions or self-harm). Answering them truthfully may, on occasions, be embarrassing or culturally shameful for a child. Having the possibility of others, including other detainees, overhearing may lead to the child deciding not to make a disclosure that could be critical to their safe custody and wellbeing.

We were advised that the current locations are used because they are directly covered by closed circuit television camera (CCTV) and audio recording capability. There is also a computer available to the police officer to directly enter the information into the system.

The cumulative effect

We are concerned that the deficiencies in the admissions process may mean certain complex needs are being missed.

Failing to identify a significant health or medical issue means a child may be denied proper assessment and treatment by qualified health practitioners. Failing to identify significant cognitive issues may expose very vulnerable children to harm, for example, from those with whom they share a cell. The failure to identify a serious self-harm risk may also have dire consequences.

We are also concerned that Youth Justice prioritisation decisions for admission to a youth detention centre are being made with incomplete or incorrect information due to the police admission assessment process not identifying complex needs.

This further reinforces the importance of identifying children who may be at risk.

Recommendation 3

The Queensland Police Service develops and delivers mandatory training for staff who undertake admissions and assessments of children, covering such topics as trauma-informed approaches to communicating with children with complex needs and engaging with Aboriginal and Torres Strait Islander children.

Recommendation 4

The Queensland Police Service consults with Queensland Health and/or other appropriate health experts, to develop and implement a standardised process to be applied to all children who are detained in watchhouses:

- that facilitates the examination of the child by a qualified health practitioner within a timeframe recommended by Queensland Health and/or the other health experts
- that takes into account the needs of Aboriginal and Torres Strait Islander children.

Recommendation 5

The Queensland Police Service, in consultation with the Department of Youth Justice, seeks expert advice (including from relevant Aboriginal and Torres Strait Islander stakeholders) and develops appropriate assessment tools to use in the watch-house to identify the needs and level of risk of children (including Aboriginal and/or Torres Strait Islander children).

Recommendation 6

The Queensland Police Service ensures admission discussions with children are culturally appropriate and conducted in a confidential and non-threatening environment.

5. Monitoring

Undertaking regular monitoring, including through closed-circuit television cameras (CCTV), is important for preventing harm. The June 2024 inquest into the deaths of Shiralee Deanne Tilberoo and Vlasta Wylucki also highlighted the importance of properly conducted physical checks in watch-houses. Arguably, this is even more important when those being monitored are children.

Key observations

No watch-house staff were assigned to monitor the CCTV at Cairns watch-house.

A sample audit of custody reports for children at Cairns and Murgon watch-houses identified monitoring occurred at intervals of not more than one hour.

Relevant standards

The *United Nations Rules for the Protection of Juveniles Deprived of their Liberty* deals with the monitoring of children and states that:

Rule 33: ... During sleeping hours there should be regular, unobtrusive supervision of all sleeping areas, including individual rooms and group dormitories, in order to ensure the protection of each juvenile.

According to the Department of Youth Justice's Operational Policy YD-3-8 *Youth Detention-Separation*:

5.1 Any young person in separation (regardless of reason), must be observed at a minimum every 15 minutes, or more frequently as required via a suicide prevention plan or behaviour observation plan.

Section 16.9.5 of the Queensland Police Service Operational Procedures Manual (OPM) outlines the requirements for people detained in watch-houses to be monitored constantly through CCTV. The OPM states that the officer conducting this monitoring is not to be assigned additional duties. The OPM further indicates that physical checks are to be conducted at different intervals; however the intervals cannot be great than one hour.

An officer who has assessed a child at admission has to decide what monitoring regime to place the child on. This key decision determines how often an officer is required to observe the child to confirm their wellbeing. The default period at Cairns is 40 minutes (although a child's care plan upon admission states 60 minutes), while at Murgon it is 30 minutes.

We reviewed the custody reports of a small sample of children detained at the Murgon and Cairns watch-houses and found that children were monitored through physical checks at 30-to-60-minute intervals. We found no instances where the monitoring occurred outside of the 60-minute timeframe.

As discussed in Chapter 3, the infrastructure of watch-houses can impact on the ability of watch-house staff to observe children readily unless scheduled physical checks are conducted, or the CCTV is monitored. For Cairns watch-house, each cell, and other areas in the accommodation units (apart from the showers and toilet area), is covered by CCTV.

A bank of monitors is located in the officers' work area. However, no officer is assigned the task of constantly monitoring the CCTV feeds. We were unable to determine if this was the result of insufficient staff or local practice. We are concerned that this does not accord with what is required as part of the OPM.

While it was positive to see watch-house staff complying with the requirements of the OPM for conducting physical checks, we are concerned that the OPM sets a maximum monitoring interval of one hour for both children and adults detained in watch-houses. This does not consider the different risk profiles between adults and children. It further fails to consider the risks and needs of children who may be withdrawing from substances and/or have complex needs not yet identified due to an inadequate admission assessment process.

We considered the fact that children in a youth detention centre locked in their cells are required to be observed at 15-minute intervals. For adults at risk of self-harm or suicide in prison, a risk-based process is used to determine observation frequency. For these reasons, we consider that having a standardised minimum monitoring requirement as provided for currently in the OPM for both adults and children does not accurately reflect or address risk for children.

Recommendation 7

The Queensland Police Service reviews the mandatory minimum observations for children to determine if they are appropriate for reducing risk of harm to children.

6. Managing the risk of suicide and self-harm

Once watch-house staff identify that a child is at risk of self-harm or suicide, they must ensure they are safely and humanely managed.

Key observation

Compared with the options available for managing at-risk children in youth detention centres, the approach in watch-houses:

- is inadequate
- is not sufficiently geared towards the specific needs of children
- could negatively impact upon their wellbeing.

Relevant standards

As mentioned previously, in the case of both prisons and youth detention centres, trained professional staff are involved in the management of people identified as being at risk of self-harm/suicide. In the case of prisons, a senior psychologist must be involved. In youth detention centres, a multidisciplinary suicide risk assessment team (SRAT) oversees the management of the child, including the development of an intervention plan.

The Department of Youth Justice's operational policy on suicide and self-harm risk management states that:

... interventions and management strategies must meet the individual needs of the young person, be provided in a timely manner and respect, protect and promote the human rights of the young person ... [using] the least intrusive measures possible ... unless doing so compromises the young person's safety.

The SRAT is required to determine such matters as whether the child will be accommodated in a sterile room and/or provided with suicide-prevention bedding. Further, at-risk children need to:

... receive appropriate support to meet their individual needs and have access to professional health services, including counselling and referral to specialist mental health services as required.

According to the operational policy, responding to suicide and self-harm risk is a mandatory competency for youth detention operational staff, with assessment and/or training conducted annually.

Staff are required to be trained in such areas as understanding the discrete needs of Aboriginal and Torres Strait Islander young people, including how to use culturally safe interventions and identify warning signs that may indicate a young person is at risk.

Section 16.13.1 of the Queensland Police Service's Operational Procedures Manual (OPM) outlines a process for managing risk of suicide and self-harm for all prisoners/detainees. The process requires officers to take appropriate action to prevent the likelihood of a detainee suiciding or self-harming. This may include:

- locking them in a cell
- replacing their clothing with a tear-resistant smock, and placing them in a padded detention cell
- providing constant direct/personal supervision
- placing a caution or flag of the suicide risk onto the QPRIME person report. (QPRIME is the Queensland Police Service information system.)

Seven of the nine examples of 'appropriate action' provided for in the OPM involve a level of physical restraint. There is no direction specific to children, including Aboriginal and/or Torres Strait Islander children with specific cultural needs or children with complex psychosocial needs (such as an intellectual disability and/or an acquired brain injury). There is also no appropriate action that involves de-escalation and verbal communication techniques, or the engagement or involvement of mental health staff, cultural support and other supports available within the community.

While section 16.13.1 of the OPM refers to 'transferring a prisoner to another place where the prisoner may receive treatment necessary for the prisoner's welfare, e.g. hospital', we are not aware of this action being taken to manage self-harm risk for detainees at either watch-house.

The OPM section 16.17.3 states (underlining added):

Where a child is assessed as being at significant risk of attempting suicide or engaging in self-harming activities and it is not possible to transport the child promptly to a youth detention centre, the watchhouse manager is to request the relevant [Department of Youth Justice] regional office to provide suitable departmental staff to attend the watchhouse and provide appropriate support to the child if required.

While involving the Department of Youth Justice in managing an at-risk child is a very appropriate requirement, this applies to a 'significant' risk only, and attendance to provide support is subject to it being 'if required'. We are concerned that too much uncertainty exists in this wording to make it an effective protection. It also relies on the police officer's ability to form opinions about the extent and degree of a risk.

As part of the inspection, we reviewed a sample of children's detention files at both watch-houses, and we identified some cases of concern in relation to managing at-risk children. We discuss two of these in case studies 2 and 3.

Case study 2: Murgon watch-house

The following notation was made in the admission assessment of a child admitted to the watch-house:

... suffers from alcohol and sniffing related seizures, is addicted to 'weed', has taken 'weed' within the last 24 hours, identifies as suffering mental health issues and depression, has attempted suicide with a rope, and has made attempts on his life within the last 3 months, and as recent as a couple of days ago.

Despite these disclosures, there was no evidence on file of any immediate referrals for any specialist psychological/mental health assessment. The child was placed on standard 30-minute observations. While they were later transported to hospital because of punching a wall, it is not clear that this resulted in any further risk assessment. The child was not seen by a mental health service (Queensland Health) until Day 6 of their detention.

Ultimately, the child spent 18 days in the watch-house.

Case study 3: Cairns watch-house

In response to the at-risk question(s) in the admission assessment, a child disclosed that they had attempted to cut their throat in the last two days.

Despite this disclosure, they were placed on the standard 60-minute observation regime in their admission care plan (although, as stated previously, observations are generally conducted every 40 minutes), and there was no evidence of any referrals or assessment by any external mental health service provider.

They were held at the watch-house for 17 days.

One of the 'appropriate' actions the OPM section 16.13.1 lists for dealing with children at risk of self-harm is placing a child in a padded cell. However, if the watch-house officers use this, or some of the other actions, they could cause further psychological and physical harm.

This is of particular concern when there is no other means of support to the child, such as the involvement of specialist staff. Case study 4 details a relevant incident at the Cairns watch-house.

Case study 4: Injury to a child when placed in a padded cell in the Cairns watch-house

We witnessed a CCTV recording of officers attempting to force a young girl into a padded detention cell against her wishes. She was distraught and ultimately ended up receiving an injury to her arm when officers tried to slam the door shut. She had to be transported to hospital.

We understand that attempts were made to place her in the padded detention cell because she had repeatedly covered the CCTV camera in her cell with toilet paper. We are unsure as to whether this action was taken as a response to there being a potential self-harm/suicide risk or as a behavioural management action.

We did not witness the events that led up to the attempted use of the cell, including whether staff used appropriate de-escalation tactics to attempt to address the concerns. However, the potential impact on a child in detention in such an environment, where expert staff are not involved in the assessment, management or support, could be significant.



Photo 23 - Padded detention cell at Murgon.

Recommendation 8

- a) When children are identified as being at risk of self-harm or suicide, the Queensland Police Service:
 - refers the child to mental health and/or medical staff immediately
 - ensures the child is monitored and provided support by mental health and/or medical staff while in the watch-house
 - notifies the Department of Youth Justice about the risk identified, to assist the chief executive in determining when the child will be admitted to a youth detention centre
- b) The Queensland Police Service conduct a review of Chapter 16 of the Operational Procedures Manual relating to managing the risk of suicide and self-harm for all detainees.

7. Isolation

Isolation – also called segregation, separation, seclusion, or solitary confinement – refers to the removal of a person from the prison/detention population and detaining them on their own with limited or no interaction with other people.

There are several authoritative Australian sources regarding the risks of psychological harm from isolation. For example, according to the 2017 Australian Children's Commissioners and Guardians' *Statement on conditions and treatment in youth detention*, in relation to isolation or seclusion:

Children are particularly vulnerable because they are still in crucial stages of development – socially, psychologically, and neurologically. The experience of isolation can interfere with and damage these developmental processes. For children and young people with mental health problems or past experiences of trauma, isolation practices can have severely damaging psychological effects. Where children and young people are at risk of suicide or self-harm, isolation is likely to increase their distress and suicidal ideation and rumination.³

Also, in the final report of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (the Disability Royal Commission) the authors state:

State and territory youth justice legislation should be amended to prohibit the use or practice of solitary confinement ... of children with disability.

Key observations

Children in watch-houses are at risk of being separated from other children and held in conditions of isolation for extended periods, without the benefit of the safeguards that would apply to them in youth detention or adult prison.

In these circumstances, the separation/isolation of children is inconsistent with international standards and the processes that apply in youth detention centres and prisons.

Because of this, the use of watch-houses in these circumstances has the potential to pose significant harm to a child's wellbeing.

Relevant standards

The Istanbul Statement on the Use and Effects of Solitary Confinement, adopted at the International Psychological Trauma Symposium in Istanbul, Turkey on 9 December 2007, stated that 'negative health effects can occur after only a few days in solitary confinement, and the health risks rise with each additional day spent in such conditions'.

A number of provisions of the *United Nations Standard Minimum Rules for the Treatment of Prisoners* deal with solitary confinement and separation, including:

Rule 37: The following shall always be subject to authorization by law or by the regulation of the competent administrative authority: (d) Any form of involuntary separation from the general prison population, such as solitary confinement, isolation, segregation, special care units or restricted housing, whether as a disciplinary sanction or for the maintenance of order and security, including promulgating policies and procedures governing the use and review of, admission to and release from any form of involuntary separation.

Rule 46: [which requires that] health-care personnel ... pay particular attention to the health of prisoners held under any form of involuntary separation, including by visiting such prisoners on a daily basis and providing prompt medical assistance and treatment at the request of such prisoners or prison staff.

Health-care personnel shall have the authority to review and recommend changes to the involuntary separation of a prisoner in order to ensure that such separation does not exacerbate the medical condition or mental or physical disability of the prisoner.

Because of the potential impact of isolation, Queensland legislation and operational procedures regarding both prisons and youth detention centres impose strict requirements on its use and place various safeguards around it. For example, according to sections 56 and 57 of the *Corrective Services Act 2006*, an adult prisoner subject to separation (by being placed on a specific order that authorises their separation, known as a 'safety order'):

- has a right of external review in relation to the making of the order
- must be examined by a doctor or nurse as soon as practical after the order is made and then each seven days throughout the duration of the order.

Further, section (8)(1) of the *Corrective Services Regulation 2017* makes it clear that if the prisoner is an Aboriginal and Torres Strait Islander person, a cultural liaison officer, an Aboriginal or Torres Strait Islander Elder and/or a person nominated by the prisoner as a contact person must be informed that the order has been made, and the cultural liaison officer must also be asked to visit the prisoner.

According to various Department of Youth Justice regulations, policies and manuals, if separation (isolation) is used in a youth detention centre:

- It must be authorised at a high level, and continuous separation of more than 24 hours may only be approved by the senior executive director.
- It must be formally recorded.
- The risk and the reasons for the continued use of separation must be documented and provided to the relevant delegate for approval.
- Any young person subject to continuous separation must have their behaviours thoroughly assessed and reviewed on an ongoing basis through a multidisciplinary approach that includes the involvement of therapeutic staff.
- When separating a child in a locked room, staff must ensure the child is kept under observation, which is conducted at a minimum of every 15 minutes - and more frequently if the child is subject to a behaviour observations plan or a suicide prevention plan.

Isolation/segregation of children in watch-houses is likely to occur in one of two circumstances:

- when there is only one child (or only one boy or one girl) at the watch-house
- when a child needs to be moved away from other children because they are at risk of harm from others or they may pose a risk of harm to others.

When only one child (or only one boy or one girl) is accommodated at the watch-house

If there is only one child detained in a watch-house, or only one boy or one girl, they will, by necessity, be isolated. Generally, children cannot mix with adult detainees, and boys and girls do not associate. In this situation, the child has no other child to share a cell with or interact with in a common room or an exercise yard.

This becomes very problematic if the detention in the watch-house goes on for days. This situation would be unlikely to arise if the child was instead detained at a youth detention centre.

During our inspection of the Murgon watch-house, two boys and one girl were being detained in the watch-house. While the boys shared a cell and were observed playing cards in the common room, the girl was confined on her own. There may also be times when there is only one girl at the Cairns watch-house.

Our review of a sample of children's detention files showed cases of isolation at both watch-houses. Case study 5 is about one child's isolation at the Murgon watch-house.

Case study 5: Isolation of a child at the Murgon watch-house

During 2023, a child was accommodated at the Murgon watch-house for a period of 12 days. No other child was held at the watch-house over that period. This meant the child had no other child to interact with for the entire 12 days.

During their detention, the child was moved daily between their cell and the attached common room. The only activities the child was noted as engaging in were watching television and playing cards on their own.

Apart from the first day of detention (they were admitted mid-afternoon), they received several visits (ranging from 7 minutes to 74 minutes) from a Youth Justice officer. They were also visited twice by a parent. However, on most days, it was just one visit from one person per day.

Most concerning, the child received no visits at all over the weekend period (Days 5 and 6). In fact, from 4:00 pm on the Friday until 10:30 am on the Monday (a total of 66.5 hours), they received no external visits. The child relied on interactions with watch-house staff to have any meaningful contact.

Watch-house staff conducted observations of the child every 30 minutes, as they were required to do.

Records note that on Day 2, the child received a visit from mental health staff (Queensland Health) who undertook an assessment. However, there was no record of any follow-up or psychological assessment being undertaken for the rest of the period of detention. This is despite the substantial periods of isolation.

An adult in prison would have been reviewed by a doctor or nurse after seven days. Procedures in youth detention centres require a 'separated' child to have their behaviours assessed and reviewed on an ongoing basis through a multidisciplinary approach. None of that occurred for this child in the watch-house.

When a child may be removed from other children

Section 16.9.4 of the Queensland Police Service's Operational Procedures Manual (OPM) requires that the receiving officer at a watch-house determine 'whether the prisoner is to be confined alone or with other prisoners' and record in the QPRIME Detention Log details of 'the need to isolate a prisoner'. (QPRIME is the Queensland Police Service information system.)

Section 16.12.1 states:

Other than in circumstances where it is necessary for the good management and control of a watch-house and the safety and welfare of a prisoner(s), prisoners should not be segregated.

However, that section then lists grounds for segregation, which include:

- a child known to be violent or to have a history of sexual assault offences
- where there is an assessed risk of harassment, abuse or assault from another prisoner(s)
- prisoners who may create a potential danger to themselves, other persons, or police
- prisoners with suicidal tendencies.

As shown in Table 1 in Chapter 3, children at the Cairns watch-house are at times held in isolation cells by themselves or alone in a cell in the Men's unit.

An absence of safeguards

Most of the safeguards that apply in youth detention centres and prisons (that are provided for in legislation or procedure) are not in place in a watch-house environment. This means:

- An officer within the watch-house can isolate a child without an overarching approval process.
- There is no central recording, reporting or oversight of children who are isolated, either by the Queensland Police Service or the Department of Youth Justice (to allow periods of isolation to be monitored or reported).
- There is no requirement for anyone, either before or during the period of separation, to:
 - undertake a multidisciplinary assessment of the child
 - undertake a health assessment of the child.In most cases, the staff who are present have no ability to do so.
- There is no requirement for the frequency of observations of a child subject to separation to be increased in response to the increased risk.

As we discuss in Chapter 11, Cairns has a support framework, established through the cooperation of government and non-government entities, that allows visits to children at the watch-house three times a day. In these circumstances, a child subject to isolation is likely to receive a number of visits each day. This provides some interaction for the child and an opportunity for service providers to monitor their wellbeing. It is a very commendable initiative.

However, it is only a local initiative, and it has not been embedded through organisational procedure (such as in the OPM), is subject to change, and has not necessarily been replicated in other watch-houses.

Murgon does not have that level of regular interaction with government and non-government service providers. Visits to the watch-house are more ad hoc, and there are no established processes to guarantee multiple daily or regular visits to an isolated child.

As seen in Case study 5, there may be times when children receive no visits (over weekends) for days at a time.

Children who are detained in isolation are at risk of psychological harm. During our inspection of the use of staff shortage-related separation at Cleveland Youth Detention Centre, we spoke to the centre's psychologists about the psychological impact of separation. They told us that the timeframes in which they would see a decline in the mental health of children who were separated depended on each child. It can occur after a day for some but can take longer for others.

However, they also advised that the effect is usually noticeable by the second day of separation. Accordingly, we consider that children who are detained in isolation in a watchhouse should be referred to mental health staff, and that support should be provided to monitor their wellbeing.

Recommendation 9

For children who are detained in isolation (by virtue of being the only child in the watch-house or because they need to be removed from other children), the Queensland Police Service ensures:

- the child is referred to mental health and/or medical staff, and cultural support services
- mental health and/or medical staff and cultural support services are assisted to provide ongoing monitoring and support while the child is detained in the watch-house
- notification is made to the Department of Youth Justice about the isolation of the child, to assist the chief executive in determining when the child will be admitted to a youth detention centre.

8. Managing behaviour

As discussed in previous chapters, many of the children admitted to watch-houses have complex issues, including traumatic backgrounds, substance abuse disorders, mental health and/or cognitive issues. These could include Foetal Alcohol Spectrum Disorder and Autism Spectrum Disorder. These conditions can affect their impulse control, information processing and flexible thinking.

Key observations

Managing the conduct and behaviour of children detained in the watch-house poses significant challenges because of:

- the complex needs of many of the children
- the inflexible and highly restrictive physical infrastructure
- the lack of activities to keep children occupied
- the prolonged time some children spend in the environment
- a lack of specialist training for watch-house staff
- the absence of options and strategies that can be applied to manage behaviour
- limited input by staff with professional training.

This situation has the potential to put staff and children at risk of harm and be detrimental to the children's wellbeing.

Relevant standards

The following extracts from the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty* note the importance of expert input and specific training in relation to managing children in detention:

Rule 81. Personnel should be qualified and include a sufficient number of specialists such as educators, vocational instructors, counsellors, social workers, psychiatrists and psychologists. These and other specialist staff should normally be employed on a permanent basis.

Rule 85. The personnel should receive such training as will enable them to carry out their responsibilities effectively, in particular training in child psychology, child welfare and international standards and norms of human rights and the rights of the child, including the present Rules.

In its operational policy on behaviour support, the Department of Youth Justice acknowledges that:

... many young people in youth detention have a history of complex trauma that strongly influences their day-to-day behaviour, developmental level and capacity to understand why appropriate behaviour is important ... Accordingly, the department acknowledges that youth detention centres ... require an effective behaviour support framework that promotes the safety and wellbeing of staff and young people, as well as appropriate expectations of behaviour for young people.

The policy states, as part of its general principles, that behavioural management will:

- be underpinned by trauma-informed practice principles and tailored to a young person's individual needs, taking into consideration their personal circumstances, age, culture, gender, developmental level, abilities/disabilities and cognitive functioning
- be multidisciplinary, therapeutic and undertaken collaboratively with young people
- be culturally safe and supportive of the discrete needs of Aboriginal and Torres Strait Islander young people
- use restorative practice principles and responses [these encourage people, in a supportive way, to take accountability for their actions]
- promote positive behaviour using intrinsic and extrinsic incentives and consequences, applied in a consistent and reasonable manner. [Extrinsic incentives can be rewards or punishments. Intrinsic incentives are internal motivations – what matters to the child.]

This policy and the department's *YD-1-16 Youth detention – Restorative practice* policy provide detailed directions to staff on structured approaches to managing behaviour in youth detention centres.

Complex needs of many children

Over a one-month period at the Cairns watch-house, some children were reported to be involved in a number of behavioural incidents, including:

- damaging property
- obstructing CCTV cameras
- threatening and verbally abusing staff and other children
- intentionally injuring themselves (for example, punching a door or banging their head on a bench seat)
- assaulting staff (for example, spitting at an officer or throwing hot coffee at an officer) and other children.

Sometimes this can lead to further charges against the child, for example, assaulting police or wilful damage.

Inflexible and highly restrictive physical infrastructure and lack of activities

Having an inflexible and highly restrictive environment, with staff who have not received specialist training, can make managing the children's behaviour even more challenging.

As discussed in Chapter 3, both watch-houses have an extremely restricted environment. Children are often locked in their cells for many hours – in Cairns, sometimes for an entire 24-hour period – with no natural light.

While Murgon generally gives children the chance to spend time in an internal common room, it is really just a larger cell with a television they can watch. They have no access to the outside.

Boredom is a real issue. There are no organised activities for children at either watch-house. In Cairns, the children generally get at least one hour (and sometimes more) in the outside exercise yard. While we were assured daily access is guaranteed, we saw some daily Queensland Police Service emails mentioning time in the exercise yard being denied due to what they referred to as the misbehaviour of some children.

Access to the outdoor exercise yard allows the children to, for example, play handball. While the girls have access to a common room, the boys do not have consistent and regular access to a common room with a television.

We saw some books scattered around in cells at both watch-houses, and we observed children at Murgon playing cards. But there is not enough to keep them meaningfully engaged, which likely contributes to behavioural incidents.

We saw no educational material being provided to children at either watch-house. The Department of Education told us it is not generally involved in the direct provision of education to children held temporarily in watch-houses. However, it provides a range of educational resources that may be delivered by Department of Youth Justice staff in a watch-house environment.

The Department of Youth Justice told us that education packs (developed by the Department of Education) are provided to their youth justice service centres, who then distribute them to the children. When we met with staff from the Cherbourg Youth Justice Service Centre (who are responsible for the department's liaison with the Murgon watch-house), they did not know what education packs were. We also saw no education packs within the Cairns watch-house, (although our visit did take place during school holidays).

We were told by watch-house staff, non-government service providers, and some Youth Justice staff that they witness a decline in children's moods, and often their behaviour,

the longer they are detained in the watch-house. Murgon watch-house staff told us that children can become 'needier' the longer they spend in there, as demonstrated, for example, by an increase in the number of times they press the intercom to communicate with watch-house staff.

When the watch-house staff cannot meet these needs, the stress on both staff and children increases, and poor behaviour can escalate. Staff from the Office of the Public Guardian told us that this is often when incidents start to occur.

Lack of specialist training for watch-house staff

Watch-house staff are not given any specialist training geared towards working with children, let alone those with complex needs. There is no relevant Queensland Police Service training that deals with such matters as child and adolescent development (including the impact of trauma) or specific skills for communicating effectively with children.

While the staff we met and observed during our inspections presented as very professional, we are concerned that the Queensland Police Service is not providing them with training that would help them to better manage the complex behaviours of children in an environment as stressful as a watch-house.

We saw evidence of an occasion on which watch-house staff sought advice from the Child and Youth Forensic Outreach Service about managing the children. However, this appeared to have been on an ad hoc basis.

We are also very concerned that the limited (if any) input from professional staff with behaviour management specialties places both staff and children at greater risk. Some watch-house staff shared concerns about the stress and fatigue that can happen in some circumstances.

Absence of behavioural management strategies

There are few behavioural management tools and strategies available to watch-house staff. This contrasts with the more structured approach required at youth detention centres. Adult prisons also offer much more structured systems for responding to behavioral incidents (such as formal processes for breaches of discipline).

Very limited guidance is provided to staff in the Queensland Police Service's Operational Procedures Manual. The policy for watch-house staff on managing behaviour limits them to mainly physical options. There is no appropriate action that is specific to the needs of children; nor are there trauma- or culturally informed options. There is no appropriate direction that involves de-escalation and verbal communication techniques or a referral to a relevant service provider.

The physical restraint options available to watch-house officers may cause further physical and psychological harm to a child, particularly in the absence of appropriate interventions from officers and/or external providers to support the child.

In Cairns, when reviewing records, we saw examples of behavioural incidents being managed through such means as:

- denying children telephone contact or visits with family (at times with notes such as 'nil phone calls due to bad behaviour')
- group punishment (for example, 'all books have been removed from the juvenile boys to prevent further occurrences' after a child had thrown a book at a light and damaged it; and a note 'phone calls not provided due to behaviour of several [boys] threatening to assault and spit on watch house staff')

- use of the padded cell (for example, in response to a child covering their camera with toilet paper, as discussed in Case study 4)
- denying children access to the exercise yard or common area.

We also noted reference in the Murgon records to children being refused snacks because of their behavior.

We are concerned that these approaches may exacerbate the problems. Also, they do not address the root cause of issues, and at times involve removing what should be seen as entitlements (for example, daily access to the outside). These responses are particularly problematic when they lead to the further isolation of a child.

We acknowledge that decisions are sometimes made to ensure the physical safety of staff and children, but without the watch-house officers having the proper guidance and necessary training, their decisions have the potential to seriously impact on the wellbeing of children.

Recommendation 10

The Queensland Police Service, in consultation with the Department of Youth Justice, seeks expert advice to inform the development of:

- a) a behaviour management policy/strategy that provides guidance to watch-house staff in relation to behaviour management strategies, including identifying which entitlements are mandatory and cannot be withheld
- b) training (which is mandatory for all watch-house staff) in the trauma-informed and culturally appropriate management of children in custody.

9. Food and nutrition

The meals provided to children in a watch-house need to have nutritional value. When children are detained for longer periods of time, they also need some variety in their diet.

Key observations

The approaches to food and nutrition at the Cairns and Murgon watch-houses are very different. For example, juice and cordial are not provided to children at Cairns watch-house but are available to children at Murgon watch-house.

The size and standard of meals available to children at the Cairns watch-house appear to be adequate.

Frozen/processed meals are provided to children at the Murgon watch-house. These are unlikely to provide sufficient nutritional value for longer periods of detention.

Relevant standards

Rule 37 of the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty* states:

Every detention facility shall ensure that every juvenile receives food that is suitably prepared and presented at normal meal times and of a quality and quantity to satisfy the standards of dietetics, hygiene and health and, as far as possible, religious and cultural requirements ...

Section 16.21.12 of the Queensland Police Service's Operational Procedures Manual states that detainees are to be provided with meals three times a day and that the watch-house manager is to 'ensure that meals supplied to prisoners are wholesome and varied'.

Meals and drinks

Cairns watch-house

The watch-house has contracted Anglicare to provide individually packaged lunches and dinners for all those being detained there. The children receive different food (designed to be more palatable to them) than the adults do.

We observed the meals that were available on the days of the inspection, including dinners from previous days that had been frozen (and dated) for use if a child was admitted to the watch-house after dinner had been served.

All dinners are hot, as are most lunches. The variety and quantity of the food appeared reasonable and appropriate. We were advised that Anglicare is required to abide by relevant nutritional standards as part of the contract. We were also told that special diets (including religious diets) can be accommodated.

Breakfast is not part of the Anglicare contract. It consists of Weet-Bix or cornflakes, toast and milk. Tea and coffee is also available.

We were told that meals were generally served at or around the following times each day:

- breakfast – 6:00 am
- lunch – 12:30 pm
- dinner – 5:30 pm.

While these times appear generally suitable, some children told us that if they slept in they would miss their opportunity for breakfast, which meant they became very hungry in the morning.

Our review of a sample of detention files at Cairns indicated that staff do not consistently record when a meal is provided to a child. They do at Murgon.

Some of the children we interviewed complained about not having access to enough drinks, or having limited options. They only had the options of milk, Up&Go (which is provided as a snack) or tea or coffee. Water is available in each cell, albeit through a tap above the toilet cistern.

The children also raised with us the lack of juice or cordial. When we asked about it, we were advised juice or cordial are not provided due to the sugar content. Juice and cordial are, however, available to children at Murgon.

Murgon watch-house

Murgon does not have a contracted food supplier and instead buys its own food. Children and adults generally receive the same food, which usually consists of processed and/or frozen lunches and dinners.

Breakfast is similar to what is offered at Cairns, being up to four Weet-Bix and two pieces of toast, or up to four pieces of toast (with or without Vegemite). For lunch, children are provided with either two heated (frozen) pies or processed noodles (or one of each) and a muesli bar. Dinner is always a microwaved frozen meal such as sausages and vegetables or beef rissoles and vegetables, plus a muesli bar. Tea, coffee or juice is available with each meal. As with Cairns, running water is available in each cell.

We were advised that in circumstances where a child is detained for longer than about five days, to the point where the lack of variety of food becomes an issue, the watch-house sources meals (such as pizza, burgers and wraps) from the local BP Roadhouse. Staff we interviewed demonstrated an understanding of the need to cater for special diets (such as religious diets) and advised that they would use the Roadhouse or other local supplier in such circumstances.

The children in the watch-house at the time of our inspection told us they liked the food. The boys told us they really liked the pies.

We were advised that meals were generally served at or around the following times each day:

- breakfast – between 7:00 am and 8:00 am
- lunch – 12:00 midday
- dinner – between 5:00 pm and 6:00 pm.

These appear to be reasonable times. Offering a later breakfast seems more appropriate than what is offered at the Cairns watch-house.

The watch-house staff record in each child's detention file the times that meals are served to them. Our review of a sample of files demonstrated that meals have been served at appropriate times of the day.

Snacks

The consistent availability of snacks for children between mealtimes appears to be an issue at both watch-houses.

Contrary to section 16.21.12 of the OPM which states that the ‘watch-house manager is to provide prisoners with three main meals and two snacks per day. This is regardless of whether prisoners obtain food from an alternative source...’, we were told that the Queensland Police Service does not provide snacks at either watch-house. In both cases, staff of the Department of Youth Justice bring them in. We were also told that at Cairns, Youth Empowered Toward Independence (YETI – a non-government organisation focused on the needs of vulnerable children) brings snacks for the children as well.

However, in both cases, snacks do not appear to be consistently and regularly available. They seem to be provided on an ad hoc basis.

Our review of a sample of detention files at Murgon confirmed this, with either no mention of snacks being provided to children or of a snack being provided on one or two occasions during a period of detention.

As mentioned in Chapter 8, we were also advised that snacks can be denied when children are considered by watch-house staff to be misbehaving.

We are concerned about the quality of food provided to children based on the watch-house location, and coordination of services would improve support for dietary needs of children. For example, children in youth detention centres and adults in prisons receive meals that are planned on a statewide basis and are developed using nutritional guidelines.

Recommendation 11

The Queensland Police Service develop nutritional guidelines for the provision of food to children.

10. Family contact

The Department of Youth Justice's *Visits to young people* operational policy promotes the maintaining of contact between detained children and their family and community. It is acknowledged that for cultural reasons the term 'family' may extend beyond immediate family and include concepts of kinship and community. The importance of this is recognised internationally, and it is fundamental to a young person's rights and wellbeing.

Key observation

The infrastructure of the Cairns watch-house and the operational demands on its staff may significantly impact on the access children have to telephone and in-person contact with their family.

Relevant standards

Given the recognised importance of contact with the outside world, it is not surprising that the ability to contact family and receive visits is reflected in Queensland legislation (the *Youth Justice Act 1992* and the *Corrective Services Act 2006*), the Department of Youth Justice's operational procedures, and international and local standards.

Youth justice principle 20 in Schedule 1 of the Youth Justice Act states that 'While a child is in detention, contacts should be fostered between the child and the community.'

The *United Nations Rules for the Protection of Juveniles Deprived of their Liberty* state that:

Rule 59: Every means should be provided to ensure that juveniles have adequate communication with the outside world, which is an integral part of the right to fair and humane treatment ...

Rules 60 and 61: Every juvenile should have the right to receive regular and frequent visits ... Every juvenile should have the right to communicate in writing or by telephone at least twice a week with the person of his or her choice.

Section 16.21.9 of the Queensland Police Service's Operational Procedures Manual (OPM) makes various references to visits, including that:

- ... (the watch-house manager is to, subject to operational and/or security needs of the watch-house, and where appropriate) ... permit parents, guardians or an officer from the Department of Communities to visit youth prisoners.
- The watch-house manager is to allow access visits by parents or an authorised cell visitor ... subject to operational and/or security needs of the watch-house, and the consent of the child.
- ... permitting daily visits by family members, legal representatives or other appropriate adults to children in watch-houses contributes significantly to the wellbeing and morale of such children.

Additionally, Appendix 16.2 of the OPM – *Rights and Responsibilities of Children Whilst in Custody in a Watch-house* – says that it is the child’s right to: ‘Receive other visitors and to make and receive phone calls subject to operational and security needs.’

Cairns watch-house

The ability of a child at the Cairns watch-house to have regular contact with their family is significantly impacted by both the infrastructure of the facility and the operational demands on staff.

Generally, visits can only be facilitated in the non-contact interview room. This means the visitor (in most cases, family) sits on one side of a wall that houses a glass-type window and the child sits on the other side. This is not an ideal arrangement for personal visits and is in contrast to what is expected in a youth detention centre or adult prison, where family visits are usually face-to-face.

More concerning, however, is the difficulty staff at the watch-house face in facilitating regular visits. As has been stated before, there is only one non-contact interview room and one other interview room (which is also used for video conferencing) for a facility with a capacity of up to 42 detainees. Staff told us about the challenges of balancing legal visits, video conferences, court appearances and admissions and discharges each day.

This impacts on their ability to allow family visits, which are often not possible during the day. They told us it is generally easier to facilitate visits after hours, but we are concerned that the Cairns watch-house is not able to facilitate consistent and regular visits by family to children.

Arranging regular telephone access is particularly problematic at Cairns. As mentioned previously, there is only one telephone available for this purpose, and it must be shared between all detainees. Phone contact can never be guaranteed in these circumstances. It depends on the availability of the telephone and of staff.

In a one-month period (between 18 December 2023 and 15 January 2024), records indicate that telephone calls to family could not be facilitated on several occasions due to watch-house workloads. Children complained to us that they had to go many days without being able to speak with family on the telephone.

We are particularly concerned about this in cases where they are the only child, or the only child of their gender in the watch-house, or they have been separated from other children (that is, they are being held in an isolation cell by themselves). The ability to regularly speak with those outside becomes even more critical in these circumstances.

Recommendation 12

Where children are detained in watchhouses for longer periods of time, the Queensland Police Service ensures contact between a child in a watch-house and their family is given a high priority.

Murgon watch-house

The fact that the Murgon watch-house is a much smaller facility, and that the interview room and telephone is only shared between a maximum of nine detainees, increases the likelihood that children can receive visits and make/receive telephone calls more regularly. However, the interview room is set up in a non-contact arrangement.

In the cases we reviewed, we saw evidence that children are able to receive regular visits by family and generally have access to the telephone when requested.

Operational requirements are still likely to impact on access, and we were informed that there are occasions where family members arrive at the watch-house but are not permitted to visit because of this. Despite this, however, we have a greater level of confidence that Murgon watch-house staff can facilitate consistent and regular communication between the children and their families than the staff at Cairns watch-house can.

11. Coordinating access to service providers

Children in custody have complex needs. Given the challenges in maintaining the children's wellbeing during periods of detention, suitably qualified service providers need to have daily access to them, to engage with them, provide support and monitor their wellbeing.

To do this efficiently and well, government and non-government service providers need to work together, and the watch-houses need to cooperate with them.

Key observations

Youth justice principle 14 in Schedule 1 of Queensland's *Youth Justice Act 1992* states that 'If practicable, a child of Aboriginal or Torres Strait Islander background should be dealt with in a way that involves the child's community.' Principle 21(f) states that a child in detention should 'have access to dental, medical and therapeutic services necessary to meet the child's needs'.

The *United Nations Rules for the Protection of Juveniles Deprived of their Liberty* state that:

Rule 49: Every juvenile shall receive adequate medical care, both preventive and remedial ... All such medical care should, where possible, be provided to detained juveniles through the appropriate health facilities and services of the community in which the detention facility is located, in order to prevent stigmatization of the juvenile and promote self-respect and integration into the community.

Rule 84: The administration should introduce forms of organization and management that facilitate communications between different categories of staff in each detention facility so as to enhance cooperation between the various services engaged in the care of juveniles ...

With the exception of a reference in Chapter 16, where it states that the officer in charge of a watch-house 'is to encourage the implementation of a cell visitors scheme', the Queensland Police Service's Operational Procedures Manual (OPM) does not impose any clear requirements on staff to establish partnerships and promote service providers' access to the children.

The Deputy State Coroner's June 2024 report identified the need for non-government organisations who support people in custody to be allowed greater access into all Queensland watch-houses. We support this recommendation.

Cairns watch-house

Cairns has a local arrangement that involves a coordinated program of visits by staff of government and non-government agencies to each child held in the watch-house. These agencies extensively share information between them.

Information sharing

Watch-house staff send emails every day to the government and non-government organisations that provide services to the children. This includes the Department of Youth Justice; Cairns and Hinterland Hospital and Health Services' Child and Youth Forensic Outreach Service (CYFOS); and the Department of Child Safety, Seniors and Disability Services. While the quantity and quality of the information varies between emails, it normally includes details about:

- each child in the watch-house that day, including the number of days they have been there
- any significant incidents that have occurred
- other relevant information.

We were impressed with the level of information that is shared, and we consider it important in ensuring that various stakeholders are kept informed of which children are in the watch-house and what support they may require.

Watch-house staff also send emails to Legal Aid Queensland, the Aboriginal and Torres Strait Islander Legal Service (ATSILS), and the duty lawyers; and separate emails to the Cairns and Hinterland Hospital and Health Service, advising of a child's admission.

Coordinated visits

The Cairns watch-house and the children detained there benefit from this coordinated arrangement of daily visits. Three different service providers are all scheduled to attend every weekday, with variations on weekends. In brief:

- Each morning, a case manager from YETI (Youth Empowered Towards Independence) visits all the children in the watch-house. YETI is a not-for-profit, non-government organisation that facilitates a range of programs focusing on the needs of vulnerable young people. It employs a multidisciplinary team, which includes teachers, social workers, community development workers, counsellors and psychologists.
- At lunchtime or early afternoon, youth workers from the Cairns Youth Justice Service Centre visit the children.
- In the evening (around 6:00 pm), a representative from the Youth Co-Responder Team visits. Youth Co-Responder Teams are a joint response between the Queensland Police Service and the Department of Youth Justice. They are aimed at proactively engaging with young people and their families to provide supports and tackle issues that may be contributing to re-offending.

The visits focus on assessing the wellbeing of the children and escalating any issues of concern if necessary. We saw evidence of issues being escalated by these service providers to the Queensland Police Service, the Department of Youth Justice and CYFOS.

Each organisation emails the others (including other service providers) after each visit. These emails form a daily thread of communication about all children in the watch-house.

We reviewed the emails for a 27-day period from 21 December 2023 to 16 January 2024 (noting that several public holidays fell during this period) and found:

- all three of the visits happened on 14 days
- two visits happened on nine days
- one visit happened on four days.

The visits can be disrupted or unable to occur because of other operational demands at the watch-house, but that was rare in the 27-day period we reviewed.

All three organisations told us they appreciated the commitment of the officer in charge of the watch-house in supporting the work they do and ensuring they are able to visit the children. We saw staff from all three of the organisations at the watch-house over the days we were onsite.

We were impressed with this example of government and non-government organisations working together effectively. It is an important initiative that is contributing to the safety and wellbeing of children in the watch-house. We support the continuation of this coordinated approach and hope the organisations involved can ensure it is not affected by changes in personnel or other developments.

Other visits

Other organisations are also given access to the watch-house to visit children, including the Office of the Public Guardian's community visitors, who are independent officers appointed to visit children in the watch-house as part of their statutory function. We saw a community visitor carrying out a visit on one of the days we were onsite at the watch-house.

Aboriginal and Torres Strait Islander support

While we were satisfied with the level of coordination between service providers and impressed with some initiatives, we saw a lack of engagement with/by specific Aboriginal and Torres Strait Islander service providers. We were told that Aboriginal and Torres Strait Islander Police Liaison Officers do not have a role in the watch-house.

Given that the overwhelming majority of children in the watch-house are Aboriginal and Torres Strait Islander peoples, we are concerned that the specific cultural needs of these children are not being addressed.

Murgon watch-house

Unlike in Cairns, the approach to the involvement of government and non-government service providers at the Murgon watch-house is much more ad hoc and lacks clear coordination and robust information sharing.

Visits

Queensland Police Service staff told us that legal representatives and staff from the Department of Youth Justice and the Department of Child Safety, Seniors and Disability Services are all approved visitors (without restriction) for children at the watch-house. However, visits occur at the discretion of the officer in charge, and are subject to operational requirements, as per Chapter 16 of the OPM. Unlike in Cairns, children are generally only visited once per day.

Department of Youth Justice staff told us about occasions when they have been denied access to the watch-house, with watch-house staff frequently giving as a reason that 'we have no capacity'. That being said, in reviewing a sample of case material, we saw evidence of visits by Youth Justice on most (but not all) weekdays. Visits do not appear to occur on most weekends.

ATSILS informed us that it is contacted when a child is detained, but that its staff need to wait for appropriate watch-house staffing before they can visit. ATSILS staff also noted that they have seen services such as the Child and Youth Mental Health Service prevented from conducting mandatory checks, as watch-house staff have informed them they do not have staff to facilitate, they have no room available, or the detainees are eating dinner.

Further, there appears to be no coordinated program of visits by non-government service providers.

We spoke to staff from the Office of the Public Guardian, who noted two challenges in visiting children at the Murgon watch-house:

- Their own staffing limitations and the remote location of the watch-house make it difficult to facilitate in-person visits. As a result, the Murgon watch-house predominantly uses remote (telephone) contact.
- The watch-house's operations and logistics can cause difficulties for them in contacting children. It has the facilities but is limited by operations and logistics (such as other visits, court appearances and transport).

We were advised by the officer in charge at Murgon that limited staffing in the watch-house, and having only one interview room, affects their ability to offer reliable and consistent access. For example, if the watch-house staff are admitting a new detainee when a government or non-government service provider arrives for a visit, the visitor may be delayed or turned away.

While Cairns has the advantage of being in a large urban centre, with easy proximity to a range of services, there are still some available services in the Murgon region.

For example, Cherbourg Regional Aboriginal and Islander Community Controlled Health Services (CRAICCHS) is located seven kilometres away (in Cherbourg). It provides physical and mental health support services to the community and has a dedicated youth services team that also runs an after-hours youth hub for at-risk youth community members. CRAICCHS told us that its staff are available to provide support to children in watch-houses, but they do not receive requests from the Queensland Police Service to do so.

There is a lot of research on the need for access to culturally relevant services, and on the value of the use of community-controlled organisations. CRAICCHS can provide culturally appropriate health care to children detained in the watch-house, but its services are not being used.

Another example is Mercy Services, which is funded to deliver a bail support initiative as well as to provide welfare checks and immediate risk assessments for children detained in a watch-house. The Darling Downs Hospital and Health Service told us that it understands Mercy Services provides health input into the Murgon watch-house.

However, Mercy Services stated that it has not visited children at the Murgon watch-house recently, and that requests or referrals should come from the Queensland Police Service and the Department of Youth Justice.

Recommendation 13

The Department of Youth Justice and the Queensland Police Service work together to develop structured visiting times for Youth Justice officers at the Murgon watch-house and improved communication and coordination around their visits.

Recommendation 14

The Queensland Police Service works with the Department of Youth Justice to identify Aboriginal and Torres Strait Islander services for the Cairns and Murgon watch-houses and ensure:

- the regular involvement of community organisations is facilitated
- children have access to culturally appropriate mental health care and welfare visits
- protocols and agreements are in place to support this.

Information sharing

Section 5.9.6 of the OPM requires watch-house staff to promptly provide advice of the arrest of a child to the Department of Youth Justice and a parent of the child (unless no parent of the child can be contacted after making reasonable inquiries).

Cherbourg Youth Justice staff told us that they have had to complete retrospective advice of arrests when they were either not given advice of an arrest or they found out later through the community. This is problematic, because if they are not aware that a child is being detained, they cannot visit them.

Recommendation 15

The Queensland Police Service ensures Murgon watch-house staff promptly send advice of the arrest of a child to the Department of Youth Justice.

Improving service delivery in watch-houses

We observed varying levels of service delivery into the Murgon and Cairns watch-houses. This is likely to be indicative of variations across the state more broadly, due to greater availability of government and non-government services across metropolitan and major regional areas compared to smaller, rural areas and remote areas.

The risk of inadequate levels of service delivery in some rural and remote watch-houses should be addressed. Government should review service levels to regional, rural and remote watch-houses and identify gaps and strategies to address them.

The review should be conducted jointly by the Queensland Police Service and the Department of Youth Justice due to their primary roles in managing the needs of children in watch-houses.

Recommendation 16

The Queensland Police Service and the Department of Youth Justice conduct a joint review of services to children in watch-houses across the state. This should identify gaps and develop strategies to address them, including facilitating access by appropriate Aboriginal and Torres Strait Islander organisations, and Aboriginal and Torres Strait Islander Police Liaison Officers, to children in watch-houses.

We also observed variations in practices across Murgon and Cairns watch-houses. This is likely due to a heavy reliance on local management, combined with limited central coordination. The problem is compounded by a lack of clear policies and procedures within the current OPM on managing children specifically. Our inspection did not enquire further into the oversight structure and the quality of statewide coordination.

Recommendation 17

The Queensland Police Service, in its review of watch-houses, consider whether there should be increased central oversight and coordination of watch-houses to improve the levels of support, and the quality and consistency of services provided to children in watch-houses.

12. Complaints processes

If children have concerns about their care and custody, they should be made aware of the people or agencies they can speak to, and how to contact them.

Key observations

The complaint process at both watch-houses presented as somewhat ad hoc.

Children are not adequately informed of their rights to make a complaint and are not told who they can contact.

Relevant standards

The United Nations Rules for the Protection of Juveniles Deprived of their Liberty emphasise the importance of a detainee being able to confidentially complain to the appropriate authorities about their treatment.

In Queensland, both prisons and youth detention centres have well-established and robust complaint-handling policies and processes, which include:

- access to external bodies through a confidential telephone line to the Queensland Ombudsman and some other complaint entities
- regular visits by official or community visitors (who are independent officers who can receive complaints)
- a confidential complaints mail system.

The admission process at both watch-houses involves reading out Appendix 16.2 of the Queensland Police Service's Operational Procedures Manual (OPM), entitled '*Rights and Responsibilities of Children Whilst in Custody in a Watch-house*' (see Figure 8).

Figure 8: Extract of Appendix 16.2 of the Queensland Police Service's Operational Procedures Manual

(s. 16.17.3)

Appendix 16.2 Rights and Responsibilities of Children Whilst in Custody in a Watchhouse

Rights of children

To be informed of your situation in relation to bail, court appearance and transfer to a youth detention centre.

To be provided with the necessities of life, these may include:

- (i) food/water;
- (ii) appropriate clothing;
- (iii) toilet/shower facilities;
- (iv) bedding;
- (v) exercise; and
- (vi) medication and medical treatment where necessary.

Safeguarding of your personal property.

Segregation from the opposite sex and violent child prisoners and in normal circumstances from adult prisoners.

Receive visits by Department of Communities/legal representative whenever practicable.

Receive other visitors and to make and receive phone calls subject to operational and security needs.

Make a complaint if you feel a member of the Service has behaved wrongly or inappropriately.

To be treated with dignity and respect.

Responsibilities of children

To abide by the law and not act in a disruptive or unacceptable manner.

To provide watchhouse staff with all relevant information to ensure adequate provision can be made for your medical and dietary requirements and any other vulnerability, disability or cultural needs.

Treat watchhouse staff with dignity and respect.

Obey any reasonably necessary directions given by watchhouse staff for the good management and control of the watchhouse.

Source: Queensland Police Service.

Included in the document is a statement that says the child has the right to: '... make a complaint if you feel a member of the [Queensland Police] Service has behaved wrongly or inappropriately'.

The document does not outline the avenues for making a complaint, or the agencies that can be contacted and how. We did not observe this important information being provided to children when they were admitted.

There is no policy or procedure in the OPM that outlines how children can make a complaint about their watch-house custody, and no information about which agencies handle complaints.

There were no posters visible to detainees or staff within the watch-house about human rights or complaints-based agencies for detainees to contact.

While Cairns' multi-visit per day process (discussed in Chapter 11) is likely to provide children with access to people with whom they can raise concerns, this is not a substitute for establishing a complaints framework. As mentioned before, telephone access is very limited at Cairns, and no privacy is available to children wishing to use the phone.

Cairns watch-house staff told us they consider children have sufficient knowledge of the complaints process due to the volume of complaints and inquiries staff receive from various sources.

Staff from the Department of Youth Justice appear to visit Murgon most weekdays, but the department is not an oversight agency. During interviews with some staff at the Murgon watch-house, we found they did not demonstrate an understanding of the relevant agencies to whom children may complain.

Recommendation 18

The Queensland Police Service reviews its complaints-handling policies and procedures to ensure it has an effective, transparent and confidential process in place for children held in a watch-house. The complaints system should be user-friendly for children with low levels of literacy, those with disabilities and those for whom English is an additional language or dialect.

Conclusion

Our inspections of the Cairns and Murgon's watch-houses, documented in this report, highlight the significant risks of harm to children that arise from detaining them in watch-houses.

As a consequence, we are concerned about the detention of children in a watch-house for any period, let alone the kind of extended and long-term detention we witnessed at each of the watch-houses.

Our concerns about the detention of children in watch-houses are reflected in:

- contemporary, independent inspection standards for police custody published in the United Kingdom and Tasmania, which both state that children should only be held in police custody for the minimum time possible and not overnight
- the United Nations *Standard Minimum Rules for the Administration of Juvenile Justice* (the Beijing Rules), which state that the placement of a juvenile in an institution should always be a measure of last resort and for the minimum necessary period
- the Queensland Police Service's Operational Procedures Manual, which states that watch-houses are primarily designed to detain people overnight or for 24 hours or longer, and that children should only be held in custody as a last resort and for the least time that is justified in the circumstances.

Based on the information in this report, it is clear that the detention of children in watch-houses creates the risk of harm and that it should be avoided. If detained in a watch-house, children should be held for the minimum time possible, and transferred to a more suitable facility as soon as possible.

Recommendation 19

Children should only be detained in a watch house as a last resort and for the minimum time possible. Children should be admitted to a more suitable facility as soon as possible.

Unfortunately, due to the high utilisation rates of youth detention centres in Queensland, it is likely that children will continue to be detained in watch-houses in the foreseeable future.

In its submission, the Department of Youth Justice provides information about 'the significant program of work underway to alleviate some of the system pressures that contribute to young people being held in police watchhouses beyond usual processes [sic] times' (p. 3), it writes about 'a new facility which will operate as a youth remand facility is being built this year by the QPS at Wacol, and two new therapeutic YDCs [youth detention centres] are planned for Woodford in 2026-27 and the Cairns region.' (p. 4)



We recognise that these new facilities have the potential to increase the Department of Youth Justice's ability to reduce the current reliance on watch-houses to detain children, and enable them to admit more children to a more suitable facility. We will monitor their impacts carefully. We will also commence an inspection of the Wacol Remand Facility in the year ahead.

End note references:

- 1 KV Engstrom and EFJC Ginneken, 'Ethical Prison Architecture: A Systematic Literature Review of Prison Design Features Related to Wellbeing', *Sage Journals*, vol. 25, Issue 3, June 2022.
- 2 JC Crilly, C Brandenburg, SA Kinner, E Heffernan, J Byrnes, C Lincoln, P Gardiner, P Davidson, A Somerville, D Wilson, D Green and S Thomas, 'Health care in police watch-houses: a challenge and an opportunity', *The Medical Journal of Australia*, 217(6), pp 287-289, August 2022.
- 3 Australian Children's Commissioners and Guardians, *Statement on Conditions and Treatment in Youth Justice Detention*, November 2017, p 21.

Appendix

Appendix A: Queensland Police Service submission



QUEENSLAND POLICE SERVICE

COMMISSIONER'S OFFICE
200 ROMA STREET BRISBANE QLD 4000 AUSTRALIA
GPO BOX 1440 BRISBANE QLD 4001 AUSTRALIA
Email: commissioner@police.qld.gov.au

Our Ref:
Your Ref:

1 August 2024

Mr Anthony Reilly
Queensland Ombudsman
Level 18, 53 Albert Street
Brisbane Q 4000

Dear Mr Reilly

I refer to your letter of 10 July 2024, regarding the inspections that occurred at Murgon and Cairns watch-houses earlier this year. Thank you for providing the QPS an opportunity to make submissions in response to the draft report.

As you are aware, police officers may detain an individual when there is a concern for community safety, and this detention lasts until the individual's initial court appearance. If the court remands a person in custody, they will continue to be detained in a watch-house until they are accepted into a youth detention centre or prison.

The Queensland Police Service (QPS) detains approximately 75,000 people in 63 watchhouses each year, many built in the 1970's and are not designed or resourced to hold people in custody beyond 72 hours. Unfortunately, legislative changes within the Queensland Corrective Services Act 2006 and the Youth Justice Act 1992 have forced the QPS to detain an unprecedented number of remanded people in watch-houses for longer periods of time.

Whilst the QPS is unable to expedite admissions to youth detention centres and prisons, we strive to deliver safe and secure facilities, however as you rightly indicated, QPS watch-houses are designed and resourced to provide short-term periods of detention.

Therefore, Deputy Commissioner Cameron Harsley will lead a review into this critical issue and examine three broad areas of our custody operations, being people, operations, and capital. The role and responsibility of QPS in extended custody operations, especially for young people, will be a substantial consideration within this body of work.

QUEENSLAND POLICE SERVICE

We will continue to work with the Department of Youth Justice, Queensland Corrective Services and the Department of Justice and Attorney General to reduce the number of and the time people spend in police watch-houses awaiting transfer to more appropriate detention facilities.

In response to the recommendations, the attached document provides specific feedback on the 24 recommendations within the inspection report. We believe that the number of recommendations could be reduced to twelve, with minor modification of wording within several recommendations. Critically, we don't believe that the intent of the recommendation is affected by these suggested changes.

The QPS is committed to pursuing continuous improvement in all aspects of our operations and we will consider the implementation of these recommendations during the review of custody operations that is currently underway.

I remain dedicated to delivering a safe Queensland community and I will continue to seek government's support in fulfilling this commitment.

Yours sincerely


STEVE GOLLSCHESKI APM
COMMISSIONER

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Recommendation	Response
<p>The watch house staff complete a complete a risk and compatibility assessment before children are required to share a cell. The Queensland Police Service, in consultation with the Department of Youth Justice review processes for young people being admitted into watch-houses, including training provided to Queensland Police Service staff.</p>	<p>The Queensland Police Service (QPS) in collaboration with partner agencies are reviewing policy, process and training delivered to watch-house staff relating to the admission of young people to watch-houses. This will include an evaluation of health and risk assessments, as well as any cultural needs of young people being admitted to watch-houses.</p>
<p>2 The Queensland Police Service examines ways to increase privacy in relation to the use of toilets and shower facilities for children sharing a cell in watch-houses.</p>	<p>The QPS building design manual is currently being reviewed following the design and development of the Wacol Remand Centre. The retrofitting existing facilities will require significant capital, therefore any changes will be considered in future modifications. The 24/7 transactional nature of watch-houses continues to be a challenge in managing privacy against risk and security.</p>
<p>3 The Queensland Police Service ensures the design of new watch-houses ensures more privacy for children when using the toilet.</p>	<p>Given the similarity of this recommendation to other recommendations within this report. It is suggested that this recommendation be deleted and incorporated into Recommendation 2, with suggested amendments. adopted.</p>
<p>4 The Queensland Police Service examines ways to increase privacy in relation to the use of showers for children at the Cairns watch-house.</p>	<p>Given the similarity of this recommendation to other recommendations within this report. It is suggested that this recommendation be deleted and incorporated into Recommendation 2, with suggested amendments. adopted.</p>
<p>5 Where children are detained in watch-houses for longer periods of time: (a) they are not detained in watch-houses that cannot facilitate at least two hours of daily access to an outside exercise yard and (b) that such access is treated as a mandatory entitlement that cannot be removed, for example, for operational reasons or as punishment.</p>	<p>QPS watch-houses are designed and resourced as short-term custody facilities. The majority of these are incorporated within or attached to police stations and/or court facilities, within metropolitan locations. QPS watch-houses do not have outside exercise yards. These therapeutic facilities are provided at the Department of Youth Justice and Queensland Corrective Services facilities.</p> <p>The QPS has no ability to prioritise the admission and transfer of people from watch-houses to these youth detention facilities or prisons. The QPS will continue to advocate for the transfer of young people and adults to appropriate custody facilities once they have been remanded or sentenced by a court.</p>

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6	<p>The Queensland Police Service reviews staffing of the Cairns and Murgon watch-houses to ensure a greater physical presence of its staff in the units used to detain children. This should include a requirement that watch-house staff undertake regular, unobtrusive, physical supervision of children to ensure their safety. This should occur at least every 15 minutes when children are locked in their cells. The observations should be recorded, monitored and reviewed.</p>	<p>The QPS policy in relation to the observation of people in custody is based on established risk parameters and facilitated through a combination of remote monitoring (CCTV) and physical inspections.</p> <p>A number of QPS watch-houses have a layout that facilitates a constant observation of cells, from a central control area (pod model). This layout allows for staff to continually monitor people in custody, unfortunately this often has a negative impact and watch-house staff within these facilities have reported that constant observation makes young people (especially males) act out. Staff and other people in custody are often subjected to gross acts, including masturbation in front of female staff, urination or throwing faeces during physical cell inspection and staff suffering constant verbal abuse.</p>
7	<p>The Queensland Police Service develops and delivers mandatory training for staff who undertake admissions and assessments of children, covering such topics as trauma-informed approaches to communicating with children with complex needs and engaging with Aboriginal and Torres Strait Islander children.</p>	<p>Given the similarity of this recommendation to other recommendations within this report. It is suggested that this recommendation be deleted and incorporated into Recommendation 1, with suggested amendments.</p>
8	<p>The Queensland Police Service consult with Queensland Health and/or other appropriate health experts, to develop and implement a standardised process to be applied to all children who are being detained in watch-houses for longer periods of time:</p> <ul style="list-style-type: none"> • that facilitates the examination of the child by a qualified health practitioner • within a timeframe recommended by Queensland Health and/or the other health experts. 	<p>The QPS and Queensland Health are currently reviewing the provision of healthcare within watch-houses, as part of a recommendation from the Tilberoo and Wylucki Inquest.</p>
9	<p>The Queensland Police Service, in consultation with the Department of Youth Justice, seeks expert advice and develops appropriate assessment tools to identify the needs and level of risk of children (including Aboriginal and/or Torres Strait Islander children)</p>	<p>Given the similarity of this recommendation to other recommendations within this report. It is suggested that this recommendation be deleted and incorporated into Recommendation 1, with suggested amendments.</p>

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10	The Queensland Police Service ensures admission discussions with children take place in a confidential and non-threatening environment.	Given the similarity of this recommendation to other recommendations within this report. It is suggested that this recommendation be deleted and incorporated into Recommendation 1, with suggested amendments.
11	The Queensland Police Service and the Department of Youth Justice ensures that children with medical or mental health needs, e.g. identified as being at risk of self-harm and/or suicide are: <ul style="list-style-type: none"> • transferred to a youth detention centre, or other appropriate facility immediately, and • referred to medical and/or mental health staff immediately while awaiting their transfer. 	<p>The QPS has no ability to prioritise the admission and transfer of people from watch-houses to these youth detention facilities or prisons. The QPS provide twice daily notifications to Department of Youth Justice (DYJ) on the young people in custody.</p> <p>The QPS works with Queensland Health to facilitate regular watch-house visits by Child Mental Health teams, a decision on whether a child is transferred to a mental health facility is made by a QH mental health practitioner.</p> <p>The QPS will continue to advocate for the transfer of young people and adults to appropriate custody facilities once they have been remanded or sentenced by a court.</p>
12	The Department of Youth Justice and the Queensland Police Service ensure that children detained in isolation (by virtue of being the only child in the watch-house or because they need to be removed from other children) are transferred from the watch-house to a youth detention centre and not be held in a watch-house for longer periods of time.	It is proposed that this recommendation be deleted and incorporated into Recommendation 11, with suggested amendments.
13	The Department of Youth Justice and the Queensland Police Service ensure that children with known complex mental health and/or cognitive issues are transferred to a youth detention centre or a more appropriate facility and not held for longer periods of time.	It is proposed that this recommendation be deleted and incorporated into Recommendation 11, with suggested amendments.

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14	<p>The Queensland Police Service, in consultation with the Department of Youth Justice, seeks expert advice and develops:</p> <ul style="list-style-type: none"> • a behaviour management policy/strategy that provides guidance to watch-house staff in relation to behaviour management strategies, including identifying which entitlements are mandatory and cannot be withheld • training in the trauma-informed and culturally appropriate management of children in custody that is mandatory for all watch-house staff. 	<p>The QPS is currently working with the Department of Youth Justice, Queensland Corrective Services and Queensland Health to review processes for managing people in watch-houses. Appropriate policy and training will be developed and implemented once this review has been completed.</p>
15	<p>The Queensland Police Service ensures that each watch-house that detains children partners with an agency that provides individual, trauma-informed and culturally appropriate advice and input on managing the complex needs and behaviours of children in watch-houses.</p>	<p>QPS watch-houses are designed and built as short-term custody facilities, they are not designed or resourced to operate as correctional or detention facilities. This recommendation seeks QPS to implement the same policies, processes and training as requested in recommendation 14.</p> <p>It is proposed that this recommendation be deleted and incorporated into Recommendation 14.</p>
16	<p>Where children are detained in watch-houses for longer periods of time, the Queensland Police Service ensures contact between a child in a watch-house and their family is given a high priority.</p>	<p>It is proposed that this recommendation be deleted and incorporated into Recommendation 18, with suggested amendments.</p>
17	<p>The Department of Youth Justice and the Queensland Police Service facilitate access by appropriate Aboriginal and Torres Strait Islander organisations, and Aboriginal and Torres Strait Islander Police Liaison Officers, to children in a watch-house.</p>	<p>It is proposed that this recommendation be deleted and incorporated into Recommendation 18, with suggested amendments.</p>
18	<p>The Department of Youth Justice and the Queensland Police Service work together to develop structured visiting times for family</p>	<p>QPS in collaboration with partner agencies and support groups is currently reviewing policy and processes associated with the watch-house visitors</p>

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19	<p>The Department of Youth Justice and the Queensland Police Service identify services available to children in the Murgon watch-house (for example, Cherbourg Regional Aboriginal and Islander Community Controlled Health Service, and Mercy Services), and ensure:</p> <ul style="list-style-type: none"> • the regular involvement of community organisations is facilitated • children have access to culturally appropriate mental health care and welfare visits • protocols and agreements are in place to support this. 	<p>It is proposed that this recommendation be deleted and incorporated into Recommendation 18, with suggested amendments.</p>
20	<p>The Queensland Police Service ensures Murgon watch-house staff promptly send advice of the arrest of a child to the Department of Youth Justice.</p>	<p>This is already incorporated into existing QPS policy. The QPS will take action to ensure that staff at Murgon station are aware of their requirements for notifications to Youth Justice.</p>
21	<p>The Queensland Police Service and the Department of Youth Justice conduct a joint review of services to children in watch-houses across the state that identifies gaps and develops strategies to address them.</p>	<p>It is proposed that this recommendation be deleted and incorporated into Recommendation 18, with suggested amendments.</p>

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22	The Queensland Police Service reviews the levels of centralised coordination of children in watch-houses to improve accountability and consistency of practices and services across the state.	<p>In October 2023, the State Custody Unit assumed the role of managing capacity across QPS watch-houses, moving people in custody to other watch-houses across the state to maximise available cell capacity and ensure QPS is able to meet demand.</p> <p>The Gov't supported a youth orientated 'hub' at Caboolture watch-house, which provides 24/7 youth worker and medical support to young people. The 'hub' also provides education sessions to young people with a large group of on-site teachers, as well as cultural and social support provided by MurriWatch and Youth Advocacy Centre.</p> <p>The Caboolture watch-house hub commenced in January 2024 and will continue operating until the Wacol Remand Centre commences on 31 December 2024. Whilst not a youth detention centre, the 'hub' has provided invaluable support to young people awaiting admission to a youth detention centre. The 'hub' has also allowed QPS staff to return to core responsibility of ensuring the safety and security of all people in watchhouses.</p>
23	The Queensland Police Service reviews its complaints-handling policies and procedures to ensure it has an effective, transparent and confidential process in place for children held in a watch-house. The complaints system should be user-friendly for children with low levels of literacy, those with disabilities and those for whom English is an additional language or dialect.	The QPS has commenced a review of its complaint handling process and will report on the outcomes, through existing processes.
24	Children should be detained in a watch house for the minimum time possible and transferred to a more suitable facility as soon as possible.	The QPS has no ability to prioritise the admission and transfer of people from watch-houses to these youth detention facilities or prisons. The QPS provide twice daily notifications to Department of Youth Justice (DYJ) on the young people in custody across the state.

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Appendix B: Department of Youth Justice submission



Department of
Youth Justice

Our ref: 03166-2024
Your ref: 2024-00146(P1)

Mr Anthony Reilly
Queensland Ombudsman and
Inspector of Detention Services
Email: executive@ombudsman.qld.gov.au

Dear Mr Reilly

I refer to your letter dated 10 July 2024, providing your draft inspection report 'Cairns and Murgon watch-houses inspection report' (the draft report) and an opportunity to respond.

Young people should be held in a police watchhouse for the shortest possible time. Young people are held in police watchhouses as part of normal processing following arrest by police. If a young person is not granted bail by police, they will remain in a police watchhouse until they appear in court. If they are subsequently refused bail by a court, they will remain in a police watchhouse until they are admitted to a youth detention centre (YDC). In accordance with the *Youth Justice Act 1992* (the Act), while in a police watchhouse, young people are in the custody of the Queensland Police Service (QPS) which has the primary responsibility for meeting the young person's needs.

I note that 14 of the proposed recommendations in the draft report (recommendations 1-8, 10, 15, 16, 20-23) are directed to the QPS reflecting the QPS' role and responsibilities. While a young person is in QPS custody in a police watchhouse, the transfer of young people between watchhouses, including to the Caboolture Watchhouse Hub is the responsibility of the QPS.

I have outlined in previous correspondence to you that the current investments to build more detention centre capacity (Wacol Remand Facility and new YDCs at Woodford and Cairns) provide a solution to many of the issues that arise with respect to young people in Watchhouses, noting that the demographics of Queensland mean that there will continue to be a challenge to transport and provide improved custody options for young people in every location. Work towards improving the time taken to deal with matters (e.g. the Fast Track Sentencing Project) and the use of video links for Court appearances is also part of a system solution that is being further invested in.

The Department of Youth Justice (DYJ) ensures the protection and promotion of young peoples' human rights, especially for those most vulnerable, is at the forefront of its service delivery. It is also recognised that children remanded in custody, particularly those held in police watchhouses are vulnerable.

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Section 56 of the Act sets out the requirements for QPS and DYJ when a young person is remanded in custody by a court. Subsection 56(4) provides the matters that must be taken into consideration in deciding when a young person in the custody of the QPS will be admitted into a YDC. This provision requires the assessment of the risks and needs of individual young people in QPS custody and to be taken into consideration relative needs of other children. In practice this is a dynamic, daily, statewide assessment to inform the prioritisation of young people for admission to a YDC.

The draft report makes reference to the 'transfer' of young people from a police watchhouse to a YDC. Under the Act, young people are admitted from police custody into a YDC, and once admitted are then in the custody of the DYJ. For this reason, the draft report could more accurately refer to the admission of young people to youth detention.

Proposed recommendations 11-13 of the draft report are not consistent with the requirements of the Act. Further, these recommendations would result in the immediate admission of particular cohorts of young people to a YDC, irrespective of the regularly assessed relative risks and needs of all young people in custody in a police watchhouse. I am concerned that this could result in very significant unintended consequences for the safety and wellbeing of young people and the community.

Proposed recommendations 11-13 of the draft report would also require the immediate admission of some young people into a YDC. YDCs have been operating at full capacity and young people can be held in a police watchhouse until a suitable YDC bed becomes available. Admitting young people to a YDC which is at full capacity poses a very high security risk taking into consideration:

- the limitation of mixed ages, genders and individual needs of young people;
- developmental issues and immaturity of key areas of a young person's brain responsible for controlling emotions, impulsivity and decision making;
- double bunking impacts on privacy and dignity considerations as described under the United Nation Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules);
- double bunking and overcrowding were identified as a key contributor to the Western Australia Banksia Hill Juvenile Detention Centre riots;
- different infrastructure, including a much greater risk in open campuses in YDCs with these known risks having manifested in many places across jurisdictions leading to significant harm, injury and damage; and
- similarly in Victoria, a key learning from Parkville Youth Justice Precinct report found that prior to the riot, YDC assessments had indicated the potential for a riot to occur due to increasing tensions from overcrowding, limited resources, staff capacity and associated risks from an ineffective assessment and classification system.

There are considerable learnings, and warnings from inquiries, reviews and court findings that demonstrate that overcrowding YDCs results in significant harm. Where this harm occurs and results in the destruction of what is already very limited infrastructure, there is a compounding impact given the lack of alternative secure detention facilities along with the time it takes to repair damage.

Proposed recommendation 11-13 are directed towards the DYJ and QPS, however given these recommendations would likely require legislative amendment they should more appropriately be directed to the Queensland Government.

DYJ provides a range of supports and services to assist QPS to meet the safety and wellbeing needs of young people while they are in custody in a police watchhouse. Subject to the approval of the QPS, these supports may include:

- safety and wellbeing checks;
- case management and liaison with legal advocacy and bail support services;
- facilitation of contact with family and other people of significance;
- provision of practical items and other supports as required, such as warm clothing, toiletries and hygiene products, blankets, snacks, books and educational materials;
- funding non-government organisations to provide services and supports including cultural support; and
- advocacy within DYJ and the QPS in relation to the young person's needs, including direct liaison with the youth detention centre admission coordination unit as required.

Proposed recommendation 15, which is currently directed to the QPS, is about the provision of cultural support and advice for police watchhouses that detain children. Given the role of DYJ to provide supports and services to young people detained in police watchhouses, DYJ would be willing to assist QPS in the implementation of this recommendation.

Proposed recommendations 18 and 19 in the draft report relate to young people detained in the Murgon police watchhouse. I note that young people are infrequently detained in the Murgon police watchhouse and the implementation of these recommendations would require services and supports to be put in place from time to time as required.

I note the draft report does not discuss that during the relevant inspection periods, YDCs were operating at full capacity. Regrettably, some young people experience extended stays in police watchhouses despite significant efforts to minimise these occurrences. As you would be aware, there are a range of multi-agency systemic and local issues contributing to these extended stays. These issues include:

- the number of young people in youth detention who are on remand awaiting their matters to be finalised by the courts;
- extended stays in regional and remote locations, where due to court dates and the requirement for a young person to appear in person, transport to and from a YDC may not be possible. In these circumstances, DYJ, the QPS and a range of other government and non-government agencies work together to ensure the child's best interests and human rights remain paramount in all decision making;
- YDC capacity issues and sudden increases in particular cohorts (10 to 13-year-olds, female young people), which requires significant system agility across both DYJ and the QPS;
- transport delays and competing pressures for QG Air resources, particularly in north and far north Queensland; and
- localised issues, such as:
 - o watchhouse overcrowding in particular locations (which could be related to adults and/or young people), which requires DYJ, QPS and funded supports to mitigate within YDC capacity constraints, transport options and court requirements and outcomes; and
 - o specific watchhouse issues, for example – localised severe weather events, particular issues with the watchhouse (for example, property damage, staff shortages).

To assist in the finalisation of the report, I also take the opportunity to provide information about the significant program of work underway to alleviate some of the system pressures that contribute to young people being held in police watchhouses beyond usual processes times.

On 15 December 2023, the QPS transitioned the Caboolture watchhouse into a temporary Hub for young people remanded in custody. Young people awaiting admission to a YDC will remain in the custody of the QPS at the Hub with essential support and services provided by DYJ, the Department of Education, Queensland Health, the Youth Advocacy Centre and Murri Watch.

4

The Hub can accommodate up to 31 young people and has a catchment area south of Rockhampton. Out of catchment transfers are considered in exceptional circumstances. The QPS will continue to manage and operate the Hub as a functional police watchhouse. Adult prisoners may be processed at the Hub while they await transport to another watchhouse and are held separately to young people at the Hub.

DYJ and a private health provider funded by QPS have a 24hour, 7 day a week presence at the Hub. The Forensic Child and Youth Mental Health service maintains an active presence and the Department of Education conducts lessons on site during school hours.

As you are aware, a new facility which will operate as a youth remand facility is being built this year by the QPS at Wacol, and two new therapeutic YDCs are planned for Woodford in 2026-27 and the Cairns region. These facilities will enable the youth justice system to administer the courts' decisions, while ensuring young people are not held in watchhouses for extended periods of time. The Wacol Youth Remand Centre will be completed in late 2024.

The DYJ remains committed to continuing to work collaboratively with the QPS to meet the safety and wellbeing needs of young people in watchhouses and will continue to work with your office, the Queensland Human Rights Commission, Queensland Family and Child Commission and the Office of the Public Guardian to monitor and review our services and responses.

Thank you again for meeting with me to discuss the report in detail and I again express my support for your work and thank you for your ongoing collaborative and constructive approach in the exercise of your functions. My office will be in contact in due course to arrange a time for us to discuss your final report.

Should your officers require any further information, they should contact [REDACTED], Senior Executive Director, Regions and Statewide Services by email at [REDACTED]@cyjma.qld.gov.au or on telephone (07) 3097 7566.

Yours sincerely



Robert Gee APM
Director-General

07 / 08 / 2024

Appendix C: Cairns and Hinterland Hospital and Health Service submission

Enquiries to: Office of the Chief Executive
Telephone: 4226 3205



Cairns and Hinterland
Hospital and Health Service

Anthony Reilly
Queensland Health Ombudsman and
Inspector of Detention Services
Email: Inspector@ombudsman.qld.gov.au

Dear Mr Reilly

Thank you for your letter dated 10 July 2024, in relation to the program of inspections under s8(1)(b) of the *Inspector of Detention Services Act 2022*, focussed on children in watch-houses for longer than 24 hours, and in particular the draft inspection report in relation to the Cairns and Murgon watch-houses.

The Cairns and Hinterland Hospital and Health Service (CHHHS) are fully committed to ensuring the care we provide to all persons within the watch house is of a high standard and meets their needs.

In relation to the recommendations pertaining to health based services contained in the report, I would like to provide an update on the progress made in some of the areas within the health sphere of influence.

CHHHS have recently updated the procedures and protocols in place for mental health in-reach to the Cairns watch-house. These procedures and protocols have had feedback and curation by our staff and relevant stakeholders in response to concerns raised recently around the care of young people in custody. The improvements that we have made which will address some of the issues raised in the report include:

- A review of group communication strategies to ensure confidentiality and privacy but also optimise outcomes for young people in the Cairns Watchhouse.
- Prior to attendance at the watch-house new employees undergo orientation training to the service in relation to cultural practice, trauma informed care and employee self-care.
- In addition, Mental Health services have improved clinical governance with the appointment of a Child and Youth Forensic Outreach Service (CYFOS) Team Leader.

It is important to note, that CHHHS only provides mental health assessment and care within the Watchhouse, not general health services. The Queensland Police Service directly engage agency nurses to provide general healthcare for the incumbents of the watch house.

We note within the report you make reference to delays with respect to mental health intervention of

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cairns_hinterland](http://www.health.qld.gov.au/cairns_hinterland)
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young people. I can confirm that CHHHS has a responsive model once a referral is made. The model utilised by the mental health team is by referral from the initial risk assessment through the watch-house, Youth Empowered Towards Independence (YETI), Youth Justice or other agencies. The mental health team are only able to respond once a referral is received and as such I would request that the emphasis be placed on ensuring an adequate and timely referral to CHHHS is highlighted in the report.

In terms of the recommendation of placing a 24/7 nurse at the watch-house, the Queensland Police Service should consider into their decision-making whether the nurse would support general healthcare or general healthcare and mental health combined support model.

Thank you for the opportunity to provide feedback on the draft report, CHHHS remains very committed to ensuring an exemplary mental health service is provided to our young people. Should you require any further information to the feedback provided, I have arranged for [REDACTED] Chief Operating Officer, on telephone 4226 8679, to be available to assist you.

Yours sincerely



Leena Singh
Chief Executive
Cairns and Hinterland Hospital and Health Service
07 / 08 / 2024

Appendix D: Office of the Public Guardian submission



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Your reference: 2024-00146(P1)
Our reference: 7112038

7 August 2024

Mr Anthony Reilly
Queensland Ombudsman and Inspector of Detention Services
GPO Box 3314
BRISBANE QLD 4001

Via email: inspector@ombudsman.qld.gov.au

Dear Mr Reilly

Thank you for your letter dated 19 July 2024 enclosing a draft inspection report providing proposed recommendations in relation to the Cairns and Murgon police watch houses, following completion of your annual inspection schedule at those locations. I appreciate the time you have taken to provide the confidential draft inspection report for my consideration.

I have reviewed the findings of the draft inspection report and I welcome the 24 recommendations proposed to be made. In particular, I commend the recognition of the particular needs of children with mental health, cognitive and psychosocial conditions, and the importance of trauma-informed and culturally responsive approaches to their complex needs and behaviours. While attempts have been made to provide services to children in watch houses, they remain inconsistent and do not, for the most part, meet their minimum human rights. I am of the view these draft recommendations would be a positive step towards ensuring the protection of their rights, wellbeing and dignity.

The draft inspection report makes several observations about the Cairns watch house in the context of the functions of community visitors, including the design of the watch house and numbers of children detained together in accommodation cells. The Office of the Public Guardian (OPG) has observed that the design of the Cairns watch house and the current operational model has the effect of reducing the ability of community visitors to consistently access children for a visit and prohibiting community visitors from carrying out their full legislative powers. Section 67(1)(d) of the *Public Guardian Act 2014* provides community visitors with legislative powers to access a child staying at a visitable site, and section 67(1)(e) to talk with a child staying at a visitable site out of hearing of other persons at the site (including staff members of the site). The right to confidential and private communication is a cornerstone of the community visitor's role in places of detention, including police watch houses. The inability to communicate confidentially with children in this environment, reduces the likelihood community visitors can raise concerns regarding their safety and wellbeing until after they transition into a detention centre, or the community. Further, lack of privacy may prevent young people from feeling safe enough to disclose information crucial for assessing their wellbeing and escalating concerns.

Limited appropriate access to children detained in a watch house reduces the ability of community visitors to speak with them about the facilitation of essential support services and determine

whether their individual needs are being met by watch house staff. In turn, reduced access to children correlates to a decrease in the resolution of their concerns and grievances and limits the ability of community visitors to discharge their legislative functions to protect their rights and interests through escalating complaints on their behalf.

OPG has observed that access to children for visits has been more consistent at the Murgon watch house, but the remoteness of the location limits the ability for in-person visits.

The findings and recommendations of the report also note that children are at risk of experiencing extended periods of isolation in police watch houses, which has the potential to cause significant harm to a child's wellbeing. OPG has consistently advocated against the use of isolation, which has been observed by community visitors to lead to escalating behaviours of concern by the child, and in turn, an increased use of force by police, and a subsequent decline in the child's mental wellbeing. I also share your concerns regarding the potential for children to experience extended periods of isolation in police watch houses, and community visitors will continue to monitor this issue at these locations.

Once again, I thank you for providing the confidential inspection report. My office will continue to work closely with you to provide relevant information that supports your ongoing inspections of police watch houses so that children's rights and interests are upheld.

Should you require further information regarding this matter, please contact [REDACTED], Deputy Public Guardian, OPG, at [REDACTED] [@publicguardian.qld.gov.au](mailto:[REDACTED]@publicguardian.qld.gov.au) or (07) 3738 9439.

Yours sincerely



Shayna Smith
Public Guardian

Appendix E: Office of the Health Ombudsman submission



Your ref: 2023-00146(P1)

8 August 2024

Mr Anthony Reilly
Inspector of Detention Services
GPO Box 3314
BRISBANE QLD 4001

By email : executive@ombudsman.qld.gov.au
Cc: inspector@ombudsman.qld.gov.au

Dear Mr Reilly

Inspection of Cairns and Murgon Watch-houses

Thank you for your correspondence of 19 July within which you advise that inspections of the Cairns and Murgon watch-houses are now complete - including the enclosure of the draft report for our consideration.

Thank you for your invitation to provide you with a submission in relation to the draft report. I note the gravity of the findings on the risks identified in relation to the health and wellbeing of children detained in Cairns and Murgon watch-houses, and strongly support the recommendations which address these risks and ensure timely access to health assessments and services.

I can provide the following feedback in relation to those recommendations that align to the functions of the Office of the Health Ombudsman (OHO) and would be happy to discuss this feedback:

Recommendation 1

The watch-house staff complete a risk and compatibility assessment before children are required to share a cell. [Recommendation supported.](#)

Recommendation 2

The Queensland Police Service examines ways to increase privacy in relation to the use of toilets for children sharing a cell. [Recommendation supported noting the particular risks to children who have experienced trauma.](#)

Recommendation 3

The Queensland Police Service ensures the design of new watch-houses ensures more privacy for children when using the toilet. [Recommendation supported as above.](#)

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Recommendation 4

The Queensland Police Service examines ways to increase privacy in relation to the use of showers for children at the Cairns watch-house. Recommendation supported noting the particular risks to children who have experienced trauma..

Recommendation 5

Where children are detained in watch-houses for longer periods of time:

- (a) they are not detained in watch-houses that cannot facilitate at least two hours of daily access to an outside exercise yard. Recommendation supported, noting the importance of access to natural light and external environments to health and well-being, as well as the opportunity for social engagement with others in a more open and natural space.
- (b) that such access is treated as a mandatory entitlement that cannot be removed, for example, for operational reasons or as punishment. Recommendation supported.

Recommendation 6

The Queensland Police Service reviews staffing of the Cairns and Murgon watch-houses to ensure a greater physical presence of its staff in the units used to detain children.

This should include a requirement that watch-house staff undertake regular, unobtrusive, physical supervision of children to ensure their safety. This should occur at least every 15 minutes when children are locked in their cells. The observations should be recorded, monitored and reviewed. Recommendation supported noting the importance of these observations to prevent potential harm or deterioration of children's health and wellbeing in these environments.

Recommendations 7 to 11- These are supported as outlined below:

Recommendation 7

The Queensland Police Service develops and delivers mandatory training for staff who undertake admissions and assessments of children, covering such topics as trauma-informed approaches to communicating with children with complex needs and engaging with Aboriginal and Torres Strait Islander children.

Recommendation 8

The Queensland Police Service consult with Queensland Health and/or other appropriate health experts, to develop and implement a standardised process to be applied to all children who are being detained in watch-houses for longer periods of time:

- that facilitates the examination of the child by a qualified health practitioner
- within a timeframe recommended by Queensland Health and/or the other health experts.

Recommendation 9

The Queensland Police Service, in consultation with the Department of Youth Justice, seeks expert advice and develops appropriate assessment tools to use in the watch-house to identify the needs and level of risk of children (including Aboriginal and/or Torres Strait Islander children).

Recommendation 10

The Queensland Police Service ensures admission discussions with children take place in a confidential and non-threatening environment.

Recommendation 11

The Queensland Police Service and the Department of Youth Justice ensures that children identified as being at risk of self-harm and/or suicide are:

- transferred to a youth detention centre, or other appropriate facility immediately, and
- referred to mental health staff immediately while awaiting their transfer.

Feedback on Recommendations 7 to 11

- Given the often complex needs of children admitted to watch houses, it is imperative that admission and assessment processes are managed in a way that minimises stress as much as possible, occur in privacy and in a culturally safe way, and take into account the child's age, developmental level and cognitive ability.
- Children are likely to be hyperalert or experiencing fight-or-flight mode, and therefore anything to minimise and de-escalate a stressful process is strongly supported.
- The OHO supports mandatory specialised training for watch-house officers and police officers working in watchhouses to ensure risk identification and risk management strategies can be implemented as early as possible to reduce any potential self-harm/ongoing trauma the children may experience. Such training should also address understanding and effective communication with children with traumatic histories, mental health/substance use issues, cognitive impairments and children with complex needs; and culturally safe engagement with Aboriginal and Torres Strait Islander children.
- The OHO strongly supports that nursing staff/paramedical staff are employed 24 hours a day 7 day a week at all Queensland watchhouses as identified by the Deputy State Coroner's June 2024 report. If this is impractical in smaller watchhouses, it is recommended that within 90 minutes a child's admission to a watchhouse that they are seen by a suitably qualified registered health practitioner (medical officer/registered nurse/paramedical staff) to ensure an adequate health assessment can be undertaken including general health, mental health, suicide and self-harm assessment, and that appropriate medical treatment/intervention including psychological and medicinal based intervention can be implemented continued, and any referrals to specialist/support services can be initiated.
- It is strongly recommended that children identified as being at high risk of self/harm and/or suicide, and who may be withdrawing from substance use, that they are transferred immediately to a facility that can provide appropriate intervention and responses to the children's needs, and appropriately manage the risks.

Recommendation 12

The Department of Youth Justice and the Queensland Police Service ensure that children detained in isolation (by virtue of being the only child in the watch-house or because they need to be removed from other children) are transferred from the watch-house to a youth detention centre and not be held in a watch-house for longer periods of time. Recommendation supported.

Feedback on Recommendation 12

- It is endorsed that no children should ever be housed with adults admitted to watchhouses.
- If 24/7 nursing staff/paramedical staff are employed 24 hours a day 7 days a week, this would address health assessments required of children who are isolated with reference to section 16.12.1 of the QPS OPM, namely:
 - the child is violent
 - has a history of sexual abuse
 - is at risk of harassment, abuse of assault from another person
 - has suicidal/self-harm tendencies

Such health assessments would identify the urgency of any necessary transfer to an appropriate facility to provide intervention and responses to the children's needs, particularly where a child is assessed at risk of self-harm or suicide.

Recommendations 13 to 15 - These are supported as outlined below:

Recommendation 13

The Department of Youth Justice and the Queensland Police Service ensure that children with known complex mental health and/or cognitive issues are transferred to a youth detention centre or a more appropriate facility and not held for longer periods of time.

Recommendation 14

The Queensland Police Service, in consultation with the Department of Youth Justice, seeks expert advice and develops:

- a behaviour management policy/strategy that provides guidance to watch-house staff in relation to behaviour management strategies, including identifying which entitlements are mandatory and cannot be withheld
- training in the trauma-informed and culturally appropriate management of children in custody that is mandatory for all watch-house staff.

Recommendation 15

The Queensland Police Service ensures that each watch-house that detains children partners with an agency that provides individual, trauma-informed and culturally appropriate advice and input on managing the complex needs and behaviours of children in watch-houses.

Feedback on Recommendations 13 to 15

- It is suggested that Recommendation 13 includes a timeframe i.e. that children with known complex mental health and/or cognitive issues are transferred to a youth detention centre or a more appropriate facility as soon as possible but no later than 24 hours after admission to a watchhouse. For such children there would be clear risks and harms associated with prolonged detention in watchhouses, particularly noting the report's findings on the length of time children are locked in their cells.

Recommendation 16

Where children are detained in watch-houses for longer periods of time, the Queensland Police Service ensures contact between a child in a watch-house and their family is given a high priority.

- Recommendation supported. It is unclear why contact between a child and their family has to be in a 'non-contact' interview room if facilities can accommodate contact and appropriate security screening parameters implemented.

Recommendation 17

The Department of Youth Justice and the Queensland Police Service facilitate access by appropriate Aboriginal and Torres Strait Islander organisations, and Aboriginal and Torres Strait Islander Police Liaison Officers, to children in a watch-house. [Recommendation supported.](#)

Recommendation 18

The Department of Youth Justice and the Queensland Police Service work together to develop structured visiting times for Youth Justice officers at the Murgon watch-house and improved communication and coordination around their visits. [Recommendation supported.](#)

Recommendation 19

The Department of Youth Justice and the Queensland Police Service identify services available to children in the Murgon watch-house (for example, Cherbourg Regional Aboriginal and Islander Community Controlled Health Service, and Mercy Services), and ensure:

- the regular involvement of community organisations is facilitated
- children have access to culturally appropriate mental health care and welfare visits
- protocols and agreements are in place to support this. [Recommendation supported.](#)

Recommendation 20

The Queensland Police Service ensures Murgon watch-house staff promptly send advice of the arrest of a child to the Department of Youth Justice. [Recommendation supported.](#)

Recommendation 21

The Queensland Police Service and the Department of Youth Justice conduct a joint review of services to children in watch-houses across the state that identifies gaps and develops strategies to address them. [Recommendation supported.](#)

Recommendation 22

The Queensland Police Service reviews the levels of centralised coordination of children in watchhouses to improve accountability and consistency of practices and services across the state. [Recommendation supported.](#)

Recommendation 23

The Queensland Police Service reviews its complaints-handling policies and procedures to ensure it has an effective, transparent and confidential process in place for children held in a watch-house. The complaints system should be user-friendly for children with low levels of literacy, those with disabilities and those for whom English is an additional language or dialect. [Recommendation supported](#)

Feedback on Recommendation 23:

- It is noted the report says that the inspectors didn't see any information about complaint bodies. The OHO recommends that a list should be available to all children housed in watchhouses (and the children's families / guardians) of relevant external complaint

agencies, including the OHO so that young people could contact the OHO about any concerns about access to health services, including mental health services and drug and alcohol / substance abuse treatment

- Further to the above, the most ideal solution to access issues would be to work with QCS to implement the Aruntu phone system (if not already in place) so that young people could contact the OHO directly on the dedicated prisoner phone line to make an enquiry or a complaint.

Recommendation 24

- Children should be detained in a watch house for the minimum time possible and transferred to a more suitable facility as soon as possible. Recommendation supported. It is suggested that this recommendation includes a maximum timeframe i.e. children detained in a watchhouse should be transferred to a youth detention centre or a more appropriate facility as soon as possible, including specified timeframes for children assessed as being at risk or in need of health treatment.

Thank you for the opportunity to provide feedback on the draft report.

It would be helpful to understand how the impact of the recommendations on the treatment of children in watch houses will be monitored and measured. It is noted some of the recommendations appear broad with no suggested timeframes in which the recommended action should be achieved.

The OHO also notes the recent comments by the National Children's Commissioner Anne Hollands, and that her findings on children detained in watch-houses will form part of the Human Rights Commission report being tabled in Federal Parliament in August 2024 on how to improve safety and wellbeing in children being held in youth justice. It is noted that her comments refer to the need for timely health and wellbeing assessments for all children and young people entering custodial settings, and issues of children detoxing in watch houses without access to health services. As health assessments and access to health services directly relate to the OHO's jurisdiction, it would be helpful to understand how the recommendations from your report on the Inspection of Cairns and Murgon Watch-houses might work together with the anticipated recommendations from Commissioner Collins report to address these areas of concern.

Should you wish to discuss please do not hesitate to contact me or [REDACTED], Executive Director, Assessment and Resolution, on 3158 1080 or at [REDACTED]@oho.qld.gov.au

Yours sincerely



Dr Lynne Coulson Barr OAM
Health Ombudsman

Appendix F: Queensland Health submission



Enquiries to: [REDACTED]
Executive Director
System Policy Branch
Telephone: 3708 5574
Our ref: C-ECTF-24/11319
Your ref: 2024-00146(P1)

Queensland Health

Mr Anthony Reilly
Queensland Ombudsman and
Inspector of Detention Services
GPO Box 3314
BRISBANE QLD 4001

Email: Inspector@ombudsman.qld.gov.au

Dear Mr Reilly

Thank you for your letter dated 10 July 2024, regarding the draft Cairns and Murgon Watch-houses Inspection Report, prepared under the *Inspector of Detention Services Act 2022*. I very much appreciate you taking the time or share with me a copy of this draft report and the opportunity to provide a formal response.

Queensland Health supports this review being undertaken by the Inspector of Detention Services and values the input Darling Downs Hospital and Health Service and Cairns and Hinterland Hospital and Health Service had in its development. Queensland Health acknowledges the importance of providing co-ordinated and effective health and mental health responses to young people who are detained in watchhouses across Queensland, and understands isolation and prolonged detention in watchhouses can have a negative impact on young people's mental health and wellbeing.

I note the report makes twenty-four recommendations primarily directed at the Queensland Police Service and the Department of Youth Justice in their capacity leading the Government response to youth crime. Queensland Health looks forward to working collaboratively with these agencies as a key stakeholder to consider the recommendations, particularly where they intersect with the health portfolio and relate to the provision of general health and mental health services to this vulnerable cohort.

Please also note the Department of Health, through Clinical Excellence Queensland, is progressing a statewide review into the current models of healthcare in Queensland Police Services watchhouses, in conjunction with the Queensland Police Service. While not specific to the experiences of children and youth in watchhouse custody, this review aims to understand current healthcare workforce models of care in watchhouses, to see what is working well, where there may be opportunities for improvement, the escalation pathways in place when a detainee requires healthcare, and the optimal clinical governance framework to support the delivery of healthcare services to watchhouses.

Findings and recommendations from the review will be presented to the Queensland Police Commissioner in due course to determine next steps.

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ABN 66 329 169 412

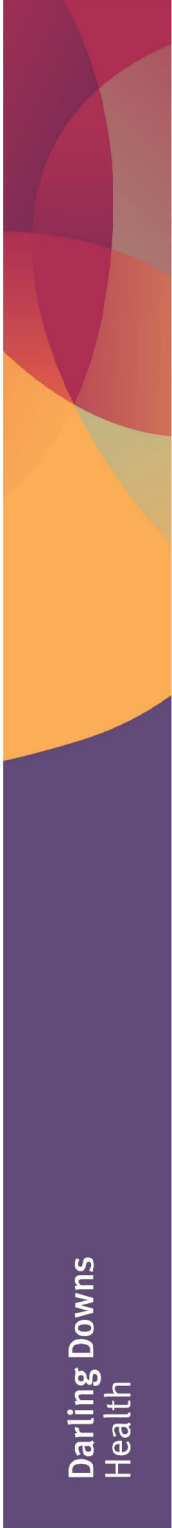

Should you require further information, the Department of Health's contact is [REDACTED], Executive Director, System Policy Branch, on telephone 3708 5574.

Yours sincerely



Michael Walsh
Director-General
09/08/2024

Appendix G: Darling Downs Hospital and Health Service submission

 <p>Darling Downs Health</p>		
<p>Feedback - Inspector of Detention Services - Cairn watch-house and Murgon watch-house draft report</p>		
<p>Received from Aboriginal and Torres Strait Islander Health Services, DDHHS.</p>	<p>Section s4 Recommendation 8 on page 39.</p>	<p>Feedback Concur with feedback provided by Executive Director Mental Health, Alcohol and Other Drugs, DDHHS.</p> <p>It is recommended for Aboriginal and Torres Strait Islander Youth that:</p> <ul style="list-style-type: none"> • admission assessment is conducted by an Aboriginal and or Torres Strait Islander watch house prison, or • admission assessment is undertaken in conjunction with an Aboriginal and Torres Strait Islander Prison Health Service Health Worker, or Social Emotional Wellbeing Clinician from local Aboriginal or Torres Strait Islander Community Controlled Health Service <p>Where the above can't be implemented it is recommended that</p> <ul style="list-style-type: none"> • minimum observation periods are utilised until the admission assessment, including risk determinations and monitoring times can be discussed and agreed up with an Aboriginal and Torres Strait Islander Social Emotional Wellbeing Clinician from local Aboriginal or Torres Strait Islander Community Controlled Health Service <p>When specialist mental health assessments are undertaken by local DDHHS mental health service staff it is recommended that</p> <ul style="list-style-type: none"> • assessment is undertaken in conjunction with (or includes a separate) Aboriginal and Torres Strait Islander Health Worker or Aboriginal and Torres Strait Islander Health Worker and incorporates a social and emotional wellbeing assessment. The Social and Emotional Wellbeing Framework was identified as priority in the National Aboriginal and Torres Strait Islander Suicide Prevention Strategy in 2013, and the subsequent National Strategic Framework for Aboriginal and Torres Strait Islander Peoples Mental Health and Social and Emotional Wellbeing 2017-2023 (currently under review). <p>This aligns with Recommendation 15.</p>
		 <p>Queensland Government</p>

S4 Recommendation 9	Agree in principle with recommendation 9, noting that consultation of appropriateness of tools, also needs to be undertaken with the local communities in which they are to be utilised to confirm cultural appropriateness within the local context. Given limited size of specialised Aboriginal and Torres Strait Islander Workforce, tools developed need to include a screening tool that can be utilised by non-indigenous staff to flag whether a more comprehensive assessment is required be undertaken by a specialised professional.
S4 Recommendation 10	Recommend extending recommendation 10 to include culturally safe environment in the environment descriptor and with appropriate cultural supports as required.
S6	Recommend adding an additional recommendation to Section 6. Wherever there is an Aboriginal and Torres Strait Islander Youth experiencing isolation whilst at the watch house for any reason, they are to be provided with daily cultural support from appropriate local organisations, for example local Aboriginal Community Controlled Health Service, and daily contact with family members, face to face contact where possible, telephone contact when face to face contact is not feasible. Recommend that this cultural support is a mandatory entitlement for the duration of their time in the watchhouse.
S7 Recommendation 14	Recommended extending Recommendation 14 to include all staff within the watchhouse be provided with supervision and support to ensure training on culturally informed, trauma integrated understandings of behaviour and behaviour management become embed into practice during development, implementation, monitoring and review of behaviour management strategies.
S9 Recommendation 16	The term family needs to be clearly defined to include family as determined by the youth and could include kinship or community members with a familial style relationship to the youth and is not bound by Western understandings of "immediate family"
S10 Recommendation 17	Support recommendation 17, noting that there needs to be a consistent approach to facilitating access. Recommend that consideration be given to the access to these services within the watch house as a mandatory entitlement for children. Access to Aboriginal and Torres Strait Islander Health Workers/ Health Practitioners/ Liaison Officers within local Hospital and Health Services may also be a consideration, however, would be dependent upon local area resources and capacity. This recommendation also aligns with recommendation 19.
S10 Recommendation 19	Recommend that the Department of Youth Justice and Queensland Police Service work with the local Traditional Owners, Lands Council, Aboriginal and Torres Strait Islander Medical Service and HHS Aboriginal and Torres Strait Islander Health Service to identify the appropriate services within the area local. Recommend partnership agreements and work instructions are developed, to simplify the process for watch house staff to follow, to ensure services are notified in a timely manner when a child is in the watch

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	S10 Recommendation 22	<p>house and that access is facilitated on a regular basis throughout the child's duration in the watch house and that support from these services is a mandatory entitlement for the duration of stay in the watchhouse. Support recommendation 22, with an understanding that it would also extend to providing Aboriginal and Torres Strait Islander Police Liaison Support through consultation via telephone to watchhouse staff and youth to improve cultural support, assessment, and behaviour management.</p> <p>Whilst the recommendation is supported, in principle, there are likely resource implications in terms of providing timely health responses into Watch Houses.</p> <p>Court Liaison Services (an element of Prison Mental Health Services – hosted by WMHHS) are generally available dayshift Monday to Friday to provide specialist mental health assessments in the Toowoomba Watchhouse.</p> <p>In rural areas local DDHHS mental health service staff work Monday to Friday day shifts; noting the preferred approach would be for a youth to be assessed in a health, rather custodial setting.</p> <ul style="list-style-type: none"> • DDHHS MHAODS has a work instruction for MHAODS — Rural Watch House assessments (Document ID WI-0155), noting this is for individuals requiring specialist mental health service assessment, and for whatever reason cannot be transported to a local hospital for assessment (e.g. Security or QPS staffing limitations at a particular time). <p>Outside of Dayshift Monday through Friday assessment, local assessment would be via transport to the local public hospital emergency department for:</p> <ul style="list-style-type: none"> • a face-to-face review in Toowoomba, or • via telehealth consultation with the regional Mental Health Acute Care Team in the case of a rural location. <p>In-house Watchhouse assessments are not common, and to some extent this recommendations' effectiveness would be reliant on availability of local mental health resources, and the thoroughness of individual officer assessments determining need, which in turn can be seen to have a relationship to the effectiveness of implementation of the preceding recommendations 8 & 14, including implementation of Recommendation 8 for education "...covering such topics as trauma-informed approaches to communicating with children with complex needs and engaging with Aboriginal and Torres Strait Islander children".</p>
<p>Executive Director Mental Health, Alcohol and Other Drugs, DDHHS.</p>	s4 Recommendation 8 on page 39.	

		<p>Mental health assessment would ideally be better placed to occur within a health service setting, with the potential to provided private interview away from QPS/Custodial staff (i.e. Subject to security considerations)</p>
<p>s4 Recommendation 11 on page 43</p>	<p>The recommendation for transfer to an "...appropriate facility immediately..." in the context of a rural watch house should include consideration of transport to a local health service facility wherein it refers to "...referred to mental health staff immediately while awaiting their transfer" (not all rural communities have local mental health staff).</p> <p>N.B. It should be noted that transfer to a mental health facility for a young person in custody would require enactment of Classified Patient provisions and processes under the Mental Health Act 2016 (Qld) [MHA 2016], as described in the Chief Psychiatrists Policy: Classified Patients (N.B. This policy is under extensive review at a Statewide level to better meet the needs).</p> <ul style="list-style-type: none"> The ability to transfer to a regional Acute Mental Health Unit, may be limited by the nature of charges, and the individuals risk, particularly to others and requires both Custodian, that is the person in charge of the Watchhouse, and Administrator Consent, that being the Administrator of the local Authorised Mental Health Service <ul style="list-style-type: none"> (See Section 69 of the MHA 2016, in particular s69(3)(b)(iii) having regard to the "the security requirements for the person". 	<p>See response to recommendation 4 above, noting that it is likely that additional resources would be required to provide "Children have access to culturally appropriate mental health care and welfare visits" noting a low threshold for community-controlled services to refer to specialist mental health services.</p> <p>The recognised resource limitations within rural communities both in terms of Rural Watchhouse facilities and access to specialist mental health services outside of Monday through Friday it could in part be addressed by consideration of early transfer to Toowoomba Watchhouse, where an extended admission is expected.</p> <p>This would likely require bolstering of health resources in the Toowoomba Facility to provide for 24 hour coverage, which could be a step towards improved health access noting the regional centre may be more attractive from a workforce recruiting perspective. However, this would potentially limit family access.</p>
<p>S10 Recommendation 19 on page 60.</p>	<p>General comments</p>	



QUEENSLAND
OMBUDSMAN

Inspector of
Detention Services

