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Inspections and Complaints Mechanisms

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United Nations Rules for the Protection of Juveniles Deprived of their Liberty

Rule 14

The protection of the individual rights of juveniles with special regard to the legality of the execution of the detention measures shall be ensured by the competent authority, while the objectives of social integration should be secured by regular inspections and other means of control carried out, according to international standards, national laws and regulations, by a duly constituted body authorised to visit the juveniles and not belonging to the detention facility.

Rule 72

Qualified inspectors or an equivalent duly constituted authority not belonging to the administration of the facility should be empowered to conduct inspections on a regular basis and to undertake unannounced inspections on their own initiative, and should enjoy full guarantees of independence in the exercise of this function. Inspectors should have unrestricted access to all persons employed by or working in any facility where juveniles are or may be deprived of their liberty, to all juveniles and to all records of such facilities.

Rule 73

Qualified medical officers attached to the inspecting authority or the public health services should participate in the inspections, evaluating compliance with the rules concerning the physical environment, hygiene, accommodation, food, exercise and medical services, as well as any other aspect or conditions of institutional life that affect the physical and mental health of juveniles. Every juvenile should have the right to talk in confidence to any inspecting officer.

Rule 74

After completing the inspection, the inspector should be required to submit a report on the findings. The report should include an evaluation of the compliance of the detention facilities with the present rules and relevant provisions of national law, and recommendations regarding any steps considered necessary to ensure compliance with them. Any facts discovered by an inspector that appear to indicate that a violation of legal provisions concerning the rights of juveniles or the operation of a juvenile detention facility has occurred should be communicated to the competent authorities for investigation and prosecution.

Rule 75

Every juvenile should have the opportunity of making requests or complaints to the director of the detention facility and to his or her authorised representative.

Rule 76

Every juvenile should have the right to make a request or complaint, without censorship as to substance, to the central administration, the judicial authority or other proper authorities through approved channels, and to be informed of the response without delay.

Rule 77

Efforts should be made to establish an independent office (ombudsman) to receive and investigate complaints made by juveniles deprived of their liberty and to assist in the achievement of equitable settlements.

Rule 78

Every juveniles should have the right to request assistance from family members, legal counsellors, humanitarian groups or other where possible, in order to make a complaint. Illiterate juveniles should be provided with assistance should they need to use the services of public or private agencies and organisations which provide legal counsel or which are competent to receive complaints.

Children (Detention Centres) Act 1987

s.7(1) *Each detention centre shall be inspected at least once every 3 months by an officer appointed by the Director-General for the purposes of this section.*

s. 7(2) *As soon as practicable after having inspected a detention centre, the officer shall furnish a report to the Director-General on the results of the inspection.*

s.7(3) *A report shall deal with such matters as may be prescribed by the regulations¹ and with such other matters as the officer considers appropriate to include in the report.*

s.8 *Any Judge of the Supreme Court of District court, any Magistrate and any member of the Children's Court may inspect any detention centre at any time.*

s.8A(1) *The Minister may appoint a person to be an official visitor for a detention centre.*

s.8A(2) *A person is eligible for appointment if, in the opinion of the Minister, the person is expert in some branch of juvenile justice and demonstrates concern for persons within the juvenile justice system. However, an officer [of the Department] is not eligible for appointment.*

s.8A(3) *An Official Visitor holds office for such period not exceeding 2 years as is specified in the instrument of appointment and is, if otherwise qualified, eligible for re-appointment.*

s.8A(4) *An Official Visitor may, as regards a detention centre for which the Official Visitors is appointed:*

¹ Clause 53 of the *Children (Detention Centres) Regulation 1995* sets out the following as prescribed matters which must be dealt with in such a report:

- (a) the physical, psychological and emotional well-being of detainees;
- (b) the social, cultural and educational development of detainees;
- (c) the general control and management of detention centres;
- (d) the morale, conduct and functions of persons employed in the detention centre;
- (e) the condition of the premises (including the grounds, buildings, furniture, equipment and amenities) of the detention centre;
- (f) the relationship between the detention centre and the neighbouring community;
- (g) the existence of any contraventions of the Act or this Regulation;
- (h) the adequacy of programs of training for detainees;
- (i) the maintenance of order among detainees;
- (j) the security of the detention centre;
- (k) the nature, quality and extent of any arrangements that exist for staff training and development;
- (l) any significant problems arising from the matters referred to in the paragraphs (a)-(k);
- (m) any matters that are deserving of commendation;
- (n) any recommendations for the improvement of the detention centre;
- (o) such other matters as the Director-General may require to be dealt with in the report.

- (a) enter and inspect the detention centre at any reasonable time;
- (b) confer privately with any person who is resident, employed or detained in the detention centre;
- (c) furnish to the Minister advice or reports on any matters relating to the conduct of the detention centre;
- (d) exercise such other functions as may be prescribed by the regulations.

s.8A(5) A copy of any advice or report furnished to the Minister under subsection (4)(c) is to be forwarded to the Minister for School Education if the advice or report relates to any part of an educational establishment that is under the control or direction of the Minister for School Education.

Note: Although the Act does have a section concerning complaints, it relates only to dealing with complaints about detainees' conduct, ie. misbehaviour by detainees, (s.20). No provision is made for the right of detainees to complain, or make requests. s.28D provides the only right of appeal or application for variation or revocation by a detainee of a court order committing that detainee to an adult gaol under s.28B. Otherwise the Act conveys no rights to detainees at all.

Children (Detention Centres) Regulation 1995

s.5(2) As soon as practicable after a detainee has been admitted into a detention centre, the superintendent must ensure that the detainee is informed of the following:

- ... (c) the detainee's rights as to legal representation and as to appeal;
- (d) the procedures for seeking information and making complaints; ...
- (f) any other matter about which it is necessary for the detainee to be informed so as to enable the detainee to understand the detainee's rights and obligations and to adapt to living in the centre ...

s.5(3) If practicable, a detainee must be informed of the matters referred to in subclause (2) by being given a document in which information relating to each of those matters is written ...

[Clause 19 permits a detainee to be visited by his barrister or solicitor during normal visiting hours, and outside those hours when approved by the superintendent.

Clause 19 also lists the classes of persons who are "prescribed persons" for the purposes of s.21(3) of the Act, (which prevents a punishment being imposed so as to interfere with a visit by "prescribed persons"). The list includes: a solicitor's clerk, a doctor, an Official Visitor, a field officer of the Aboriginal Legal Service, or similar approved organisation, a person conducting an inspection of the centre.

Clause 28 provides that any letters between detainees and certain listed organisations, including the Ombudsman, the Privacy Committee, an MP, barrister or solicitor, must be sent on immediately, unopened, uninspected and unread. A superintendent may however require a detainee to open a sealed envelope from an MP, barrister or solicitor in the presence of the superintendent, in certain circumstances, (cl.27 (4)) ...

s.30(1) *An officer who receives a request from a detainee (whether orally or in writing) for permission to speak to the superintendent must, as soon as practicable, convey the request to the superintendent.*

s.30(2) *The superintendent must give a detainee from whom the superintendent receives such a request an opportunity to speak to the superintendent on the day on which the request is conveyed or made to the superintendent or as soon as practicable after that day.*

s.30(3) *When giving a detainee an opportunity to speak, the superintendent must consider what the detainee has to say and must inform the detainee of any action that the superintendent has taken or proposes to take or (if no such action is taken or proposed) of the fact that the superintendent does not propose to take any action.*

s.31(1) *A complaint from a detainee concerning the detainee's treatment in the detention centre or the administration or management of the centre must be placed in an envelope (which may be sealed), addressed to the Director-General and delivered to an officer.*

s.31(2) *If a detainee delivers to an officer an envelope addressed to the Director-General:*

- (a) *the officer must send the envelope immediately to the Director-General; and*
- (b) *the envelope must not be opened, nor are its contents to be inspected or read, by anyone other than the Director-General or some person authorised by the Director-General.*

s.31(3) *The Director-General need not deal with a complaint concerning a matter that the Director-General considers is appropriate for the superintendent to deal with unless the detainee has previously made a request under clause 30 for permission to speak to the superintendent about the matter ...*

Inspections and Complaints Mechanisms

22.1 NSW Juvenile Justice Centres are among the most closed institutions in the state, along with prisons, psychiatric facilities and large scale residential services for people who are ageing, and people with disabilities. Institutional abuse and neglect within some of these facilities have received much publicity in recent years.² So too, the NSW Child Protection Council's Report on Systems Abuse³ highlighted numerous ways in which large organisations designed to protect and care for children, can be abusive of children and their rights. The Report stressed the need for monitoring and review mechanisms, particularly in 'closed' institutions. It noted:

*... it is the welfare and juvenile justice systems which perhaps have the greatest need for review and monitoring, which most conspicuously lack them ... Other review mechanisms such as accreditation, professional regulation and registration requirements are absent from the welfare and juvenile justice systems.*⁴

22.2 Complaints and inspections mechanisms are essential for the quality management of juvenile detention centres and to ensure the maintenance of the rights and interests of detainees.

UN Rules

22.3 The UN Rules provide that detention centres for juveniles should be regularly inspected and reports submitted on how well the detention facilities comply with UN Rules, and national and international law, (Rules 72, 73 & 74). The Rules also specify that detainees should have the right to make requests and/or complaints of the centre manager and the department's central administration, (Rules 75 & 76). An independent office should be established that can investigate detainees' complaints and help in their satisfactory resolution, (Rule 77). Detainees can seek assistance from others to make a complaint, (Rule 78).

22.4 The Inquiry found that inspection and complaints mechanisms exist within the Department, which accord with the United Nations Rules. Closer examination however reveals that they have been given little priority by the Department. Many rely on informal and often discretionary reporting and complaints management. Recording systems have been inadequate and do not allow any systemic monitoring and review.

22.5 Many detainees are unlikely to complain because of lack of knowledge, assertiveness, or faith in the system and/or fear of reprisal. The Department must ensure all staff

² Community Services Commission, *The Lacblan Report: Exclusionary Time-Out or Solitary Confinement?* September 1995 and the related document *Behaviour Management or Abuse?* September 1995; media reports of substandard nursing homes, including Adele Horin's series of articles in the Sydney Morning Herald in ***

³ NSW Child Protection Council, *Systems Abuse: Problems and Solutions*, February 1994.

⁴ Ibid, p. 142. See also pp. 63, 140-142 Also Youth Justice Coalition, *Kids in Justice: A Blueprint for the 1990s*, which also discussed this issue at p. 119.

acknowledge the right of detainees to complain, and for their complaints to be examined properly and impartially. Inspection mechanisms also need to be reviewed, with clearer procedures and policies. Until such measures are put in place, the Department can not state that its review and monitoring systems are adequate to ensure the ongoing compliance of detention centres with state, national and international standards relating to the care and treatment of juvenile detainees. Recent initiatives by the Department are promising, but there is much to be done to ensure they are effective.

Inspections

22.6 The UN Rules maintain that inspections should be done by qualified inspectors or a duly constituted authority:

- Not belonging to the administration of the facility;
- With power to make inspections on a regular basis, including unannounced inspections;
- With full guarantees of independence in the exercise of their function;
- With unrestricted access to staff, juveniles and records;
- With participation by qualified medical officers or public health services who can evaluate physical environment, hygiene, food, medical services, exercise and other aspects effecting the physical and mental health of detainees
- Who are required to submit a report on the findings;
- Who will refer any violations of laws or rights for investigation/prosecution.⁵

22.7 Visits by officers of the Ombudsman and the Official Visitors are the only regular inspections of the centres by agencies independent of the Department of Juvenile Justice.

Official Visitors⁶

22.8 Appointed by the Minister under s.8A of the Act, Official Visitors are able to enter and inspect centres at any reasonable time, speak privately with residents and staff and report to the Minister on any matters relating to the conduct of the centre. They therefore have the dual, related tasks of inspection and complaints taking, with each task providing valuable information for the other. (The complaints system is discussed later in this chapter.) A similar scheme operates in NSW's adult gaol system and in other Australian jurisdictions.⁷

⁵ *UN Rules for the Protection of Juveniles Deprived of their Liberty*, Rules 72, 73 and 74.

⁶ The NSW Juvenile Justice Advisory Council produced a report entitled *Review of the Department of Juvenile Justice's Complaint Handling System for Detainees In Juvenile Justice Centres*, March 1996(JJAC Review). A large part of the Report discusses the Official Visitors' Scheme and makes numerous recommendations for its improvement. As suggested by the title, the review largely focussed on the complaints handling function of the Official Visitors, with little consideration of their role as inspectors or monitors. The Department of Juvenile Justice has agreed to implement almost all of the Report's recommendations.

⁷ As in Queensland's juvenile detention centres. The NSW Community Services Commission administers a similar scheme in relation to services for children, and disability services.

22.9 In many ways, Official Visitors would seem to fulfil the UN Rules requirements for qualified inspectors, independent of the centre's administration, with unrestricted access to records and people. In the past, there have been difficulties with the scheme, including significant gaps in the time between visits, no submission of monthly or even biannual reports, and no feedback to the Official Visitors regarding their work.⁸ Very recent initiatives by the Department⁹, including the development of an Official Visitor's Manual which clearly defines the expected role, powers and reporting obligations of the Visitors, and the provision now made for some relief assistance, should reduce such omissions.

22.10 There appears to be some confusion about the inspection function of the Official Visitors. Their complaints handling function appears to have dominated their activities. This is supported by the following description of the way in which past Official Visitors performed their role:

Some Official Visitors were provided by the Administration with a list of detainees who would request to speak with the Official Visitors. These detainees would be spoken to in an office provided by the Administration. Other Official Visitors moved within the Centre and generally spoke to detainees, other [sic] performed a combination of both approaches. The aspect of privacy for discussion ... is supported, however it is considered necessary for the Official Visitors to combine the private discussions with circulation in the Centre to speak generally with the detainees and staff.¹⁰

22.11 A proper inspection of the centre would necessitate some movement around the centres and informal discussion with staff and detainees. It is noted that three of the five roles specified for Official Visitors in the new Official Visitors Scheme Manual include reference to inspection functions¹¹ however much of the detailed discussion focuses on complaints related matters. It is hoped that the Manual and other supportive mechanisms introduced will assist Official Visitors fulfil this part of their function. This should be closely watched by the Senior Official Visitor and the Minister's office.

22.12 Official Visitors are expected to visit centres at least every two weeks. It would clearly be unrealistic and unnecessary for them to conduct formal inspections of the whole centre's operations on each visit. It would however be reasonable to expect them to review different aspects of the centre during each visit, or month. Indeed it would seem some plan, or list of significant aspects of the centre and its routines should be maintained by Official Visitors to ensure they are systematically reviewed over the course of months. The recently updated Official Visitors' Scheme Manual provides no guidance in this area. This should be remedied.

22.13 As Official Visitors report directly to the Minister, they are considered independent of the Department. They are not however guaranteed complete independence in their actions as they are answerable to the Minister who is ultimately responsible for the Department and the centres, and for the continued appointment of each Official Visitor. One past Official Visitor was unsure whether discussing matters with staff of the Ombudsman was "allowed", as Official Visitors were appointed by and responsible to the

⁸ As detailed in JJAC Review, op cit, pp. 8-9. It was found that one centre had not been visited by an Official Visitor for 12 months.

⁹ Largely in response to recommendations contained in the JJAC's report, cited above.

¹⁰ JJAC Review, op cit, p. 11.

¹¹ May 1996, p. 9.

Minister.¹² Whether intended or not, this situation has the potential to restrict the way in which certain matters may be reported or pursued by individual Official Visitors.

22.14 Possible alternatives that could be considered include:

- A requirement for copies of all Official Visitors' reports to be provided to the Ombudsman or similar independent body. This may however have a similar effect, in causing Official Visitors to be more cautious in expressing concerns which may end up "outside" the traditional hierarchy.
- The scheme be coordinated by and responsible to the Ombudsman rather than the Minister, similar to the Community Visitors scheme operated by the Community Services Commission. While this has some merit, it is felt that the "direct line" to the Minister currently enjoyed by the Official Visitors has been helpful for the speedy resolution of some matters.

22.15 The Inquiry believes there are insufficient grounds to recommend such a significant change to the current Official Visitor Scheme. It has already been subject to a number of changes and improvements, many of which were recommended by the Juvenile Justice Advisory Council's report on complaints mechanisms. These changes should be given time to be fully implemented, and their impact assessed, before any proposals of this nature should be considered.

22.16 Official Visitors are appointed to a specific detention centre. This allows the individual to get to know the centre's routines, personnel and detainees quite well. While this may be advantageous for the resolution of local difficulties and complaints, long term familiarity with a centre may cause an Official Visitor to become more tolerant of short falls in standards, and cause the person to identify with the centre's administration. Indeed, the Inquiry was told that a number of past Official Visitors had become overly involved with industrial issues effecting staff rather than focussing on the detainees.¹³ This over-identification may be avoided by the rotation of Official Visitors between centres, (though this may be difficult Riverina, and Worimi); or regular contact with other Official Visitors to reinforce their role as separate from the centres.

22.17 The required qualifications for Official Visitors are set out in the Act at s.8A(2).

A person is eligible for appointment, if in the opinion of the Minister, the person is expert in some branch of juvenile justice and demonstrates concern for persons within the juvenile system. However an officer is not eligible for appointment.

22.18 A number of Official Visitors have come from teaching and welfare backgrounds, which would satisfy these requirements. Few however would be qualified to evaluate food, hygiene and related matters as set out in the UN Rule 73.

¹² Discussion between a past Official Visitor and Ombudsman's officer during an inspection by the Ombudsman's staff in 1995.

¹³ Director, Operations, and Acting Centre Manager.

Ombudsman

22.19 The Ombudsman provides the most independent inspection mechanism for NSW Juvenile Justice Centres. Although having no legislative right or duty of inspection, the Ombudsman has attempted to ensure regular visits are made to detention centres and to the adult gaols in recognition of prisoners' and detainees' limited access to external assistance. Officers of the NSW Ombudsman rely upon the discretion of the centre managers to allow access to detention centres and records.¹⁴

22.20 Officers of the Ombudsman are well versed with NSW legislation and policy. Routine inspections include walking around the centres, noting buildings, clothing, programs, schooling, records of punishment, confinement, and visits and formal and informal interviews with detainees and staff. Brief written reports are made following each inspection which concentrate on particular issues which may have emerged. Such issues are followed up either by phone or letter to the centre manager, or the Director General, depending on the nature of the issue. The inspection reports are made for monitoring and analysis purposes but are not seen by anyone outside the Ombudsman's office. Significant issues that arise are raised either through correspondence with the Department or formal investigation in accordance with the Ombudsman Act 1974. Matters may also be included in the Ombudsman's Annual Report. Although individual complaints are also taken, the prime focus of each visit is to check the overall operation of the centre, and the general conditions experienced by detainees.

22.21 The Ombudsman seeks to visit each Juvenile Justice Centre at least twice each year. This has not always been possible, largely due to resource limitations. The JJAC's Green Paper specifically recommended:

*... that adequate central funding for the Ombudsman's Office [be provided] to enable regular visits by that office to Juvenile Justice Centres, and to facilitate the investigation, conciliation and follow up of complaints.*¹⁵

22.22 This recommendation was not accepted by the Government.¹⁶

¹⁴ The only exception to this is where a formal investigation under the *Ombudsman Act* has been commenced, in which case section 20 of that Act empowers the Ombudsman to enter and inspect premises, documents and things on the premises.

¹⁵ JJAC, *op cit*, Recommendation 248, p. 197. The NSW Legislative Council Standing Committee on Social Issues, *Report No 4*, recommended that a specialist position be created within the office for the coordination of children's complaints, including those in the Juvenile Justice system, and that adequate resources should be made available for this, Recommendation 134, p. 197.

¹⁶ The Ombudsman received money in the 1996-97 budget for the creation of a temporary position for a Youth Liaison Officer. The position is to concentrate on the development of an access, awareness and education strategy for young people and to develop a training program, communications strategies and procedures for staff dealing with complaints from and issues affecting young people. The position of itself does not significantly increase the resources available to the Ombudsman for centre inspections.

Judiciary and Magistrates

22.23 Section 8 of the Children (Detention Centres) Act 1987 provides that judges and magistrates and members of the Children's Court may inspect any detention centre at any time. It is understood that the Children's Court magistrates commonly inspect a small number of centres as part of their staff development. Such inspections are used more for informing magistrates of centre operations rather than as an evaluation of current practices.

Medical Officers and Other Specifically Qualified Inspectors

22.24 There are no regular inspections by any qualified inspectors concerning fire, food services, occupational health and safety or health services. Occasionally the department has requested particular inspections, such as an audit of buildings for fire safety, and the inspection of the nursing clinics by Pharmaceutical Services, but there are no regular, or unplanned inspections by any agency external to the Department. The Department clearly breaches the UN Rules in this respect.

Departmental Inspections

22.25 The department largely relies upon regular written reports of activities by centres to central office.¹⁷ Periodic reviews are also conducted by its own staff, who are experienced in the Juvenile Justice system. While these reports are no doubt of value, familiarity with the people, the system, its weaknesses and history may reduce their objectivity and perhaps lessen expectations of what centres can and should provide.

22.26 s.7 of the Children (Detention Centres) Act 1987 provides:

- 1 *Each detention centre shall be inspected at least once every 3 months by an officer appointed by the Director-General for the purposes of this section.*
- 2 *As soon as practicable after having inspected a detention centre, the officer shall furnish a report to the Director-General on the results of the inspection.*
- 3 *A report shall deal with such matters as may be prescribed by the regulations and with such other matters as the officer considers appropriate to include in the report.*

Clause 53 of the 1995 Regulation to the Act sets out over 15 matters that are to be dealt with in such a report. These include the physical, psychological and emotional well being of detainees; the general control and management of the centres, the social, cultural and educational development of detainees; the morale, conduct and functions of staff; the condition of the premises; the centre's relationship to the local community, the security of

¹⁷ The main report is the monthly Status Report from each centre which details almost all aspects of the centre - number of admissions, discharges, and demographics, the types of programs run, outings arranged, staff meetings, notable visits, building issues, reports from the Operations Manager, Programs/Staff development manager, Case manager, AOD counsellor, and nursing staff, etc.. Other reports relate to Use of Handcuffs, Physical Force, Segregation, Punishments and Incident Reports. These were previously all sent to the Director, Centres, and held at Head office. Many centre staff commented on the amount of time taken to provide these reports. Presumably most of these reports will be submitted to the relevant Cluster Director. It is not known at this time if or how such information will be used.

the detention centre; the adequacy of programs for detainees; and staff training issues. The clause states that these matters “*must be dealt with in a report.*”

22.27 The Department’s past Director of Centres¹⁸ had responsibility for these inspections. He made regular visits to each centre at least every three months, and prepared a brief report on each inspection. The written reports are of a standard one page format which provides little room for any detailed descriptions of findings or concerns. The form contains a suggested list of matters that could be reviewed. This list does not reflect the variety of matters prescribed by the Regulation. A copy of the report form is attached at Appendix E. These reports do not meet the requirements of the Act as they do not cover each of the matters prescribed in the Regulation, even though the Act makes clear that inspection reports **shall** deal with them, (s.7(3)).

22.28 No written policies or guidelines exist relating to the manner and timing of inspections. This was at the discretion of the Director, Centres. Some inspections would be conducted with warning, others would be unannounced. Some may have dealt largely with files and documentation, while other inspections may have been based predominantly on discussions with staff, detainees, chaplains and/or Official Visitors. If the inspection is to deal with those matters listed in the Regulation, guidance must be provided as to suggested inspection mechanisms or processes to allow for the collection of appropriate information.

22.29 Particular concerns arising from these inspections were often verbally reported to the Deputy Director-General on return to central office without being formally recorded.¹⁹ Thus written inspection records that do exist are limited in the information provided. It would be difficult to get a detailed picture of the operation of the centres, or significant issues effecting them by looking at these reports.

22.30 With the restructure, Cluster Directors are now responsible for performing inspections under s.7 of those centres within their regions. While they have been advised of their responsibility to conduct these inspections, they have not received any instructions about how to conduct them, nor the types of matters they are to consider. Some individuals may not yet be aware of applicable state, national and international standards or expectations. Some may not be familiar with the matters prescribed by the Regulation. By July 24, 1996 at least two Cluster Directors had conducted inspections in accord with s.7 of the Act. Both questioned the usefulness of the current reporting format and had sought guidance about the nature and intent of the inspections.²⁰

22.31 To date, the Department has put few resources into inspections under s.7 of the Act. Formal reporting that was done did not comply with legislative requirements. The fact that the Director, Centres, and the Deputy Director-General worked in close physical proximity to each other no doubt made written reports seem unnecessary and time consuming when matters could be dealt with quickly in oral discussions. Detailed inspections and written reports could provide the Department with an accurate historical record of issues effecting each centre, whether past issues have been addressed, and whether they are performing appropriately. The reports could highlight issues requiring systemic change.

¹⁸ This position was abolished in the restructure. It had been held for many years by Mr Richard Smith. The new Cluster Directors are now responsible for inspecting the centres within their own region.

¹⁹ Interview with Rudolph Salzman. The position of Deputy Director-General Director was held by Rudolph Salzman, who now holds the newly established position of Director, Operations.

²⁰ Interview with Rudolph Salzman.

22.32 The Department must clarify its intent in conducting such inspections, and review how they can best be performed and documented.²¹ Now that the five Cluster Directors are to conduct these inspections, general policy or guidelines must be developed to ensure consistency in intent, method and reporting of inspections. Greater reliance will have to be placed on written communication as there will be less regular contact between each Cluster Director and the Director, Operations at central office, than there was between the Director, Centres, and the Deputy Director-General.

Other Departmental Inspections

22.33 Occasionally more detailed inspections had been conducted of certain centres by the then Deputy Director-General. The last such inspection was conducted approximately three years ago. A more recent inspection was commenced at Yasmarr, but was never completed.²²

Qualified Inspectors and Medical Officers

22.34 It was suggested that the regular visits to centres by the Department's coordinators of casework, psychological services, AOD services, and the Sex Offender Program, as well as the Director, Nursing Services fulfilled the UN Rules requirements for inspections by individuals with specialist skills, as required by the UN Rules, (notably Rules 72 and 73). The Rules however talk of qualified inspectors and medical officers who are attached to the inspecting authority or the public health services and therefore independent from the facility or services being inspected.

22.35 All coordinators interviewed in the course of this Inquiry spoke of their role in visiting the centres. All identified their role as providing supervision and support to those staff of their professional discipline. While they were there to also ensure consistency and quality in the services provided, none appeared to view their visits as independent evaluations of the centre or of the services provided. Most considered themselves to be ultimately responsible for the professional services provided. They can not be expected to provide objective assessments of services for which they are ultimately responsible. To give them such a role could also severely restrict the openness required for their professional supervision and support of centre psychologists, counsellors and nursing staff. No written reports of these visits are required, although the Director, Nursing Services routinely provides them for each visit.

22.36 In many instances these coordinators spoke of occasions where they or the staff they were supervising were criticised for raising matters which others considered outside their area of responsibility.²³ This again highlights the need for some mechanism by which professional and other staff may raise concerns without fear of criticism or ostracism, and that the expression of such concerns are accepted as legitimate and appropriate.²⁴

²¹ If the department considers such inspections to be unnecessary or meaningless, it should seek to have the Act amended to remove section 7. If however, it sees a purpose in such inspections, it must ensure that this purpose is achieved.

²² Interview with Rudolph Salzman.

²³ These issues were raised in the section on health and specialist services.

²⁴ The Department's new policy Provision of a Protective Abuse-Free Environment in the Department of Juvenile Justice which was released in July 1996 goes some way towards this by making it clear that each member of staff has an obligation to report any instances of abuse or neglect, see particularly Section 6 Staff Responsibilities for Reporting Abuse or Neglect.

Complaints

22.37 Complaints mechanisms provide an avenue for the enforcement of individual rights, and redress for infringements of them. Complaints can also inform an organisation of potential problem areas and needed improvements.²⁵ The Inquiry found that the Department of Juvenile Justice, and specifically detention centre staff, view complaints with hostility and annoyance. They are seen to be time consuming and morale sapping, rather than accepted as necessary and even helpful for the better operation of the system. Unless and until this mentality is altered, it is doubtful that the complaints process, no matter how well structured, will be appropriately accessed by detainees.

UN Rules for Juveniles Deprived of their Liberty

22.38 The Rules provide:

- Every detainee has the right to make requests or complaints to the centre manager and his or her representative, (Rule 74); and/or to the central administration of the department, the courts, or other authorities through appropriate channels, (Rule 76);
- Every juvenile has the right to be informed of the response to any complaint or request he or she may have made 'without delay', (Rule 76);
- An independent office should exist to receive and investigate complaints from detainees and to assist in settling such matters fairly, (Rule 77)
- Each juvenile has the right to ask for help from family, solicitors or other groups or individuals when making a complaint. Illiterate detainees should receive help in contacting other agencies or services which provide legal aid or receive complaints, (Rule 78).

22.39 A superficial examination of current legislation and practice suggests that NSW Juvenile Justice Centres comply with these requirements.

- Clause 30 of the Regulation ensures the right of a detainee to speak with a Centre Manager who is to inform the detainee of the action if any, that will be taken;
- Clause 31 permits a detainee to complain by letter to the Director-General of the Department;
- Clause 19 permits visits by and correspondence with detainees' solicitors and barristers;
- The Ombudsman's Office is an independent office with powers to receive and investigate complaints and the Official Visitors Scheme is also independent from the Department and able to assist detainees in their complaints.

²⁵ The Ombudsman's Office has long espoused the need for organisations to put in place effective complaints mechanisms which will not only satisfactorily resolve a problem, but will also Provide useful feedback to the organisation. This approach is detailed in the NSW Ombudsman's publication, *Effective Complaint Handling Guidelines*, 1995.

- In practice, considerable restrictions surround the complaints processes, particularly those internal to the Department, which limit the willingness and ability of detainees to complain.

Common Barriers

22.40 Procedures for handling complaints from young people, including detainees, have been examined in numerous studies, the most recent of which is the Juvenile Justice Advisory Council's report *Review the Department of Juvenile Justice's Complaint Handling System for Detainees in Juvenile Justice Centres*, which was released in March 1996.²⁶ These found young people are much less likely to complain due to:

- Lack of knowledge about their rights;
- Lack of knowledge about complaint procedures;
- Existing complaints procedures that are inaccessible to young people who may lack the confidence, literacy, or persistence required to go through the processes;
- A belief that no one will listen to or believe them;
- A belief that nothing will change, that complaining is futile;
- Fear of reprisal;
- Lack of trust in the system or the person.

22.41 These barriers were mentioned by many detainees interviewed during this Inquiry, as indicated by the following detainee statements:

*I don't trust no one, well, sometimes, it depends on who it is. I haven't seen an Official Visitor or heard of any here ...*²⁷

*A youth worker told others personal stuff about me. I didn't want to complain because I was scared of what would happen to me. I told the nurse, but I told her I didn't want to complain ... Me and [another detainee] are being given a real hard time by one of the youth workers but we don't complain. He would know who complained and he could make things even harder for us, especially me 'cause I'm in for [x] months.*²⁸

*I wouldn't talk to a worker about a complaint ... What's the point of complaining ... dobbing in doesn't help you, I'm not like that.*²⁹

²⁶ Other reports and studies include Kilgour and O'Reilly, *Benevolence: Juvenile Justice Centres and Complaints Processes Draft Research Paper*, September 1995; NSW Child Protection Council, op cit; Youth Justice Coalition, Western Sydney Juvenile Justice Interest Group and the Youth Action and Policy Association (NSW), *Nobody Listens: The Experience of Contact Between Young People and the Police*, Youth Justice Coalition, *Kids in Justice Report*, 1990; JJAC, *Green Paper on Future Directions for Juvenile Justice in New South Wales*, February 1994; and B. Howard, *Perceptions and Experiences of Aboriginal Young Offenders of Juvenile Justice Centres*, a paper based on a study of 33 Aboriginal young offenders in three Juvenile Justice Centres in September 1994.

²⁷ Detainee, Cobham.

²⁸ Detainee, Cobham.

²⁹ Detainee, Cobham.

22.42 Some individuals however stated that they would readily “front” the Centre Manager if they had any problems, although few considered they had ever needed to do so.³⁰

22.43 The following cases illustrates some of the practical difficulties that can be involved in complaints by detainees.

A detainee complained that he had been hit by a SYWer in the youth’s cabin. The youth had made a prior allegation about the same worker. The police were called in but decided there was insufficient evidence to lay charges. An internal inquiry followed. Another detainee who saw part of the incident agreed that the SYWer had been angry when he had entered the detainee’s room, and had also seen the worker raise his hand, but was not in a position to see if he had actually hit the detainee. No further action was taken.

22.44 This example is typical of many complaints. Unless there is an independent witness, or evidence of bruising to support the allegation, it becomes one person’s word against another. There are also occasions where detainees may be assaulted or harassed by other detainees or workers within sight of other potential witnesses who are reluctant to give any information. Detainees may be fearful of possible reprisal or of being a “dobber”. In some cases they may even consider that the action was justified, that the person deserved it. Other workers may also be reluctant or unwilling to provide evidence against a co-worker. These matters are well illustrated in the following case:

An anonymous complaint sparked an investigation by the Ombudsman into two incidents at Minda Juvenile Justice Centre in 1996. A detainee was allegedly assaulted twice, once by another detainee or detainees in the recreation room in which a number of other detainees were present, and the second time by a worker in the presence of three other workers, and possibly within sight of other detainees and visitors. Even though all detainees and staff who may have witnessed the incidents were interviewed privately by officers of the Ombudsman, few were willing to say they saw anything out of the ordinary. Some workers and detainees actually stated that they were unwilling to assist the investigation as they were fearful of reprisal, either by other detainees, or by staff. Some were worried to even be seen to talk with the Ombudsman, even though it was made clear that every staff member on duty during the event, and every detainee on two units were being interviewed.

22.45 Clearly, without sufficient evidence, little can be done about individual complaints of this nature. Unfortunately many detainees view such situations as further proof that there is little use in complaining, that “nothing gets done”. The Department must provide a clear message to its staff and detainees that complaints will be treated seriously and explain the processes used to investigate the matter and the reasons for the final outcome. Only if this is done consistently and repeatedly will detainees believe that it may be worth making a complaint.

A complaint was received by the Ombudsman in March 1996. It was from a detainee who had been assisted to write it by a staff member at his current centre, Reiby. The complaint related to an incident at Minda in October 1995 in which it was alleged that a SYWer had spat at the detainee in the presence of other detainees/witnesses. The detainee was dissatisfied with the outcome of a complaint he had made at that time. He stated that he had complained about it to the Acting

³⁰ Detainee, Riverina.

Administration officer at the time, but was told it would not go any further. The next day the detainee had spoken with the Chaplain who agreed to assist him write a complaint to the Ombudsman on the Chaplain's next visit to the centre (two days later). The detainee was transferred to Reiby before this was possible. He was not told why he was to be transferred.

22.46 An officer of the Ombudsman interviewed the detainee to clarify the complaint, (the detainee by this time had been transferred to Mt Penang). The matter was then raised with the Department. It appears that at the same time the Acting Operations Manager at Minda was informed of the detainee's complaint by staff at Mt Penang. The Acting Operations Manager had spoken with the detainee at Mt Penang and started his own inquiry into the matter. He found that no record of the allegation had been made.

22.47 The Director General advised:

*Unfortunately due to the substantial lapse of time between the incident ... and ... making the complaint, a thorough investigation into the matter has been rendered impossible. On information available however, I am satisfied that the alleged spitting incident was accidental ... however [the SYWer] has been served with a letter counselling and warning regarding his highly inappropriate behaviour of entering into a heated and aggressive argument with detainee ... the statements given by ... [the Acting Administration officers and the SYWer] ... suggest that [the detainee] considered the matter to be finalised when [the SYWer] allegedly apologised to him for inadvertently spitting at him. This view is strengthened in my mind by [the detainee] waiting some four months before making a complaint about the matter. [The Acting Administration officers] are to be counselled at a local level to report any future incidents of inappropriate behaviour by staff to Centre Management*³¹

22.48 The case illustrates how easily complaints by detainees may be dismissed at a local level, without any notification or record of the complaint being made. It is possible that matters which are "informally resolved" by staff are not resolved to the satisfaction of detainees, who may be too fearful to indicate their dissatisfaction with the resolution. If a record had been made of the matter, it is possible that it may have forestalled the subsequent complaint. It would also have permitted senior staff to be aware of the allegation and review the matter with the detainee and/or staff to determine if other action should be taken. It is particularly important that complaints about staff conduct are recorded and reported to the Centre Manager regardless of the outcome of the complaint.

22.49 In this instance it appears that the detainee was determined to have his complaint dealt with, and was able to ask for assistance with his complaint. The process was unfortunately interrupted by his transfer. It is not known why the detainee delayed in pursuing his complaint. It may be that for a time he was happy to be away from the centre, and less interested in pursuing his complaint as it is no longer of immediate concern. It may also have taken him some time to feel secure enough to pursue the matter with other personnel. Whatever the reason, the matter was finally investigated and action taken, although the outcome may have been different if it had been properly recorded and investigated at the time of the original allegation. It is not uncommon for detainees to delay making a complaint about a particular centre or staff member until they had been moved from the centre, or even released from custody and so felt safe to make the complaint with

³¹ Letter to the Ombudsman's office from Mr Ken Buttrum, Director General, Department of Juvenile Justice dated 16 July 1996.

out fear of reprisal. It is unfortunate that delay in making a complaint is commonly considered to cast doubt on the truth of a complaint, and make it more difficult gather the necessary evidence.

Nature of Complaints

Requests and Complaints

22.50 Detainees are reliant upon staff to provide almost all of their needs, from getting an extra blanket at night, unlocking their doors in the morning, to allowing detainees to use the bathroom and wash their hands, a pencil and paper to write a letter, or a phone call to their family or lawyer. Detainees make similar requests of the Centre Managers - for improved food, extra visits, or a transfer to another centre. Complaints arise when detainees are dissatisfied with the outcome of a request, or otherwise consider they have been unfairly treated. The Inquiry found little distinction was made between complaints and requests made to centre staff. If the staff member agreed to respond to the matter, it was dealt with. If the staff member did not agree, it was left to the detainee to decide whether or not to push the matter further.

22.51 A small example of this relates to a request made by an Aboriginal detainee at Riverina to be permitted to have regular telephone calls with his brother at Kariong. Kariong refused to allow it, merely saying he could try later.³² No further action was taken on the request. The matter was raised with the Inquiry by a staff member at Riverina, who obviously considered Kariong's response to be inadequate

22.52 The Inquiry also noted that many detainees are willing to make "requests" of the Centre Manager - eg. to review an earlier decision not to allow the detainee day leave, or an outing, but are reluctant to be perceived as complaining about the earlier decision. This appears an almost conscious strategy to avoid antagonising the Centre Manager and being seen as a "trouble maker" within the centre. Whatever the reason, this behaviour only assists in blurring the lines between requests and complaints. These matters need to be considered in any reformulation of the Department's complaints handling and recording systems.

Types of Complaints

22.53 Complaints can range from relatively minor matters, such as too much salad at lunch, to allegations of intimidation, unlawful confinement and assault. The following tables illustrate the variety of matters that have been the subject of complaint to Official Visitors and the NSW Ombudsman. Figures for the Official Visitors include complaints by staff about working conditions and industrial matters.³³ The Department of Juvenile Justice was unable to provide figures for complaints dealt with by its central office as no system existed to record them. Similarly, information regarding the range of complaints dealt with by individual centres are not available, as only "serious" matters are required to be recorded

³² CYW, Riverina.

³³ Official Visitors are to take complaints from staff and detainees, in order to provide the Minister with information about the total running of centres. Employment issues are excluded from the jurisdiction of the Ombudsman by clause 12 of Schedule 1 to the Ombudsman Act 1974.

by Centre Managers.³⁴ Many minor complaints, such as complaints about food and extra phone calls, are not usually recorded.

Table 22.1: Official Visitors, Visit Report: Summary of Identified Issues for July 1993 - April 1996³⁵

Issue/Category	Number	%	Ranking**
Physical surroundings	78	3.2	14
Recreational programs	44	1.8	18
Points system	79	3.2	13
Classification	48	1.9	17
Medical care	136	5.6	5*
Legal services	96	3.9	10
Welfare	188	7.7	3
Education	55	2.2	15
Work	136	5.6	5*
Leave	100	4.1	8
Family visits	98	4.0	9
Staff/Industrial conditions	115	4.7	7
Transfers	378	15.6	1
Staff behaviour (physical)	90	3.7	11
Staff behaviour (verbal)	85	3.5	12
Staff behaviour (sexual)	7	0.2	20
Staff behaviour (total)	(182)	(7.5)	(4)
Resident behaviour (physical)	49	2.0	16
Resident behaviour (verbal)	37	1.5	19
Resident behaviour (sexual)	1	0.04	21
Resident behaviour (total)	(87)	(3.6)	(11)
Personal property	129	5.3	6
Food/diet	142	5.8	4
Other	328	13.5	2
TOTAL	2419	100	-

** Ranked according to frequency

* Ranking is shared with another of equal frequency

22.54 Transfers (378) were by far the most frequent cause for complaint made to Official Visitors during this period. The group "other" follows with (328). (It is unfortunate that this grouping is so large. It presumably includes complaints related to smoking, which was the single highest issue raised in complaints to the Ombudsman, as shown in the following table.).³⁶ Welfare (188), food/diet (142), and medical care (136) are the next most frequent sources of complaint. If all the complaints related to staff behaviour are totalled, (182), this becomes the fourth most frequent issue raised.

³⁴ In accord with the Department's policy on Complaints by Detainees, August 1991.

³⁵ Figures compiled and provided by Department of Juvenile Justice, July 1996.

³⁶ The reporting format for the Official Visitors' half yearly reports has recently been revised, and the number of categories expanded, although smoking is still omitted. It is to be hoped that future figures for the category "other" will be amongst the smallest, so that valuable information is not lost.

*Table 22.2: Major Issues Identified in Complaints about Juvenile Justice Centres Received by NSW Ombudsman during 1994-1995*³⁷

Issue/Category	Number	%	Ranking**
Accommodation/amenities	6	1.6	12*
Assault (assailant not recorded)	5	1.4	13*
Clothing/ toiletries /supplies	14	3.8	7
Courts/legal	7	1.9	11
Daily routine	5	1.4	13*
Diet/Food	37	10.1	3
Education	6	1.6	12*
Escorts/ Transport	5	1.4	13*
Inadequate/lack of service	11	3.0	9
Improper disclosure of information	5	1.4	13*
Leave	9	2.5	10
Lost property	4	1.1	14*
Mail/Phone calls/Visits	17	4.6	6*
Medical	6	1.6	12*
Police (assault)	4	1.1	14*
Police - (other)	12	3.3	8
Police (total)	(16)	(4.4)	(7)
Punishment/ Confinement/Segregation	17	4.6	6*
Resident behaviour (harassment)	2	0.5	15
Resident behaviour (assault)	1	0.3	16
Resident behaviour (total)	(3)	(0.8)	(15)
Rules/Points system	23	6.3	5
Searches	6	1.6	12*
Smoking policy	82	22.3	1
Staff behaviour (assault)	7	1.9	11*
Staff behaviour (other)	40	10.9	2
Staff behaviour (total)	(47)	(12.8)	(2)
Transfers	29	7.9	4
Other	7	1.9	11*
TOTAL	367	100	-

** Ranked according to frequency

* Ranking is shared with other issue/s of equal frequency

22.55 Issues most frequently raised in complaints to the Ombudsman during 1994-95 were: dissatisfaction with the smoking policy (82); complaints about staff (47); diet/food (37); transfers; and the rules/points systems operating in the centres (23).

22.56 Transfers, food, and staff behaviour appear in both tables' rankings of the five most frequent issues raised. This reinforces the concerns expressed in this Report in relation to

³⁷ These figures include complaints received by letter, telephone, and during inspection of centres.

these matters. Had the Department kept and analysed its own complaints records, it could have already identified and addressed problems in these areas.

Current System

22.57 Detainees are technically able to complain to the Centre Manager, the Official Visitor, the Director-General, the Ombudsman, or the Minister. Most complaints are dealt with by centre staff or the Official Visitor.

Knowledge of the System

22.58 The JJAC report on complaints mechanisms within the Juvenile Justice Centres reviewed detainees' knowledge of their rights and complaints mechanisms; and the adequacy of information given to detainees about their rights and complaints mechanisms.³⁸

22.59 The JJAC report found most detainee handbooks gave insufficient information about detainees' rights and complaints mechanisms, and that these were often not explained to detainees on admission nor made available to detainees' families and friends. These inadequacies were also apparent during this Inquiry. (The induction process is discussed in the section 5.3.1 Admission, Registration, Movements and Transfers.)

22.60 The current system breaches both the UN Rules and the 1995 Regulation to the Children (Detention Centres) Act, specifically:

Rule 5(2)

As soon as practicable after a detainee has been admitted into a detention centre, the superintendent must ensure the detainee is informed of the following:

- ... (c) the detainee's rights as to legal representation and as to appeal;*
- (d) the procedures for seeking information and making complaints; ...*
- (e) any other matter about which it is necessary for the detainee to be informed so as to enable the detainee to understand the detainee's rights and obligations and to adapt to living in the centre ...*

Rule 5(3)

If practicable, a detainee must be informed of the matters referred to in subclause (2) by being given a document in which information relating to each of those matters is written.

³⁸ JJAC Review of the Department of Juvenile Justice's Complaint Handling System for Detainees in Juvenile Justice Centres, March 1996. The objectives of the review as stated pp. 2-3 of the Report were:

- to investigate the current methods utilised for dealing with complaints by detainees in Juvenile Justice Centres (including the Official Visitors' Scheme);
- to ascertain whether the detainees were conversant with the current avenues available to them for dealing with a complaint;
- provide recommendations to possibly enhance the complaint handling system for detainees in Juvenile Justice Centres.

22.61 The JJAC report recommended :

- Posters about the complaint system be placed in the Admissions areas of each centre so that detainees and their families may see them;
- Relevant user friendly booklets also be available for detainees and families, and be displayed in the Admissions area;
- Letters be sent to families advising them of complaints mechanisms
- A specific position be designated as the Induction Officer in each centre³⁹

22.62 These are strongly supported by the Ombudsman.

22.63 The Department should be congratulated for readily implementing a number of the recommendations from that report, including the production of a "user friendly" booklet in a comic book format, and posters. This problem was highlighted in previous reports, including the *Kids in Justice* Report and the JJAC Green Paper, yet no concrete changes were effected until the present time. This may indicate the low priority historically accorded to the rights of detainees by the Department. The induction process, which is in breach of the Regulation, and the UN Rules, remains unchanged as at July 1996.

Official Visitors

22.64 The operation of the Official Visitors Scheme was outlined and its inspection functions examined earlier in this chapter. The complaints role of Official Visitors was discussed at length in the JJAC's Report on the Review of the Department of Juvenile Justice's Complaint Handling System for Detainees in Juvenile Justice Centres.

22.65 The JJAC Report concluded:

*While it appears that there is a system of complaints handling and that there are sufficient persons available for detainees to discuss/lodge a complaint, it is imperative that the operation of the system is enhanced to ensure that detainees are adequately informed of the complaint handling system. However, there is also a need to ensure that, when a detainee does have a complaint, they are provided with every assistance to pursue the complaint to conclusion, within the young person's time framework, by an advocate who is there specifically for them. Official Visitors may be the best persons, but only if they are aware of the mechanisms and properly trained and conversant with the procedures.*⁴⁰

22.66 Recommendations made in the Report focussed on the need to improve information and induction processes, and increase support and clarity in the role and operation of the Official Visitors' Scheme.⁴¹ These are largely supported by this Inquiry.

³⁹ Ibid, pp. 36-38.

⁴⁰ Ibid, p. 38.

⁴¹ These include:

- reference to an 'on call' scheme;
- rewriting the Official Visitors' Manual;
- standardising their reports to allow better monitoring of the Scheme's performance;
- maintain registers of complaints to the Official Visitors and their outcomes;
- consistent induction of Official Visitors;

22.67 The Minister advised that the majority of these recommendations have been, or are to be implemented. Recommendation 4, which provided that *"Registers of complaints to Official Visitors be maintained in Juvenile Justice Centres in accordance with the instructions, and outcomes subsequently recorded along side."* was one of the few recommendations not to be accepted. The Minister rejected this *"because official visitors already maintain diaries and report to me every six months"*.⁴²

22.68 The Inquiry believes such registers should be maintained at all centres (with due regard to issues of confidentiality). This permits a sequential record to be maintained, permitting not only ready identification of matters still to be addressed, but also shows the types of issues that have been dealt with over time. The Inquiry found that where registers were maintained in centres, they provided a snap shot of the types of issues current in the centre. It also revealed occasions where issues were effectively and promptly handled, and occasions where the same matter was raised repeatedly without a satisfactory outcome. Ready access to such a register would also greatly assist the clarification and resolution of detainees' complaints to the Ombudsman and other agencies in which detainees allege they have not been fairly dealt with in earlier complaints made through the Official Visitor. Where Official Visitors maintain their own diaries, it may be possible for photocopies of the diaries to be retained in the form of a register, (with the copies consecutively numbered).

22.69 Official Visitors are the most regular "independent" visitors to enter the centres. The requirement that they visit their allocated centre every two weeks will ensure that detainees will become familiar with their presence, and will be more likely to speak with them about matters of concern. It is to be hoped that Official Visitors will ensure they routinely walk around all areas of the centres both to inspect them, but also to allow detainees to see them, and chat informally with them. The revised Scheme Manual states that Official Visitors should actively attempt to identify those detainees who may be most vulnerable to harassment, neglect or abuse, as well as those who may be in confinement. This pro-active approach is strongly supported by the Inquiry.

22.70 The Report saw the role of the Official Visitors Scheme as central to the complaints' handling process. While this is no doubt true, it is appropriate to also examine the operation of the Department's traditional complaints mechanisms, both within the centre and at the higher administrative levels.

Internal Complaints Mechanisms

22.71 The Department is meant to have in place adequate and appropriate internal complaints mechanisms which allow complaints to be received, resolved and recorded in a timely manner. Currently complaints can be made within centres, usually to the Centre Manager, or beyond centres to the Director General, as required by regulation.

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- establishment of a relief mechanism to ensure continuity of visits;
 - Official Visitors be designated to specific centres.

The last recommendation, while of merit in complaints handling - as it permits detainees to get to know of and hopefully learn to trust the individual, does create the potential for the individual to identify with the centre over time at the expense of their impartiality and objectivity. Thus, while agreeing with the recommendation, it is suggested that the time be no longer than 12 - 24 months.

⁴² Letter dated 13 August 1996 from the Hon R Dyer, Minister for Community Services, Minister for Aged Services and Minister for Disability Services, to Prof M Bashir, Chair, JJAC.

NSW Legislation

22.72 The only reference to complaints in the Children (Detention Centres) Act relates to complaints by staff about the behaviour of detainees and the consequent disciplinary procedures to be followed. The Act is silent on the rights of detainees to complain about the operation of the centre or the actions of staff.

22.73 The 1995 Regulation to the Act states that a detainee can request to see the superintendent (clause 30), and that a detainee is able to send a written complaint to the Director-General.⁴³ The superintendent is required to tell the detainee what if any action will be taken following the complaint, (clause 30(3)). The Director-General is not similarly obliged to respond to a detainee's complaint.

Departmental Policy

22.74 The Department's principle document in this area is the "Policy Statement : Complaints by Detainees in a Detention Centre", (which is reproduced at Appendix F). It is dated 22 August 1991. The policy states that superintendents are advocates for detainees, and should attempt to handle all complaints at a local level. If this is not possible, it is to be sent to the Assistant Director Juvenile Justice⁴⁴ for urgent action. Superintendents are to keep a written record of all requests "of a formal or serious nature" as well as the outcome of the matter.

22.75 Both the legislation and policy appear to view the Centre Manager as having almost complete discretion to hear and determine any complaints by detainees. It has been suggested that this is reflective of the previous pyramidal system of centre management, with the Centre Manager having total control at the top of the pyramid.⁴⁵ It is now quite outdated. Inadequacies include:

- It makes no distinction in the types of matters that are to be considered as complaints as opposed to requests, and also does not acknowledge the great variety in the nature of complaints that may be made - ranging from wanting another phone call to serious allegations of assault by staff. Different types of complaints require different responses.
- The current procedure does not recognise the new centre structure, and case management. Many issues may be appropriately dealt with by the case manager or case worker/ key worker. The policy should be redrafted to include this, and set out the types of matters that may be appropriately dealt with or referred to particular positions.
- It assumes that the Centre Manager is the appropriate first contact for all detainee complaints, and the final contact for the vast majority of them. This fails to

⁴³ Clause 31 of the 1995 Regulation replaces clause 30(2) of the 1988 Regulation which attempted to prohibit a detainee making a complaint to the Director-General unless the detainee had previously requested to speak with the superintendent about it. Clause 31 instead gives the Director General the discretion to decide whether it is more appropriate for the superintendent to deal with the matter in the first instance.

⁴⁴ The policy document has not been updated to take into account fact that there is now a separate Department of Juvenile Justice, or the restructured positions.

⁴⁵ Interview with Rudolph Salzman.

appreciate that the Centre Manager will not always be the most appropriate person to deal with a complaint. Detainees should be able to go directly to higher people within the Department, or go directly to outside agencies.

- Similarly, matters such as those which may involve serious allegations of abuse by staff or detainees, may require prompt and independent review and investigation by persons unconnected with the centre. This is provided for in relation to matters of emotional, physical or sexual abuse in the very recent policy, "Provision of a Protective Abuse-Free Environment in the Department of Juvenile Justice"⁴⁶ The Department must rewrite the 1991 policy to ensure consistency between the two documents.
- It does not acknowledge that Superintendents may not always be able to act impartially, much less as the detainee's advocate in all situations. Whenever a complaint is made about the conduct or decisions of centre staff, the Superintendent is put in a potential conflict - does he or she support the staff member to show solidarity and consistency in decision making by all staff, or does he or she risk an unfavourable response from staff and be seen to support the detainee? This would be particularly problematic in those centres with poor staff morale and rifts between staff.⁴⁷
- Insufficient detail is given as to the steps to be taken by the Manager or others concerning the investigation of complaints. No time frames are set, nor is there any clear requirement that the eventual outcome of the complaint be conveyed to the complainant, except where it is dealt with by the Director. (The Regulation only requires the detainee be advised of the intended course of action, not the outcome.)
- It is not clear if the Centre Manager is to refer to the Director only those matters that the Manager considers unresolved, or those where the detainee is still not accepting of the outcome of the complaint.
- It makes no mention of any obligation on any staff to assist a detainee in his or her complaint.
- No mention is made of the right of detainees to have advocates to assist them in their complaints, or pursue them on their behalf.
- The current policy provides no procedures for complaints sent to the Director. There is no requirement for any record keeping at the central office. Again, there are no time frames or details of the processes to be used in the determination of complaints.

22.76 The Inquiry was surprised to learn that the Department does not keep a specific register or file complaints received from families, detainees or others concerning Juvenile Justice Centres. The Inquiry was advised that such complaints have traditionally been dealt

⁴⁶ Circulated by *Director-General's Instruction* No 141-96, 10 July 1996.

⁴⁷ This concern is supported by the findings of a study of methods provided by the authorities for prisoners to complain against decisions taken by the prison administration in England and Wales, Sweden and Denmark:

Internal mechanisms are not independent and so may not be regarded as fair by the aggrieved prisoner. They may be dealt with more from the standpoint of upholding authority than from achieving a fair result. Bureaucratic or peer-group concerns may take priority over the merits of the case. Gillian Douglas, "Dealing with Prisoners' Grievances" in M. Carlie & K Minor, *Prisons around the World, Studies in International Penology*, Wm C Brown Publishers, US, 1992, 279-295, pp. 293.

with as general items of correspondence. There is therefore no guarantee that complaints will be dealt with in a consistent manner, or that the Department will be able to use information from those complaints to improve the overall management of the Juvenile Justice system.

22.77 The Department appears not to have taken any action to review its complaints handling system as directed by the Premier's memorandum no. 95 -29.⁴⁸ While the current system may be adequate in providing handling complaints at the front line, there is a definite lack in relation to the second and third tiers of the complaints system.

22.78 The creation of five clusters reinforces the urgent need of the Department to formulate one standard complaints policy and procedures document which will provide clarity and consistency in the determination of complaints. The policy should provide for a hierarchy of seriousness of complaints, and of responses to them. The procedures should also detail the types of records to be kept concerning complaints that will allow the department to utilise the information to highlight needed improvements in the Juvenile Justice system. One person should be identified in each cluster, and at head office, as being the contact person for all complaints received within that office. That person should have responsibility for the daily management and resolution of those complaints. There should also be some attempt to log all complaints on a central data base to monitor trends and assist in analysing underlying causes of recurring problems.

Confidentiality

22.79 Many detainees are concerned that should they complain, other staff and detainees will soon learn of it. The nature of the detainee's complaint or request may be particularly embarrassing, if revealed to others. The more common concern is that the detainee may fear reprisal from others for complaining. During the Inquiry, it was noted that a number of staff members would commonly know of a particular detainee's complaints. While this may not always be avoided, and indeed, the case management system may increase general staff knowledge of a detainee's situation, the Department must ensure staff maintain detainees' confidentiality. The policy should clearly require this, and senior staff should discourage others from inquiring about possible complaints or requests discussed with people such as the Official Visitor, Ombudsman, or Centre Manager.

22.80 The Act and Regulation are silent on this point, (although the Regulation states the certain correspondence, eg that with the Ombudsman or solicitor, can not be opened by detention centre staff.).

Access to the Centre Manager

22.81 A number of detainees said they often had to wait 3-5 days to see the Centre Manager. This is contrary to the intent of the Regulation, which states that they should be seen by the Centre Manager as soon as possible. Some said that they would often be asked to tell the SYW or other staff the nature of their concerns, and would often not get to see

⁴⁸ The memorandum to all Ministers is entitled, *Frontline complaint handling*. It reads in part "Agencies will need to review their complaint handling systems to ensure that complaint handling and resolution is given a frontline emphasis. Delegations and training of frontline staff will also need to be reviewed ...".

the Centre Manager at all. Although staff may intend only to see if the matter can be resolved without bothering the Centre Manager, some detainees found this threatening and intrusive. At least one detainee stated he was unwilling to ask to see the Centre Manager because he did not want staff to ask him what it was about. (A number of detainees stated that this practice also happens when they ask to call the Ombudsman).

22.82 It is a fine line between trying to assist in expediently resolving a matter, and respecting a detainee's right to privacy, and to see the Centre Manager. It is recommended that staff be instructed that while they can remind detainees that other staff are available to deal with matters if they wish to see them, they can not ask or require detainees to tell them why they wish to see the Centre Manager. Detainees have a right to speak to the Centre Manager, (and the Official Visitor and/or the Ombudsman) and this must be respected.

22.83 Some detainees complained that they seldom saw the Centre Manager. In some cases, detainees stated it was because they kept getting 'pushed off' to other staff, such as the case manager, or their requests were ignored or forgotten by the staff member concerned. In other cases, detainees were referring to the apparent lack of the Manager's presence on the units. This was said particularly to be the case at Riverina, Minda and Yasmar. Not all detainees are willing to specifically request to see the Centre Manager, the Official Visitor or the Ombudsman and will wait until the Centre Manager is on the unit. This may be due to their desire not to draw attention to themselves, or a fear of possible reprisal from other staff or detainees if they are seen to complain. While this may be inconvenient for the Centre Manager, it is a reality. Centre Managers should regularly visit all units within their centre (each day where possible). This should be acknowledged as a legitimate part of the complaint system. (It should also be recognised as a necessary part of the Manager's obligation to oversight the daily operation of the centre).

22.84 It is difficult to prevent individual staff from either blocking or forgetting to convey oral requests to the Centre Manager. Indeed it was noted in a number of centres that detainees often had to ask a number of times before they managed to speak to the manager, psychologist or counsellor, or to have their request dealt with. Most SYWers have no record of such requests. It is not surprising that they can often be forgotten during the daily demands of 10-20 detainees and administrative duties. Staff should be required to write such requests in the unit log books so that the requests may be followed up by the next shift if they forget or are unable to attend to them. Detainees' sense of powerlessness and futility in complaining will only be reinforced by such omissions and delays.

Investigations of Serious Allegations

22.85 One of the most consistent shortcomings in the Department's management of allegations of serious abuse or harassment is its lack of trained investigative staff to deal with them. The department has often seconded senior staff from other centres, or from the community services arm of the department to conduct the investigation. In many cases, they are expected to conduct the investigation in addition to their normal work. Most have little training in investigative techniques such as interviewing skills, evidence collection and documentation. These are particularly important if it is likely that the matter may result in criminal charges or disciplinary proceedings. Those from the community arm of the department may have limited knowledge of the type of documentation and practices and procedures that can be expected within a centre. Some individuals may not know where to look for information. Others may be unfamiliar with the roles and routines of staff. Staff

from other centres may identify themselves with the situation faced by the staff who are the subject of the allegation.

22.86 Strong dissatisfaction was expressed by many centre staff about the length of time taken for allegations of staff misconduct to be investigated. In a number of matters, the investigation had taken 18 months or more. Staff were concerned at the amount of stress and disruption this caused staff. The effect on morale at Cobham, and Riverina was particularly noted. The effect of such time delays is also significant for any detainees who may have initiated the original complaint. Many would have been released from detention without knowing the outcome of their complaint, or even if it was still being examined. Most young people would believe their complaint had been forgotten. This reinforces perceptions that "nothing happens" with complaints.

22.87 The Department has previously acknowledged this shortcoming. A proposal was developed in 1995 for an investigative officer to be seconded from the Ombudsman's office to assist the Department of Juvenile Justice in its investigations, and to develop appropriate investigative procedures for the future. After some initial discussions, the proposal was not pursued. Consideration was also given to using Corrective Services investigative personnel, however this was also unsuccessful.

22.88 It is recommended that the Department develop a clear strategy to increase its investigative capacity. The Department may wish to create a specific position within the Department to perform this function, or identify existing positions within each cluster that are to have an investigative function. The position, or positions must be given specialised investigative training which will equip them with general investigative techniques as well as a general knowledge of expected procedures and practices in centres. The performance of investigative functions should be monitored and directed by the Manager, Professional Responsibility. As time is often crucial to the fair investigation of complaints, such officers should be freed from their other commitments for the duration of specific investigations.

Advocacy

22.89 The significant power imbalance between a detainee and centre staff is a real barrier to the ability of detainees to make complaints, and to pursue them through the system. The current policy states that the Superintendent is the detainee's advocate. While an admirable statement, it does not accord well with reality. An advocate will pursue a person's complaint on their behalf, as if it were the advocate's own. A Superintendent's role is more centrally a determiner of complaints. As such, the manager is to do what may be necessary to enable a person to voice their complaint, but their main function is to determine the legitimacy of the complaint, and to do so impartially, (although this can be questioned as noted previously⁴⁹).

22.90 Detainees will confide in those in whom they trust. This will not always be those formally designated as complaints handlers. It is often the nurse or the Chaplain who are regularly at the Centres but somewhat removed from operational hierarchy. Centre staff must acknowledge and support the role all staff to assist detainees in making complaints, and indeed, in speaking on their behalf, or in their interests. Rather than being criticised or

⁴⁹ See the discussion of the Department's policy, specifically at the fifth dot point at Para 22.75 above.

indeed ostracised, as has occurred in some centres, Centre Managers should ensure such actions are fairly dealt with, and in confidence.

22.91 Official Visitors and Chaplains are the most appropriate advocates within the detention centres. Their position enables them to pursue matters with little fear of criticism or reprisal. (Although one chaplain was the subject of numerous complaints for becoming involved in matters that staff felt were beyond the chaplain's role.⁵⁰) They also have more direct access to the Director General and the Minister. (The Ombudsman can also pursue such matters, but is not as accessible as Official Visitors and centre personnel.)

22.92 The Inquiry was concerned with one aspect of the JJAC's report which recommended the use of the Official Visitors as "mediators" within centres. It was suggested that they could be called upon as 'independent third persons' who could be present when detainees are being interviewed by Centre Managers.⁵¹ When raised with the Director, Operations, it was suggested that the Official Visitors may be called upon to settle minor disputes either between detainees, or detainees and staff. Caution is needed in this area. Expansion of the role of the Official Visitor may in fact impinge on their independence from the system and thus reduce their capacity to advocate on behalf of detainees with the Department. They may instead become to be viewed as parts of the system. Similarly any efforts to incorporate the Official Visitor into the Department's internal complaints mechanism (perhaps as a "tier" between the Centre Manager and the Cluster Director) should be avoided. The Official Visitor should be seen as an additional or alternate avenue of complaint, independent of the Department's internal mechanisms. Of course there is an interconnection between the two, but neither is dependent upon the other.

Detainee Representative Committees

22.93 This is a more recent initiative of the Department in which certain detainees (usually elected by their peers) are meant to meet regularly with the centre's senior management to raise issues on behalf of the detainee population. Meeting procedures are followed, with agendas and minutes of meetings being prepared. Issues raised may include requests for new sporting equipment, or more variety in meals, routines or programs offered. Minutes of meetings at various centres suggest that they can be constructive and provide another channel of communication between the Centre management and detainees. Some workers and detainees complained that the process was frustrating. Detainees at Cobham stated that it took a number of months before their request for an extra 300ml of milk for each detainee at breakfast was granted. Unfortunately not all centres are supportive of the idea, and in some cases meetings were held infrequently. Some detainees had not heard of the Committee even though they had been at the centres for more than four weeks. In other centres it was noted that not all units within the centre were represented and "representatives" had been chosen by the staff, which could well make other detainees less trusting of the process.

22.94 Although not considered part of the formal complaints process, it can allow detainees to raise issues of general concern without having to be individually identified as the source of the complaint. The Department should review the operation of these committees, and ensure meetings (and elections) are conducted regularly in each centre. Greater consideration should also be given as to which staff should attend such meetings. Copies of

⁵⁰ Interview with Rudolph Salzman.

⁵¹ JJAC Report, March 1996, op cit, pp. 21-22.

minutes of meetings should also prominently displayed for detainees and staff. They should also be provided to the Official Visitor and reviewed during inspections of the centres.

Appeals/Review

22.95 There are very few avenues for detainees to seek review of or appeal from decisions by Centre Managers. Decisions effecting transfers, outings, cancellation of leave and visits by non-family members are currently made by Centre Managers who have a wide discretion in these matters. These decisions are largely based on the Centre Manager's assessment of the security risk. Such matters can have a significant impact on a detainee and his or her family. Some avenue of appeal or review should be provided.

22.96 At present it is up to the detainee or his or her family to pursue the matter with someone higher in the department's administration, or with the Ombudsman. In most cases however, it comes back to one person's judgment. There are few requirements for such decisions to be written, or detailed reasons given. The Centre Manager is responsible for the overall management of the centre, and the security and safety of detainees. A Centre Manager may base his or her decision on prior knowledge of the detainee, general experience of detainees in such circumstances, as well as the capacity of the centre to accommodate the request. Unless a decision appears manifestly unreasonable it can be difficult for the Ombudsman to find that the decision was improperly made. The Ombudsman can however, require reasons to be given for such decisions. The involvement of the Ombudsman, (and presumably, others such as an Official Visitor) has at times been sufficient to cause the original decision to be reconsidered.⁵²

Young Offenders Review Board

22.97 The *Kids in Justice* Report recommended the establishment of a Young Offenders Review Board that could review case plans, medical regimes, discipline, segregation, leave, visiting arrangements and parole⁵³ of detainees. The Board would be comprised of a magistrate, and two lay members, one from a youth service agency and one being a professional in child development.⁵⁴ The JJAC's Green Paper, *Future Directions for Juvenile Justice in NSW* recommended the establishment of a Juvenile Offenders Review Committee. Although similar to the Young Offenders Review Board, it was to have a narrower jurisdiction to manage the granting or revocation of leave and parole.⁵⁵

⁵² In some cases this appears due to the fact that the detainee gives more detailed information about their circumstances to the Ombudsman's officers than the Centre Manager had previously known. It could be that some detainees may be reluctant to provide certain personal information in their initial request, as they are concerned that others may learn of their situation, or perhaps it is assumed that the centre already knows of the situation. When their request is denied, they may be more willing to explain the personal circumstances, and particularly to someone unconnected with their daily custody.

⁵³ At present parole matters are dealt with by the Senior Children's Magistrate, who sits alone as the Offenders Review Board for juveniles. Parole appeals are considered by the same body/individual - the Offenders Review Board (comprised of the Senior Children's Magistrate).

⁵⁴ Youth Justice Coalition, *op cit*, Recommendation 217.

⁵⁵ 1993, Recommendation 224, p. 187: *A Juvenile Offenders Review Committee be established comprising either of a judge or Senior Children's Magistrate, and representatives from the Office of Juvenile Justice and the community.*

The Juvenile Offenders Review Committee have responsibility for all or a selection of the following:

22.98 The Minister has approved in principle, the establishment of an interim Young Offenders Review Panel in accord with recommendations made to the Minister by the JJAC in July 1996. The interim Panel is to be established for an initial period of 12 months. It is to review decisions relating to:

- Leave and transfer decisions of detainees charged with serious violent offences;
- Transfer of detainees to and from Kariong Juvenile Justice Centre;
- Parole decisions that the juvenile may wish to appeal.⁵⁶

22.99 The Ombudsman supports this initiative. It is hoped that its interim nature will not extend beyond the 12 month period envisaged, but that this period will allow ample time for review and refinement of its operational aspects prior to its permanent enactment.

22.100 The Ombudsman recommends that consideration be given to the expansion of the Panel to permit it to review case plans, leave and parole decisions on the application of detainees, their families or advocates, and with an automatic right of review for all situations where detainees are placed in confinement or segregation on three or more occasions in any three day period. It is expected that many of the potential difficulties of such a body, such as the creation significant additional paperwork and delays in decisions may be avoided if well implemented and regularly reviewed.

Ombudsman

22.101 The Ombudsman's office receives a steady number of phone calls and written complaints from detainees, their families and advocates. A review of the tables provided above shows that for the respective time periods the Ombudsman received an average of 15 complaints per month, and the Official Visitors received an average of 71 issues per month. This reflects the reliance placed upon Official Visitors to deal with the day to day complaints.

22.102 The Ombudsman attempts to visit each detention centre at least twice each year. The main thrust of these visits is to inspect the general conditions experienced by detainees. Individual complaints are also taken. Many matters may be resolved through general advice, or after discussion with the Centre Manager and the outcome notified to the complainant the same day, or shortly thereafter by phone or letter, depending upon the circumstances.

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- (i) review applications by juveniles on leave refused or revoked;
 - (ii) review juveniles eligible for parole;
 - (iii) possibly review classified juveniles for leave;
 - (iv) review recommendations for release from a Juvenile Justice Centre to a Community Youth Centre;
 - (v) review applications for leave under section 24(1)(c) of the Children (Detention Centres) Act;
 - (vi) review all revocations of leave granted by the Committee;
 - (vii) review all revocations or refusal of leave by the Office of Juvenile Justice where application is made by a juvenile or their representative.
- Legislative amendment be made as appropriate."*

⁵⁶ Letter dated 23 July 1996 from Prof M Bashir, Chair JJAC, to the Hon R Dyer, Minister for Community Services, Minister for Aged Services, and Minister for Disability Services in which the recommendations for the establishment of the Panel were presented.

22.103 Some detainees with legitimate complaints may discuss them with representatives of the Ombudsman, but may then refuse to allow the Ombudsman to raise the matter with the Department. This is usually due to fear of reprisal. In such circumstances (and depending upon the seriousness of the matter) the information is recorded but no action can be taken on the specific matter. Some juveniles will ask to speak with a representative of the Ombudsman (and presumably the Official Visitor) just to provide them with a break from the monotony of the day. They will have no complaints or concerns, but may provide useful information about the centre's routines and recent incidents. Other detainees may approach the Ombudsman's officers when they are walking around the complex, but are reluctant to be seen talking with them for too long.

22.104 It is an unfortunate fact that many detainees have not heard of the Ombudsman, or if they have, do not understand what it is that the Ombudsman does. Others confuse the Ombudsman with the Official Visitors. Considering the frequency with which centres are visited by the Ombudsman, and the turnover in detainees, this is not entirely surprising. Similar issues were found in relation to the Official Visitors.⁵⁷ The recommended improvements to the induction process, and the booklets made in the JJAC's report should improve detainee's knowledge of these bodies. The Ombudsman's temporary Youth Liaison Officer is to also develop strategies and conduct training for young people, including detainees, to learn of and access the Ombudsman.

22.105 Detainees, their families and advocates are able to contact the Ombudsman's office by phone or letter. Although the Ombudsman's Act requires complaints to be in writing, concerns raised in telephone conversations are often able to be informally resolved within a day or two. If not, they may be referred for further action. Where possible, an officer of the Ombudsman may visit the detainee to take a formal written complaint from them. In other instances, arrangements have been made, after discussion with the detainee, for the centre's chaplain or official visitor to assist the young person in making a written complaint.

22.106 The Ombudsman's office has been criticised for the time taken to investigate complaints, and its reliance upon written communication. Efforts have been made to improve the speed with which matters are resolved. Detainee complaints are highlighted for prompt action in response to the need of young people to have their complaints acknowledged and dealt with in a time frame acceptable to them. Telephones are used more frequently to speed the process, and also to communicate more directly with the detainee complainant. It is unfortunately the case however, that formal investigations into allegations of serious misconduct by departmental staff will take a considerable period of time. Requirements of natural justice, and the investigative procedures required under the Ombudsman Act make it unlikely that such matters can be formally investigated and reported in less than six months. These matters are explained to detainees, but it is accepted that they would not be received well by the complainants.

22.107 Some centres, notably Kariong, appear to allow detainees to call the Ombudsman much more regularly than others. This may also be related to the age of the detainee, and their willingness to be seen to speak to staff of the Ombudsman's office. Detainees in other centres stated that when they asked to call the Ombudsman's office, they were told to write a letter instead. Detainees must be permitted to call the Ombudsman as soon as possible following their request. Such calls are usually paid for by the Department of Juvenile Justice

⁵⁷ As detailed in the JJAC's Report, op cit, March 1996, I. 80% of the Official Visitors interviewed considered there were problems with the communication process to juveniles in relation to the Scheme and the role of the Official Visitors. 80% considered that detainees were not informed about the Official Visitors role. 2. 64% (39/61) of detainees did not know who the Official Visitor was, piii.

(although the Ombudsman has a toll free number). They are to be additional to the detainee's usual weekly telephone calls. Unfortunately the Ombudsman's office is only open during normal business hours. Detainees wishing to speak to the Ombudsman's office outside normal business hours should be directed to the Official Visitor, who are now to be "on call" after hours, or arrangements made for the detainee to call the Ombudsman during normal business hours.

Legislation

22.108 The Children (Detention Centres) Act does not mention the role of the Ombudsman in relation to detention centres. Clause 28 of the Regulation to the Act provides that correspondence between the Ombudsman (and other specified bodies) and a detainee is to be considered "privileged". If a detainee hands a departmental officer a letter that is "privileged", that officer must ensure it is sent to the address marked on the letter. Similarly, all privileged correspondence is not to be opened by anyone other than the detainee or a person authorised to do so by the detainee. This is the only mention made of the Ombudsman. No mention is made in the Act or the Regulation of the right of detainees to communicate with any agency or individual by telephone.

22.109 The Regulation does not provide detainees with a specific right to be visited by an officer of the Ombudsman, although clauses 18 - 21 detail a number of other individuals/bodies, including detainees' barrister or solicitor, consular officials, certain inspectors, and Official Visitors that are authorised to visit detainees. A detainee may only be visited by an officer of the Ombudsman only if the Centre Manager considers it appropriate, (clause 22). To date there has been no difficulty in being able to visit detainees, but the distinction between the Ombudsman and the other specified agencies/individuals is curious.

22.110 The Regulation should be amended to include the right of detainees to contact the Ombudsman and other complaints, advocacy or legal bodies by telephone.

Legal Advice

22.111 The Green Paper made a number of recommendations concerning the creation of a Juvenile Justice Centre Legal Service and other measures relating to the legal representation of juveniles in detention.⁵⁸ Funds were provided under the White Paper Initiatives to establish a 12 month position within the Legal Aid Commission's Children's Legal Service to service the legal needs of detainees. This commenced in January 1996. The position is based at Mt Druitt. The Juvenile Justice Centres in Sydney, as well as Mt Penang and Kariong are visited on a regular fortnightly basis. Visits to Worimi and Keelong are conducted when a detainee has requested to see her - which is almost fortnightly at Worimi. No service has been provided to the Riverina Juvenile Justice Centre to date. Although it was intended that arrangements would be made for the local Legal Aid Commission office at Wagga to provide a similar service to Riverina, this was not able to be arranged.

22.112 A review of the number of detainees seen as part of the scheme between February and June 1996 suggests a steady increase in the number of detainees making use of the service, as follows:

⁵⁸ JJAC, *op cit*, Recommendations 83-87.

Table 22.3: Number of Detainees seen by the Juvenile Justice Legal Service from February - June 1996⁵⁹

Month	No. of Detainees on Committal seen	Total Number of Detainees Seen
February /March	30	54
April	34	77
May	56	102
June	77	110
Total	197	343

22.113 It is suggested that the growth in the number of detainees to be seen by the solicitor reflects the increasing awareness of the scheme's existence by both staff and detainees. Knowledge of the service is still spreading through the Department. The Deputy Director General was not aware of the operation of the scheme when he was interviewed in late July 1996. Information concerning the operation of the scheme should be provided in detainee handbooks and explained as part of the induction process. So too, posters should be placed in the communal areas of the centres, as well as in the visiting areas.

22.114 The solicitor stated that the bulk of the work received to date related to advice and assistance with appeals, bail applications and parole matters. A great deal of time is also spent in making enquires for detainees about current court matters. Apparently many detainees are worried about the progress of their case and are confused by the legal procedures involved. Most detainees are reliant upon the duty solicitor scheme and may not know who is to represent them prior to the hearing date. The solicitor is able to provide advice, reassurance and clarification of legal matters to detainees, and act as a conduit for information to be conveyed to the appropriate office or individual. The Inquiry considers this to be a very necessary service to detainees.

22.115 To date, the position has received very few complaints about detainees' treatment within the centres. This may in part be due to the initial screening process in which all detainees have to request to see the solicitor through the case manager. Complaints related to the centre may be referred to the Centre Manager, Official Visitor of the Ombudsman. So too, the system is reliant upon staff and detainees recognising the need for legal assistance. Non-court related matters would be less readily identified as requiring legal help.

22.116 One complaint received by the solicitor related to a detainee who had accused a worker of a racist attitude. The worker alleged the detainee was involved in an assault, and the detainee was transferred to another centre more removed from his home. The solicitor found the matter extremely difficult to resolve. Different reasons were given for the transfer, and it was hard to determine where the truth lay. The whole situation was very time consuming. The solicitor stated that there is no capacity for her position to become involved in disputes with the Department, and in most cases she would only be able to refer detainees to other sources of assistance - either the Ombudsman, Official Visitor, or a community legal centre.⁶⁰

⁵⁹ Figures provided by Leanne Robinson, Juvenile Justice Centres' Solicitor with the Children's Legal Service, July 1996.

⁶⁰ Interview with Leanne Robinson, Juvenile Justice Centres' Solicitor, Children's Legal Service.

22.117 There has been no ongoing or periodic monitoring or review of the scheme to date, although the Policy and Education Branch of the Legal Aid Commission has recently commenced such a review. Some discussions are also being held with the Department of Juvenile Justice. It is recommended that the review should be conducted jointly between the two agencies to determine the appropriateness of its current operation in meeting the legal needs of detainees. It should consider how the service may better serve the existing and future regional Juvenile Justice Centres. The review should also consider how the position could be better supported by the Department of Juvenile Justice (eg, greater responsiveness by community based Juvenile Justice Officers to requests for information or assistance) and the Legal Aid Commission (eg, better liaison with other branches and offices of the Commission). The review should be completed by the end of December 1996 to ensure the current incumbent is able to contribute to and comment on the final evaluation prior to the termination of the current funding. It is understood that the Legal Aid Commission was expected to fund the service following this date, but this is not assured, particularly in light of the recent funding cuts to legal aid bodies. The Inquiry believes this service is vital for juvenile detainees who are already disadvantaged in terms of their understanding of their legal rights, and the legal process, and who may otherwise be dependent upon often inaccurate and possibly misleading advice from their families, friends or juvenile justice staff.

22.118 Current complaints mechanisms for detainees in Juvenile Justice Centre in NSW are very rudimentary. Although largely adequate to deal with many day to day concerns of detainees, they are not sufficiently structured to guarantee that all complaints or requests are recorded and appropriately dealt with. The policy and processes do not clearly state that detainees can seek assistance from others in making their complaint, nor that the detainee may go outside the centre to pursue their grievance. So too, some centre staff consider complaints to be attacks upon them or their centre, or even "power plays" by detainees. The Inquiry found many detainees reluctant to complain due to fear of reprisal from either staff or other detainees or feelings of powerlessness and futility. Recent changes by the Department, particularly concerning the Official Visitors' program, are very promising, but of themselves will not be sufficient to remedy current inadequacies.

Recommendations

It is recommended that:

R 22.1 The Department rewrite its policy and procedures in relation to complaints made by and on behalf of detainees and their families so that they provide a comprehensive and consistent complaints handling system for the department. The system should:

- provide guidance on the kind of matters that are to be considered as complaints and dealt with in accordance with the complaints system;
- be multi tiered. While it is appropriate to attempt to resolve matters at a local level, there should be a clear hierarchy, which explains which matters can be dealt with by which levels, and to whom dissatisfied complainants may be referred;
- set clear time frames for the investigation and resolution of complaints;
- recognise the potential conflicts of interest that may arise, particularly for matters dealt with within centres by staff of that centre;

- require all complainants to be advised of the steps to be taken and the anticipated time frame for the steps. Complainants should be advised of progress in any investigation on a regular basis;
 - ensure consistency between all policies and procedures related to complaints and allegations, including the Department's recent policy "Provision of a Protective Abuse-Free Environment in the Department of Juvenile Justice".
 - reinforce the need for confidentiality of the complaint and the identity of the complainant;
 - clearly outline the possible disciplinary action that may result if complainants suffer any reprisal or harassment following their complaint;
 - recognise the right of detainees to have an advocate of their choice;
 - state that all staff have an obligation to assist a detainee in making a complaint if requested to do so by the detainee, this may include advocating for the detainee; writing the complaint on the person's behalf; and providing general advice to the person about the complaint;
 - have nominated positions in each cluster and/or at central office who are to oversight the management of complaints within their jurisdiction, and be the contact point for inquiries about the progress of complaints;
 - ensure that complaints are adequately recorded to ensure they have been adequately dealt with. The records should be made in a format which will allow for their collation and systemic analysis. The Department should consider the creation of a complaints data base which would assist in the storage and analysis of this data.
 - acknowledge that Official Visitors are additional to, and separate from the Department's internal complaints mechanisms. Official Visitors should not be expected to mediate disputes, but rather to advocate for the resolution of detainees' complaints.
- R 22.2 Centre Managers be reminded of their obligations to see detainees as soon as possible if requested by a detainee, and to be visibly present on the units so that detainees and staff are able to see them during these times.
- R 22.3 The *Children (Detention Centres) Regulation 1995* be amended to provide for the right of detainees to contact the Ombudsman and other complaints, advocacy or legal bodies by telephone.
- R 22.4 Once the interim Young Offenders Review Panel is established and evaluated, the Department should consider its possible expansion to permit it to review case plans, leave and parole decisions on the application of detainees, their families or advocates, and with an automatic right of review for all situations where detainees are placed in confinement or segregation on three or more occasions in any three day period.
- R 22.5 The solicitor's position providing legal services for detainees be reviewed jointly by the Legal Aid Commission and the Department of Juvenile Justice (or JJAC) to determine the appropriateness of its current operation in meeting the legal needs of detainees. The review should:
- consider how the service may better serve the existing and future regional Juvenile Justice Centres;

- consider how the position could be better supported by the Department of Juvenile Justice (eg, greater responsiveness by community based Juvenile Justice Officers to requests for information or assistance) and the Legal Aid Commission (eg, better liaison with other branches and offices of the Commission);
- be completed by the end of December 1996 to ensure the current incumbent is able to contribute to and comment on the final evaluation prior to the termination of the current funding;
- consider how the future of the service may be best secured.

- R 22.6 Guidelines be developed as a matter of urgency in relation to departmental inspections of centres required under s.7 of the *Children (Detention Centres) Act*. These should state the aim of the inspections, how they may be best conducted, and the expected reporting format.
- R 22.7 The Department ensure regular inspections (including unannounced ones) are conducted by independent and suitably qualified professionals who can evaluate standards of safety, hygiene, health and medical services, and programs provided within centres.
- R 22.8 Official Visitors be provided with practical suggestions about how they may best fulfil their inspection functions. This could include a list of suggested topic areas and possible information sources. This may be included in the Scheme manual, or provided in their training sessions.
- R 22.9 The role of the Official Visitors continue to be monitored to ensure they maintain a general inspection function of the centres as well as dealing with complaints.
- R 22.10 Official Visitors be moved to different centres each year where possible to reduce informal allegiances which may reduce their independence. Regular contact with other Official Visitors should also be encouraged.

Detainees Contact with their Families and the Outside World

- Phone Calls
- Visits

United Nations Rules for the Protection of Juveniles Deprived of their Liberty

Rule 22

The information on admission, place, transfer and release should be provided without delay to the parents and guardians or closest relative of the juvenile concerned.

Rule 56

The family or guardian of a juvenile and any other person designated by the juvenile have the right to be informed of the state health of the juvenile on request and in the event of any important changes in the health of the juvenile. The director of the detention facility should notify immediately the family or guardian of the juvenile concerned, or other designated person, in case of death, illness requiring transfer of the juvenile to an outside medical facility, or a condition requiring clinical care within the detention facility for more than 48 hours. Notification should also be given to the consular authorities of the State of which a foreign juvenile is a citizen.

Rule 58

A juvenile should be informed at the earliest possible time of the death, serious illness or injury of any immediate family member and should be provided with the opportunity to attend the funeral of the deceased or go to the bedside of a critically ill relative.

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 and is essential to the preparation of juveniles for their return to society. Juveniles should be allowed to communicate with their families, friends and other persons or representatives of reputable outside organisations, to leave detention facilities for a visit to their home and family and to receive special permission to leave the detention facility for education, vocational or other important reasons. Should the juvenile be serving a sentence, the time spent outside a detention facility should be counted as part of the period of sentence.

Rule 60

Every juvenile should have the right to receive regular and frequent visits, in principle once a week and not less than once a month, in circumstances that respect the need of the juvenile for privacy, contact and unrestricted communication with the family and the defence counsel.

Rule 61

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, unless legally restricted, and should be assisted as necessary in order effectively to enjoy this right. Every juvenile should have the right to receive correspondence.

Rule 62

Juveniles should have the opportunity to keep themselves informed regularly of the news by reading newspapers, periodicals and other publications, through access to radio and television programmes and motion pictures, and through the visits of the representatives of any lawful club or organisation in which the juvenile is interested.

Rule 67

... the restriction or denial of contact with family members should be prohibited for any purpose ...

Rule 87

In the performance of their duties, personnel of detention facilities should respect and protect the human dignity and fundamental human rights of all juveniles, in particular, as follows:

- (e) All personnel should respect the right of the juvenile to privacy, and, in particular, should safeguard all confidential matters concerning juveniles or their families learned as a result of their professional capacity.*

Children (Detention Centres) Act 1987

s.23A (1)

Subject to the regulations, the Director-General may, by order in writing, permit a detainee to be absent from a detention centre:

- (a) for the purpose of attending the funeral of a close relative; or*
- (b) for the purpose of visiting a close relative who is seriously ill; or*
- (c) for any other purpose that the Director-General thinks proper.*

s.24 (1)

Subject to the regulations, the Director-General may, by order in writing:

- (a) grant a person subject to control leave to be absent from a detention centre for a purpose specified in subsection (1A);*
- (b) remove a person subject to control from a detention centre and place the person in the care of such person as may be specified in the order; or*
- (c) discharge a person subject to control from detention if the Director-General has made arrangements for the person to serve the period of detention by way of periodic detention or made suitable arrangements for the supervision of the person during the period of detention.*

s.24 (1A)

The purposes for which leave may be granted under subsection (1) (a) are as follows:

- (a) attending the funeral of a close relative;*
- (b) visiting a close relative who is seriously ill;*
- (c) applying for employment or being interviewed in relation to an application for employment;*
- (d) engaging in employment of a kind specified in the order;*
- (e) applying for enrolment in a course of education or vocational training or being interviewed in relation to an application for enrolment in such a course;*
- (f) attending a course of education or vocational training at a place specified in the order;*
- (g) any other purpose that the Director-General thinks proper, being a purpose which the Director-General considers to be directly associated with the welfare or rehabilitation of the person concerned.*

s.24 (1B)

The regulations may make provision for or with respect to:

- (a) the circumstances in which an order may be made under this section; and*
- (b) the conditions to be imposed on such an order; and*
- (c) any other matter relevant to the making of such an order, including the purposes for which an order may be made.*

Children (Detention Centres) Regulation 1995

Clause 18

- (1) A detainee may be visited by relatives and friends at least once immediately after admission and, with the permission of the superintendent, at such intervals after that as the Director-General may determine for the centre in which the detainee is detained.*
- (2) The superintendent:*
 - (a) must have regard to the wishes of any parent or guardian of a detainee who has not attained the age of 16 years in relation to the management of visits to the detainee; and*
 - (b) must, at all times, seek to encourage and facilitate visits to detainees by their relatives and friends.*

Clause 22

- (1) The superintendent may authorise visits, in addition to other visits authorised by this Division, in any case in which the superintendent considers it appropriate.*
- (2) Without limiting the generality of subclause (1), the superintendent may authorise additional visits to a detainee if a medical officer has reported to the superintendent that the detainee is ill.*

Clause 23

- (1) The superintendent may determine the procedure to be observed by detainees and visitors during visits.*
- (2) A detainee may not be visited by any person unless that person has made arrangements with the superintendent for that purpose.*

Clause 25

- (1) A detainee who is of or above the age of 16 years may refuse to receive a visitor.*
 - (2) The superintendent may, despite any other provision of this Division, refuse to permit a visit if, in the opinion of the superintendent, the security, safety or good order of the detention centre, or the health or well-being of a detainee, is likely to be adversely affected if the visit were to be permitted.*
 - (3) The superintendent may terminate a visit to a detainee and direct the visitor to leave the detention centre if, in the opinion of the superintendent:*
 - (a) the visitor or detainee has, during the visit, committed a breach of the Act, this Regulation, the general routine of the detention centre or the procedure for visits; or*
 - (b) the security, safety or good order of the detention centre, or the health or well-being of a detainee, is likely to be adversely affected if the visit were to continue.*
 - (4) A visitor must not fail to comply with a direction given under subclause (3).*
- Maximum penalty: 5 penalty units.*

- (5) *The superintendent must cause a record to be kept of:*
- (a) *each refusal of a visit and each termination of a visit; and*
 - (b) *the reasons for the refusal or termination.*

Detainees Contact with their Families and the Outside World

23.1 The importance of juvenile detainees retaining and developing links with the community was outlined in chapter 5 of this report.

23.2 Of even more crucial importance is the need to keep young people in contact with their families wherever possible. The Department of Juvenile Justice places a great emphasis on the need for detainees' families to play an integral role in supporting juveniles in detention centres. The Department's 1994/95 Annual Report states "enhancing family and community involvement in the juvenile justice system was a priority for the Department."¹ Similarly, in the Charter of Principles for juvenile justice in New South Wales the Department states "families and extended families should be recognised as the fundamental influence upon children and should be given support and opportunities to participate in the juvenile justice process"² The Department's second corporate objective is to provide a secure juvenile justice centre environment which respects the rights of juvenile offenders and which encourages behaviours to minimise re-offending. As part of this corporate objective the Department sees one element of effective intervention meaning "assisting young people to re-establish family and community ties."³

23.3 The Standing Committee on Social Issues in its report on juvenile justice recommended that families, especially rural families, be assisted in visiting their children in detention centres.⁴ For a number of years now the Department has provided financial assistance for families to visit young people in custody, and, in some centres such as Mt Penang, Kariang, Riverina, Keelong and Reiby, provides some access to on-site accommodation for visiting families.

23.4 The Youth Justice Coalition in its review of juvenile justice devoted a whole chapter to the role of families in the system. This chapter of the report focused mainly on two different but connected issues. Firstly, the influence a child's family may have on possible outcomes for the detainee, and ways in which the juvenile justice system impinges on the child's family. The Coalition's research found surprisingly few detainees who did not either live with families or intend returning to their families on release from detention centres. The report noted:

The extensive research which shows that children grow into and then (mostly) out of crime. This is an indication that the developmental process, and the way families and others respond to it have major implications for young people's longer term likelihood of success in becoming a responsible adult. Young people eventually move away from the physical support and social direction of their family group. However, at least in the early stages of their development, and until many of the skills of social interaction and self discipline are learned, ...

¹ Department of Juvenile Justice Annual Report 1994/95, *Focusing on Effective Intervention*, p. 2.

² Ibid, p. 4.

³ Ibid, p. 16.

⁴ NSW Legislative Council Standing Committee on Social Issues, *Juvenile Justice in New South Wales*, Report No 4, May 1992. Recommendation 124.

*the family is where this support and direction are most likely to be found. Peers, youth workers, referees, income maintenance, schools and training organisations can and should at best provide only partial support and guidance for both young people and their families during young peoples' (often difficult and confusing) passages through adolescence to independent adulthood.*⁵

23.5 The United Nations rules state that every means should be provided to ensure juveniles have adequate communication with the outside world, including families. Detainees should have the right to receive regular and frequent visits (at least twice a week and not less than once a month) in circumstances that respect the need for privacy, contact and unrestricted communication with family. Detainees should also have the right to communicate in writing or by phone at least twice a week with the person of their choice unless legally restricted, and they should be assisted as necessary to enjoy this right.

23.6 The Department of Juvenile Justice has a policy on procedures to be followed by centres to encourage family contact.⁶ The policy notes that Section 4(1) of the Children's (Detention Centres) Act 1987 has as an object of the Act to ensure "*that satisfactory relationships are preserved or developed between persons on remand or subject to control and their families.*" The policy stresses the importance of encouraging families or significant other persons to provide support for young detainees, either through written communication, telephone calls or visiting the centres. An important component in case management undertaken by the Department is the positive interaction of the family in preparing the detainee for his or her re-integration into the community. The policy states that a greater emphasis is required in encouraging and assisting contact for detainees who have families located some distance from the Juvenile Justice Centre, ie. a detainee in Mt Penang whose parents reside at Bourke.

23.7 Given the acknowledged importance of the family in the lives of young people in detention how well do juvenile justice centres in New South Wales ensure that as far as possible young peoples links with their families are maintained during their period of detention?

23.8 In order to try of get a picture of the reality of family contact for young people within the Centres, the Inquiry undertook an analysis of all telephone calls and visits detainees had in a two week period, 1 December to 14 December, 1995. The results of that survey indicated some fairly brutal realities about the level of contact detainees actually manage to have with their families. Only detainees who were in detention centres for the whole two week period were included in this review. In some instances the Inquiry was unable to locate certain records ie. telephone logs at Keelong or visiting cards for some detainees who had since been released from detention (Minda). These detainees were dropped from the relevant section of the analysis in order not to skew the analysis of the statistics.

Phone Calls

23.9 The practice relating to phone calls for detainees was found to be generally the same in all detention centres. Detainees are entitled to two phone calls a week, and they

⁵ Youth Justice Coalition (NSW), *Kids in Justice - A Blueprint for the 90s*, 1990, pp. 152-153.

⁶ Director General's Instruction No 105/95, *Procedures to Encourage Family Contact*.

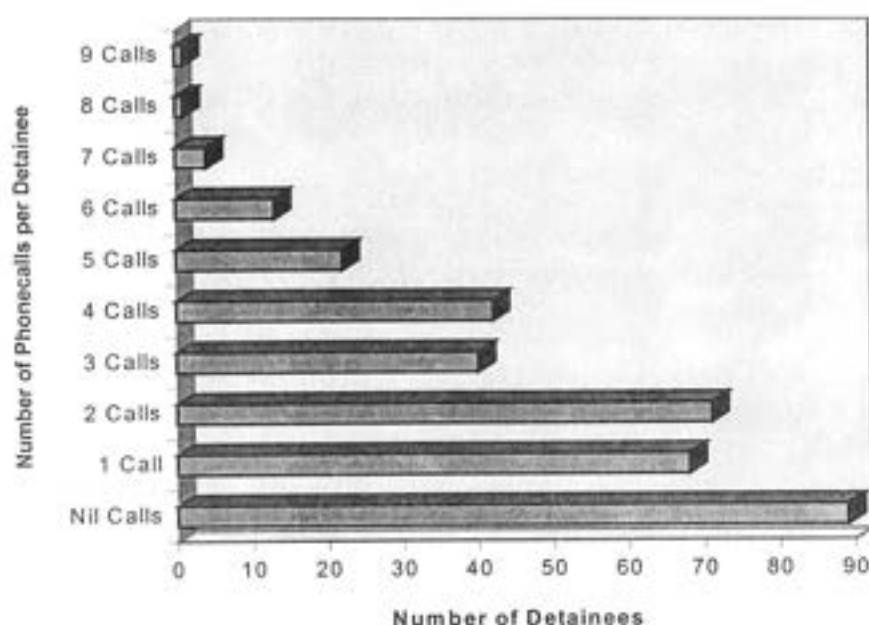
can "earn" an extra phone call through the "points" or "internal economy" system operated in the centres. These phone calls are usually at roughly the same time each week, ie Wednesday and Sundays after dinner. Phone calls are paid for by the Department. In most centres the detainees are only allowed phone calls of three minute duration, although some centres have now extended this to five minutes. Detainees can only call people approved by the Manager, mostly family or significant others. Detainees are forbidden to dial numbers themselves for reasons of security and all numbers are dialled for them by youth workers. Incoming calls can only be accepted with the approval of senior staff on the unit and such incoming calls are counted as one of the two phones calls allowed detainees weekly.

Detainees have two calls a week and can have another. Business calls, say to their solicitor and juvenile justice officers don't count. Phone calls aren't monitored except in terms of length of time, unless there is some reason to be vigilant. If they are becoming abusive they will be cut off. (Centre Manager)

Phone calls, they have two and can earn another - by participated in a task. Our phone bill is enormous, I'm looking at a \$8,600 phone bill for three months. With the advent of casework they get more than two calls a week. (Centre Manager)

If people ring they are normally put through. Hard to track country families sometimes. If people ring in its counted as a phone call. My attitude is if they want to ring home they can. Centre dials numbers to check who they are ringing. Significant people in their life they can phone, ie boyfriend. I will look at this but first I want a written letter requesting contact and I get it checked with the local JJO. If a friend I check first with parents, even if detainees are over 16 years and even 18 years and over. Parents are vocal sometimes about who their kids can ring but kids seem to accept it. (Centre Manager)

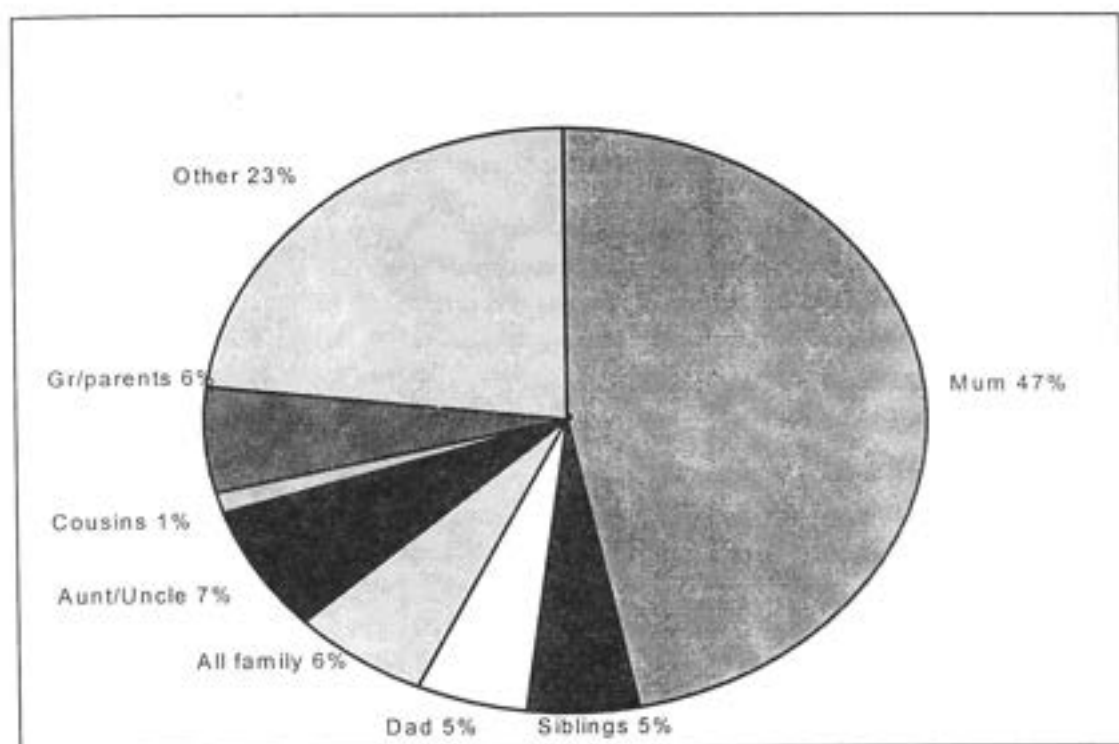
**Table 23.1: Number of Phonecalls made by
Detainees in Detention centres for Period 1 to 14
December 1995**



23.10 In the survey undertaken by the Inquiry telephone logs for 351 detainees who were in the detention centres for the period 1 to 14 December 1995 were analysed. As shown in Table 3.1 these 351 detainees had a total of 731 phone calls. However, 89 or 25% of detainees had no outside phone contact with anyone. 19 percent had one phone call, 20 percent had two and 11 percent had three phone calls. Only 12 percent had phone calls at the minimum level recommended in the United Nations rules, two per week. Not quite a quarter of the detainees (24 percent) had four or more phones calls in the fortnight surveyed. 12 percent of detainees had five or more calls in the fortnightly period surveyed.

23.11 These figures are very significant as they show that 76 percent of the young people in New South Wales detention centres in the two weeks from 1 to 14 December had substantially less contact with their families than that recommended in United Nations standards. That is they had three or less phone calls over that two week period.

Table 23.2: Detainee Phone Calls and Relationship to Person Called



23.12 Chart 23.2 shows the relationship to the detainees of those people they phoned during the survey period. As might be expected from the Departmental policy on only allowing phone calls to approved persons, the family of the detainees were the main contacts, although 23 percent of calls made fell in the "Other" category and included calls to friends, especially girlfriends. Mothers constituted almost fifty percent of the people contacted. 63 percent of detainee phone calls were either with their mother, father, siblings or a phone call to the family home. Extended family contacts were also a significant minority of calls made, with 7 percent of calls being made to aunts and uncles and 1 percent to cousins. Similarly, phone calls to grandparents constituted 6 percent of calls in the survey period. It was noted from the records that grandmothers especially had regular contact with their detained grandchildren.

23.13 There appears to the Inquiry staff to be an ambiguous attitude on the part of staff at centres to telephone calls by detainees. On the one hand there is clear Departmental policy encouraging contact with families and friends. Managers at most of the Centres were clearly willing to approve additional phone calls if they or their staff felt it was in the detainees' interests to have additional calls. Casework managers and detainees' key workers especially were sympathetic to any special needs the detainees may have to make additional phone calls. It is also clear from the telephone logs and unit logs that were perused that if phone calls were unable to be connected on the designated days, youth workers would actively try to reach the detainee's family on subsequent days so that the young people did not miss out on their weekly phone calls.

I'm a key worker for two kids. I love the casework, really get involved with the families - do a lot of it at home. When we have 30 residents here, can be

hard to find time. Workers on other shifts help too, they may get information for me. Get rewards from this. I like to call parents and tell them how their kids are going. One kid, had no links or contact, no phone calls - tried to chase up with the community and located a stepbrother in Griffiths. I now have them in contact with each other, he didn't even know he had a stepbrother before. (Senior Youth Worker)

23.14 On the other hand, some staff at other centres appear to treat the detainees rights to telephone contact with a degree of disdain. A number of youth workers interviewed at Kariong said they felt they had inadequate sanctions to control bad behaviour. They felt they should be able to take away phone calls and visits as a way of getting better control over the boys. These particular workers were also contemptuous of the chief youth worker and others overriding their decisions, as they thought this undermined their general authority. These sorts of comments were typical of many of the attitudes at Kariong, where there appears to be a very punitive approach to the treatment of the detainees, especially amongst the youth workers.

23.15 This attitude unfortunately does not appear to be limited only to youth workers. For example, late last year the Acting Assistant Superintendent at Riverina wrote to the Assistant Superintendent at Kariong requesting that one of his detainees be allowed permission to have telephone contact with his brother at Kariong. This request was made following discussions with Riverina's case manager, who felt the detainee would benefit from regular contact with his brother. The request was refused by Kariong on the basis that such contact "was not convenient at present". This matter continued to be followed up by the case manager at Riverina and a phone call was finally agreed to some weeks later.

23.16 The attitudes are of great concern. They directly contradict the Department's own policy emphasising the need to keep detainees in contact with their families and exhibit a desire to control detainees that borders on a breach of human rights. It exhibits an ignorance or a total disregard of the impact such contacts can have for the future wellbeing of the detainees. In a study of recidivist rates amongst adult prisons, the seminal work of Holt and Miller found that being attached to some form of a family is critical to the positive outcome of the correctional process. Family was not used by them in a prescriptive manner. They found that there was a significant difference in the recidivism rate between those who had regular, continuing contact with family members compared to those who had no or only sporadic contact.⁷

23.17 The other issue related to phone calls is that there doesn't appear to be a great deal of privacy for young people talking on the phone. This issue was raised by a number of detainees interviewed. Most phone calls are made from the staff operations rooms on the various units. At Keelong a phone in the dining room is used to make calls after dinner, whilst in the other part of the room detainees are playing pool or other games. At Worimi the phone in the yard is used and once again the other detainees may be playing tennis or using swimming pool whilst the young person is trying to talk on the phone.

There is not privacy for the kids using the phone. Our calls are given after dinner. The number is dialled by workers, and the calls are taken in the dining/recreation room with other kids milling around, some playing netball or pool. Calls are generally only 5 minutes. (Detainee, Keelong).

⁷ Holt and Miller 1972 (quoted in Corrective Services paper).

Phones - we get fined a \$1 if we don't get off right away but we need time to say goodbye. Why are phones calls restricted to such a short time, could allow longer or more if have different units making calls on different nights. (Detainees at Kariong)

Phone calls limited to five minutes, but there are now two phones, before was only one and calls were limited to three minutes. It took a while for the Residents Committee to get the new phone through. (Detainee, Cobham)

My family lives in Tamworth. The phone is in the yard, its not private and three minutes isn't long enough. I use one phone call to ring my mum in Tamworth and one to ring my guardian in Gosford. (Detainee, Worimi)

Phone calls are in the yard for security reasons, noisy but probably OK for privacy. Five minutes would be better, but lots of time kids get more than three minutes if they have been behaving. Have to be watched because you can just press "0" and ring a second number. (Casual Youth Worker)

23.18 Another issue raised with the Inquiry related to the short duration of phone calls is three to five minutes. The Department of Juvenile Justice's official visitors told the Inquiry that there are cultural difficulties for some detainees in having such short phone calls. Some detainees were unwilling to ring their families anymore as it was culturally important that they speak to all members of their families when they rang, and it was impossible to do so in the three or so minutes allowed for each call.

23.19 The low level of telephone contact detainees appear to have with their families and significant is of concern. Some of the constraints on detainees making phones calls could be the inefficient manner in which such phone calls are placed. Youth workers often have to make anywhere up to 30 phone calls in a single evening. This is an inefficient use of staff resources and means that extending the length of phones calls beyond the normal three minutes becomes problematic.

23.20 A possible remedy which the Department of Juvenile Justice may wish to consider is the use of "Smartcard" operated telephones, which have been piloted in the adult corrective institutions with great success. These cards could have the following advantages over the present system:

- Allows predetermined access to up to ten approved numbers and prevents the possibility of on-calling;
- Allows predetermined timed calls;
- They release youth workers for other, more meaningful, duties;
- They can reduce tension between youth workers and detainees, as the card cuts the call off at a predetermined time after giving the detainee prior notice and eliminates possible confrontation when the call has reached its time limit;
- The called party is notified via a synthesised voice that a call is coming from the juvenile justice detention centre, thus allowing the called party the opportunity to accept the call or hand up.

23.21 The other possible advantage to the Department in the use of such phone cards is that it may be possible to recoup some of the current cost of detainees phone cards. These

cards could be purchased by the detainee or his family, although the Department will still need to allocate funds for those detainees who are unable to cover even the minimal cost of phone calls.

Visits

23.22 As discussed earlier in this section of the report, the Department of Juvenile Justice has clearly stated its commitment to encouraging families or significant other persons to visit young people whilst there are in detention centres. The White Paper on New Directions in Juvenile Justice in NSW has within its charter of principles that "families and extended families should be recognised as the fundamental influence upon children and should be given support and opportunities to participate in the juvenile justice process."⁸ The importance of family visits to detainees and the emotional aspects of these visits for young people in detention was movingly described by a young man at Cobham detention centre.

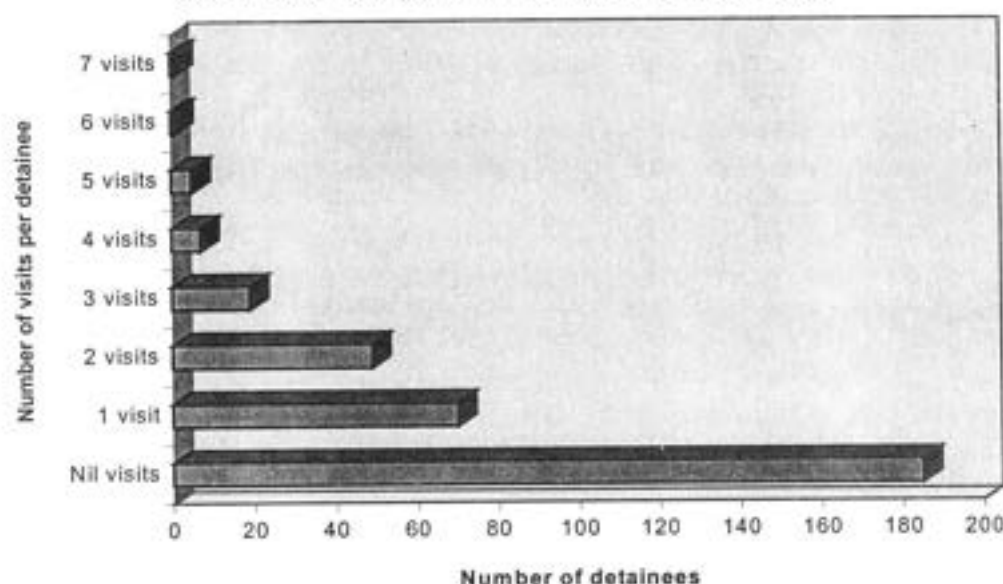
My family lives at Harris Park they would come by car twice a week to visit. In early 1994 I got day leave each week to visit them, and since late 1995 I have had overnight leave. A family member signs me out and is responsible for me. Used to allow families to bring in food but not allowed now. I would get upset, sad, emotional, feel small, degraded that the family comes and sees you here in this situation. Sometimes I didn't want to go through the stress around it, hard to say goodbye, I just wanted to go with them. Other kids don't get visits - see me having fun, munchies with the family, made them feel really bad - can't imagine what it would be like if no family, no one to turn to. When I got day leave it was much better feeling to visit them at home, outside the centre. Isn't too nice having to come back but you get used to it - as long as I know I will get another leave. It's very important to me to see my family, in the sense I know I've got someone who cares for me. Those kids who don't have contact get depressed, they don't really want an explanation why they aren't getting visits, they just want their visit. I think we should be allowed a call a day should put public phones in - get phone cards. (Detainee, Cobham)

23.23 Detention centres normally nominate two visiting periods per week, normally one day on the weekend and one during the week. As with telephone calls, detainees are allowed two visits a week, and are only allowed visitors that have been approved by the Managers of the centres. Most centres require that visitors other than parents or guardians seek approval prior to visiting. Centre staff usually consult with a detainee in relation to having friends visit and this is also checked with the detainees juvenile justice officer in the community. Once a young person is accommodated in a detention centre a letter is sent to their family informing them of their whereabouts and outlining, amongst other things, the visiting hours. (Copies of the standard letters sent by Riverina and Minda form Appendices G and H respectively. There is a noticeable variation in their tone which could influence subsequent contact between the centre and the family.) In the records perused by Inquiry staff all centres appear to send these letters out very promptly, usually within a few days of the intake of the detainee.

⁸ Department of Juvenile Justice, *White Paper on New Directions in Juvenile Justice in NSW*, p. 3.

22.24 In their contact with the family and friends of detainees, centre staff told the Inquiry that they stress that times for visiting can be flexible, to help fit in with the needs of the family as well as the Centre, but normally request that people ring beforehand if they wish to visit outside of the normal visiting hours to ensure that the detainee will be available. Visits are usually not encouraged at times when the detainee would normally be expected to be in school or participating in other programs. Whilst the Inquiry accepts that in most centres there is a level of flexibility for people wishing to visit detainees, the experience of family and friends visiting centres can be extremely daunting. The Inquiry noted that often the first thing visitors will see when visiting a centre is a Notice of Advice to Visitors posted on the detention centre door. A sample copy of the type of information contained in such a notice from Keelong Juvenile Justice Centre forms Appendix. I. The notice is certainly less than welcoming, it is extremely legalistic and contains many negative statements as opposed to being a positive example of the Department of Juvenile Justice's statement in its Charter of Principle that "families and extended families should be given support and opportunities to participate in the juvenile justice process."

Table 23.3: Number of visits received by detainees in centres for the period 1 to 14 December 1995



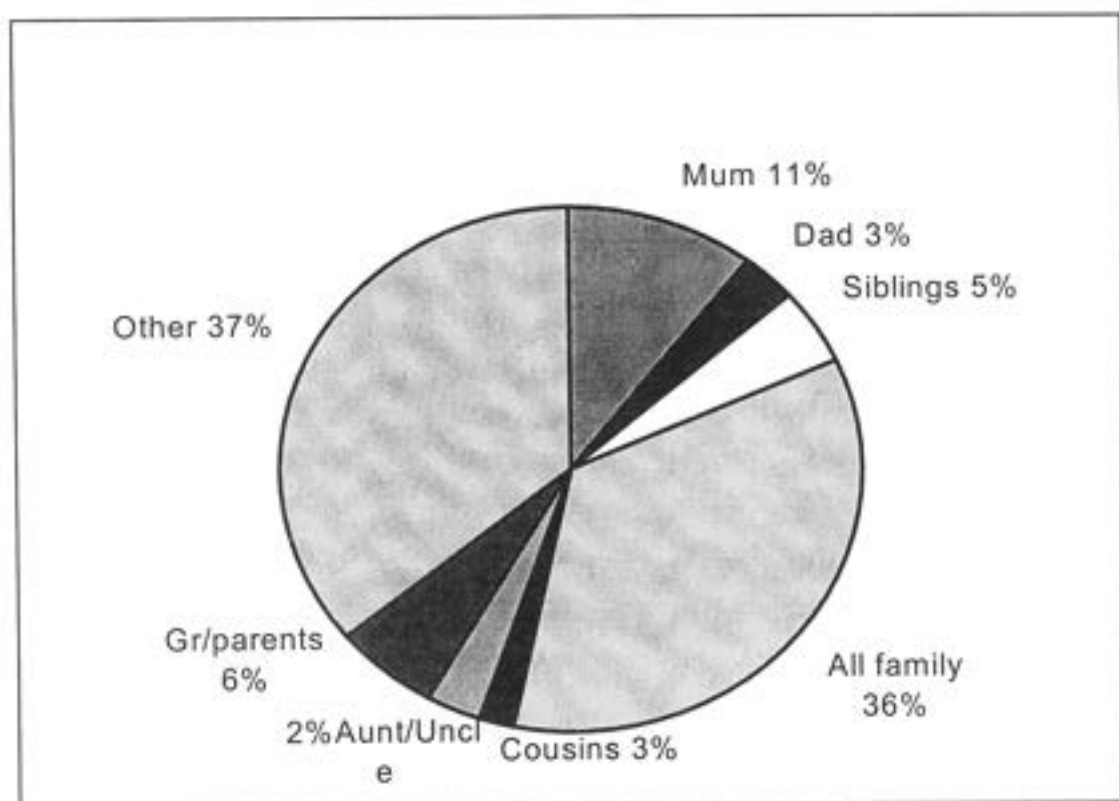
23.25 In order to review the level of visits actually received by detainees, the visitors books and/or detainee's visitors cards were analysed for the same two week period as the telephone calls, ie 1 to 14 December, 1995. It was not possible to collect records for all visits. for example there are not easily available records for Cobham, Minda or Keelong and where no records exist detainees have been dropped from the analysis. Only those detainees who were in detention centres for the full two week period were included in the analysis in order not to skew the statistics. In all, the recorded visits for 335 detainees have been analysed and the results are shown in Table 23.3 above.

23.26 It was found that detainees received far fewer visits (291) than telephone calls (731). Table 23.3 shows that in the survey period 183 (or 55 percent of detainees) received no visits. 20 percent of detainees received one visit, 15 percent had two. 6 percent had three visits and 2 percent had four visits. 2 percent of detainees had five or more visits.

23.26 What these figures highlight dramatically is that 90 percent of detainees received under the minimum standards level of visits that might be expected, ie two visits or less.

23.27 Who did the detainees received visits from? The pie diagram sets out the visitors relationships with the detainees. Once again, of those detainees who had visitors the immediate family was by far the most important contact, 55 percent of visitors were either mothers, fathers, siblings or some mixture of these. The next highest rate of visitors were friends (at 37 percent of visitors), often girlfriends. Aunts, uncles, cousins and grandparents made up the remainder of the visitors.

Table 23.4: Detainee Visitors and their Relationships



23.28 There are a number of vital factors which it appear to affect the level of visits received by young people in detention centres. Some of these are outside of the control of juvenile justice to influence, such as young people having dysfunctional relations with their families or where they have been disowned by their family. Other young people simply appear to have no family or significant other people in their lives.

23.29 However, there are factors affecting the number of visitors young people in detention receive which could be rectified to some extent by revision of Departmental policies. These are the location of the detention centres, the way the "points" system negatively impacts on what visits detainees are allowed and the flexibility which centre staff apply to visiting hours.

23.30 There is clear evidence that the location of detention centres created difficulties for the families of young people wishing to visit. This is especially so for Mt Penang and Kariong because of their distance from the main population centre of Sydney, and for young women at Yasmar because as many as two thirds of the girls at any one time may

come from areas outside of Sydney. Distance becomes a real deterrent to families and friends visiting.

23.31 The way in which the points system in centres can adversely affect detainees is shown in an example from Minda. In review an Aboriginal detainee's case file it was noted that a detainee's aunt had requested a visit in late 1995. She provided identification but the visit was not approved by the Executive Manager because "*resident not on appropriate section to have non-immediate family visitors*". There are a number of worrying aspects to this example. Firstly, that a detainee's right to visitors is being determined by Minda's internal so-called behaviour management system, ie the "points" system which determines what "level" at detainee is on. Secondly, that an young Aboriginal detainee's aunt was declared to be part of the non-immediate family. This statement shows a lack of regard for the extended family networks that are an integral part of Aboriginal culture. The Inquiry has grave concerns about the effects the use of the "points systems" are used within detention centres to limit the often already very limited contact detainees have with family and friends and recommends strongly that detainees ability to have visits should not be linked in any way to what "level" a detainee may be on.

23.32 Another aspect relates to the inconsistent way in which the visitors policy is implemented. An example of this inconsistency was brought to the attention of the Inquiry in relation to an Aboriginal detainee on remand. He was sent straight from court to Kariong and had been there for four months. He raised the difficulty his family had in visiting him as they live in Mildura. Officers from the Ombudsman's office relayed this information to the Acting Superintendent at Kariong in February and requested that steps be taken to inform the detainee and his family of the assistance available through the Department for families in need who wished to visit detainees. The detainee was contacted by the Ombudsman's office in April and asked if anything had happened. It hadn't and the detainee said he didn't have a caseworker to assist him. He said some member of the maternal side of his family were visiting in May, the visit being funded by an Aboriginal organisation. However, his father wanted to come and visit but he had no money. When contacted Kariong staff did not know if he had a caseworker but made the comment that he had been spending a good deal of time with the Centre's psychologist and appeared to be very "down" and suicidal but no one knew why. When informed once again of the detainees request to see his father, a commitment was made to try and organise such a visit before May.

23.33 In contrast, another Aboriginal detainee on remand at Kariong for a shorter period has had his family visit from Coffs Harbour. They were accommodated at the visitors cottages at Mt Penang, and were able to visit their son on Friday, Saturday, Sunday and Monday because of the distance they had travelled in order to visit. The Aboriginal workers at Reiby work hard at getting assistance for Aboriginal families to visit the detainees, either through the Department's funding for assisted family travel or by using some funding the school receives from TAFE for family contact visits. This is especially important at Reiby as the workers there estimate that most of the Aboriginal detainees are from rural areas. It was also noted by the Inquiry that White Paper funding available to assist needy families visit detainees was seriously underspent in 1995/96, a matter which it views with concern in view of the extremely low level of family contact it found that detainees had with their families, especially detainees from rural areas.

23.34 Detainees at Mt Penang and Kariong were particularly vocal in their complaints about visiting hours. Many visitors travel two, three or more hours for a maximum two hour visit and then travel an equal time to get home again. The detainees complaints relate

to the changes to the visiting hours at Mt Penang which have been reduced from 10 am-3.30 pm on Saturday to 10 am-12 noon. The detainees stated that about sixty percent of the visits have "dropped off" since the change. The main difficulty with visits to Mt Penang and Kariong seemed to be the extensive travelling people have to do to get there. One detainee's girlfriend travels three hours by public transport each way to visit, sometimes with their baby. Another detainee mentioned that his parents live at Epping, they have no car and the trip takes about three hours. When the Inquiry investigated the reasons for the changes to visiting hours, it was informed that staffing the extended visiting hours at Mt Penang was extremely difficult and there were concerns about contraband being brought into the centre. Kariong's visiting times had been altered to match those of Mt Penang so the centre bus only had to make one trip to and from the railway station to pick up visitors.

23.35 The detainees stated that they had written letters to the Superintendent about visiting hours, but there has been no discussion and no reply to their letters, except that youth workers have told them that the changes to the visiting hours are on a trial basis. An incident over the Christmas period was still being talked about by detainees when the Ombudsman's staff visited the centre in February.

The staff here are very hostile to visitors, they've got no respect and treat our parents as if they are the ones doing time. They stopped visits for Christmas Day, Boxing Day and New Years Day. They promised the Detainee Committee that we could have Christmas visits, pamphlets were handed out but families were turned away. It probably wouldn't have happened if Steve (the Superintendent) was here but he was away over Christmas. They make visitors wait, sometimes for 1-2 hours not sure if they are even given tea and coffee. The changes to the visiting hours mean that we can't have lunch or a picnic with our families anymore. A 10 am start is too early, people often don't get here till after 10 am because of the long travelling time (Group of detainees, Mt Penang)

Visits are a problem, my mum can't get here during visiting hours and I don't get enough time with her, only 30 minutes to an hour (Detainee, Keelong)

23.36 A Youth Worker at Kariong interviewed in as part of the Inquiry was very critical of some of the recent treatment of Muslim detainees. He said

it was Ramadan recently, the chief went about talking about "ramablanabloodydram" - many workers don't respect different beliefs. The Superintendent had promised family would be allowed to come to Muslim style celebration at end of Ramadan; the Acting Superintendent reneged. The boys were upset but no consideration given when they subsequently behaved badly.

23.37 Teaching staff and young women detained at Yasmar told the Inquiry that visiting times

... are hopeless, and at very inconvenient times and make unreasonable assumptions about parents' availability. Working parents find it very difficult to visit during the day. Their visiting hours are one and a half hours long, 3.00 pm-4.30 pm, often inappropriate times for families because of

work, commitments to other children in the family or school. Family BBQs at the centre have been stopped and the girls complain that they can't have lunch with their families.

23.38 Detainees at other centres voiced similar problems:

Visits used to be 11-2 on Sundays now only 10-12, not long enough and I don't know why it was shortened. My grandmother visits, coming from Gosford station to Penang on the bus. I've only been out of Kariong for court purposes or to be transferred. No one from community comes in. I ring my grandmother on Wed and she visits Thursday. I ring mum on Sunday. Visitors can bring hot food, shampoo, soap, talc, socks undies and books but not munchies. (Detainee, Kariong)

I like Kariong better than Minda but its too far for my family to visit. They live at Minto\Cabramatta. Came to Kariong to visit once but difficult. (Detainee, Kariong)

23.39 The privacy afforded families when visiting the centres is also a problem. Many centres simply do not have adequate facilities for visitors. More often than not the dining room is used for visits, or if the weather is fine mostly centres have fairly good outdoor meeting spaces. The "make-do" aspect of indoor visits not only leads to lack of privacy and insufficient space for detainees and their visitors, it also creates problems for the other detainees, who have commented that there is often nothing to do on weekend at visiting time because "visits are on" for those detainees fortunate enough to have visitors. Other detainees can often be stuck on their units during visiting hours. At Cobham visits used to take place in the courtyard but after experiencing a serious problem with contraband all visits are now in the dining room. Legal visitors use the area outside the admissions area, which can be very hectic when new admissions are being processed.

Conclusions

23.40 The Inquiry finds that the Department of Juvenile Justice is seriously breaching United Nations standards relating to the need to ensure that detainees have adequate communication with the outside world, families and friends. Many detainees were found to have substantially less contact, either by telephone or through person visits, than even the very low minimum standards set out in the United Nations rules.

Recommendations

It is recommended that:

- R 23.1 The Department of Juvenile Justice cease immediately the practice of linking detainees' visitors and/or phone calls to the detention centres' points system.
- R 23.2 The Department of Juvenile Justice detention centres review as a matter of urgency the level of telephone and personal contact detainees are having with family and friends. It is anticipated that this would best be achieved through case

management. Where detainees are not receiving such contact for whatever reason the Department should ensure that special attention is given to linking such detainees with some form of outside contact eg the Mentor Scheme, community organisations, Official Visitors etc.

- R 23.3 Better and more private facilities be provided for visitors, especially indoor visiting areas.
- R 23.4 The Department review the frequency and length of time detainees can be on the telephone and also review visiting hours in detention centres to ensure that they better meet the needs of visitors.
- R 23.5 The Department consider the introduction "Smartcard" operated telephones.

24

Contacts Between Centres and Outside Organisations

- The Importance of Community Links
- Visits by Community Organisations
- Operational Barriers
- Leave and Excursions

United Nations Rules for the Protection of Juveniles Deprived of their Liberty

I Fundamental Perspectives

Rule 8

The competent authorities should constantly seek to increase the awareness of the public that the care of detained juveniles and the preparation for their return to society is a social service of great importance, and to this end active steps should be taken to foster open contacts between the juveniles and the local community.

J. Contacts with the Wider Community

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 and is essential to the preparation of juveniles for their return to society. Juveniles should be allowed to communicate with their families, friends and other persons or representatives of reputable outside organisations, to leave detention facilities for a visit to their home and family and to receive special permission to leave the detention facility for educational, vocational or other important reasons. Should the juvenile be serving a sentence, the time spent outside a detention facility should be counted as part of the period of sentence.

Rule 60

Every juvenile should have the opportunity to keep themselves informed regularly of the news by reading newspapers, periodicals and other publications, through access to radio and television programs and motion pictures, and through the visits of the representatives of any lawful club or organisation in which the juvenile is interested.

Rule 61

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, unless legally restricted, and should be assisted as necessary in order effectively to enjoy this right. Every juvenile should have the right to receive correspondence.

Rule 62

Juveniles should have opportunity to keep themselves informed regularly of the news by reading newspapers, periodicals and other publications, through access to radio and television programs and motion pictures, and through visits of the representatives of any lawful club or organisation in which the juvenile is interested.

Contacts Between Centres and Outside Organisations

24.1 The United Nations Rules are clear about the importance of juveniles retaining or regaining links into the community, either through visits to detention centres by outside organisations or through detainees being granted leave to visit their family or for education and training purposes. One of the fundamental principles is set out in Rule 8 which states that authorities should constantly seek to increase the awareness of the public that the care of detained juveniles and the preparation for their return to society is a social service of great importance. To this end active steps should be taken to foster open contacts between the juveniles and the local community. Similarly, Rule 59 declares, amongst other things, that every means should be provided to ensure juveniles have adequate communication with the outside world, including families friends and other persons of reputable organisations.

24.2 The importance of community links, along with family contacts, for young people's well being cannot be stressed too highly. In a two year study of child welfare and juvenile justice undertaken by the Victorian government the need to recognise the fragility of the social and cultural identity of the young offender, and avoid isolating vulnerable people from their community networks, was noted. *"Over-zealous intervention in the life of a juvenile can have a far more dramatic and devastating effect than equivalent intervention in the life of an adult, who has already established a sense of personal and cultural identity."*¹ One of the recommendations of the Victorian study was that juvenile detention facilities should maintain a community perspective and involvement with the community and community support groups should be encouraged and further developed.²

24.3 Similarly, the NSW Green Paper on Future Directions for Juvenile Justice emphasised the need to encourage and support community involvement in detention centres, and in particular the need for young female detainees to be visited by women who represent positive role models. The report recognised that in order to assist the integration of juveniles into the community there should be regular contact with the community including visits to the centres. It recommended that regular activities should be organised for juveniles in detention centres with members of the community such as evening classes, theatre group visits and workshops.³ However, the subsequent White Paper on New Directions in Juvenile Justice in NSW⁴ made little mention of the involvement of the community within detention centres.

24.4 In order to attempt to gauge the degree of interaction between detention centres and the broader community as part of the Ombudsman's inquiry the visitors books in all centre were analysed for a three month period, 1 November 1995 to 31 January 1996. As it is Departmental policy that every time a group or representative attends any detention centre

¹ Department of Community Services, Victoria, *Report on Equity and Social Justice for Children, Families and Communities, Child Welfare Practice and Legislation Review*, 1984, p. 359.

² Ibid, p. 499.

³ Juvenile Justice, Advisory Council of NSW, *Green Paper on Future Directions for Juveniles Justice in New South Wales*, February 1993, p. 188 and Recommendation 229, p. 189.

⁴ Department of Juvenile Justice, *White Paper on New Directions in Juvenile Justice in NSW*, 1994, p. 3.

they must sign the Official Visitors Book, it was felt an analysis of these books would give a comprehensive picture of the type and extent of the interaction between the community and the centres. In addition, as part of the interviews with administrative staff questions were asked about the level of contact the various detention centres has with the local community, social, sporting and cultural.

24.5 Table 24.1 sets out the analysis of the visitors books.

24.6 The impression of officers involved in the Inquiry when visiting the centres was that visits from community organisations appeared to be undertaken on an ad hoc and opportunistic basis. Opportunistic in the sense that often whether or not organisations visited the centres appeared to have more to do with the persistence and energy of individuals rather than as part of a broader strategy of community interaction with the centres. The individuals involved were either from various community groups or enthusiastic detention centre staff with the commitment to organise visits from community organisations.

24.7 It appears from Table 24.1 that these views are correct. Detention centres appear reluctant to involve community organisations in activities within centres. The Department is currently developing a revised policies and procedures manual. Section 5 of this Draft Manual deals with visitors to centres. The section relating to visits by community groups and representatives, whilst providing an excellent operational guide on procedures to be followed in the event of visits by community organisations, it is not a policy document. No mention is made of the importance of community links and the need to be proactive in developing these links and/or developing educational and training opportunities for detainees.

There's no problem with me accessing the Centres now as I've become well known, especially at Minda and I've been on call at Yasmar for years. But it's really difficult getting things to happen. I've tried to set up a program where I'd go out to Minda once a week and talk to the Koori kids. It just became so difficult to organise that it never happened. The centre kept trying to formalise a time and wanted it in the late afternoon, which wasn't possible because our worker had childcare responsibilities at that time. They seemed to want the hour with the kids to be structured, and for us to do something like traditional dancing. But its not what we do, we're the Legal Centre. But its really important for country Koori kids especially to know what's happening in their communities - they are just so isolated. (Solicitor, Aboriginal Legal Service)

Table 24.1: Visits by Community Organisations to Juvenile Justice Detention Centres for the Three-Month Period 1 November 1995 to 30 January 1996

	Cultural Groups	Aboriginal Medical Service	Aboriginal Legal Service	Sporting Groups Official Visitors	Juvenile Justice	Juvenile Justice Chaplain	Other Religious Organisations	Legal	Other**
Cobham	0	0	2	8	1	35	9	9	40
Kariong	0	14	1	0	8	11	8	6	18
Keelong	0	0	0	0	6	27	2	1	23
Minda	8	2	2	0	2	0	28	11	24
Mt Penang	3	4		1	11	0	3	0	2
Reiby	0	0	2	0	6	23	12	11	23
Riverina	0	0	5	0	0	0	11	1	0
Worimi	0	3	0	0	5	0	1	3	
Yasmar	1	0	3	0	1	0	3	0	11
TOTAL	12	23	15	9	40	96	77	42	141

*The cultural groups which visited the Centres were as follows Mt Penang - 1 from Maori Women's League, 2 from Barnardo's Vietnamese workers; Yasmar - 1 from a visiting Chinese delegation; Minda - 5 from a Muslim group; 1 multicultural group; 1 Pacific Islander group and 1 Maori group.

**The category of "Other" contains visiting individuals who had signed the Official Visitors book but where it was often unclear as to the purpose of their visit; some health visitors, a hairdresser in the case of Kariong; a visit by a UNICEF official to Yasmar; DOCS officers, various educational visitors. It should be noted that visits by Juvenile Justice community based officers and central support staff have not been included in this table.

24.8 As shown in Table 24.1 visits to the detention centres by cultural organisations is especially disappointing, with only 12 such visits taking place in all centres over the three months November 1995 to January 1996. Even these figures when analysed further show that an extremely small number of community based cultural groups visited the centres. Minda received the majority of these visits, with five visits from a Muslim organisation, two Pacific Islander group visits and one visit from a multicultural organisation. Mount Penang had two visits from Barnardo's Vietnamese workers and one from the Maori Women's League. Yasmar had a visit from a UNICEF Chinese delegation. When the visits by community organisations were reviewed by the Inquiry against a breakdown of the cultural composition of the detainee population, there appeared to be little correlation between the detainees needs for cultural programs and the community organisations who visited centres. In February, 1996 the main cultural groupings within the detainee population were Anglo-Australian (45 percent), Aboriginal (23 percent), Pacific Islander (8 percent), Middle Eastern (7 percent), and Indo-Chinese (5 percent).

We often find out from the kids already in the centres if there are other Vietnamese kids and then we try and find them. The Department has never contacted us and asked us to visit. Every time we want to visit a centre we have to ask permission, and sometimes it is not given or is very slow in coming. For example, we wanted to visit Mt Penang for Vietnamese New Year celebrations, a very important festival in our culture. We phoned five times and sent numerous faxes. And this was despite having approval from the Steve Wilson the Executive Manager who has been really supportive about us visiting. So much depends on the personality of the workers at the Centres that we have to deal with, some workers are helpful, others are outright obstructionist. The philosophy of the centres has to change, they need the help that using community organisations can give them with detainees from other cultures. At Cobham the Arabic street worker employed by Barnardo's couldn't get access. There is a lot of paper work with a visit. You have to write a letter, listing the people coming and ask the Superintendent for permission every time. (Worker, Community Organisation)

24.9 Visits by Aboriginal organisations did appear to occur with more frequency. However, once again contact was limited to a narrow range of Aboriginal organisations such as the Aboriginal Medical Service and the Aboriginal Legal Service. It is unclear how many of these visits are to individual Aboriginal detainees, especially in the case of the Aboriginal Legal Service, and to what extent these organisations work with Aboriginal children to assist them retain their links with their own communities and train them in cultural awareness. Certainly, although the Aboriginal Medical Service visits the detention centres to train the boys in issues of HIV/AIDS, in fact, the lessons often develop into a group discussion period and the Aboriginal worker attempts to deal with any issues brought up by young Koori people.

Don't have any complaints (about Riverina detention centre) can go up there and they'll let us in (Solicitor, Aboriginal Legal Service)

Koori kids need more Koori organisations to go in and teach culture. I know of one young bloke at Mt Penang who told me that "I never get any visitors, no-one cares that I'm her". This was after 8 or 9 months with no visitors, it isn't good. (Worker, Aboriginal Medical Service)

24.10 The centres with the highest number of Aboriginal detainees such as Mt Penang, Reiby, Cobham and Riverina do not appear to have extensive visits from Aboriginal organisations. Mt Penang had four visits in three months, Reiby and Cobham had two, and Riverina had five.

24.11 Young women detained at Yasmar appear to have fared badly in terms of organised visits by community organisations. The detainees at Yasmar were vocal about their need for cultural programs, the Fijian and Vietnamese girls said they would like some programs so they could learn more about their own culture, especially as the Aboriginal girls had a Koori program. Teaching staff at the Centre said that the young women don't actually get to see people in the community. However, what is not shown in the statistics in Table 24.1 are other community contacts being developed by workers at Yasmar. The only Aboriginal Juvenile Justice Official Visitor is based at Yasmar. She is extremely active in ensuring young Aboriginal women are supported whilst in detention and in their transition back into the community. She has developed an Aboriginal Mentor scheme involving twelve Aboriginal women from the local community who are on call 24 hours a day if needed, and who will act as mentors for the young women.

24.12 In the course of undertaking interviews during the Inquiry, it was clear that centre management staff do face difficulties with visits by community organisations especially around issues of security. No community group is permitted to visit a centre without the prior approval of the Executive Manager of the centre. Departmental policy⁵ on visits by community groups or representatives requires that a police security check be conducted on all people visiting who will have direct contact with detainees. This means that requests for community visits need to be submitted well in advance to allow time for police checks to be run, as well as to ensure that other centre programs are not affected. At the time of the initial visit the Operations Manager must inform the group of security procedures which they are required to follow during their visits. These include:

- Areas which they are, and are not permitted into;
- Items which are permitted, and not permitted in the centre;
- Items which are permitted and not permitted to be given to detainees.
- Location of security equipment, ie telephones and duress alarms;
- Who to report problems with staff and detainees to during the visit;
- Ways in which they should notify staff if they experience problems;
- The requirement for them to adhere to confidentiality guidelines, while recognising the security needs of the centre; and
- The nature of relationships they should establish and maintain with detainees.

24.13 In addition, the group must be escorted by staff and supervised closely, although in the least intrusive manner possible. Detainees must be supervised closely, and staff responsible for those detainees must ensure that detainees conduct themselves in an appropriate manner. If visitors will be attending the centre on more than one occasion only one pre-request prior to the start of the program is necessary. If a group will be conducting a program with detainees that program must be submitted in advance of the visit/s. The

⁵ Department of Juvenile Justice, *Policies, First Draft*, Part 5 - "Visitors", September 1995, pp. 23/37.

program is then submitted to the relevant manager, ie programs or counselling for consultation with case management and multidisciplinary staff regarding its appropriateness.

24.14 The Executive Manager at Yasmar said in his view visits by community organisations are often a matter of judgment about risk management. He mentioned one example of a person from a community organisation on whom he received feedback from the community that the visitor was, in fact, having a relationship with the detainee and was an alleged paedophile. Drugs were appearing in the centre after visits. All visits are now supervised. Similar issues were raised at Mount Penang who were experiencing difficulties with contraband appearing after visiting hours. Some centres managers mentioned that they require visitors to leave their belongings in lockers prior to visits but they have no powers to search visitors and that the smuggling of contraband such as cigarettes and even drugs into detainees was an operational headache for them.

24.15 Attempts to involve the community in the life of the detention centres does appear to have been attempted. The Department of Juvenile Justice Annual Report for 1994/95 outlined a scheme to operate pilot volunteer projects at Yasmar, Cobham, Minda and Worimi. Volunteers were expected to provide supplementary services to those provided by youth workers in areas including cultural support, sport and leisure training, numeracy and literacy tutoring and life skills development. Volunteers offering cultural support were recruited from Aboriginal, Chinese, Fijian, Indian, Spanish, Turkish and Vietnamese backgrounds. When the pilot schemes were evaluated in 1995 they were found to have failed for a variety of reasons, many of the volunteers stopped visiting over time, staff at many of the detention centres felt threatened by the scheme and the Union became involved, arguing that the Department was using volunteer labour and undermining workers employment. There was a problem at Worimi where it was alleged that a staff member made threats to one of the volunteer workers. For this reason the Department dropped this scheme.

24.16 However, there is still support for a less formal scheme to operate. In the course of visits to the centres by Inquiry officers it became clear that some of the centres are still trying to develop links with community organisations. Yasmar is working on setting up a Community Link Committee.⁶ The Manager said that

Although its in its infancy, there is a lot of outside involvement with the girls program but it is operationally difficult. We are trying to set up the Link Committee - we had our first meeting in December 1995. The purpose of the Committee is to build up contacts and resources in the areas the kids come from. I would like to see a position in the Department's new cluster structure to co-ordinate such resources for all detainees. There is a multicultural program once a week and people come in from the community. Schools come in to use the swimming pool. We have an Open Day, normally once a year, and invite people whose services we use, for example, officers from the Department of Community Services, local councils, parents and corporate people.

⁶ The aim of the Community Link Committee is to initiate contact with other relevant government departments such as Social Security, Housing etc and community organisations in order to educate them about the needs of young people in detention and post release, and to try and ensure that a supportive network is development to assist detainees once they are released from detention centres.

24.17 A Program Manager at one of the centres had a slightly more jaundiced view of the Department's efforts to involve community organisations.

Little attention is paid at Head Office to Official Visitors comments. We have a Visitors Scheme here, I supervised it but it was just a paper hanging exercise, and it was dumped by head office - volunteers scheme was supposed to tap into people from non-English speaking backgrounds or from different cultures to come and assist the kids. I've only got three volunteers of the dozen that started. I trying to get volunteers involved in programs, had a meeting last week with local Aboriginal elders to come in and visit. Meeting tomorrow with Arab Welfare Group. Unpopular or non pressure groups get ignored - tried to get Vietnamese groups into support kids but Department wouldn't support. Department wants it free or not at all. I raised this with the Vietnamese officer in Head Office but he didn't help (Program Manager, Centre)

24.18 The Manager at Cobham acknowledged that there was minimum contact with outside organisations, although they had recently organised meetings with Aboriginal groups in the local community and some contact with the Arabic League. Some workers at Cobham use their sporting contacts to organise visits by football teams, the French, Italian and other soccer teams had visited the centre, as well as players from the Penrith team.

24.19 At Reiby excellent work is being undertaken with the Aboriginal detainees. This centre has the State's only identified Aboriginal Case Manager. The Aboriginal Education Assistant at the school organises for Aboriginal detainees to attend a homework centre at a local Aboriginal centre which is extremely popular with the detainees. The Superintendent has ensured that there are contacts with local Aboriginal groups. The Minto Police Boys Club takes the detainees on sporting and other activities, and a range of teams are fielded by the centre in local community sports such as indoor soccer, cricket and basketball. The centre has also developed links with the Airds Neighbourhood Centre.

24.20 The most frequent source of outside contact for detainees is clearly religious organisations. The Department's Chaplains visited the Centres 96 times in the three month survey period, and a further 77 visits were undertaken by other religious organisations such as the Salvation Army. It was also clear from observations by Inquiry officers that this figure is unrepresentative of the activities of the Department's Chaplains, as many of them are such frequent visitors that they no longer sign the official visitors book. This is certainly the case, for example, with the Chaplain visiting Minda and Yasmar who plays an extremely active role in assisting detainees in those centres, visiting twice or more a week, yet none of these visits appear to have been officially recorded.

24.21 Another important contact for detainees are the Department's official visitors, who made 40 visits to the Centres. Once again it is believed that these figures are probably unrepresentative as often the Official Visitors do not record their visits.

Leave and Excursions

24.22 Another avenue for detainees to have contacts with community groups and their families is for them to be granted leave from the detention centres. Leave can encompass supervised trips from the centres for a variety of purposes such as to playing in sporting fixtures; day trips; overnight camps and unaccompanied leave such as weekend leave to visit their families. Naturally, all such leave must be approved, and in the case of detainees

charged with serious indictable offences such approval must be given by the Deputy Director General. Depending on the seriousness of the offence committed by the detainee they are eligible to apply for leave and supervised activities within the community according to the following formula -

If the offence is	Detainee is eligible for:		
	Supervised community activities	Day Leave	Overnight Leave
Indictable/ Summary	6 weeks from date of admission (Mt Penang, Reiby, Yasmarr) 4 weeks from date of admission (all other centres)	After serving a quarter of committal	After serving half of committal
Indictable	After serving a quarter of committal	After one third of committal	After serving two thirds of committal
Serious Indictable	After servicing one third of committal	After half of committal	After serving two thirds of committal

24.23 Detainees on remand are not allowed to leave the Centres for any reason, except escorted movements to other Centres or for legal or medical reasons.

24.24 It appears that Centres are very active in organising outside activities for detainees. In fact, it appears to be one of the ways in which youth workers are well utilised in assisting young detainees, in that the workers skills and contacts within the local communities are used to provide detainees with sporting, training or cultured leave opportunities. The Ombudsman's officers came across many examples of this during the course of the Inquiry.

I used to be a rugby league coach and worked with Koori kids on the missions and I've been involved in taking Koori kids on camps to teach them Aboriginal ways, some lasting six days. We went to Lightning Ridge, and the kids cleaned shearing sheds for a farmer up there. Whether kids could go or not depended on their levels (ie they had to be Level 4 or up). I always try to ensure that there is a Koori/Anglo mix. Helps give them living skills, teaches city kids rural and camping skills. (Senior Youth Worker)

The Centres do have plenty of outings although they are limited financially, they go abseiling, play indoor soccer and cricket, football. The local Police Boys Club very helpful. (Centre Chaplain)

24.25 As part of the Inquiry officers reviewed the case files of eighteen detainees to review whether in fact they were granted leave from centres. All detainees entitled to leave under the Department's policy appeared to be granted leave on a regular basis, commencing with supervised absences from the Centres for sport or recreational purposes and advancing to unsupervised day and weekend leave with their families depending on their behaviour. A number of Aboriginal detainees were granted leave to attend family funerals. Worimi and Reiby appeared to be especially proactive in organising recreational leave opportunities for detainees, these included cricket, swimming, camping, working on group sites for community service, football, ice skating, abseiling and a number of visits to the Police Boys Club. In addition, a number of Centres organised leave for educational purposes for those detainees involved in TAFE courses such as Small Motor Courses. A very small number of

detainees have regular leave from the Centres to work outside, one female detainee works at a local children's day care centre and another young man is completing work experience for his TAFE cooking course at a restaurant.

24.26 The Department's policy on leaving and outings appears to be fairly well accepted by both Centre staff and the detainees although not without some criticism. The point was made by staff at Yasmar that the Department's outing policy is too conservative. It outlines thirteen points on why detainees shouldn't go on leave and nothing about why they should. Staff at that Centre argued that they work on the basis of getting kids back into the community but the policy doesn't talk about encouraging kids back.

There are too many impediments to the girls getting out into the community. Outings and escorted absences have the most beneficial effect on the girls, the most impact. Otherwise they are missing out on social education and get no social interaction skills. Some get three outings a week, some are out of the unit five times a week. While its not really cost effective for me to organise an outing for, say, two girls, it is in fact the best thing we have to offer, they need community interaction. The Department's new policy lists all the different checkpoints to consider before an outing. I think the Department has erred in the past few years on the basis of conservatism. Need to trust the girls more, only three girls have absconded on day leave. I would like less conservatism on risk management, although the Centres for boys are more conservative. (Program and Staff Development Manager Centre)

Most units will have one outing a week, where possible. Outings are structured and for specific reasons and reward positive behaviour. Have a look at the escape rate - there's been a huge decrease in escape rates - kids are really engaging here. (Manager, Centre)

24.27 Other issues relating to outings and leave were raised by detainees.

It would be great to have more outings, one kid has been here five months with only one outing. I would like more hours for a day leave - now I only get 4 hours. Weekend leave is only one night away and I would like more. (Detainee, Keelong)

The amount of money made available for outings isn't enough. It's usually \$50 per outing, if 8 or more girls go there is not enough money to do anything. We are angry about the way visits are planned. They tell us we can pick two choices about where they would like to go, which we do and then the worker come back and tells us we can't go to either of those places but have to go somewhere else, no reason given. Keep going to the same beach all the time. The gym outing is good, but too far away Castle Hill, by the time they get there, there is not a lot of time to exercise only an hour. Outings often finish early as program staff have to go home. The Saturday outing is supposed to be from 9 to 2 pm but its often late starting as staff are late and it doesn't happen until 10 am. Sundays are boring, nothing on TV, no programs running at the Centre. We want to get involved with other Centres, play sport competitions. (Discussion with five detainees at Yasmar)

24.28 A common issue raised by detainees in relation to outings and leave is that approval is often dependant on the "level" a detainees is on at the time of the proposed outing. Many

detainees felt that staff often manipulated the points system to punish detainees they had a quarrel with or because they were in a bad mood. As leave and outings are often the high spot of the detainees' week, the withdrawal of approval to go on leave were keenly felt by them. The other related issue observed by the Ombudsman's officers was that on occasion detainees entitled to outings or leave had it withdrawn at the last moment because of the bad behaviour of other detainees. The group punishment aspect of this behaviour is worrying, it is contrary to Departmental policy and works directly against the encouragement of good behaviour.

To get day leave you need to be on Section 1. We were told this morning that if one more person in Sobraon Unit (Mt Penang) "stuffs up" we are all going to lose points which will affect my day leave. (Detainee, Mt Penang)

Conclusions

24.29 Overall it appears the management of the centres could be playing a more proactive role in involving community based organisations in the work of juvenile justice. These organisations have a great deal to offer in the way of support and assistance to young detainees both while they are in detention and after their release. Links to the communities to which young people will return must be seen as important factors in helping to gain employment or training after release. Whilst it is recognised that there are important operational and security factors that the managers of centres must deal with a more proactive and planned approach to the involvement of community organisations, especially those assisting young people from different cultures will offer medium and longer term advantages to centre staff.

24.30 In general it appears that centres are operating efficiently in relation to developing opportunities for sporting, recreational and educational outings for those detainees who are entitled to have such leave.

Recommendations

It is recommended that:

- R 24.1 The Department recognise and reflect in its policies and procedures that community organisations and services are appropriate and available resources to be drawn upon when developing individual case plans and educational and/or vocational options.
- R 24.2 The Department of Juvenile Justice develop, in conjunction with a range of community organisations, a policy on promoting community participation in detention centres, covering matters such as visits, training and education programs, advocacy and cultural program. This should include a requirement that every detention centre develop a Local Community Board to provide community input into management, planning and programming of detention centres. The Boards should reflect the racial/ethnic composition of detainees, and that of the community.

- R 24.3 A component of each Centre Manager's annual performance appraisal should be a report on the composition of the centre's population, visiting schedules developed with relevant cultural organisations reflecting the cultural and social needs of the centre's detainees and cultural/training programs undertaken with community organisations each year.

Pre Discharge and Post Release Programs for Detainees

- Pre Release Programs and Case Management Planning for Detainees
- Pre Release Units
- Location of Pre Discharge Units
- Conditional Discharge
- Post Release

United Nations Rules for the Protection of Juveniles Deprived of their Liberty

N. Return to the Community

Rule 79

All juveniles should benefit from arrangements to assist them reintegrate into the community. Procedures, including early release, and special courses should be developed to assist this.

Rule 80

Competent authorities should provide services to assist juveniles re-establish themselves in society. Services should ensure the juvenile:

- is provided with suitable residence*
- employment*
- clothing*
- sufficient means to maintain themselves on release*

Agency staff should be consulted and have access to juveniles while detained in order to assist them in returning to the community.

Pre Discharge and Post Release Programs for Detainees

25.1 United Nations Rules 79 and 80 state that young people in detention should receive assistance to help their reintegration into the community, including early release and special pre and post release programs. People working in the community should be consulted about reintegration issues and have access to juveniles while they are in detention in order to assist them. The specific post release needs of detainees highlighted in the UN Rules are the provision of suitable accommodation, employment, clothing and sufficient means to maintain themselves on release. In the United Nations Minimum Standards for the Administration of Juvenile Justice it is recommended that supervised or conditional early release of detainees take place at the earliest possible opportunity.

25.2 The Green Paper on future directions for juvenile justice made a number of recommendations relating to pre release strategies for detainees. The first is that the whole focus of the time spent by young people in detention must be directed towards their release. That is support given to the young person whilst in detention should be focussed on the individual needs of that detainee with the aim of breaking their cycle of offending behaviour and assisting in their reintegration into the community. This is particularly important in view of the low numbers of juveniles who receive additional terms or parole and who, therefore, do not receive post release supervision; and those who, once they leave detention, are no longer able to be assisted by the Department of Juvenile Justice. For those juveniles of compulsory school age, there must be extensive negotiation through appropriate mechanisms on their reintegration back into mainstream schools.¹

25.3 Secondly, the Green Paper stated that it is preferable for juveniles to be accommodated during their pre release period separately from the mainstream in order to provide a different environment which can offer juveniles greater self responsibility. This could be in existing cottages in juvenile justice centres. Each detainee's case management plan must identify individual needs which could be addressed through programs provided on a group or individual basis in the pre release units. Units would be responsible for arranging accommodation, transport, advising families where appropriate and any financial entitlements with the assistance of juvenile justice community staff.² The report noted that juveniles who are accommodated in detention centres located some distance from their homes will be disadvantaged if pre release units are established in existing detention centres as opposed to the establishment of units in the broader community. The report states that in view of the emphasis on reintegration pre release units are necessary in regions where a centre is not located to assist juveniles in reestablishing community contact. Juveniles could be transferred to such a unit under the leave provision of Children Detention Centres Act 1987.³

¹ Juvenile Justice Advisory Council, *Green Paper on Future Directions for Juvenile Justice in New South Wales*, February, 1993 p. 183.

² *Ibid*, p. 184.

³ *Ibid*, p. 184.

25.4 Community reintegration is a fundamental principle of the Department of Juvenile Justice's White Paper⁴ and a number of key principles set out in its Charter of Principles for Juvenile Justice in New South Wales relate to this issue:

- Prevention of juvenile crime, diversion from the court process and reintegration into the community should be the primary focus of juvenile justice policy;
- The time spent in detention will be geared towards the time of release, ensuring that opportunities are given to the development of skills appropriate for reintegration into the community; and
- Young people who are released from detention should have available to them a range of post release services to assist their successful reintegration into the community and to prevent reoffending,

25.5 The aspects of the Department of Juvenile Justice's operations reviewed in this section are its conditional discharge policies and pre and post release programs for detainees in juvenile justice detention centres.

Pre Release Programs and Case Management Planning for Detainees

25.6 It appears to the Inquiry that an issue faced by detention centre management lies in the overlapping of pre release programs and case management operations in detention centres.

25.7 Case management within juvenile justice detention centres is the main avenue through which the individual needs of young offenders are addressed. Every detainee is supposed to have a case plan, which must identify and address the skills and supports each young person needs to enable successful reintegration into the community. The Department of Juvenile Justice's case management policy⁵ states that four weeks prior to discharge there should be a case conference attended by the detainee, his or her family or significant other persons and any relevant centre staff. The focus of this conference is on what the detainee's needs are on release and issues related to reintegration into the community. Seven days prior to release a Discharge Report should be completed with the detainee's involvement, and include an action plan for the detainees return to the community. Where appropriate this plan should also contain recommendations for work by the community sector of the Department of Juvenile Justice.

25.8 In a Department of Juvenile Justice discussion paper⁶ pre discharge is defined as having two essential elements:

- The development of knowledge and skills in young people, based on individual assessment of need, which will enable them to address their offending behaviour and successfully reintegrate into their communities on release from custody. These needs should be addressed through a multi-disciplinary approach as part of case management planning; and

⁴ Department of Juvenile Justice, *White Paper Breaking the Crime Cycle, New Directions for Juvenile Justice in NSW*, 1994 p. 3.

⁵ Department of Juvenile Justice, *Draft Policy and Procedures Manual*, September, 1995, pp. 5-12.

⁶ Reinhard Hitzegrad and Megan Wilson, *Draft Discussion Paper on Pre-discharge Options for Juvenile Justice Centres*, December, 1995.

- The release of young people from custody in a planned and coordinated way that links them into appropriate support networks and ensures that they are referred to the community based services they will require on release eg accommodation, income support, post release services and juvenile justice community services.

25.9 Some of the difficulties raised with the Inquiry about operations with juvenile justice detention centres and their impact on detainees reintegration with the community are as follows.

25.10 Where a detainee goes when he or she leaves detention, what skills they have learnt whilst in detention, and the level of support they receive post release are crucial elements in whether or not detainees reoffend. Many workers raised with the Inquiry the need for a greater focus on involving parents and significant others in planning for a detainees community reintegration. Staff at Reiby in their submission noted that:

*... juveniles often return to an unchanged family and community, which may have contributed to their offending behaviour. Centre case management services should be extended to work with families much more, but more resources are needed to do this. There should be family support programs in centres.*⁷

25.11 One centre manager noted that the "first issue should be ... what issues are there in their family. We are touching on this but we're not there yet".⁸

25.12 Whilst the Inquiry supports totally the involvement of families and other appropriate agencies in developing plans for community reintegration with the detainee, it is felt that the question of the level of involvement of detention centre staff in organising broader family support services does raise difficult questions for them about the level of appropriate intervention in the lives of detainees and their families. Once a detainee has left detention, and assuming that there is no court sanctioned post release supervision, the Department of Juvenile Justice has no legal mandate to intervene in the lives of these young people. As one centre case manager commented "if the detainees do not have an supervision period there is not much we can do. I set up appointments for the kids in community, give them names and contacts but its really up to them to follow up themselves."⁹

25.13 It appears to the Inquiry that the introduction of case management into detention centres has improved the level of involvement of families in the planning for the reintegration of detainees into the community. However, the Inquiry finds that the Department of Juvenile Justice is failing badly in ensuring that contact is fostered between detainees and community based organisations as required by United Nations Rule 59. Elsewhere in this report the Inquiry found that, in a review of visitors to all detention centres over a three month period from 1 November, 1995 to 31 January, 1996, that the level of involvement of community organisations in the detention centres was woeful. Centre management needs to play a more pro active role in involving community based organisation in the work of juvenile justice, as these organisation have a great deal to offer in the way of support and assistance to detainees both while they are in detention and after their release.

⁷ Submission to the Inquiry from Reiby staff, p. 15.

⁸ Centre Manager.

⁹ Case Manager.

25.14 If serious attention is paid to addressing the identified risk factors associated with young people reoffending, as the Department of Juvenile Justice is attempting to do with its new organisational plan for programming focussing on the needs of individual offenders and setting out a hierarchy of issues to be dealt with by young people during their period of detention, research suggests that:

*Post release concerns and stakeholders must be directly incorporated into detention centre operations. Post release case managers, service providers and sources of community support must have a presence at the centre and be part of a closely knit team. When distance is a problem because a secure facility is not available nearby, it is important to have access to a transitional residential setting within reach of the home community. Even in that instance, however, explicit and formal arrangements need to be made so that people involved in post release work with the detainees and sources of community support maintain ongoing contact that begins early on during the confinement period, not just toward the very end, during some pre release period.*¹⁰

25.15 Centre staff interviewed by the Inquiry were generally clear about the need for early involvement of both families and community organisations in the post release planning for young people. Typical of the comments made to the Inquiry were as follows. One centre's case manager stated:

*There are benefits from leave and community involvement, it is good to get kids to have contact with their family. We need to start working on this reintegration as soon as possible, we need caseworker/counsellors available and working with the kid throughout their committal. Need to support contact the kids have with the outside world.*¹¹

25.16 A drug and alcohol counsellor commented "we can use their day leave and overnight leave as learning and testing periods to assist them work out ways of dealing with going back to their friends and families."¹²

25.17 Providing pre and post release support for young people on short term remand is presenting particular difficulties for centre staff in developing casework plans. The Inquiry found that most centres concentrate resources on casework plans for detainees on control orders or young people on longer term remand orders (say 5 months or longer). The difficulty faced by caseworkers when developing a case plan for remandees is that it is never clear when they are going to leave the centre. Remandee case plans have a different emphasis by concentrating on what needs to happen before the detainee goes to court.

25.18 It is also difficult for centre staff to assist young people on remand if their case is dismissed, as pointed out by one Operations Manager who told the Inquiry:

Helping with post release support is often hard in the case of remand kids. If their case is dismissed they are released straight from court. We can't hold them, we try

¹⁰ David M Altschuler, "Tough and Smart Juvenile Incarceration: Reintegrating Punishment, Deterrence and Rehabilitation", *Saint Louis University Public Law Review*, Vol 14, 1, 1994, p. 233.

¹¹ Case Manager.

¹² DOA Counsellor.

*and check where they are going, try to organise for someone to pick them up or give them train fare, especially the under 16 year olds.*¹³

25.19 Detention centre staff tend to see young people on short term remand largely the responsibility of the community based juvenile justice officers¹⁴ and this sometimes results in such detainees "falling between the gaps" because they are not adequately assisted by either juvenile justice community officers or detention centre staff. A worker at Cobham noted:

*Case management needs to be addressed, its not up to scratch. There isn't enough of it and its not preparing the detainees for going back into the community. I know its difficult as this is a remand centre but I feel this is used as an excuse not to try. One of the biggest problems is that there isn't much help for kids going back to their families as there is no follow up.*¹⁵

25.20 The Inquiry recommends that the Department of Juvenile Justice review its current treatment of young people on remand to ensure that there are improvements in ensuring a planned and coordinated release procedure for such young people, including linking them into appropriate support mechanisms.

25.21 Another difficulty noted by the Inquiry is that there are difficulties in getting detainees transferred back to centres close to their community in months prior to release, yet this proximity to their families, their communities and their community juvenile justice workers is often vital to successful reintegration. A community juvenile justice worker who works mostly on trying to get s.24(1)(c) discharges for detainees told the Inquiry that

*One of my kids was in on one charge of car stealing and one charge of stealing a wallet. He got transferred to a city centre as he broke a window and was then sent to Mt Penang and Kariong. I just couldn't get him out of there. I was trying to get up a case for a S24(1)(c) discharge and wanted him moved back to Riverina so I could work with him and develop a case plan. As it was he only got back to Riverina a few days before his release. There was little chance to work out proper release planning.*¹⁶

25.22 The Inquiry recommends that wherever possible that detainees should be accommodated in detention centres close to their families and friends, and where they may have existing community links, and that this is especially important towards the end of their control order. Transfers to detention centres close to detainees home location should be an integral part of pre release planning for detainees.

25.23 It appears to the Inquiry that whilst case management includes pre discharge planning to meet the individual needs of detainees that there is no consistent approach in the centres to the delivery of pre discharge programs or a shared understanding of what is meant by the term pre discharge.

25.24 Many of the people interviewed by the Inquiry stressed that there is a need for young people who have been in detention for sometime to complete a formal discharge program

¹³ Operations Manager.

¹⁴ Case Manager.

¹⁵ Centre Worker.

¹⁶ JJO, Wagga.

before being released. A typical statement was that made by one of the centres' school principals who said

A lot of kids get very disturbed about being released and I think putting them through a formal pre discharge course is really essential. We have chosen five work areas that the detainees will be expose to whilst they are in the course. These include things like restaurant work, retailing, some clerical work. I involve case workers in this. What we hope is that the kids know that there is some areas they could probably work in and this will lead them to exploring further employment opportunities.. The principal thing is that the kids need much greater support prior to discharge. I would like to see the legislation changed so they could release the kids one month or so before their real time is up and give them structured support in this time. This may involve the kids being required to report. This is a really chronic need especially for the Aboriginal kids. For example, when they go back to their own towns they just will not walk up to the school to get re-enrolled. They won't go to the CES etc, they really need someone to hold their hands to do this. We are very controlled about bringing kids into the centres with admission processes, case plans etc., but this does not happen on their way out and it should.¹⁷

25.25 The lack of a common approach in the centres has a number of consequences:

- There is no consistency in pre release programs being run in detention centres and a program being undertaken by a young person in one centre may not be available in another if they are transferred;
- It does not appear that pre release programs recognise sufficiently the differing needs of detainees. Younger detainees are more likely to return to their families than older detainees and may require a greater focus on conflict resolution and negotiation skills. Older detainees may require more emphasis on independent living skills, budgeting skills, self esteem. Detainees needs will also vary according to the type of centre they are leaving and their status, eg pre-discharge from Kariong will usually be to another centre;
- Programs developed and run by the Department of Juvenile Justice lack clear aims, objectives and learning outcomes and there needs to be better assessment and allocation of detainees to programs. These programs rarely articulate into programs run in the community.

25.26 The Inquiry recommends that a common modular pre discharge program be developed for all centres focussing on the skills young people need to effectively reintegrate into the community eg budgeting, job seeking skills, conflict resolution and negotiation skills, self esteem, interpersonal skills and parenting skills.

25.27 Whilst case management is having a fundamental and beneficial impact on the way in which services are provided to young people in detention, it is capable of some improvement. In particular, the Inquiry noted:

- The involvement of outside agencies in case management is extremely low;

¹⁷ School Principal.

- Because of the low level of resourcing for case management and the volume of work undertaken by case management workers, detainees who will be in centres for less than 5 months often only have one case conference early in their period of detention where issues they need to address during their period in detention and their post release issues are dealt with simultaneously. This means that case workers need to be sensitive and alert to any change in circumstances for the detainees or their families which could impact on their post release needs, eg family breakdown, inability to access education and/or training courses due to inability to enrol at a particular time etc;
- Detention centres do not involve centre school staff as effectively as they could in case management. This is of particular importance in view of the need to reintegrate many detainees into mainstream educational facilities in the community.

25.28 The Inquiry recommends that these areas of case management be reviewed for their impact on pre release strategies.

Pre Release Units

25.29 The Inquiry found that some detention centres have a unit which accommodates detainees in the period leading up to their release. Detainees in these units are generally given greater responsibility in an effort to help them develop the living skills they will need in the community. They often cook their own meals, do their own laundry and cleaning. In some instances there is a more formal pre release program aimed at helping detainees develop skills such as budgeting, how to apply for jobs, how to access services in the community. The Inquiry found however that these units appear to operate more on the philosophy of "privilege" than predischarge. The units often contained only six to eight young people, who stayed in the units for relatively long periods before their release, thus tying up accommodation in these units for periods far greater than the normal four to six week pre release period. This means that many detainees do not have the opportunity to progress through these units prior to their release. Those units that do attempt to provide predischarge programs often find their programs undermined and disrupted by the pressure of numbers making effective programming difficult to sustain.

25.30 In its review of pre discharge options¹⁸ the Department of Juvenile Justice found that:

- The benefits of running pre discharge programs within the main structure of the centres versus the benefits of running separate pre discharge units was raised with centre managers, and whilst there was support for the concept of pre discharge units, the high cost of running these was seen as prohibitive. To establish such units, most centres would require an initial capital outlay for equipment and refurbishment and ongoing recurrent funding for staffing;
- Most managers felt that participation in pre discharge programs or units should be based on the **need** of detainees rather than their behaviour eg. access to pre discharge programs or units should not be based on "privilege" but should be available for all detainees. (It also appeared to the Inquiry that it is difficult, if not

¹⁸ Hitzegrad and Wilson, op cit, pp. 2-3.

impossible, for all detainees to spend a four to six week period in these units prior to their release due to pressure of numbers and the difficulties faced by centre staff in streaming all detainees through such units);

- That the need to "quarantine" such units from the rest of the centre in the past had been unsuccessful when, due to the pressure of numbers in the centres, young people unsuitable for the programs had been moved in. This generally resulted in disruption for the program and higher levels of security and restriction having to be introduced. Without a commitment to protect these units from this type of pressure, they are unlikely to succeed.

25.31 These findings are supported by the Inquiry's investigations. In addition the Inquiry also has the following concerns about establishing pre discharge units within detention centres. Additional resources or redistribution of existing resources will be required for the operation of such pre discharge units, which will either continue to concentrate resources in detention centres at a time when the Department of Juvenile Justice is attempting to increase its community based options or will mean a reallocation of resources from other crucial centre activities such as casework management and/or program development both of which have a crucial bearing on addressing the individual needs of all detainees. That pre release units have different relevance for different detainees, eg the development of independent living skills is perhaps not so important to a 13 year detainee who is returning home as to a 17 or 18 year detainee leaving detention. As well, pre discharge units appear to be at odds with the work done in juvenile justice detention centres to try and ensure that younger detainees on less serious charges are not contaminated by older more sophisticated detainees. If all detainees are expected to be funnelled through a pre discharge unit it will be even harder for centre staff to prevent such contamination.

25.32 The Inquiry recommends that the Department of Juvenile Justice not continue with the development of pre release units, as currently conceptualised, within detention centres. Rather the Inquiry believes that developing a common module pre discharge program to be run in all detention centres for all detainees prior to their release is a more equitable approach.

Location of Pre Discharge Units

25.33 Another issue relating to pre discharge units is their location. Should such units be established within the grounds of existing juvenile justice detention centres or should they be located within the community?

25.34 Most of the recent reviews of juvenile justice in New South Wales have recommended pre release or transitional accommodation and support be provided for young people leaving detention in recognition of the often intensive level of short term support needed by these young people if they are to successfully reintegrate back into the community and not reoffend.

25.35 The Inquiry supports the view that detainees' chances of successful reintegration on release will be greatly assisted by a program of transitional accommodation and support in facilities close to their community. Research suggests that there are:

... two widely acknowledged deficiencies in juvenile confinement. First that institutional confinement does not adequately prepare young people for return to

the community, and, secondly, that lessons and skills learned in confinement are not systematically monitored, much less reinforced, on the "outside". Further, considerable difficulty has long characterised efforts to supervise the offenders transitional experience of moving from the structured environment of detention centres to the relatively unstructured and temptation filled life within the community. Much of this failure can be attributed to a lack of meaningful collaboration and partnership among juvenile justice facilities, parole authorities and community social institutions such as schools, neighbourhood organisations, the family and peers, mental health agencies, drug and alcohol treatment centres, employment and training programs and other community organisations¹⁹

25.36 The development of a transitional program for young people on their release from detention should address these reintegration issues. However, there are difficulties which need to be considered by the Department of Juvenile Justice in developing such a program. Half way houses for young offenders were trialed in the late 1980s and were not considered to be successful, partly it appears due to the negative contamination effects of congregating numbers of young offenders in one location. The other difficulty is if the Department of Juvenile Justice did decide to locate pre release units outside of detention centres it faces great difficulties in deciding where to appropriately locate such units. Currently detainees in detention centres are drawn from all parts of New South Wales, and clearly in the current climate of economic restraint it is unlikely that the Department will be able to secure sufficient funding to meet either the capital or recurrent costs of running such units in areas close to all detainees' communities.

25.37 Whilst these are difficult issues the Inquiry does not consider they are insurmountable. The Inquiry recommends that the Department of Juvenile Justice consider developing a transitional program for young people leaving detention. It further recommends that accommodation and support services for detainees upon their release be purchased from existing community based organisation with expertise in working with young people, eg supported accommodation services, Barnardo, Centrecare. The purchase of such services should address the difficulty the Department faces should it attempt to establish its own pre release facilities through the State, as it is a more cost effective and efficient option that establishing and staffing pre release units which would tie up resources in specific geographic locations and would be highly unlikely to be able to be established in sufficient numbers to enable all detainees to be close to their families or communities. Such a program should assist detainees in making necessary links to accommodation, health services, education and training institutions and possibly job interviews. Additional funding will be required to allow the Department of Juvenile Justice to undertake a "brokerage" role in purchasing services to meet the individuals needs of young people leaving detention.

25.38 The Inquiry further recommends that additional resources to available to juvenile justice community centres to provide additional initial intensive support for young people leaving detention in the crucial four to eight week period after being released.

Conditional Discharge

25.39 The Sentencing Act (NSW) 1989 provides for a period of parole for young offenders with control orders, from the date that a minimum terms expires until the expiration of an additional term (not more than one third of the minimum term). s.24(1)(c) of the Children

¹⁹ Altschuler, op cit, pp. 231-232.

Detention Centres Act was amended in conjunction with the passage of the Sentencing Act, such that it now reads:

The Director General may, by order in writing, discharge a person subject to control from detention if the Director General has made arrangements for the person to serve the period of detention by way of periodic detention or made suitable arrangement for the supervision of the person during the period of detention.

25.40 Before the Sentencing Act 1989, almost sixty three percent custodial sentences contained a period of probation. Since changes to the Act only eight percent of custodial sentences included an additional term, this has reduced the opportunities for young people leaving detention to be rehabilitated in the community

25.41 Young people who leave juvenile justice detention centres with additional terms of supervision are either supervised by officers in juvenile justice community services or by one of the three Intensive Program Units located at Stanmore, Liverpool and Blacktown. These Units provide post release supervision and have specialised counsellors to work with young offenders. Rural juvenile justice offices may have a IPU counsellor and can also use fee for service counsellors to assist young people in isolated areas. IPU's are oriented specifically to psychological guidance and counselling in the case of particularly entrenched or disturbed offenders. These Intensive Program Units carry high expectations, as being accepted for IPU supervision is the only possible way most young people can ever hope to be released before the expiration of their minimum plus additional terms.

25.42 However, it appears to the Inquiry that the lack of resources both in the Department of Juvenile Justice community operations and in the broader community does mean that young people are being kept in detention centres for longer periods than are strictly necessary. As one casework manager told the Inquiry

Liverpool IPU has been so understaffed for some time, they have just not been able to do the assessments necessary to get the boys out. I do not see either supervision by juvenile justice officers in community centres or in the Intensive Program Units as an easy option for the kids. I try to make it clear to the boys that a lot of responsibility is being placed on them to attend counselling and supervision. It needs to be made really clear to the boys what it entails and to question if the boys can really meet the demands of the program.²⁰

25.43 It appears to the Inquiry that Children Court magistrates and rural magistrates operating as a Children's Court are not taking advantage of their ability to recommend additional terms of supervision on top of the fixed terms they are recommending for young offenders, yet this appears to allow scope to better assist young people reintegrate into the community. As noted in the Kids in Justice report: "the question of post release terms is not just a judicial nicety, but has many serious implications for the granting of conditional release at "the earliest possible time" (the minimum standard set by the United Nations), and for young people's chances of success in the outside world."²¹ As the Judicial Commission of New South Wales noted in its study of the Sentencing Act 1989 in relation to the loss of remissions for juvenile offenders, that:

²⁰ Case Manager.

²¹ Youth Justice Coalition (NSW), *Kids in Justice - A Blueprint for the 90s*, 1990, op cit, p. 323.

*One may question whether the Sentencing Act was framed with sufficient consideration for the special needs of children. The two key concerns ... are the increase in the length of time served by juvenile offenders and their reduced opportunity for post release supervision.*²²

Post Release

25.44 The Inquiry found that despite the Department of Juvenile Justice's emphasis on trying to provide a seamless service between its community and detention centre operations, there is still some confusion over the responsibility each area has to ensure the post release needs of detainees are met.

25.45 Typical of the comments raised with the Inquiry was from a case manager who told the Inquiry:

There is often no recognition of what the other side is doing, there can be a lot of angst between workers over boundary issues. I have sent information to one of the metropolitan community juvenile justice offices to say we are to have case conferences for certain boys on particular days and ask them to please ensure juvenile justice officers will be in attendance. I then got a phone call to ask why we are having so many case conferences, there only needs to be one close to discharge".²³ Another case manager said "juvenile justice community services are supposed to be responsible for ensuring that young people leaving detention are provided with accommodation, employment, clothing and sufficient means to maintain themselves but it depends, people will shirk responsibility. I believe there is lack of clarity around this, community juvenile justice officers may think its centres - but I have been told it is theirs. I expect them to turn up at multi-disciplinary team meetings six weeks prior to release to set the wheels in motion, and that at discharge conference, they have it lined up, or know what they are looking for on behalf of the kid."²⁴

25.46 On the other hand community juvenile justice officers told the Inquiry:

We will have done preparation work with the family and others in community and then attend the case conference at centre, we also organise transport for the parents to attend. Juvenile justice officers are primarily responsible for setting up accommodation and employment but the centre staff should also have some input. Community juvenile justice offices are not adequately resourced, especially to have sufficient accommodation options for kids on release. After one kid was released I asked him how he was going - he said he was so scared he couldn't even go into a shop, I had to go with him. There have been situations where a kid has been released from a centre and has turned up saying he is a juvenile justice officer's client, but there has been no prior contact or information from the centre which is supposed to contact the juvenile justice office manager to ensure all is okay before allocating kid to the office."²⁵

²² Michael Cain and Garth Luke, *Sentencing Juvenile Offenders and the Sentencing Act 1989 (NSW)*, Judicial Commission of New South Wales, 1991, p. 3.

²³ Case Manager.

²⁴ Case Manager.

²⁵ Meeting with JJOs Wagga.

25.47 Many comments were made to the Inquiry by centre workers, teaching staff and outside agencies about their concerns about what happens to young people once they are discharged from detention centres. Typical of the comments made to the Inquiry were:

*What most depresses people here is what happens to the kids when they get out and go back to dysfunctional families.. There's a need for a half way situation post release for the kids. ...*²⁶

*We are probably setting these kids up for failure, if we had a juvenile justice officer attached to the centre it would help to iron out some of these problems. A lack of services does stop kids getting out."*²⁷ *The Western Region especially suffers from a lack of services. There are definitely kids in this centre who could be released but there are no services.*²⁸

25.48 United Nations Rule 80 stresses that services should be provided to assist juveniles leaving detention re-establish themselves in society, and particular emphasis is placed on detainees being provided with suitable accommodation, employment, clothing and the means to maintain themselves on release.

25.49 As noted earlier case management undertaken in detention centres now includes discharge planning and the preparation of a Discharge Report. However, many people interviewed by the Inquiry seemed to feel that options for young people leaving detention are so limited, especially in rural areas, that any progress made in rehabilitating these young people whilst they are in detention is jeopardised. Typical of the type of comments made to the Inquiry were:

*The "wheels fall off" after they leave, even when they have made great achievements in the centre".*²⁹ *The Children's Court Magistrates told the Inquiry "there is not enough post release counselling and supervision for Aboriginal kids, why don't they get intensive post release help. The greatest weakness in the system is the lack of post release programs."*³⁰

25.50 Many of the centres schools appeared active in trying to ensure that both detainees under school leaving age and those over 16 years who wish to continue education and training after leaving detention centres were assisted in attending educational facilities in their area. This can be difficult for two reasons, first young people leaving detention often need, at least initially, a high level of support. One young Aboriginal detainee told the Inquiry:

*Last time when I left the centre, the school counsellor made an appointment with my local school for me to have an interview about enrolling. I went to the school and the secretary told him me I needed a birth certificate and to bring a parent so I didn't bother following through with this.*³¹

²⁶ Discussion with Teachers at Dorchester School, Reiby.

²⁷ Assistant Superintendent.

²⁸ Case Manager.

²⁹ Operations Manager.

³⁰ Meeting with Children's Court Magistrates.

³¹ Detainee 15 yrs old, Reiby.

25.51 Secondly, there appears to be resistance from mainstream schools to accepting these young people into school. Teachers at one centre school noted *"there needs to be more follow up when young people leave and more assistance. A lot aren't accepted into schools, there's often resistance from ordinary schools"*.³² Juvenile justice officers interviewed by the Inquiry often commented on the difficulties they had in placing kids into mainstream schools.³³ This is of particular concern in rural areas where there might only be one school. Teachers at one centre said:

*We enrol the detainees into school from the centre. But schools such as Moree won't touch these kids again. We can organise for Koori kids to have a tutor through Distance Education and they try and continue their education that way. There are so few programs for Aboriginal kids with learning difficulties and it's hard to get them jobs, they really need work experience and there's just not a lot available in small rural centres.*³⁴

25.52 In discussion the Inquiry had with TAFE officers they stated that there is a gap in service provision in terms of any special assistance that can be provided for young people leaving detention. There is no priority entry into TAFE course and they have had stories of some young people having problems getting into TAFE courses. *"Some times it depends on getting the right TAFE staff member who will ensure that the kid gets into the course."*³⁵

25.53 The issue of finding appropriate and affordable accommodation for young people post release was also raised with the Inquiry. It seemed to be less of a problem with younger detainees as most tended to return to their families, as one centre worker noted *"as most of the kids here are under 16 years of age accommodation is usually not so difficult as fewer of them require independent accommodation options"*.³⁶ However, accommodation for older detainees is a problem, community juvenile justice officers stated *"we do have difficulties with accommodation, often the kids need supported accommodation and there simply isn't enough"*.³⁷

25.54 What happens to young people once they are released from detention is a matter of primary concern to the Department of Juvenile Justice and was clearly worrying to many of the detention centre workers interviewed by the Inquiry who felt that they lack of suitable service provision for detainees post release saw a repeat of their offending behaviour. The Inquiry notes that the Department has just announced it will be funding a number of post release programs to assist detainees. These projects include temporary foster placement schemes in all Department of Juvenile Justice regions as well as funds for community organisations to employ youth support workers, two additional projects are specifically aimed at NESB detainees. As well funding has been allocated to three specialised alcohol and other drugs residential programs to purchase services for juvenile justice clients

25.55 The issue of post release support and access to services is an extremely difficult one for the Department of Juvenile Justice as many of the needs of these young people are outside of the Department's core business. It is simply not possible for the Department to meet all the needs of all detainees post release as primary responsibility for services in areas such as housing, income support, job training programs, education, lie with other Commonwealth and State government departments..

³² Meeting with teachers, Mt Penang.

³³ JJOs Wagga.

³⁴ Meeting with Teachers at Yasmarr.

³⁵ Officer, TAFE.

³⁶ Case Manager.

³⁷ JJOs Wagga.

25.56 The challenge for the Department of Juvenile Justice is that the complexity and fragmentation of the justice system works against reintegration, which by definition needs a comprehensive and collaborative approach. As one researcher noted:

*Authority and responsibility (for juvenile justice) is dispersed amongst (various government agencies) with often conflicting bureaucratic and organisational interests. Key decision makers include judges, magistrates, prosecutors, juvenile justice officers, police and other public and private service providers. The sheer size and complexity of juvenile justice makes it exceedingly difficult to achieve basic communication, much less collaboration. Other pressures emanate from other sources such as the public, politicians, unions, victims groups, academics, child advocacy groups and the media. The net effect is a kind of inherent schizophrenia.*³⁸

25.57 The Inquiry believes however that the Department of Juvenile Justice can influence other government departments to meet their obligations to young people leaving detention through a "whole of government" approach to the care of young offenders, similar to the process undertaken in developing *the Green Paper on Future Directions for Juvenile Justice in New South Wales*. Such collaboration requires senior level leadership and bureaucratic commitment. All juvenile justice detention centres and offices, and other organisations with any authority and/or responsibility across the fragmented juvenile justice system must take concerted steps to ensure that bureaucratic and organisational obstacles are identified and removed, that proper implementation is possible, and that adequate resources are in place. Clarity of mission from each of the involved agencies must be established at the outset.

25.58 It appears to the Inquiry that such a mechanism already exists in the Juvenile Justice Advisory Council, as it contains representatives from most government agencies with responsibilities towards the care of young people, as well as representatives from the community sector and experts on juvenile justice and crime prevention issues.

Recommendations

It is recommended that:

- R 25.1 The Department of Juvenile Justice develop a common modular pre discharge program for use in all detention centres by all detainees. The modules should focus on the skills young people need to effectively reintegrate into the community, eg budgeting, job seeking skills, conflict resolution and negotiation skills, self esteem and interpersonal skills, parenting skills. That detainees complete all or some of these modules as part of the pre release program, depending on the individual needs of the detainee.
- R 25.2 The Department of Juvenile Justice not continue with the development of pre release units, as currently conceptualised, within detention centres. Rather that the Department develop a common module pre discharge program to be run in all detention centres for all detainees prior to their release.
- R 25.3 The Department of Juvenile Justice develop a transitional program for young people leaving detention. That additional funding be provided to allow the

³⁸ Altschuler, op cit, p. 226.

Department of Juvenile Justice to undertake a “brokerage” role in purchasing services to meeting the individual needs of young people leaving detention as an integral part of such a transitional program. And that accommodation and support services for detainees upon their release be purchased from existing community based organisation with expertise in working with young people.

- R 25.4 Detention centre management ensure that wherever possible that detainees should be accommodated in detention centres close to their families and friends and if that is not possible, that at the very least transfers to detention centres close to detainees home location should be an integral part of pre release planning for detainees.
- R 25.5 Detention centre management ensure that post release case managers and/or community based juvenile justice officers, service providers and other sources of community support for individual detainees have ongoing contact that begins early in the detainee's confinement, not just toward the very end during some pre release period.
- R 25.6 Detention centre management ensure greater involvement of school staff in assessing in the post release educational placements for detainees.
- R 25.7 The Department of Juvenile Justice review its current treatment of young people on remand to ensure that there are improvements in ensuring a planned and coordinated release procedure for such young people, including linking them into appropriate support mechanisms.
- R 25.8 The Department of Juvenile Justice improve its performance in ensuring that young people eligible for conditional release under s.24(c)(1) of the Children Detention Centres Act in fact do get conditional discharge.
- R 25.9 The Department of Juvenile Justice explore with Children's Court magistrates the feasibility of magistrates granting more additional terms with supervision when determining control orders for young offenders appearing before them.
- R 25.10 Additional resources be made available to juvenile justice community centres to provide additional initial intensive support for young people leaving detention in the crucial four to eight week period after being released.

26

The Culture within Juvenile Justice Detention Centres in New South Wales

- Recent Environmental Issues Impacting on Juvenile Justice
- Impact of the Restructure
- Intimidation within Juvenile Detention Centres
- Deskillling of Youth Workers
- Conflict Between the Custodial and Rehabilitative Roles of Detention Centre Workers
- Selection and Training of Staff Employed in Detention Centres
- Gender Inequity in the Staffing of Juvenile Justice Detention Centres
- Communications
- The Rights of Detention Centre Workers and the Rights of Detainees
- Accommodation and the Use of Departmental Vehicles by Detention Centre Staff

United Nations Rules for the Protection of Juveniles Deprived of their Liberty

Rule 12

The deprivation of liberty should be effected in conditions and circumstances which ensure respect for the human rights of juveniles. Juveniles detained in facilities should be guaranteed the benefit of meaningful health and self-respect, to foster their sense of responsibility and encourage those attitudes and skills that will assist them in developing their potential as members of society.

Rule 64

Instruments of restraint and force can only be used in exceptional cases, where all other control methods have been exhausted and failed, and only as explicitly authorised and specified by law and regulation. They should not cause humiliation or degradation, and should be used restrictively and only for the shortest possible period of time. By order of the director of the administration, such instruments might be resorted to in order to prevent the juvenile from inflicting self-injury, injuries to others or serious destruction of property. In such instances, the director should at once consult medical and other relevant personnel and report to the higher administrative authority.

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. This should not preclude part-time or volunteer workers when the level of support and training they can provide is appropriate and beneficial. Detention facilities should make use of all remedial, educational, moral, spiritual, and other resources and forms of assistance that are appropriate and available in the community, according to the individual needs and problems of detained juveniles.

Rule 82

The administration should provide for the careful selection and recruitment of every grade and type of personnel, since the proper management of detention facilities depends on their integrity, humanity, ability and professional capacity to deal with juveniles, as well as personal suitability for the work.

Rule 83

To secure the foregoing ends, personnel should be appointed as professional officers with adequate remuneration to attract and retain suitable women and men. The personnel of juvenile detention facilities should be continually encouraged to fulfil their duties and obligations in a humane, committed, professional, fair and efficient manner, to conduct themselves at all times in such a way as to deserve and gain the respect of the juveniles, and to provide juveniles with a positive role model and perspective.

Rule 84

The administration should introduce forms of organisation 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, as well as between staff and the administration, with a view to ensuring that staff directly in contact with juveniles are able to function in conditions favourable to the efficient fulfilment of their duties.

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 of the child, including the present Rules. The personnel should maintain and improve their knowledge and professional capacity by attending courses of in-service training, to be organised at suitable intervals throughout their career.

Rule 86

The director of a facility should be adequately qualified for his or her task with administrative ability and suitable training and experience, and should carry out his or her duties on a full-time basis.

Rule 87

In the performance of their duties, personnel of detention facilities should respect and protect the human dignity and fundamental human rights of all juveniles, in particular, as follows:

- (a) No member of the detention facility or institutional personnel may inflict, instigate or tolerate any act of torture or any form of harsh, cruel, inhuman or degrading treatment, punishment, correction or discipline under any pretext or circumstance whatsoever;*
- (b) All personnel should rigorously oppose and combat any act of corruption, reporting it without delay to the competent authorities;*
- (c) All personnel should respect the present Rules. Personnel who have reason to believe that a serious violation of the present Rules has occurred or is about to occur should report to matter to their superior authorities or organs vested with reviewing or remedial power;*
- (d) All personnel should ensure the full protection of the physical and mental health of juveniles, including protection from physical, sexual and emotional abuse and exploitation, and should take immediate action to secure medical attention whenever required;*
- (e) All personnel should respect the right of the juvenile to privacy, and, in particular, should safeguard all confidential matters concerning juveniles or their families learned as a result of their professional capacity;*
- (f) All personnel should seek to minimise any differences between life inside and outside the detention facility which tend to lessen due respect for the dignity of juveniles as human beings.*

Children (Detention Centres) Act 1987

s.14 *The Director-General shall ensure that adequate arrangements exist: ...*

(d) *to facilitate the proper control and management of detention centres.*

Children (Detention Centres) Regulation 1995

Clause 36

(1) *Order must be maintained with firmness, but with no more restriction or force than is necessary for safe custody and well-ordered community life within the detention centre.*

(2) *Officers must seek to influence detainees through example and leadership and must seek to enlist their willing co-operation*

(3) *At all times, the treatment of detainees must be such as to encourage their self-respect and sense of personal responsibility.*

Clause 37

(1) *In dealing with a detainee, an officer must use no more force than is reasonably necessary in the circumstances, and the inflicting of injury on a detainee is to be avoided if at all possible.*

The Culture within Juvenile Justice Detention Centres in New South Wales

26.1 Officers from the Ombudsman's Office visited the majority of all the justice centres in the State twice in the course of the Inquiry (Riverina was visited once). A total of fifty five days were spent by staff from the Ombudsman's office visiting the detention centres, mostly during the months of December, 1995 and February, 1996.

26.2 The Inquiry went into the centres armed with a lengthy questionnaire which were expected to cover every aspect of what young offenders might experience within the centres, starting from admission procedures through to what services are available to meet the needs of these young people, standards of accommodation, food and clothing, education and training. Answers were sought to questions such as what leisure activities they had, how case management was working, what contact they had with their families and friends, how well they were prepared for their eventual release and what supports were in place to help them once they returned to their communities.

26.3 Every effort was made to talk to as many people as possible, both staff and detainees. Officers often stayed at the centres well into the night in order to talk to staff on afternoon and night shift. Sometimes meals were taken with the detainees in order to talk to them in a less formal setting. Most of all the Inquiry observed and listened in order to try and understand life in the centres as experienced by young people in detention.

26.4 The Inquiry discovered that there were other less tangible, but crucial, elements in the day to day operations of centres that are having a major impact on the lives of detainees. These have been described as the "culture" of the centres. In many cases it was this element that made for effective or ineffective operations within a centre, or, as was more often the case, the good or bad elements of a centre. These elements, or combination of elements, are often conflictual, eg workers are constantly balancing two major roles, assisting and encouraging young offenders to become law abiding citizens whilst ensuring that they remain in safe custody.

26.5 The issues found by the Inquiry to be at the crux of what defines the "culture" within detention centres, and to some extent juvenile justice generally are; the management and staff at the centre, and their implicit and explicit attitudes to detainees and to the juvenile justice system.

Recent Environmental Issues Impacting on Juvenile Justice

26.6 The administration of juvenile justice is not easy. It is a complex and multifaceted task. The centres have no control over who is admitted and only limited control (if any) when an offender leaves. The system takes who it is given by the courts, in numbers and for periods of time dictated by the court. Juvenile justice detention centres are often thought of as the "end of the line" or the "last resort" for the young people within them, and for some this is true. It is also true that detention centres can, and do, achieve positive and lasting success with some young offenders.

26.7 In order to place in context the findings of the Inquiry in relation to the culture of detention centres, it is important to understand the environment in which the centres are currently operating. The reason the environment is important is that juvenile justice detention centres are more than simply about confining young people, they are not "self directed", important aspects of their administration comes from outside the organisation. As shown below they are frequently subject to considerable public pressure. The Department of Juvenile Justice's agenda can be deeply affected by these external, and frequently changing, influences. As will be explored later, without good management this can lead to low staff morale and confusion over the Department's agenda with often dire consequences in the treatment of detainees.

26.8 The Department of Juvenile Justice over the past few years has experienced turbulent changes and there is no evidence that the pace of change will decline in the near future. In 1990 the Youth Justice Coalition released a report on a 12 month review of the juvenile justice system which attempted to provide a blueprint for juvenile justice in the 1990s. In 1992 the NSW Standing Committee on Social Issues released its inquiry report into the juvenile justice system in New South Wales. Thirty four of the recommendations of the Committee directly related to issues connected with juvenile justice detention centres.

26.9 Also in 1992, the Juvenile Justice Advisory Council presented to the then Minister the Green Paper on Future Directions for Juvenile Justice. The Green Paper was considered by Cabinet and released for public comment in February 1993. After allowing time for community consultation and response, the Government released its White Paper *"Breaking the Crime Cycle, New Directions for Juvenile Justice in NSW"* in August 1994. There was a change of government in March 1995, and shortly after a new Director General was appointed to head the Department of Juvenile Justice. The government endorsed the new directions for juvenile justice as outlined in the White Paper, with consequent changes to operations and procedures within the centres. Many of these changes signal a move away from a custodial system to one focussing on the rehabilitation and reintegration of young offenders eg. changes such as the introduction of a case management system and the development of programs focussed more on the individual needs of young people. Centre staff have been required to look outwards to the community and to be more transparent and accountable in their day to day operations.

26.10 The element of change which was raised with the Inquiry, and which has had a great impact on workers in detention centres is the restructuring of the Department of Juvenile Justice. Restructuring proposals have been underway since 1991 when the Office of Juvenile Justice was split from the Department of Community Services and a new Department of Juvenile Justice was created. In 1992 the then Director General reviewed the structure of the centres and decided to introduce a new model of management. This new model abolished the old hierarchical structure and introduced a management system where each positions had responsibilities in one functional area. Managers of centres were freed from minor operational decisions and given more executive responsibilities. This model was initially trailed in a number of juvenile justice detention centres.

26.11 This restructure was not fully implemented when a new government was elected in March 1995. The new government requested a number of reviews of the Department of Juvenile Justice. These were a report by the Premier's Department on management within the Department, the Auditor General's report on Departmental finances and the later referral of financial mismanagement to the Independent Commission Against Corruption. Other broader inquiries into juvenile justice issues are also currently being undertaken by the Australian Law Reform Commission and the Human Rights and Equal Opportunity

Commission who are reviewing issues relating to young people and the legal process, and the Community Services Commission is researching the drift of children in care into the juvenile justice system. In addition, the Juvenile Justice Advisory Council's has recently reported on its investigation into the Departments complaint handling system and the NSW Standing Committee on Social Issues released its report into Children's Advocacy in September, 1996.

26.12 The Premier's Department's examination of the Department of Juvenile Justice's management structures recommended changes to the Departmental restructure that was already underway. In line with modern management theory of having flatter management structures with greater devolution of responsibility and accountability the key recommendation was that the Department move to a regional cluster model for the Department. This recommendation was accepted by the Minister and modifications were made to the restructure already partly implemented. The major impact on the detention centres were as follows:

- Centre managers now have greater executive responsibilities with a greater devolution of decision making to the centre level and an increase in the managers' financial delegations;
- Responsibilities within the centres are now divided into four functional areas:
 - operations
 - administration
 - program co-ordination and staff training
 - casework
- All staff positions in centres are now organised as having responsibilities in one of the four functional areas.

Impact of the Restructure

26.13 The Inquiry received many complains from workers in the centres about the Department's restructure process. These concerns fell into two main areas, firstly, the inordinate delay in implementing the restructure and the impact this was having on both their work and personal lives. Secondly, complaints that the restructure had deskilled the role of youth workers.

Delays in the Restructure

26.14 As outlined above the centres have been in a state of flux concerning changes to staffing structures since 1992. However, what the centres have experienced is, in fact, two restructures one commencing in 1992 which was not fully implemented and a second restructure which is currently underway.

Table 26.1: Levels of Casual or Temporary Youth Workers in Detention Centres and Numbers of Staff Acting in Positions as at May 1996

	Total Staffing*	% of Youth Workers Employed as Casuals	% of Non Casual Staff on Temporary Appointments *
Cobham	48	4	6
Keelong	34	78	15
Kariong	57	44	23
Minda	62	78	5
Mt Penang	139	74	21
Reiby	90	70	3
Riverina	34	82	15
Worimi	45	72	4
Yasmar	56	3	7

* These figures are for July 1996.

26.15 As is evident from the above table detention centres are operating with abnormally high levels of people working either as casuals or in temporary appointments. At Keelong, Mt Penang and Riverina this is the situation for over 90% of the staff at the centres. Even the centre with the lowest number of casual and temporary staff still employs 54% of its workers in this way. Centre management for a number of years have been unable to make permanent appointment to positions. This is especially so in the case of youth workers, although in other more specialised areas such as counselling, psychology and casework some positions have been filled on a permanent basis.

26.16 The Inquiry found that despite the Department's policy that casual staff should only be used on an ad hoc basis eg for periods when permanent workers are on leave, in many centres casual youth workers had been rostered on for regular shifts for long periods of time, in some cases for years. A similar position exists in relation to temporary appointments, where workers have been "acting up" in positions for long periods of time. Once positions are filled permanently this often has a domino effect flowing through to other positions as workers return to their substantive position. The difficulty this causes for staff are highlighted by the following statements made to the Inquiry:

The proposed restructure is singularly the most threatening current issue in the minds of the average juvenile justice employee, who fears the possibility of losing their position and level of financial security at the whim of some faceless bureaucrat ... This Department has caused certain staff members to forego their planned holidays for nearly five years for fear that their position may be readvertised during their absence. (Worker, Kariong)

Since the change of government and the dynamic changes it introduced, there has been instability for the workers, especially when they see people who do really good jobs having their jobs deleted. The problem is that the instability flows through to the detainees. There are a lot more boys on "Very Close Supervision" and more instances of self harm than there were in the six months prior to that. If

the staff are not feeling safe in their jobs, it flows through to the boys. Some practices here are not good. (Worker, Kariong)

A lot of permanent staff are off, there are a lot of casuals which puts stress on inexperienced workers. Teams of experienced people seem to work easier. The staff stress is also related to the levels of casual and acting up staff, they need some permanence. A lot of people are on stress leave" (Visitor, Reiby)

There is an unrealistic ratio of casual and temporary staff to permanent staff ... generally speaking the casual staff have no long term commitment toward both the custody and care of detainees, and perceive their role as being purely custodial. This philosophy is not exclusive to casual staff, because sadly, there is an ever increasing number of permanent staff who have lost their original vision to embrace the multi-faceted role of juvenile care. The clarity of vision for the average employee is clouded by the loss of consistent leadership. Overwhelming numbers of staff members are acting in higher capacities. In this centre there are eight chief youth workers positions that have been vacant for four years. Four years is too long to be subjected to constantly changing supervisors, each with their own idiosyncrasies and management strategies. (Worker, Kariong)

I've been working at the centre for four years on a casual basis, and I'm feeling very bitter about not being able to gain permanent employment. The administration only appoint their friends, if you don't go fishing or play golf with them they don't give you a job. I've repeatedly asked administration for reasons why I'm not appointed permanently but I can't get a straight answer. I've recently sold my house and I'm really worried that I won't be able to get a mortgage to get a new house because of my casual status. (Youth Worker, Kariong)

26.17 The high levels of casual and temporary staff currently employed in the detention centres may also be a contributing factor to the number of complaints received by the Inquiry alleging that powerful cliques control the centres and that nepotism and cronyism are rife in the employment practices of some of the centres. Typical of the comments made by people interviewed by the Inquiry staff were:

There's lots of bullying that goes on here, the game has to be played or you won't get the job. It's been different groups over time, now it's the footballers, golfers have come and gone (Staff Member, Cobham)

If you're not in the Amway crowd, or don't go out drinking with them you won't get anywhere here. (Youth Worker, Mt Penang)

26.18 Whilst the Inquiry is unable to make any findings on this issue on the basis of evidence presented to it, it is noted that many centres appear to have perhaps larger than normal numbers of workers who have a close or extended family links or who appeared to have common social interests such as all belonging to the same church. The Inquiry makes no findings on the competency of these workers in their jobs but this situation might go some way to explaining the perceptions held by some workers of nepotism or cronyism. It is felt that the high level of casual and temporary employment within the centres contributes to this perception. However, the Inquiry feels that as permanent recruitment is about to commence, the permanent employment of staff based on merit selection should go some way to remedying this problem.

26.19 The Inquiry finds that the uncertainty that workers have, and are, experiencing about their long term employment prospects is having a major impact on staff morale and contributing to workers complaints of stressful working conditions. Many youth workers appear to be disaffected and complained of low job satisfaction, many were quite cynical and alienated from their work.

26.20 Similarly research undertaken by the Department show that this is not a new issue for the Department. A survey of staff attitudes undertaken in October, 1994 found that 70% of those surveyed felt that morale had deteriorated in the previous eighteen months and centre staff were the most negative about working in the Department. The survey found that this reflected the long standing uncertainty of staff acting in positions during the restructure and stated that if staff continue to perceive the situation as deteriorating the Department risked increasing turnover of staff, loss of productivity and possibly sabotage if it did not address the issue.¹ It appears to the Inquiry that little has changed since the staff survey in 1994, if anything the position has worsened because of the further delays in implementing the Departmental restructure.

26.21 It is noted that the Department of Juvenile Justice, as of July, 1996, made permanent appointments at senior levels within the Department and that detention centres manager position have been permanently filled. It is hoped that this will now allow the Department to start recruiting and filling other positions in the detention centres without delay.

Intimidation within Juvenile Justice Detention Centres

26.22 Whilst the restructure has affected staff morale it also has another, and more sinister impact. The Inquiry found high levels of intimidation and standover tactics in some centres to ensure that workers "toed the line", particularly casual workers who have absolutely no guarantee of continuing work at the centres. Although some casual workers have been working full shifts for a number of years their employment can be stopped immediately should centre management wish. Some of the casual workers who spoke to the Inquiry indicated even though they disagreed, or were concerned about the actions of some workers at their centre, they felt too intimidated and uncertain of their position to take any action.

Case Study

An incident at one juvenile justice detention centre during the course of this Inquiry led the Ombudsman to undertake an investigation into allegations that a youth worker had assaulted a detainee. An inquiry was conducted and a large number of staff and some detainees were required to appear and give evidence on oath before the Assistant Ombudsman.

During the course of the investigation a number of detainees and staff members informed the investigation staff of the Inquiry that there was a great deal of reluctance or fear of complaining about or reporting incidents and/or improper or unprofessional behaviour or attitudes of certain staff members. The reasons for this were generally given as a fear of repercussion, lack of co-operation from other staff members, being "set up" by staff or detainees, being bashed (residents), being followed or receiving disturbing phone calls at home, being denied work or

¹ Coopers & Lybrand, *Department of Juvenile Justice - Staff Survey*, October 1994.

additional hours as a casual workers, not getting permanent status and a variety of other perceived ramifications. The relatives of detainees also expressed concern about talking about things they see or are told occur (at the centre) for fear of repercussions for the detainee.

Initially the manager of the centre was unable to offer any explanation for this perceived fear. He did however refer to some staff lacking trust in other staff members. Most commonly among the detainees is the apprehension that nothing will be done about any complaint, they see "no point" in complaining. The manager recognised a general wariness of detainees making complaints because of a fear of being punished or "set up".

The precariousness of the employment of many of the youth workers was offered as a possible reason for the reluctance of a worker not wishing to report an incident or complain about a fellow officer. They see their jobs or shifts at risk if they are seen to make trouble.

The Inquiry was aware of the investigation by (the centre) management of some complaints and was not provided with sound evidence from either staff or detainees of complaints not being investigated or repercussions arising from a complaint, although the Ombudsman received at least two other serious allegations of this nature. The Assistant Ombudsman did find however that the level of expressed fear among some staff and detainees of reporting other staff members or incidents to the management of (the centre) or the Department was of great concern. Whether that fear is misplaced or not is almost impossible to say. It obviously creates an environment hostile to good staff morale and one which is conducive to unprofessional or corrupt conduct.

26.23 Many complaints were made to the Inquiry about the actions of some youth workers and their treatment of detainees. It should be stressed at this point that the information received by the Inquiry only relates to some centre workers. Complimentary comments were received about the many good staff working in detention centres. The negative information was received from a variety of sources; detainees, workers and ex-workers, professional staff and in submissions to the Inquiry. It has not been possible for the Inquiry to verify all the allegations it received either due to the time lapse since the incident occurred, because of the difficulty in finding and talking to detainees who have since been discharged from detention or because complainants said they were too intimidated to give either their name or the names of the workers involved. However, from incidents witnessed by the Inquiry officers during their visits to detention centres or from supporting evidence in detainee's medical records or incident reports, the Inquiry finds that sufficient evidence exists to point to the fact that some youth workers are inappropriately dealing with young people in detention. Examples of the type of behaviour complained of is as follows:

I'd hear of one case a week about the use of unnecessary force, and I'd believe most of them. Boys who have actually been hit do not want it noted anywhere, they are too scared of staff. Sometimes they won't give enough information even to make out an accident/incident report. One assault was alleged to have been perpetrated by senior staff, the kid told the nurse who made out an incident report. The log book disappeared and the nurse isolated. Even when reports are filled out the kids are under pressure to drop it (Worker, Minda)

I have never seen so much misuse and abuse. I came to this Department with so much hope and have found such buttheads, non professionalism, big bullies standing over little ones. The way youth workers treat the kids is disgusting. They think they are doing the right thing saying. I came from this background, this is what they need. There is no support, it's dog eat dog, a back stabbing environment. We will never get past this if the Department doesn't get rid of those higher up who have allowed it to go on" (Worker, Minda)

It's difficult when I'm not on duty and there is an altercation with staff, that's where it's less likely to get mentioned and so things may not get investigated. I've had some kids say they were in their room at night bleeding and no one called for assistance. I have reported it to the Manager but not much can be proven. (Worker, Worimi)

I did see a youth worker hit a kid across the face - I was speechless, and later reported it to the Manager. He said he would ensure the worker was spoken to about it. I had some concerns about what might then happen to the kid - repercussions. I was also worried about being a dobber and I then asked the Manager if I could speak directly to the worker. The worker was very defensive, said "we do that all the time". I haven't had many complaints from kids about being bashed. I have been told by detainees that workers do give them smokes and, in some cases, money but I don't ask for details and don't report it. I have had problems when kids come and say they have been threatened, or had been touched sexually by another detainee. I was told if we are going to get them moved to another unit, then they had to make a formal report and inform the police, which of course they didn't do. I was too new to the job to fight it, but I did try to let staff know and asked them to keep an eye out for detainees I was concerned about (Worker, Mt Penang)

Youth workers think it's OK to swing a punch at kids. It's difficult to report, who am I going to report it to? I'm vulnerable as a casual worker. On the hard units like Talbot and Lawson, the workers let the biggest kids run the unit. The older committed kids are more sophisticated and often the greatest manipulators, and they run the unit. It makes the workers' jobs easier. (Anonymous Casual Youth Worker, Minda)

I am very concerned about incidents at this centre. It started with a resident who was so harassed he attempted to take his own life. I thought action would be taken to discipline the staff member but I'm unsure of the result. I felt I was intimidated by the Manager to ignore or "forget" what the kid had told me. There seems to be a particular group to workers involved with many incidents and they are now harassing other staff. (Worker, Cobham)

Complaints made by detainees about another centre were:

When you're in trouble and refuse to do what the youth worker says, you're put in a headlock until you can't breathe. And then they bend your wrists back which hurts a lot. (Detainee, Worimi)

Another said the staff “restrain detainees by holding their hand right back, it’s excruciating and makes people wilder”.² Or as one older detainee told us:

The staff play favourites and pick on weak boys, they only do arm restraints on boys who they can easily control so it’s usually unnecessary. They don’t use them on someone big and strong like me. You sometimes get fined for nothing, such as stepping over the yellow lines on court. One youth worker also likes to stand over smaller boys, swears, bullies and talks about their families in derogatory ways” (Detainee, Worimi)

Workers commented:

Kids are lined up before bed and kids get thumped, staff sometimes ask particular kids ‘if they molest animals’ (Ex Youth Worker, Worimi)

I believe kids get dragged to the holding room by workers with their arms around their necks. Kids have complained of being unconscious for a few seconds or that they are having difficulty breathing. This could be avoided if staff let kids calm down a bit first, they need to be trained to pause before reacting to situations with punishment. (Worker, Worimi)

26.24 It appears that it is not only physical abuse that some youth workers engage in. The Inquiry received consistent and credible reports of staff “geeing up” the young people, either through verbal abuse or misuse of the “points” system. One young detainee interviewed by the Inquiry staff has a low IQ and is “stirred” very easily, staff threaten to put him in isolation for four days with bread and water or tell him that he’ll be sent to Kariiong as a joke to see what he does. One worker told us that “there are times when staff have escalated the situation, just kept at the kid, it gets to the stage where physical force seems needed”.³ Another worker told the Inquiry that when it was reported that the intercoms in the rooms weren’t working workers were told “don’t worry about it, they can kick loud enough if they want to go to the toilet”.⁴ A worker in an identified Aboriginal position at one of the centres said:

I’d be harder on the detainees - all the kids are meant to do as they are told, if not, they should be punished. Three hours in detention is too easy from them, it should be longer, it’s nothing for them. Aboriginal kids should be treated just the same, everyone should be treated the same. Had a kid here who said he will call his lawyer if he gets pork because he’s a Muslim - it is all too much” (Senior Youth Worker)

26.25 A psychiatrist in the juvenile justice system told the Inquiry that:

I’ve often felt dissatisfied with the attitude of staff on the floor. But it’s hard to take up because it’s not tangible, it is not in what is said and done, but how. It was weeks before staff on the floor trusted me and co-operated, it harks back to the gulf between administration, operations and professionals.⁵

26.26 When staff were questioned about why these incidents are not reported or the worker reprimanded for inappropriate behaviour the types of responses we received were

² Detainee.

³ Youth Worker.

⁴ Anonymous Casual Youth Worker, Minda.

⁵ Submission to the Inquiry re Worimi.

"I'm only a casual worker, I have to be careful not to put noses out of joint or I won't get work."
In a submission to the Inquiry an ex-worker said that:

Staff play on low tolerance levels of some of the kids, who would then explode and lose points. There is an institutionalised culture at (the centre) and, at times, you felt as though you were fighting with the staff as well as the kids. Staff "wind up" the kids - undoing all the work I would had done to get the kids to deal with their problems.

- 26.27 The comment was also made that *"the workers won't talk as they are either part of the "in group" or are too intimidated."*⁶ Another worker commented:

The staff will stick together, even the good ones are worried that one day they may be in a situation where they haven't done anything wrong but without the staff sticking up for them they could be shafted. (Worker, Worimi)

- 26.28 The Inquiry found that inappropriate treatment of detainees by some workers is taking place within detention centres and that workers are reluctant to report these incidents because they hold perceptions or fears similar to those outlined above.

- 26.29 Although detention has been called the "hidden closet" of the juvenile justice system, researchers and policy makers have, for some time, been aware of the potential for negative impact detention can have on the future of young offenders because of the potential for physical and psychological harm resulting from physical abuse, sexual exploitation and psychological torment.⁷ The extent of harm likely to result from detention:

*... can vary considerably depending on the type of facility, the structure and conditions in those facilities, and the training, sophistication and resources of staff*⁸

- 26.30 The Inquiry acknowledges the very real difficulties staff can have with detainees. Detention centres can be difficult places to work, workers often have to control young people who do not like controls. As one Departmental chaplain said *"mostly workers get injured when they are placing kids in holding rooms. Workers are conscious that they don't want to hurt the kids, but the kids do not have the same constraints about the workers."*⁹ Some offenders have demonstrated their unwillingness or inability to abide by the rules of society and a minority continue to act violently whilst in custody. Staff are justifiably often worried about personal safety both for themselves and for other young people in the centre. However, this does not condone the level of physical and emotional mistreatment of detainees that the Inquiry believes is happening with monotonous regularity in some juvenile justice detention centres. The Department of Juvenile Justice must take action to remedy this situation or continue to be in breach of United Nations Rules on the treatment of juveniles deprived of their liberty.

⁶ Ex youth worker, Worimi.

⁷ Gordon Bazemore, Todd J Dicker and Ron Nyhan, "Juvenile Justice Reform and the Difference it Makes: An Exploratory Study of the Impact of Policy Change on Detention Worker Attitudes", in *Crime & Delinquency*, Vol 40, No 1, January 1994, pp. 37-53.

⁸ Charles E Frazier, "Prejudatory Detention", in *Juvenile Justice: Policies, Programs and Services*, A.R. Roberts (ed), Dorsey Press, 1989, pp. 142-162.

⁹ Submission re Reiby.

26.31 It is noted with concern that the Department does not have a policy on the use of force, other than the requirements set out in the *Children (Detention Centre) Regulation, 1998, Clause 38*. The Inquiry understands that the Department is currently considering a draft policy on guidelines for the use of force.¹⁰ It is noted that these draft guidelines do not define what is excessive use of force other than to say "it is a method of restraint, used to control the movements and actions of detainees ... it is not a striking action". The draft guidelines state that "there are no specific methods of use of force". Yet it further states that "it is possible for staff to be investigated and charged (departmentally and/or criminally) following allegations of "use of excessive force"... It is difficult to define what is reasonable and what is excessive use of force".

26.32 These draft guidelines do nothing to address the ambiguity of the Department's requirements of staff when restraining detainees. If the Department is unable to define what "excessive use of force" is, how will detention centre staff know if they contravening the Department's requirements in this regard. Whilst the Inquiry accepts that such definitions are very difficult it is felt that more clarity is required for detention centres workers, either through better definitions and guidelines and/or through training in restraining techniques that are acceptable to the Department.

Ways to Reduce Incidents in Detention Centres

26.33 There are a number of studies into ways in which, administratively, it is possible to reduce levels of violence and/or disruptive behaviour by people in institutional settings.¹¹ Whilst this research is not directly related to conditions in juvenile justice detention centres, it is felt that the measures they propose are applicable to situations within the centres eg staff should keep policies and procedures relating to violent behaviour up to date and be trained in strategies for dealing with possibly violent situations; there needs to be an emphasis on personal relationships and good communication. Research into managing disruptive behaviour in adult prisons found that the number of incidents was influenced by the management of the institution. The positive elements introduced by good managers was adequate training of staff in preventive measures to defuse potentially dangerous situations, good communication through regular meetings, the fostering of staff morale, an emphasis on the importance of personal relationships with inmates, minimisation of administrative changes and appropriate staff selection.¹²

26.34 An element which appears to have an effect on the levels of incidents within detention centres is the proportion of women working in the centres. It is unclear why this is so, but it appears to be related to the sometimes different ways in which men and women deal with potentially difficult situations with the detainees. One study suggests that a lot of the new policies and programs involve relating and talking to young offenders and trying to set a tone within correctional institutions that is conducive to non-violence and women appear to be extremely good at this part of the job.¹³

¹⁰ Department of Juvenile Justice, *Draft Use of Force Guidelines*, 1996.

¹¹ PD Scott, "Assessing Dangerousness in Criminals", *British Journal of Psychiatry*, 131, Vol 1977, pp. 127-42; AD Armond, "Violence in the Semi-Secure Ward of a Psychiatric Hospital", *Medical Science and Law*, Vol 22, 1982, pp. 203-9; W Davies, "An Analysis of Inmate Violence in a Local Prison", PhD Thesis, University of Birmingham, 1983.

¹² W Davies, "The Effect of Management Regime on Disruptive Behaviour: An analysis within the British Prison System", in Michael K Carlie & Kevin Minor I, *Prisons around the World, Studies in International Penology*, Wm C Brown Publishers, United States, 1992, pp. 229-235.

¹³ P Kissel and K Siddel, "Women Correctional Officers in Male Correctional Institutions", *National Institute of Corrections*, Washington, DC, 1980.

26.35 Senior managers at detention centres carry a large responsibility to ensure that detention centres do not further damage the young people contained within them. If the type of practices outlined above are tolerated by senior staff or if workers are modelling their behaviour on inappropriate practices by senior or more experienced staff this sets a "tone" that encourages bad practice.

26.36 It has been reported to the Inquiry that some senior staff in centres use their position inappropriately when seeking information from detainees (and in some cases from staff). Whilst we are not disputing that centre management needs to be aware of all that is happening within the centre and that talking to detainees is a crucial element in this understanding, care must be taken not to abuse positions of power especially as some of these detainees are children as young as 12 years old. Detainees can be very vulnerable if other detainees think they are "ratting". A number of complaints were received about the actions of a senior staff member in one centre. It is alleged that he uses detainees as informants, including one young man who had emotional and mental health problems. *"The kid was really too damaged to be used in that way, he didn't really understand what was going on"*.¹⁴ A detainee volunteered information on that officer whilst being interviewed by Inquiry staff at another centre, *"he is a full interrogator - you help him, he helps you. He offered to take me back to (a centre) if I would help him by telling who helped detainees escape at the centre."*¹⁵ Staff too can face difficulties, when asked by an Inquiry officer if he was aware of any difficulties or tensions between professionals responsible to both a professional supervisor and the centre manager, a Head Office officer said:

*Yes this is hugely problematic. I've had a number of young professionals intimidated by senior managers, sometimes being asked to do things which are unethical, such as being intimidated into telling what is being done or said by a detainee in a counselling session.*¹⁶

26.37 Often intimidation is quite subtle. It was noticed by the Inquiry staff when visiting one centre that both the Manager and the Deputy Manager were present on the units a great deal during the time we were interviewing workers and detainees. Not only were they present on the units during interviews but their presence had a negative influence on the willingness of staff and detainees to discuss the operations of the centre. This observation was confirmed some days later when a staff member rang the Inquiry to point out how much preparation and change to the normal routines of the centre had taken place during the time the Inquiry staff were at the centre eg the detainees were allowed to use the pool, better food was provided, the segregation cells had mattresses and reading material in them and, in particular, the large amounts of time senior management spent in the units while we were there "normally we never see them".¹⁷ On subsequent visits the Inquiry demanded free access to the units by being provided with a set of keys. At another centre, the acting Manager appeared at the door of a room when a youth worker was being interviewed by Inquiry staff and asked the youth worker whether or not the worker wanted him to be the worker's independent witness. The offer was declined.

26.38 The Inquiry finds that the Department of Juvenile Justice needs to review management practices within the detention centres, with particular emphasis on the number of complaints and/or incidents at certain centres. Whilst we acknowledge that it is not

¹⁴ Central Support Unit staff member.

¹⁵ Detainee, Kariong.

¹⁶ Central Support Unit staff member, Interview Monday 3 June, 1996.

¹⁷ Submission re Minda.

possible for managers of the centres to be in attendance twenty four hours a day, given the extent of complaints and the increase in information available to managers from professional staff, it is difficult not to conclude that in some centres there is overt or covert acceptance of inappropriate treatment of young offenders. Senior Departmental managers also have responsibilities in this area to ensure that incidents are dealt with in an appropriate manner, it is not necessarily true that a "quiet centre is a good centre." In fact the need to suppress information for fear of repercussions is unhelpful to senior managers in the long term as they will remain uninformed as to the real situation in the detention centres.

Deskilling of Youth Workers

26.39 The Inquiry staff heard many complaints that workers felt the restructure had meant that their work had become deskilled or that they felt devalued by the Department. The type of comments made were:

Sometimes youth workers feel they are being deskilled by the new casework. There is not enough cross referencing with the Juvenile Justice community officers, they should be able to use the skilled youth workers here but their work is being confined to the kids here in the centre. (Worker, Riverina)

There is nothing rewarding about locking kids up. (Youth Worker, Keelong)

When case management came on board, was some real resistance from the unit staff to having case managers - they really did see it as taking away a part of their job that they enjoyed. There is still some division between professional and operational staff. (Worker, Reiby)

They took ownership of what we did with the kids, eg teaching them skills. (Worker, Riverina)

26.40 Many of the people making such comments to the Inquiry were employed as youth workers, especially people in the old chief youth worker classification. It appears to the Inquiry that the change to having each position responsible for one function within the centres and the growth of more specialised positions such as caseworker, has lead to a perception amongst these workers that the more interesting aspects of their jobs have been transferred elsewhere. Another element that may be contributing to youth worker dissatisfaction is that as a general rule casual youth workers are not given key worker responsibilities due to the uncertainty of their tenure.

26.41 Their perceptions are very real and this is clearly a crucial area of worker concern that must be addressed by the Department. An excellent example of how this problem can be managed by centres through better communications and developing teamwork skills is outlined in the following example from Reiby.

Case Study

I saw the chief youth workers as a critical level in the staffing, but they appeared pretty much displaced and disempowered. They didn't believe they had enough influence and say in the operations of the centre. This has been the traditional situation, it's not just due to the restructure. If they are dealing with the kids on a daily basis, and we are to be "client" focussed, we need to give chief youth workers

much more. They did not feel they were able to contribute - they were just being told. I felt the chiefs were feeling detached - not seeing themselves as responsible and respected - their views were not considered as seriously as they should have been by senior management. They saw senior management as a level they had no contact with.

Now they get more information, we have regular weekly meetings. There are also centralised resources for them. Before it was all locked away and difficult to access. They can see what is happening, they can come and help themselves, can stop and chat, it helps to break down the management levels. I made changes so that they could raise issues and suggestions, I make sure their ideas and input is followed up. There is now much less absenteeism by chief youth workers when we have meetings, I will now get apologies. I can see real change, it used to be that they would come to management and say "this is a problem, what are you going to do about it". Now if it's raised in a meeting we will ask if others also have such a problem and ask the group for ideas/input into solutions - get their agreement to try an option - if a person not happy with it - it's raised again in the meetings. Workers now seem to think more about the problem, and there are now individuals who will come to the group who have a problem, but also have some possible solutions to put forward, more of a community feeling - WE have a problem. (Worker, Reiby)

26.42 Whilst the youth workers concerns in this area are real and need to be addressed it does seem to the Inquiry that there is a disjunction between the workers perceptions and the reality of what is taking place in the centres on two levels. Firstly, the growth of new and more specialised positions within the centres mean that there are greater opportunities for workers to gain new skills. Youth workers are able to apply for transfers to other more specialised positions both within the detention centres and into community based juvenile justice positions. Many examples of these types of transfers were noted in the course of this Inquiry.

26.43 Secondly, the changes introduced by the Department to ensure that there is more focus on the individual needs of young people in detention has only highlighted the vital role played by youth workers in day to day interaction with the young people in their care. Detention centres now nominate youth workers as key workers to a number of young people. The type of assistance provided by key workers to detainees can include inducting young people into the centre, explaining routines, programs and services, conducting initial assessments, helping detainees set goals, attending case conferences and reviewing young peoples progress on a regular basis.

26.44 Some youth workers spoken to by Inquiry officers were clearly enthusiastic in embracing the changes that the Department has been implementing in the centres, especially about the introduction of casework management and the possibility of becoming involved through taking on a key worker role. Commonly the type of statement made to the Inquiry was similar to that of a youth workers at Yasmar who said, *"I'm involved in working on case plans through my key worker role. I think it's a good idea and makes the youth worker role more interesting and involving."*¹⁸

26.45 The Department is clear in its statements about the importance of the role of youth worker. Research supports the notion that an important aspect of the detention

¹⁸ Youth Worker, Yasmar.

environment (and an important determinant of the extent of physical and emotional harm experienced by detained young people), is the nature of interaction with those professionals responsible for their care and custody.¹⁹ As one of the Department's psychiatrists noted:

*We have now come to see the need to give kids some skills, we have found that with some of the most troublesome, emotionally uncontrollable detainees that being understood is one of the biggest things that will settle them.*²⁰

Conflict Between the Custodial and Rehabilitative Roles of Detention Centre Workers and its Impact on Detainees

26.46 How well and to what extent the Department of Juvenile Justice's new directions and policies are implemented within detention centres will depend on workers within the centres.

26.47 The changing policies of the Department of Juvenile Justice means that increasingly they are dependent on their workers to achieve goals that sometimes appears to be in conflict, eg maintaining security and protecting the community to running programs for detainees and becoming involved in case management and providing role models for young detainees. They work in a system that continues to emphasis treatment and rehabilitation for young offenders, yet the day to day realities of the job bring concerns about custody and security, including personal security to the forefront. Research suggests that these realities may lead detention centre workers to develop "focal concerns" more or less like those of the traditional prison guards.²¹

Our primary role is to manage the kids and ensure security but there is a potential for more". (Youth Workers, Keelong)

"There needs to be some understanding that dealing with an individual kid has different dynamics than dealing with groups of kids, we need to be empowered to do the custodial aspects of the job eg searching, testing and this is the base to build on for welfare aspects of the job. If we are to run detention centres we need the power to do it. Get managers who understand that they have powers but that they exercise them prudently and humanely. (Staff Member, Reiby)

26.48 The need for centres to be both custodial and treatment focused creates ambiguous and conflictual role definitions for detention centre workers, and the absence of clear cut priorities in the organisation's objectives leave decision making to the worker's discretion. The image a worker has, both of him or herself and others, is affected by whether or not they perceive their primary role as treatment or control oriented. Youth workers may be the most influential employees within the centres simply by virtue of their numbers of high degree of interpersonal contacts with detainees on a daily basis. It is a mistake to conceptualise workers as responsible only for custodial tasks. Their impact extends to subtle definition and communication of policy and they are the intermediaries between higher level management and the detainee population.

¹⁹ Frazier, op cit, pp. 142-162.

²⁰ Worker, Central Support Unit.

²¹ Frazier, op cit, pp. 142-162.

26.49 If youth workers are in key organisational positions to influence detainee rehabilitation, clear roles are needed. But juvenile justice institutions have to reconcile their commitments to the treatment of individual young people with their administrative functions of order and security. These dilemmas have been analysed by a number of researchers who generally agree that conflict between treatment on the one hand and stability and control on the other impedes the rehabilitative effort.²² The difficulty for workers is that their work is characterised by ambiguous definitions that do not clarify which specific institutional goal they should emphasise in any particular aspect of their duties. Strain and conflict thus become an inevitable consequence of mixed institutional expectations, their role lacks clarity and performance expectations, which results in job dissatisfaction. Conflict is always present between those personnel who are designated either treatment staff or custodial staff. All administrative units desire control over the means to fulfil their function, thus different groups of workers attempt to impose their definitions of the organisation's goal on other groups, causing conflict within the entire structure of the institution.

26.50 Finding a balance between these two contradictory values is very difficult and often conflictual. This conflict between values, and the lack of clarity as to the goals of the Department along with the major changes the Department has experienced over the past three to four years has left many centre staff in a state of unrest. Many workers complained of work related stress.

26.51 Research supports the notion that workers in juvenile justice institutions are working within a stressful environment. It appears to be highest amongst younger workers²³ and appears to affect men and women similarly²⁴. The research further suggests that even a moderate degree of "burnout" and its consequences, eg high staff turnover; can negatively effect the quality of the care of young offenders. Without the implementation of a program utilising training and prevention techniques, workers affected will function ineffectively. The people who may suffer most are the young people in detention.²⁵

26.52 Some of the stress experienced by youth workers may relate to the nature of their work. It's often fragmented, routine and menial eg tasks such as doing 5 and 10 minute checks on detainees, recording detainees movements in and out of areas, escorting young people around the centres, admissions, strip searches etc. Some of the tasks undertaken by youth workers do appear to be bureaucratic chores that require little or no judgment, initiative or skill on the part of workers.

²² D Cressy, "Prison Organisation" in March J (ed), *Handbook of Organizations*, Chicago, Rand McNally, 1965, pp. 1023-1070; E Johnson, "Bureaucracy in Rehabilitation Institution: Lower Staff as a Treatment Resource", *Social Forces*, Vol 38 May, 1960, pp. 55-359; R Vinter and R Lind, *Staff Relationships in a Juvenile Correctional Institution*, University of Michigan School of Social Work, Ann Arbor, 1958; D Duffee, "The Correction Officer Subculture and Organizational Change", *Journal of Research in Crime and Delinquency*, Vol 11 July, 1974, pp. 155-179; J Jacobs and H Retsky, "Prison Guard", *Urban Life and Culture*, Vol 4 April, 1975, pp. 5-29; E Pole and R Monchick, *The Effects of Incompatible Organizational Goals Upon Correctional Officers*, Presented at the Annual Meetings of the Pacific Sociological Association, 1976.

²³ C Maslach, *Burnout: the Cost of Caring*, Englewood Cliffs, NJ: Prentice-Hall, 1982

²⁴ Ibid.

²⁵ James A Farmer, "Relationship between Job Burnout and Perceived Inmate Exploitation of Juvenile Correctional Workers", *International Journal of Offender Therapy and Comparative Criminology*, pp. 67-73.

26.53 Studies of job dissatisfaction and work related stress in adult correctional institutions identify a number of conditions existing in the workplace which are salient to the formation of group identity eg administrative factors and job conditions; lack of clear guidelines; poor communication; not being treated as a professional; doing things against one's better judgment constantly appear as stress inducers.²⁶ These conditions are similar to research which outlined the conditions for the development of groups opposed to changes in an organisation.²⁷ These conditions include:

- Most people in the unit have specific grievances against the organisation and feel resentful towards the top leadership for neglecting their needs, for inflicting unnecessary deprivations or for imposing extraordinarily harsh demands which menace their personal welfare;
- The members perceive their group as having no channel open for communicating their grievances to the top levels of the hierarchy or are convinced that such communications would be wholly ineffective in inducing any favourable changes;
- The organisation is perceived as having little or no opportunity for detecting the deviant behaviour in question; and
- One or more central persons in the unit communicates negative sentiments to the others and sets an example, either by personally acting in a way that is contrary to the organisation's norms or by failing to use their power to prevent someone else in the same group from doing so.

26.54 The situation facing the Department of Juvenile Justice is not a unique one, and it not one than is incapable of being changed if managed correctly. Changes have to be made to ensure that the small minority of workers within centres who continue to act inappropriately and who are actively working against changes to the way in which the Department of Juvenile Justice operates are contained. An element of this containment needs to be informed by an understanding of why and how workers in institutions such as juvenile justice detention centres respond to change in the way in which they do.

26.55 Whilst there is not a great deal of research undertaken on the impact of change within juvenile justice institutions a good deal of research has been undertaken on adult correctional institutions. When reviewing this research the Inquiry found that there do appear to be common elements in this research and what is occurring in detention centres.

26.56 An overseas study found the number of workers in correctional institutions who held non-progressive views were in fact in the minority, and that whilst the progressive workers felt themselves to be in the minority they in fact were the majority²⁸. Whilst it is difficult for the Inquiry to state that this is the case in New South Wales detention centres it should be noted that the Inquiry was impressed by the calibre of many of the centres' workers. They appeared to be undertaking their duties in a professional and caring manner, in some case with little support from management in the centres or in the Department

²⁶ F Cheek and K Miller, *The Experience of Stress for Correctional Officers*, Paper presented at the Annual Meetings of the Academy of Criminal Justice Sciences, Cincinnati, Ohio, 1979. L Limbardo, "Alleviating Inmate Stress: Contribution from Correctional Officers", in R Johnson and H Hoch, *The Pains of Imprisonment*, Beverly Hills: Sage, 1982, pp. 285-298.

²⁷ I Janis, "Group Identification Under Conditions of External Danger", in D Cartwright and A Zander (eds), *Group Dynamics*, New York, Harper and Row, 1968, pp. 80-90.

²⁸ H Toch and H Klofas, "Alienation and Desire of Job Enrichment Among Correction Officers", *Federal Probation*, Vol 46, No 1, 1982, pp. 35-47.

generally. A staff survey undertaken by the Department of Juvenile Justice found that a large proportion of the staff, especially those dealing directly with young offenders are motivated by a drive to help the client rather than their own career prospects.²⁹

26.57 What group solidarity workers do experience appears to arise as a response to perceived threats from either detainees or administrators. Group solidarity may quickly form, despite the existence of a general dissension of opinions. In response to a threat the beliefs of the "subculture custodians" may form the basis of a group identity, eg anti-inmate and anti-reform views in the face of fears of impending violence, administrative changes, court interventions giving inmates new "rights" or fears engendered by investigative organisations either through legislative changes or public opinion.

*The strongest purveyors of "hard nosed" pro-custodial imagery are those who hold the view most strongly themselves, projecting it onto their peers, and are immune to the influence of others.*³⁰

26.58 The Inquiry did find evidence of cliques of workers, or "subculture custodians" as they are referred to in the research, within centres who are actively working against the changes in policies and directions that the Department is trying to implement. The ability of these workers to subvert change varies from centre to centre and depends to some degree on management attitudes at the centre and the level of disaffection being experienced other, more progressive workers. Unfortunately many of the changes that the Department of Juvenile Justice has, and is, experiencing have contributed to this situation eg the lack of consistent and clear directions, the feeling that outside agencies are determining the Department's agenda, poor communications, a poor grievance procedure, a perception that incidents are "covered up" and workers uncertainty and fear about their employment prospects due to the Departmental restructure. The way in which this can manifest itself in centre operations is outlined in the following case study.

Case Study

One of the non-metropolitan juvenile justice detention centres visited by Inquiry officers, Riverina, is considered to be one of the better centres within the system.

The centre, however, has been in a state of conflict for a number of years because of a clash of philosophies about whether the focus of work within the centre should be custodial or rehabilitative. The two opposing views as expressed by the main protagonists to the Inquiry are:

"I believe in giving detainees levels of responsibility, it shows them they have the ability to think and take responsibility for their actions. Staff shouldn't rely on force, they need to relate to the kids, talk to them. I also feel strongly that it is important not to transfer out kids who are a "problem", it's important to analyse all the factors impacting on the detainee and for the centre to try and manage the situation more effectively. (Staff Member, Riverina)

I believe in discipline. Punishment should be left to people within the centre who run the centre, it would be more appropriate. Administration should oversee whatever punishment is handed out to make sure it's not

²⁹ Coopers & Lybrand, op cit, p. 22.

³⁰ Toch and Klofas, op cit, pp. 35-47.

shonky. At the moment the punishment system doesn't work. I don't agree with punishing kids by talking to them for 30 minutes and sending them to their room. (Worker, Riverina)

26.59 This conflict appeared initially to involve disagreement between two strong personalities. Over time the conflict appears to have widened and more workers have fallen into one camp or the other. In many cases workers have done this reluctantly as a rift emerged between the so-called "professional" staff and youth workers with more operational responsibilities.

26.60 It appears to the Inquiry that not only was there disagreement about the way in which the centre should be run but the physical layout of the centre, where the administrative block is totally separate from the detention units, was contributing to the "us and them" mentality of the two groups. Typical of the comments made to the Inquiry were

We never see them over here ... things can be improved when administration is available and accessible. There is no honesty and no sense of team, I believe some staff are being stood over by other staff, there are things that are not being reported. (Community Juvenile Justice Officer, Wagga Wagga)

There is a definite communication breakdown between the people that work within the fence and the people over there. Sad but it destroys the morale of staff and the kids too. Because of lot of people over here don't have degrees their ability to work with the kids isn't affected, but staff here don't see their advice being picked up. (Worker, Riverina)

One problem is that the administration building is outside the fence, administration staff can hide and they are not part of the team. The manager and the rest need to be included inside the fence. The criticism of the manager is that he is never seen. (Worker, Riverina)

26.61 At times this conflict has led to what can only be described as sabotage. For example, in December, 1995 a detainee who was on work party outside the fence of the centre absconded whilst the chief youth worker was in charge of the centre. This created a good deal of negative media comment in the local paper. This was exacerbated when someone in the centre leaked to the local press a copy of confidential information kept on the detainee from the Department's client information system. The manager of the centre then came under intensive media scrutiny and was soon off on stress leave. Despite an extensive police inquiry no one was charged with leaking confidential information.

26.62 This situation continues to cause difficulties. The new acting Manager when interviewed by Inquiry staff in February 1996 said "The centre seems to be functioning quite well, there are no overt management practices of concern and the staff seem to have a relatively good relationship with the detainees". When interviewed in July 1996 he said that problems within the centre had increased markedly.

"Fifty percent of my time is now conducting staff reviews, it appears that there may be a major discrimination case because of the harassment of a casual female youth worker, who has kept a diary of the harassment she alleges took place. Over the last few months as I have been investigating these, and other matters, curious things have been happening in the centre. Detainees' legal mandates are going missing from their files when I know they have been placed in the file. Last week none of the staff voted on the residents levels. All fourteen workers told me they

had forgotten to vote, and this is a system that has been in operation at the centre for ten years. (Staff Member, Riverina)

26.63 The Department of Juvenile Justice has been aware that this situation has been going on for a number of years and action taken to manage the situation has not resulted in resoulution.. One worker said:

Our problem is that we are left in the dark by head office, left to sink or swim. The problem could have been dealt with two years ago, it could have been mediated but it's been allowed to grow and fester. It's a clash of personalities and philosophies. X is a very good manager, Y is a good policy man, they could have made a good team. The problem was raised with the Deputy Director General two years ago, he promised to mediate and nothing happened.³¹ Staff morale is really low, something needs to be done. I sometimes think the staff are a bit like the detainees, they have no power over what will happen, over their jobs, they don't see anything to work towards, they get put down and this flows through the detainees. (Youth Worker, Riverina)

Selection and Training of Staff Employed in Detention Centres

26.64 International standards on the treatment of juveniles deprived of their liberty and in the areas of children's rights clearly acknowledge the importance of having suitable and competent workers in detention centres. Throughout international law on the rights of children deprived of their liberty emphasis is placed on the importance of training, because training is regarded as a principal means of ensuring that the wide ambit of discretion, which is inevitably exercised by staff in institutions, is exercised in the best interests of the child.³²

26.65 The Standing Committee on Social Issues noted in its report on juvenile justice that:

Usually people who seek to work with children and adolescents have a commitment to young people and a desire to effect positive outcomes on their behalf ... (but) many of the youth workers in juvenile justice centres have come to the job with no experience at all in dealing with young people especially delinquent young people .. (they) are expected to come to the job untrained and accept poor wages and conditions ... staff dealing with young offenders ... lack basic principles of knowledge in dealing with (them) and their families"³³

26.66 Since the release of that report the Department of Juvenile Justice has made some changes to its recruitment and selection policies for detention centre staff, both casual and permanent youth workers. Recruitment is done centrally, advertisements are run for positions in specific detention centres and applicants have to pass a skills test before becoming eligible for interview. The selection panel contains both ceptral office and centre

³¹ The Inquiry was subsequently advised that the Deputy Director General had attempted to deal with the matter by meeting with them himself and also employing a consultant to mediate the dispute between the central parties, but these efforts were not successful. The youth worker's perception of inaction however, is still relevant to the level of support and contact centre staff believe is provided to them.

³² In particular, see Section V (Rules 81 to 87) in United Nations Rules for the Protection of Juveniles Deprived of their Liberty, Adopted by General Assembly Resolution 45/113 of 14 December, 1990.

³³ Standing Committee on Social Issues, *op cit*, p. 155.

personnel. The Inquiry has been informed that this process has led to an increase in the number of tertiary qualified staff being employed in the centres.³⁴ Whilst it appears that, initially, this process was viewed with suspicion by detention centre management it is now becoming accepted. Typical of the comments made were:

Central recruitment initially created delays and centres had no say about who was coming in. What happened was that more than half hit the floor and bated the job, therefore we lost the training we'd given them. It has helped stop people's friends and relatives being drafted into centres. I didn't believe in the literacy skills testing initially but it happened. In hindsight, it was a good idea. We are now getting excellent recruits, especially women" (Worker, Reiby)

26.67 Whilst the Department of Juvenile Justice's recruitment and selection procedures are improving it still faces problems with detention centre staffing. From interviews undertaken by Inquiry officers and from submissions received by the Inquiry, there appears to be general agreement that whilst there are many excellent workers in the centres there are other workers who simply should not be employed to work with young people. The kinds of difficulties this creates have been canvassed in detail earlier. Typical of the comments made to the Inquiry were:

Some staff are very good, attuned to kids who are depressed etc. and some are ba"
(Submission to the Inquiry re Worimi)

I would like to raise the care quotient of the youth workers, they have significant input into the kids, it's important that these young people not to be surrounded by these rugby types. (Consulting Psychiatrist)

Some people are not suitable for this job and continue to abuse kids. We need quality and/or qualified people, and some theoretical skills based training. (Worker, Worimi)

26.68 This points to the need not only to recruit good staff but the need to train existing workers. The issue of training will be discussed in more detail later.

26.69 Contributing factors to the difficulty in recruiting and keeping good staff in the detention centres appears to be related to issues such as low pay, lack of support for staff within the centres, the "anti-intellectual" culture within some centres, the lack of training and of a clear career path for workers within the Department of Juvenile Justice.

26.70 The issue of low pay for youth workers and the difficulties this raises for the Department is not a new issue. All of the major reviews into juvenile justice over the past six years have commented on this issue and made recommendations that the level of pay for youth workers needs to be commensurate with the skills and responsibilities of their work.

³⁵ It was an issue that was raised with the Inquiry officers on numerous occasions, for example,

This new model is expecting a lot of staff, who are not recruited with any specific skills. There are some staff who are not suited to this, mainly from lack of

³⁴ Staff member, Central Support Unit, Department of Juvenile Justice.

³⁵ NSW Legislative Council Standing Committee on Social Issues, *Report No 4, Juvenile Justice in New South Wales*, May, 1992, Recommendation 95, p. 154.

appropriate education - if we had a higher salary, would get more suitably educated people. (Worker, Reiby)

The only problem with having quality staff is that you lose them quickly. People who are competent in their jobs aren't paid enough". (Worker, Reiby)

Youth workers should be paid the same as a teacher, make university training a pre-requisite, especially for the type of work youth workers are now being expected to do. Although brute force isn't necessarily bad, it's how it's used. I've seen big changes in the system - it's now a lot more humane. What's happening now where at all possible is that intelligence is being used in the management of kids. Managing these kids is tricky - need well developed communication skills (Teacher, Reiby)

26.71 The Inquiry understands that the new Director General of the Department of Juvenile Justice has had lengthy discussions with the appropriate unions about rates of pay for youth workers and currently has proposals under consideration. The Inquiry would support a positive response to such proposals given the vital role youth workers are expected to play in the rehabilitation of young offenders, the increased responsibilities being required of them in the Department's restructure and the need to attract and retain good detention centre workers. Until youth workers are accorded greater recognition as professionals that would come from more reasonable salaries and status, it may be unreasonable to expect reforms to have lasting impact on either behaviour or attitude.

26.72 It would, however, be a mistake to believe that increased salaries and recruiting better qualified staff alone will be enough to solve detention centre staffing problems. A further issue that needs to be considered by the Department of Juvenile Justice as it seeks to attract increasingly skilled workers into detention centres is that research suggests that taking a narrow definition of "professionalism", limited simply to increasing the educational levels of youth workers is an inadequate solution to the challenge of modern juvenile justice detention centres.³⁶ There could be an increase in the number of dissatisfied youth workers if their skills are not incorporated into an expanded and more meaningful role ie if they continue to have limited autonomy in doing their jobs, little influence in determining detention centre policy making and continue to face limited opportunities for promotional advancement.

26.73 Support for workers in the centres and on-going training are crucial if workers are to understand and implement the Department's new policy direction. Workers commented to the Inquiry:

What is needed is education of the youth workers, both core training and additional and increased pay rates to attract better qualifications. There is a need to change, staff are angry, tired and stressed out. We need to work out ways to better support them, to build in regular debriefing, not just incident debriefing, where they can reflect, discuss any problems, rather than just hand over keys and get out of the centers ASAP because they hate it so much. I would like to see more recognition given to the role of youth workers. Shifts are used consciously or unconsciously to favour mates, and those who fit your purpose. Because of the amount of casuals used, it makes people feel unable to speak out, as they are

³⁶ Nancy C Jurik et al, "Educational Attainment, Job Satisfaction and the Professionalisation of Correctional Officers", in *Work and Occupations*, Vol 14, No 1, February, 1987, pp. 106-125.

dependent for work and shifts. (Staff Member, Central Support Unit, Department of Juvenile Justice)

It should be considered foolhardy to employ staff in our industry who fail to meet specific selection criteria, with stringent training, prior to the introduction to centres (for their own safety if nothing else). Yet this appears to be rampant in this Department. In order to change archaic/ineffective work practices, one needs first to equip and encourage existing employees. I have observed the average middle management supervisor ... unable to stem the justifiable criticism by staff about the Department's handling of many staff matters. This situation is due to the Department's draconian and autocratic controls foisted on the middle managers, which is transferred downline to untrained and unskilled staff. It is extremely sad to personally witness leaders in middle management maligned by their own staff in matters they have no powers to change. Consequently the task at hand is not only to equip and encourage the "coal face" workers but our managers as well. (Worker, Kariong)

Training is vital. At the moment with youth workers, if they have two arms and legs and no police record we employ them. Training not done at the level it should be. Training should be in areas relevant to their jobs. Staff turnover is so high it's hard to keep training. (Staff Member, Cobham)

26.74 Training clearly remains a crucial issue for the Department of Juvenile Justice. In the past two to three years the Department's approach to training has been excellent. The Inquiry was told that:

The Department made a brave decision to provide training and assistance to youth workers through a tertiary undergraduate program and in its moves to upgrade training for youth workers. The Department has been very supportive, they offered a number of scholarships last year, originally just for workers from detention centres. I understand that Green Paper funding allowed 400 workers to complete the advanced certificate in youth studies. We believe that the key element of Departmental support that assisted these students was the scholarship HECS scheme, where departmental staff awarded such a scholarship were eligible for reimbursement of their HECS fees (about \$800 per year) retrospectively if they passed all their course.³⁷

26.75 The Inquiry has been told that despite this excellent training initiative, there is a real issue about the on-going level of support the Department provides to graduates in detention centres.

Our students tell us that they are being demeaned and not getting acting positions in the centres because they are challenging existing practises. They say their studies have changed their lives and their views of the kids. Study is often a struggle because of shift work and they are fighting attitudinal problems at work. Lots give up and go into community based juvenile justice. (Ibid)

26.76 It seems to the Inquiry that these graduates that the Department has encouraged and supported in their studies, and the new more educated workers that are being recruited into the detention centres are the future of the Department and it needs to take action to counter

³⁷ Interview with the academic staff at Charles Stuart University.

the negative attitudes they are facing in the detention centres. A Departmental staff survey found that nearly half the respondents who supervise young offenders thought career opportunities had deteriorated and the survey identified as a major priority the need to identify clear career paths for staff in juvenile justice.³⁸ The Department needs to consider making the completion of such tertiary studies a presumption in favour of such people if they are candidates for positions and needs to be working on a clear career path for all its detention centre workers. This should not disadvantage existing experienced youth workers, if selection criteria for positions are written to take account of the new national competencies for youth workers which are expected to be ratified at any time.

26.77 Many complaints and comments were made to the Inquiry about the lack of training for managers and perceptions amongst many workers of senior staff's fears in the face of an increasingly well educated workforce in the centres. One senior centre staff member told the Inquiry that:

Not all my views about changes have been supported. The non-response to change may be partly due to the fact that those in senior positions came through the ranks, there is some fear and resistance to change and the accommodation of ideas. There can sometimes be an anti-intellectual response, when I first joined the Department in 1989 as a youth worker, I was taken aside and told not to tell anyone that I had tertiary qualifications. But there have been huge improvements in the last seven months. (Staff Member, Reiby)

26.78 The following case study is typical of the complaints made to the Inquiry:

Case study

The Inquiry received many submissions from workers at one detention centre, raising allegations of favouritism and cronyism "its jobs for the boys".³⁹

Specific complaints related to the youth workers at the centre who had completed the Advanced Certificate in Youth Studies.

We were told when we did the course that we would get acting up experience but it's never happened, not since we completed the course in 1994. The problem is that there are unqualified people in senior positions, the administration here needs a complete overhaul, nothing is done on merit, it's who you know. (Ibid)

The Inquiry understands that at least one of these workers did not qualify for permanent appointment in interviews held in 1994, until the Director of Human Resources stepped in and overturned the centre's decision on the basis that she was clearly the most qualified candidate.

Complaints were also received about the recent appointments to Team Leader positions at the centre. One worker told the Inquiry that:

Promotions are few and far between, there is a lot of nepotism. I've completed my Advanced Certificate in Youth Work, and I'm three years

³⁸ Coopers & Lybrand, op cit, pp. 18 and 22.

³⁹ Youth Worker, Cobham.

into a Welfare and Behavioural Science degree. I've applied for nine acting Team Leader positions at the centre, all unsuccessful. (Youth Worker, Cobham)

The Inquiry staff asked the then centre manager about the perceptions that appeared to be held by some workers that there were very strong cliques operating at the centre. He told us that the Team Leader positions were advertised twelve months ago, and that the three workers appointed had no tertiary qualifications, but that he was happy with their work and they would stay in place until the final restructure. He advised that there were cliques operating in the centre and in fact he encouraged this as he thought it developed team work. He did not appear to view this as a problem in terms of fair recruitment processes.

26.79 It is understood that under the previous government centre managers were expressly excluded from public sector management courses, they were told to wait for the Graduate Certificate in Human Management Course that the Department was negotiating with the Charles Stuart University to run for juvenile justice managers.⁴⁰ Yet a staff survey undertaken by the Department identified as a priority area that middle managers and supervisors receive management training.⁴¹ It is understood that this course has now been running for eighteen months, and that enrolments were good in 1996 despite no current Departmental financial support for managers to attend.

26.80 The Inquiry finds that there is still a clear imperative for the Department to address the management training needs of staff in middle and upper management positions in juvenile justice detention centres.

26.81 In light of the need for on-going training and staff development for detention centre workers at all levels, the Inquiry is concerned that the cuts to allocated resourcing, both financial and staff to the Department's training unit in the restructure will adversely affect the Department's ability to provide quality training and effectively implement change. The Department's training responsibilities have been amalgamated with its EEO section. The unit has three staff and it is understood as at September, 1996, it had not been given a budget allocation. One submission to the Inquiry noted that:

The Department's education and training functions have been severely cut in the restructure, yet we found that their training courses were often a primer for workers undertaking further tertiary studies. (Interview taken by Inquiry Staff)

26.82 As part of the Department's restructure, two workers in each centre are responsible for providing all induction training for new centre workers. The Inquiry accepts the importance of training being organised and delivered close to the day to day operations of the centres, however, it is also crucial to ensure that quality training is delivered and proper evaluations undertaken of training outcomes. It appears that there is already disagreement about the philosophy and content of the induction training packages provided to the centre trainers⁴², and this can only subvert the changes in policy direction the Department is trying to achieve. So too, there is ample opportunity for local trainers to continue to accept and possibly reinforce localised practices which may be based on the centre's own culture

⁴⁰ Staff member, Riverina.

⁴¹ Coopers & Lybrand, op cit, p. 18.

⁴² Staff member, Central Support Unit, Department of Juvenile Justice.

rather than those officially endorsed by the Department. As one centre manager commented:

Whilst the idea of the central support unit developing training packages for the centres to run is not necessarily a bad idea, it ignores the fact that local staff may have no skills as a trainer and, therefore, may not be committed. (Staff Member, Riverina)

26.83 The Inquiry's concerns about training provision in the Department was similarly expressed in the response by the Training Unit to the Department's recent restructure.⁴³ This pointed out that whilst on the surface the reduced central training unit and the provision of additional training resources to detention centres appears to provide large concentrations of staff direct access to training there are concerns about:

- Suitably qualified experienced training staff being employed in detention centres;
- The Central Office unit possessing suitable curriculum design/expertise and co-ordination resources; and
- Appropriate quality assurance mechanisms being designed to ensure practice that conforms to legislative and ethical requirements.

26.84 The submission went on to say that:

The proposed model could, in fact, assist the development of training programs that are insular in direction, concentrate on the "hows" of practice and disregard the "whys" and actively counteract practices that relate to accountability. Rather than ensure quality training that provides youth workers with the competencies required by them to work in a highly difficult and demanding area, the proposed model could, in fact, provide programs that are inconsistently designed, unevenly presented and do not link to required competency frameworks. In simple terms "cheap" training invariably means "cheap" outcomes. Until a sophisticated, well resourced training program ... is prepared and presented, (it) appears very few changes will be able to be undertaken within the juvenile justice system. If reform is to be achieved it stands or falls on the development of a "clever and flexible" workforce at the "coal face" level ... The proposed restructure needs to be rethought or at least re-framed, lest the Department become yet another organisation which talks change but delivers the same options as before. (Staff Member, Reiby)

26.85 The Inquiry is also concerned that the Department of Juvenile Justice has no staff appraisal system in place. Such systems are an important element in the on-going supervision, support and training of centre staff. One centre's operational manager said:

Not enough attention is given to individual staff to assist them in thinking critically about their role and place within the centres. We need staff development and a staff appraisal system. I've been in the Department for six and a half years and haven't had a staff appraisal. The manager has been with the Department for twenty three years and I believe he's only had two. (Staff Member, Reiby)

⁴³ Response to the Department of Juvenile Justice's proposed restructure, 21 December, 1995.

26.86 The Inquiry recommends that the Department of Juvenile Justice develop and implement a staff appraisal system for all workers in detention centres. It is further suggested that such a system be linked to clearly defined competencies and outcome and output measures for each position.

Gender Inequity in the Staffing of Juvenile Justice Detention Centres

26.87 It was noted by Inquiry staff, and commented on by workers that the detention centres are extremely male dominated environments both in the numbers of male youth workers and in senior management positions.

26.88 As shown in Table 26.2 senior youth worker positions within juvenile justice centres are primarily filled by men, Yasmar is the only centre where the number of female youth workers is slightly greater than the number of male workers. As this is the only girls only juvenile justice detention centre it is expected that this would be the case. Similarly in the management areas of detention centre operations male managers far outnumber female managers. This is in stark contrast to Victoria where a notable feature of juvenile justice detention centres is the number of women managers. Many comments were made to the Inquiry about the gender imbalance within the centres. Typical of the type of comment made by staff about the gender imbalance were made by a male centre worker:

One of the problems within the Department in the past is that it's been very much a "Boys Club". There are gender bias problems in the Department. Incidents happened at one centre and the women there instigated a grievance, but there was no way back for them. We need continuous reinforcement in the system re appropriate behaviour. Workers need proper debriefing. All supervisors need to be aware of their responsibilities in EEO (Worker, Reiby)

Table 26.2: Number of Male and Female Employees in Juvenile Justice Detention Centres by Occupation as at May 1996

Centre	Management		Counselling		Nurses		Casework Manager		Principal /chief youth workers		Other youth workers	
	M	F	M	F	M	F	M	F	M	F	M	F
Cobham	5	1	0	2	0	2	1	0	4	2	29	15
Keelong	3	2	2	0	0	2	1	0	2	2	40	24
Kariong	4	0	1	0	0	2	0	1	12	2	44	4
Minda	5	0	2	0	0	2	1	0	6	4	76	28
Mt Penang	10	1	1	7	0	3	0	1	15	3	108	40
Reiby	4	1	1	2	1	1	1	0	3	5	71	36
Riverina	4	0	0	2	0	2	0	1	6	1	36	19
Worimi	4	1	0	2	0	2	0	1	6	0	44	30
Yasmar	4	1	1	1	0	2	0	1	1	0	23	24

26.94 The gender imbalance has consequences for both workers and detainees. As discussed earlier the different approach women bring to their interaction with the detainees seems to have a positive effect in reducing the number of violent incidents within institutions.⁴⁴ Typical of the different approaches taken by some male and female youth workers is highlighted in one workers comments that:

Kids get punished for things which have just built up and up. I think this is partly because we have more men on the units who immediately react to things, they are seldom willing to admit to kids when they are wrong. Lots of the kids who have been in and out know what should be happening and can get very frustrated when not treated fairly. (Staff Member, Reiby)

26.95 Thus the continuing gender imbalance may be a contributing factor to punitive attitudes towards detainees manifested in some detention centres.

26.96 Women workers who spoke to the Inquiry officers reported that many of the male members of staff have either said to them, or had exhibited through their attitudes, a belief that women are not physically strong enough to be working with difficult and sometimes dangerous young offenders. For example, one male youth worker told enquiry staff "I'm from the old school - if it's a physical situation I will step in front of women." Another said:

I'm not happy with the level of staffing in the units, especially if there are two female youth workers on. Staff don't get training in appropriate holds. Staff are left in a position where they don't know how to control kids. (Youth Worker, Riverina)

26.97 An academic who had lengthy involvement in juvenile justice said

The culture - it's a really big thing, it's so strong it's almost tangible. It's so male dominated, there is a real perception that you need strong men to contain the kids. (Interview undertaken by Inquiry)

26.98 One female youth worker was very clear about the dangers of this attitude. (She also requested that her comments remain strictly confidential because she feared retribution.)

They avoided placing me in one difficult unit and I get given "dainty" tasks. Being part of this in the end will jeopardise my own safety and also the safety of others by not giving me the experience of how to handle difficult boys in difficult situations. (Anonymous Youth Worker, Kariong)

26.99 Youth workers at another centre said:

(The centre) is very male oriented. The informal rule is that there are no more than two or three females on a shift. They claim it's about security but there will be times when women are alone with detainees and we control situations. There is more flexibility for the men than the women in shifts and opportunities for acting up. (Youth Workers, Keelong)

⁴⁴ P Kissel and K Siddel, *Women Correctional Officers in Male Correctional Institutions*, National Institute of Corrections, Washington, DC, 1980.

26.100 An professional female worker at one centre said

This centre employs the lowest number of women of all the centres. I find the male workers quite threatening. My biggest concern is that they aren't professional and they act erratically. (Staff Member, Kariong)

26.101 Women workers reported that they felt they were constantly being "tested" by their male co-workers and that some of the male workers seemed to have a sense of uneasiness and unacceptance about them working in the detention centres. Research suggests that this is more prevalent the more punitive the institutions is in its policies and practices. Interestingly despite the fact that many of the men see women's "lack of strength" as a problem, most went on to qualify that statement by talking about incidents when women stepped in and reversed a bad situation, or about the improved interaction with the detainees now that there are more women youth workers eg "women have a real calming effect on the kids."⁴⁵ "They give kids more options, not back them into a corner".⁴⁶

26.102 An interesting counterpoint to this belief emerged in research which suggested that women officers were perceived as a threat in terms of the "macho" image of their job held by male workers. One women said

*Having women about brings about a calmer setting. It also forces the male officers not to act as "big, bad and tough", because here they have this (often little) women standing beside them, putting away a large (detainee) and ... not having any problem doing it. Whereas he might have to go in there with two or three other guys and take him down.*⁴⁷

26.103 Some female workers also complained about sexual harassment, mostly by their male co-workers. One youth worker complained that one staff member was constantly spreading rumours that she was having sexual relations with another worker.⁴⁸

26.104 It does appear to the Inquiry that the Department of Juvenile Justice has greatly improved its policies in relation to EEO and in trying to provide support to women working in detention centres. Two years ago the Department had one of the highest EEO complaint rates and it had more complaints before the Anti-Discrimination Board than any other government agency.⁴⁹ Since then the Department has established EEO regional committees, there is a Grievance Officer in each detention centre and managers are now accountable for ensure EEO principles are upheld through their business plans. It is also understood that in the previous year only two such complaints have proceeded to disciplinary action. The Inquiry also notes the recent appointment of women to manage two detention centres, Riverina and Worimi and the appointment of a woman as cluster director. It is recommended that the Department of Juvenile Justice continue to address the gender imbalance in employment within the detention centres.

26.105 Despite this it appears to the Inquiry that sexual and other harassment of women workers is continuing to take place in some detention centres. The Inquiry is very concerned about the situation of women workers at Riverina, Worimi, Minda and Kariong.

⁴⁵ Youth Worker, Worimi.

⁴⁶ Staff member, Worimi.

⁴⁷ Barbara A Owen, "Race and Gender Relations Among Prison Workers", *Journal of Crime and Delinquency*, January, 1985, pp. 147-159.

⁴⁸ Anonymous woman youth worker, Worimi.

⁴⁹ Staff member, Central Support Unit, Department of Juvenile Justice.

The submissions received by the Inquiry detailing allegations of sexual and other harassment of women workers by some of their male colleagues are absolutely unacceptable in a modern workplace. The situation is so bad at one centre that a woman working there has taken out Apprehended Violence Orders against two male workers, whom the Court has ordered not to assault, intimidate, molest or harass her and not to go within 500 metres of her home. That the Department of Juvenile Justice has been unable to protect and support women workers in this position is a sad indictment of its practices. The Inquiry recommends that the Department of Juvenile Justice investigate as a matter of urgency allegations of harassment of women workers in all detention centres, but investigate as a matter of priority Riverina, Minda, Worimi and Kariong. The Inquiry further recommends that centre managers be held responsible for implementing EEO principles in their centres through their job contracts, which should contain clear and specific performance indicators in this regard.

Communications

26.106 It was noted in the course of the Inquiry that the Department of Juvenile Justice has a poor track record in the area of communication. The problem of communication affects the operations of juvenile justice centres on two levels. Firstly, workers have a very poor understanding of the Department's vision and goal, and new policy directions are poorly communicated to workers within detention centres workers.

26.107 Secondly there appears to be little communication between centres or any sharing of ideas, resources, programming materials or manuals. The recent innovation of the Department to develop a "Program Bank" within Head Office to collect information on programs being run in all detention centres and share these resources with all centres is an excellent initiative. Centre staff should be assisted to share good ideas amongst centres and to discuss challenges they are facing in areas such as the integration of case management into unit and operational management, ideas about staff rosters, innovative ways of keeping casual staff informed of any operational or policy changes, a "what works" document for distribution amongst the centres.

26.108 The lack of understanding of the Department's goals and values was succinctly put by one worker who said:

Staff have lost their original vision ... of juvenile care. The decimated vision and the resultant lack of esprit de corp is because of this Departments appalling industrial relations record which I have observed and experienced personally. The "us and them" syndrome is not only affecting staff morale, but the ones who are suffering directly or indirectly as a result of this mindset are the young people in custody, the very people to whom we all came into the Department to help, to establish ourselves as the role model for them to emulate (Worker, Kariong)

26.109 Table 26.3 sets out the Department's corporate strategies since 1991. As shown in the table the Department has had five subtly different views of what it is about in five years. Not even the management theory and rhetoric used is the same each year, in some years the Department has had a vision statement, in others a mission. Some years the Department has had a purpose, in others no purpose but a philosophy. For two years it had no objectives but goals and visa versa in other years. It is hardly surprising that in 1994 forty five percent of the Department's staff did not believe that the Department's corporate policies and

practices were clearly communicated.⁵⁰ It appears to the Inquiry that there are still high levels of uncertainty about the Department's goals, the types of comments made by workers were "we need to understand the philosophy of the Department we work in".⁵¹

There is a lack of overall management by the Department, nothings filtering through to my position, there is no clear idea of direction and planning. The Department appears to have lost its way, there is a loss of broadcasting of direction. (Staff Member, Cobham)

⁵⁰ Coopers & Lybrand, op cit.

⁵¹ JJO, Wagga Wagga.

Table 26.3: Department of Juvenile Justice Management Statements 1991 to 1996

	1991/92	1992/93	1993/94	1994/95	1996
VISION	To re-integrate juvenile offenders into the community	(None)	(None)	To be an international leader in the provision of juvenile justice services	Striving to break the juvenile crime cycle
MISSION	Manage juvenile offenders through diversion, supervision, custody and development towards positive community participation	The re-integration of juvenile offenders as positive members of the community	(None)	(None)	(None)
PURPOSE	(None)	(None)		Working with the community to break the juvenile crime cycle	Ensuring the provision of quality community and custodial services to maximise the capacity and opportunity of juvenile offenders to choose positive alternatives to offending behaviour
PHILOSOPHY	(None)	Seeks to re-integrate juvenile offenders into the community through its community based and custodial programs. These programs provide juvenile offenders with the opportunity to acquire social, educational and	(None)	(None)	(None)

	1991/92	1992/93	1993/94	1994/95	1996
		vocational skills which enhance their personal development while at the same time fulfilling the sentencing outcome made by the court			
OBJECTIVES	(None)	To develop effective community based sentencing/ intervention options	To ensure that all young persons who have offended are provided with s which focus on individual needs and maximise community integration	To provide quality advice to courts sentencing juvenile offenders and through effective management assist juvenile offenders to comply with court orders and minimise re-offending	(None)
		To provide secure and humane detention facilities which encourage personal development	To ensure preventative and diversionary programs are in place and that detention is limited to serious and/or repeat offenders	To provide a secure juvenile justice centre environment which encourages behaviours to minimise re-offending	
		To enhance community awareness and foster participation in juvenile justice programs	To ensure juvenile justice centres provide a secure environment which recognises the rights of each	To encourage government and the community to deliver effective services to juvenile offenders and young people at risk of offending	

	1991/92	1992/93	1993/94	1994/95	1996
			young person		
		To provide strategic policy advice	To provide an effective range of services for managing and supporting young persons who have offended	To strategically plan and efficiently manage the department's resources to produce quality results in a working environment which is safe, equitable and focused on achievement and best practice	
		To develop mechanisms to implement public sector management requirements	To ensure that all corporate services are accountable and managed to achieve corporate objectives		
GOALS	<p>Effective, efficient and humane administration at all levels and in all functions of the Office</p> <p>Excellence in service standards</p> <p>Specialised services to meet the specific needs of offenders in relation to problems arising from child</p>	<p>Effective, efficient and humane administration at all levels and in all functions of the Office</p> <p>Excellence in service standards</p> <p>Specialised services to meet the specific needs of offenders in relation to problems arising from child abuse, sexual offences and psychological</p>	(None)	(None)	To provide community services for juvenile offenders that assess their needs, ensure compliance with court orders, promote positive community integration and minimise re-offending

	1991/92	1992/93	1993/94	1994/95	1996
	abuse, sexual offences and psychological development	development			
	<p>Staff satisfaction through continuing professional development and training programs, safe workplaces and equality of opportunity</p> <p>Effective liaison and working links with other government agencies and the community to ensure coordinated policies and operations</p>	<p>Staff satisfaction through continuing professional development and training programs, safe workplaces and equality of opportunity</p> <p>Effective liaison and working links with other government agencies and the community to ensure coordinated policies and operations</p>			To equitably and efficiently manage resources in an ethical work environment that ensures financial accountability and promotes quality outcomes for clients
	Self monitoring through research evaluation services to measure the efficiency and effectiveness of programs, and to provide appropriate advice to the Minister or Attorney General				
	Public education towards	Public education towards understanding			

	1991/92	1992/93	1993/94	1994/95	1996
	understanding responsibility and community involvement in juvenile justice	responsibility and community involvement in juvenile justice			
	Total commitment to informing the community and meeting reasonable expectations about juvenile justice	Total commitment to informing the community and meeting reasonable expectations about juvenile justice			

26.110 It is important that the Department of Juvenile Justice clearly define its vision and goals in order to provide a solid well-balanced policy framework. Such a framework is important as it provides a clear understanding for the Minister, the Government, the Department's staff and other agencies in the juvenile justice system of what the Department of Juvenile Justice is about, what its business is. It will also help workers to understand where and what the emphasis in their work should be relative to all the possible but often conflictual goals for juvenile justice detention centres. Such a policy framework should reduce ambiguity and increase the comfort levels of staff with greater clarity of purpose. The framework should provide parameters for directing broad strategic objectives within which to develop coherent and consistent plans. A clear vision statement will also represent an accountability framework for judging performance.

26.111 It appears to the Inquiry that the Department in its restructure has taken some major steps to developing a more flexible and responsive organisations. The devolution of more discretionary powers out to the cluster and centre managers, should allow for decisions to be made faster and at a lower level. This can be achieved without jeopardising quality so long as all policies reflect the new vision and goals of the Department.

26.112 This will not be an easy task for the Department. Real commitment to an idea requires that staff feel a sense of ownership, the Department's vision and goals need to be translated into action-oriented objectives which operationalise the philosophy within the detention centres. This will not be easy, the Inquiry found that detention centres workers exhibited a worrying cynicism and lack of faith in the way in which the Department interacts with its staff. This was especially clear as workers raised issues relating to the Department's grievance procedures and its methods of dealing with complaints against workers. This will be discussed in more detail later.

26.113 It is the Inquiry's view that the Department needs to undertake two crucial tasks as quickly as possible. First, it needs to develop a corporate planning process that communicates its new directions and strategies to workers in detention centres. Secondly, it needs to develop a more specific set of values and/or code of conduct for its workers. A statement of values is crucial as it sets out clear expectations for both staff and young offenders on how detention centres will be managed and how staff must relate to inmates. It legitimises making demands on staff in relation to their work ethics, their commitments to juvenile justice and their obligations to obey the law.

26.114 The other issues related to communication noted by the Inquiry related to information sharing with detention centres and the "us and them" mentality within many centres. This was mentioned in relation to divisions between combinations of centre staff, youth workers and administration, operations and casework, professional staff, administration and youth workers. The combinations were varied. An additional difficulty is faced by centre managers in trying to keep casual workers informed of any new developments or changes in policy. One centre manager said "there is a problem with staff actually reading policies. I now develop policy as a Local Policy and then release it to staff who have to sign that they've read it. That way I can be sure that information is getting to the right people".⁵² At another centre the operations manager told us that she believes "youth workers aren't getting access to information that would assist them in their job. Information is too often aimed at the higher level of management, it is not in a form or aimed towards youth workers and it doesn't flow beyond middle management. It also

⁵² Staff member, Yasmarr.

difficult when there are so many casuals. I have to ensure that the Director General's instructions come through in the procedures that the staff are asked to use. Information all used to be written, procedural documents, or memos mainly through the channel of the chief youth worker in the old structure. Now we have two meetings each week, chief youth workers on one day, and operational staff on another and more information is also communicated verbal which also gives staff a change to discuss issues and raise questions."⁵³

The Rights of Detention Centre Workers and the Rights of Detainees

26.115 The Inquiry officers noted in their visits to detention centres and in their discussions with centre staff and detainees that a paradoxical situation seems to have developed in relation to the complaint systems for detainees and for workers. Both workers and detainees claimed that they had no "rights" and all power in the complaints system lay with the other group. Typical of the views expressed by workers and detainees are as follows:

There is a lack of Department support, resources and back up for staff if a detainee makes accusations about physical assaults by staff. "Kids can do what they like and virtually nothing happens" but staff have to answer all sorts of questions as soon as allegations are made. Nothing happens even if the kids are shown to be lying. It takes three months or longer when the Department investigates kids allegations. I'm the first to agree the kids have rights, but we've got rights to. (Youth Worker, Worimi)

It's very difficult for young people to make complaints. they feel nothing happens. There should be much more publicity on rights (through youth and legal services). (Interview undertaken by Inquiry)

It seems that workers are guilty until proven innocent. Sometimes it takes months, 9 months or longer to review complaints. There is a complaint mechanism, but central support unit doesn't seem to take account of the stress caused by delays in resolving things. There is lots of fear amongst the staff. I will try to protect staff. Central support office should handle it better - no delays. (Worker, Keelong)

If you complain about another resident you get called a "dog", if its a complaint against staff the kids lack the skills to communicate the complaint properly, they kick and swear and get into trouble. They need to be taught how to complain properly ... We wouldn't talk to a worker about a complaint, what's the point of complaining, dobbing in doesn't help you. (Detainees, Cobham)

26.116 Clearly, neither groups point of view is correct. It is patently untrue that detainees have much, if any, power when wishing to make complaints as was outlined in some detail earlier. The Youth Justice Coalition in its report on juvenile justice stated

Young people in detention are under the control of an institutional structure. "We've got to rely on them, we can't do a thing ourselves". The institution has the power, as it must, to discipline, transfer and contain the residents. But that power must be constrained within certain limits and made publicly accountable.

⁵³ Staff member, Reiby.

*It must be understandable to the residents, it must be amenable to review or appeal by them, and it must be subject to outside scrutiny. At present the only way in which decisions are reviewable is by appeal to the (Superintendent). However, as long as all review relies on this single individual, and the residents' access to him or her, there can be no guarantees against abuse, and little reassurance to the young people involved. Internal management and review systems must be adequate and accessible.*⁵⁴

26.117 The Inquiry found that in discussions with centre staff many revealed a deep seated bitterness about perceived past or present injuries and levels of respect shown to them as persons either by the Department or by detainees. They seemed to find it difficult to understand why or how they should relate to detainees with fairness and consideration when they believed they, themselves, had been or were being treated unfairly or insensitively by management. As one Deputy Centre Manager commented *"the Department seems to forget about its staff, they will check up on a detainee if he's been injured, but not call if a worker has been injured to find out how they are."*⁵⁵ Basically detention centre workers seemed to feel they had no power and no sense of belonging. As outlined earlier, some staff were also deterred from doing a good job by the presence of co-workers who were perceived as provoking the detainees and sabotaging management.

26.118 Whilst the Department's senior management may have a different perception to that held by the centre workers, it appears to the Inquiry that the Department faces a difficult challenge in ensuring that all its staff must become committed to a concept of fairness in all aspects of their job. The development of a new, more specific code of conduct and a set of values for the Department in consultation with staff from all levels of the Department, including those within the centres, would assist in this process. Legislation and the Department's new policies outlines what needs to happen to ensure that detainees are treated fairly, it needs to work very hard to ensure the same protections and support for its detention centre staff. The Department's current method of investigating complaints against staff where someone with the organisation is given special powers to review the complaint does appear to lead to lengthy delays in finalising matters, it places an undue burden on those officers and does not display the necessary impartiality needed in a good complaints system.

26.119 The Inquiry recommends that a review of complaints mechanisms for both detainees and detention centre staff be undertaken by the Department of Juvenile Justice to ensure that it is understandable to workers and detainees, it is amenable to review or appeal, is undertaken in an impartial manner and is subject to outside scrutiny. The Inquiry believes that it is crucial that the Department develop a swift, fair and transparent complaints system in order to protect both the rights of detainees and of workers. This is of such importance that the Inquiry recommends the Department set up a specialist internal unit to investigate and monitor all complaints, reporting directly to the Director General.

⁵⁴ Youth Justice Coalition (NSW), *Kids in Justice - A Blueprint for the 90s*, Youth Justice Project, Sydney, 1990.

⁵⁵ Worker, Worimi.

Accommodation and the Use of Departmental Vehicles by Detention Centre Staff

26.120 The Inquiry noted during the course of its investigation into the operations of detention centres that there appears to be a fairly liberal use of cheap housing and departmental cars by senior staff at various centres.

26.121 In an agreement reached with the Public Service Association in April 1995 a number of officers employed in detention centres are accommodated in houses on detention centre grounds and pay thirty percent of the current market rent to lease these houses. When the Inquiry requested information in September, 1996 as to who was actually residing in departmental housing a number of anomalies were found. Some houses were occupied by officers who had left the Department. In other instances, some Departmental staff are living at Mt Penang and travelling daily to Sydney in Departmental cars to acting position in other detention centres. In at least one case this has been happening for almost two years. In relation to the use of Departmental cars, many assistant managers and managers have cars allocated to them 365 days per year (except when on leave). This practice of the Department has developed as these officers are said to be "on-call", yet many actually live in Departmental housing in the detention centre grounds and there is no evidence that they are called out to deal with problems at the centres extensively. Clearly this practice contributes to the perception among many staff of the pervasiveness of internal networks and the favoured treatment of their members. The practice may also contribute to some staff members staying in positions longer than they normally would because of the additional benefits available. This may deprive the Department of the benefit of a more regular influx of new staff with new ideas. In the Premier's Department's report on its investigation into the Department of Juvenile Justice it found that the Government's guidelines for provision of motor vehicles did not appear to have been strictly applied by the Department. It appears to the Inquiry that this is still the case. The Inquiry recommends that the Department of Juvenile Justice review its provision of housing to detention centre staff and develop a motor vehicle policy in line with Government guidelines.

What Needs to Be Done?

26.122 The Inquiry believes a critical task for the Department of Juvenile Justice is to ensure that its new vision and goals are communicated to staff working within juvenile justice detention centres. Setting a comprehensive philosophy or overall policy for juvenile justice isn't easy, it is a complex task that requires a carefully crafted vision of the future and personal conviction and commitment from staff working in juvenile justice. It also requires considerable planning, assessment, sound decision making and commitment (often in an environment of rapid change and an endless variety of external pressures and internal resistance).

26.123 But without doing this centre staff (and other parts of the Department) will tend to respond to urgent pressures and forget about the need to attend to other important but not so urgent issues. Juvenile justice is particularly vulnerable in this respect as it is working within a volatile environment. An organisation without a clearly expressed purpose will tend to focus on externally imposed, often urgent and energy sapping, priorities and tend to relax between the pressures of immediate and urgent issues.

26.124 The Department's vision needs to provide a framework for directing broad strategic objectives within which staff can develop coherent and consistent plans. This should not be controlled through strict rules and regulations as this stifles and destroys initiative. All policies need to reflect the Department's vision. Such a clear policy framework will help the development and streamlining of a number of initiatives ie case management, programming and pre and post release programs.

26.125 A crucial element in developing a vision of the work of the Department that is shared by its workers is the need for them to feel some ownership of that vision. The Department's recent moves to devolve more responsibilities out to the managers of clusters and the centres is a step in the right direction. However, the concomitant element of creating a sphere of intellectual stimulation and freedom for staff is accountability. The Department may have to realise that a number of fears on the part of its workers may need to be overcome if the process of true delegation is to be achieved. Accountability may have negative connotations for many workers instead of being seen as an opportunity to demonstrate progress towards commonly understood Departmental goals. Some staff, especially managers and supervisors will fear losing power, there will be a fear of losing control over the quality of services and fear of increasing the risk of embarrassment to the head of the Department, the Minister and the Government.

26.126 As pointed out earlier in this section of the report, research indicates that without delegating some authority to staff who work on a daily basis with the young offenders in detention centres the implementation of new policy directions can be less effective or, in some cases, actively sabotaged. Such workers will continue to feel under-estimated and under used.

26.127 It appears to the Inquiry that the Department faces an extremely difficult task in renewing many of their workers' commitment and enthusiasm to juvenile justice and the changes the direction the Department wishes to see implemented. As noted earlier, research suggests that groups opposed to change will be likely to develop if certain conditions exist within an organisation eg when people have specific grievances against the organisation or feel resentful towards management for neglecting their needs; when workers perceive themselves as having no channel open for communicating their grievances or are convinced that such communication will be ineffective; when the organisation is perceived as having little or no opportunity for detecting deviant behaviour; and if key people within a centre oppose change and communicate their dissatisfaction to other workers, either by personally acting in a way that is contrary to the organisation's norms or by failing to use their power to prevent someone else from doing so.⁵⁶ As outlined in some detail earlier the Inquiry finds that all these conditions currently exist in the operations of juvenile justice detention centres.

26.128 Workers in the detention centres need the Department to have a framework of clear expectations and to be able to develop a sense of contribution. They need to feel they have a real impact on the process of shaping and improving their work environment. Without a clear sense of contribution workers find their work meaningless and thus may lack incentive to improve. Workers need, and have a right, to be well informed about the services expected from them by the organisations.

⁵⁶ I Janis, "Group Identification Under Conditions of External Danger", in D Carrwright and A Zander (eds), *Group Dynamics*, Harper and Row, New York, 1968, pp. 8-90.

26.129 The Department talks about the need for professionalism from workers. It is important that it clearly and carefully defines what the profession of working in juvenile justice is. It is a crucial issue in leading and managing people and it provides direction for the many practical aspects of people management such as job descriptions, recruitment policy, training and staff development, internal communication and performance standards.

Recommendations

It is recommended that:

- R 26.1 Pay rates for youth workers be increased commensurate with the skills and responsibilities of their work.
- R 26.2 Position descriptions be developed which clearly outline the responsibilities and accountability measures for all positions in juvenile justice detention centres
- R 26.3 A staff appraisal scheme be developed which is linked to competency standards and outcome and output measures for each position
- R 26.4 Recruitment be conducted to permanently fill positions in detention centres as soon as possible
- R 26.5 Strategies be developed to counter the gender imbalance between male and female workers with juvenile justice detention centres.
- R 26.6 The budget and staffing resources allocated for staff training be reviewed. This should include a review of the Department's decision not to proceed with its HECS scholarship scheme.
- R 26.7 A training plan and implementation strategies be developed, including independent evaluation of training outcomes. Training should be conducted outside the detention centre environment where possible and include participants from a number of centres, and where appropriate, staff from the community services arm of the Department. Staff training should include:
 - Identification of possible violent situations and how to deal with them;
 - Team building and interpersonal relations;
 - Limitations on the use of force;
 - Management training for middle and higher managers within detention centres.
- R 26.8 Communication strategies be developed both for sharing information between detention centres, and for a better two way sharing of information between centres and the central support unit. Forums to allow workers in centres to discuss and reflect on issue pertinent to their work should be considered.
- R 26.9 A corporate planning process be developed to ensure the Department's new vision and goals are communicated to staff in juvenile justice detention centres
- R 26.10 As part of its corporate strategies the Department develop a new more specific Code of Conduct and a Statement of Values for the Department
- R 26.11 Complaints mechanisms for both detainees and detention centre staff be reviewed to ensure complaints are dealt with in an impartial manner and that the process is subject to outside scrutiny. The complaints mechanism must be swift, fair and transparent in order to protect both the rights of detainees and of workers. This is of such importance that the Inquiry recommends the

Department set up a specialist internal unit to investigate and monitor all complaints, reporting directly to the Director General.

- R 26.12 The Department investigate as a matter of urgency, allegations of harassment of women workers in all detention centres, with priority to be given to the situations at Riverina, Minda, Worimi and Kariong. The Inquiry further recommends that centre managers be held responsible for implementing EEO principles in their centres through their job contracts, which should contain clear and specific performance indicators in this regard.
- R 26.13 The Department review the provision of housing to detention centre staff and develop a motor vehicle policy in line with Government guidelines.

Conclusions

- A Coherent Management Vision and Framework for Juvenile Justice
- Communicating Juvenile Justice's New Vision
- Support for Workers
- Training
- Case Management
- Reintegration Principles in the Operation of Detention Centres
- Size and Location of Juvenile Justice Detention Centres

Conclusions

27.1 The Inquiry has undertaken an extensive review of juvenile justice detention centres within New South Wales. The overarching framework defining the review has been the internationally accepted standards seen as crucial to the well being of young people in custody, in particular, the standards outlined in the United Nations' Minimum Rules for the Protection of Juveniles Deprived of their Liberty.

27.2 The Inquiry has studied, in depth, areas of detention centres' operations such as the physical environment and accommodation standards, clothing and property, induction processes, case management, education training and other programs for young people detained, what communication young people have with their families and the broader community in general, discipline and the use of force, service provision for young people in the areas of nursing and medical services including psychiatric services, inspections and complaint mechanisms, and pre and post release issues for detainees and issues relating to the culture within detention centres and the wider juvenile justice system.

27.3 The management of juvenile justice detention centres is not easy. The centres have to take who they get, in numbers and for periods of time dictated by the courts. They operate in an environment of rapid change and with an endless variety of external pressures and often internal resistance to change. It would be easy for the Department of Juvenile Justice to fall into the trap of having as a fundamental objective "to stay out of trouble". The difficulty with this approach is that detention centres are not just about confinement, they must also deal with the needs and rights of the individual young people within them. Research has shown that the conveniently inexpensive (in the short term) "nothing works" philosophy of juvenile justice that had a great deal of support in many Western countries in the mid 1970s has been proven wrong, and, in the longer term, exceedingly expensive. No juvenile justice approach is more costly than empty, aimless detention of young people which inevitably leads to constant, significant growth in the detention centre population though the "revolving door" syndrome.

27.4 What the Inquiry found in its review of detention centres is that the Department of Juvenile Justice is not taking the easy path of doing nothing. Rather it is embarking on a program of change, much of it directed to improving service delivery within detention centres and having as its objective meeting the individual needs of the young people in its care. Overall the Inquiry found that detention centres have introduced, or are attempting to introduce, increased services focused on the needs of young people. However, implementing change is creating some difficulties..

27.5 In drawing final conclusions on juvenile justice detention centres in New South Wales the Inquiry recommends that the Department of Juvenile Justice initially focuses on three major areas of its operations:

- The development of a coherent management vision and policy framework for its work;
- The need to concentrate operations on the reintegration of detainees back into the community; and,
- The continuing development and support for casework management within detention centres.

A Coherent Management Vision and Framework for Juvenile Justice

27.6 It is imperative for the Department of Juvenile Justice to have its directions and priorities right. The Inquiry notes that the new executive of the Department have recently developed a new vision, purpose and goals for juvenile justice. These should enable the Department to explain what it, as a professional organisation, thinks the issues are. The Inquiry found that these are not widely known by workers in detention centres. The Inquiry also believes that this new management framework has not been widely communicated to the Department's stakeholders.

27.7 The development of a comprehensive philosophy is clearly vital for the Department, without this the tendency will be to respond to urgent pressures and attention will be diverted from other important but not so urgent issues. Such a comprehensive philosophy will also allow for the development of a clear policy framework and should aid in the development and streamlining of a number of previously scattered initiatives. It will assist in setting priorities and unifying objectives. It will also represent an accountability framework, including outcome measures, to enable the detention centres' performance to be judged.

Communicating Juvenile Justice's New Vision

27.8 The Department of Juvenile Justice does not seem to have a solid well balanced policy framework as yet, the lack of which is a major obstacle to the achievement of excellence. There needs to be clear understanding amongst all those working within detention centres on where the operational emphasis should be relative to all the possible, but often conflicting, goals for juvenile justice. In the past Juvenile Justice's performance expectations have been very different depending, for example, on whether punishment or successful reintegration of young people was seen to be the predominant goal of the organisation.

27.9 The Inquiry found that in many areas of operations within detention centres there has been a lack of policy directions for workers and there is a lack of consistency in policy directions between the different detention centres. Procedures existed so that individual actions would be quite well directed, but there is no certainty that these were established with the same ultimate goal in mind or would be interpreted in the light of a common understanding of what workers were there to accomplish. Accountability was largely measured by compliance with rules that were established on an unclear foundation, rather than with the achievement of definite results in mind.

27.10 The Department of Juvenile Justice now needs to ensure that its new vision, purpose and goals are incorporated into detention centre staff's daily responsibilities, and there needs to be some consistency of policies across centres. The Inquiry found many juvenile justice workers have reservations about the capacity of the system to work logically, fairly and consistently. The Department of Juvenile Justices needs to acknowledge this concern on the part of its staff. Trust needs to be built up with workers through transparent, predictable and consistent decisions and actions on the part of management. People perform well if they feel they work for an employer they can count on. Leadership and excellence in performance has to be seen to be based on a common understanding of the vision of the Department rather than on the views of particular individuals or groups.

Support for Workers

27.11 The Department's most important asset in the running of detention centres are its staff. Yet the Department does not have a good record of managing its employees. The predominant style of management in the past seems to have been an autocratic one. Detention centres appear to have operated as separate fiefdoms, with little real accountability for performance. What accountability and performance measures exist tend to be negative indicators. That is to say, they focus on things going wrong such as the number of incidents at a centre in any given month, rather than on positive improvements achieved by the centre and/or the detainees. There appears to the Inquiry to be little shared information amongst centres about "what works".

27.12 The Inquiry acknowledges that juvenile justice detention centres can be volatile, and that serious incidents such as suicides and escapes will occur. The Department needs to learn from each incident in order to minimise the likelihood of a recurrence. It appears to the Inquiry that the Department of Juvenile Justice's system of dealing with such incidents or with complaints against staff is less than optimum. The Department needs to have an investigative capability to examine such incidents, swiftly and in a manner that is transparent and open to review. Internal audit and an investigations function within the Department is one key to a commitment to accountability. It allows regular monitoring of detention centres' performance against corporate and strategic goals.

27.13 Detention centre workers have an array of needs or desires that must be met for them to perform to their potential. Some are clearly not being met, some are hardly recognised as important. Nor did all managers and supervisors have a clear understanding that they have an obligation to show the way in fundamental dignity in their interaction with employees. Staff need a sense of contribution based on a clear understanding of the role of juvenile justice, a pride in professionalism and the requirement of greater accountability.

27.14 Defining the profession of juvenile justice workers, through the a broader communication of the Department's new vision and purpose, should have a positive impact on staff morale and would provide direction for the many practical aspects of people management such as job descriptions, recruitment policy, training and staff development, internal communication and performance standards. Juvenile justice needs a high quality multi-faceted workforce and all staff need to understand that they have a contribution to make, they are professionals who contribute directly or indirectly to forming and correcting the behaviour of young people in centres. This includes all staff, youth workers, teachers, vocational instructors, case management workers, nurses and psychologists, and program managers. There is a need to constantly emphasis professionalism.

Training

27.15 International standards in the treatment of juveniles deprived of their liberty and in the area of children's rights require that institutions such as detention centres who are responsible for the care of juveniles have staff that are suitable and that competent supervision is provided. The concept of suitability implies that staff should be properly trained. Throughout international law on the rights of children deprived of their liberty emphasis is placed on the importance of training, because training is regarded as a principal

means of ensuring that the wide ambit of discretion, which is inevitably exercised by staff in institutions, is exercised in the best interests of the child.

27.16 The Inquiry found that training of detention centre staff is a crucial issue for the Department of Juvenile Justice. Workers are increasingly being asked to take responsibility and are accountable for decision making at lower levels within the Department. The Department requires its staff to assume and share a corporate responsibility for identifying issues and proposing strategies to resolve them. But workers in being asked to change need tools and support to foster such change, they need training and development. Yet the Inquiry found that the Department of Juvenile Justice is severely cutting the resources it allocates to training. In light of the need for on-going training and staff development for workers at all levels within detention centres, the Inquiry is concerned that the cuts to training resources, both financial and in terms of staffing in the Department's training unit will adversely affect the Department's ability to provide quality training and effectively implement change.

27.17 Another major issue identified by the Inquiry is that there is a lack of a clear career path for workers in detention centres. To enhance effectiveness and satisfaction, workers must have relatively predictable career opportunities and need to have access to development opportunities and experiences. The Inquiry is also concerned that the Department of Juvenile Justice has no staff appraisal system in place. Such systems are an important element in the on-going supervision, support and training of detention centre staff. The Inquiry recommends that the Department develop and implement a staff appraisal system for all workers in detention centres. Such a system needs to be linked to clearly defined competencies for each position. The Department's need to achieve results and efforts to secure results have to be based on accountability for performance, that is, for the achievement of results, not simply compliance to rules.

Case Management

27.18 The Inquiry found that the introduction of casework management into detention centres has had a fundamental and beneficial impact on the way in which services are provided to young people in detention. The recent history of the philosophy within juvenile justice detention centres appears to the Inquiry to have been one of incarceration complemented by a number of programs. A large emphasis has been on the surveillance and control of young offenders rather than ensuring efficient and effective interventions through individual programming and assisting in reintegrating young people back into the community. However, the introduction of casework management has seen the growth of two important factors in changing the environment of detention centres, ie the growth in co-ordination of services that focus on the needs of the young person during their detention and a move away from a strictly punitive custodial culture within detention centres.

27.19 Case management is pivotal in organising services to meet the individual needs of young people in custody. The mechanism for achieving this co-ordination of services are the centre support teams, which meet regularly to review detainees case plans. The team comprises professions working in detention centres such as nurses, psychologists, alcohol and other drug counsellors and caseworkers as well as consulting psychiatrists, community counsellors, chaplains and teachers.

The Interaction of Various Groups of Detention Centre Workers in Casework Management

27.20 The Inquiry found that more needs to be achieved with casework management. There is still an uneasy relationship in detention centres between the requirements of a case management approach and the operational requirements of the centre especially around what are perceived to be security issues. There is a strong belief amongst centre staff that in any dispute between casework principles and the needs of the operational side of a centres work, that operations will always prevail. The Inquiry found that operational staff at many centres are simply ignoring the principles of the Department's casework management policy.

27.21 This need to be rectified. Case management principles need to be taken seriously by all workers in detention centres. It needs to be understood by detention centre staff that these principles are more than simply a philosophy, but a totally new way of working for all staff. Casework management demands, and should have, joint input from the major areas of a centres operations, administration, operations and specialist staff. Joint input also means joint responsibility. There is a need to create an explicit and visible the alignment between the work of the various different groups of workers within detention centres, ie administration, operations and specialist workers, and the values of juvenile justice.

27.22 The Inquiry found that in some centres such as Worimi, Cobham, Kariong and Minda there is severe tension between operational and casework management staff, and in many instances this appear to be exacerbated by poor management practices at the centres. Casework management should reflect a meaningful integration of case plans, programs and security. A lot depends on quality staff development and training. The challenge for the Department is to integrate case management into operations. The notion that good case management contributes to good security needs to become an established fact of the operational culture. This can only happen through team work, building on the strengths of various staff. Successful examples of ways to achieve this already exists within detention centres, for example, Reiby and, to some extent, Mt Penang.

27.23 The introduction of casework management has meant a changing emphasis in the role of youth workers in detention centres. The Inquiry found the response of centre staff to their changing role has been mixed. Some have embraced enthusiastically the opportunity to become more involved in assisting young people, others view the changes as diminishing and devaluing their work. In some centres this was reflected in the attitudes of youth workers who exhibited extremely negative attitudes to casework management principles.

27.24 Another blockage to the effective operation of casework management is the flow of information, especially around issues of confidentiality of information provided by young people whilst in counselling. Many youth workers are not getting access to information they need to assist them in their work. Whilst recognising that the issue of confidentiality is an important one for the dignity and right to privacy of detainees, the Inquiry believes that setting up a casework management system which draws distinctions in the information given to youth workers, casework management staff and other professions is counter productive. The Department needs to develop casework management procedures which set out clear lines of communication along with a statement of ethics or code of conduct about how such information is to be dealt with, setting out stringent consequences for any worker breaching privacy, rather than designing or allowing a system to develop based on suspicion of possible breaches of confidentiality by staff.

27.25 The development of a casework management system within detention centres has seen an increased involvement of detainees' families or other important people in the development of their individualised case plans. However, the Inquiry found that the involvement of community organisation and other outside bodies is still almost non-existent. There needs to be greater planning of services on a co-operative basis between the Department of Juvenile Justice, other government agencies and non government community based organisation and a greater involvement of external organisations in the work of detention centres.

Resources and Training

27.26 In reviewing the operations of casework management across detention centres the Inquiry notes that there are significant discrepancies in terms of resources allocated to casework management in the various centres. It is the view of the Inquiry that there are insufficient resources being allocated to casework management by the Department of Juvenile Justice. It is impossible for casework management staff to fulfil the Department's policy expectations of casework management given the current level of resourcing. The review also highlighted the need for more training in casework management and planning, a number of staff working in this area have received no training at all. Training is also needed if the Department is to improve the quality of its case plans. Centre staff need training on the principles, aims and benefits of casework management; to assist staff develop quality casework plans and to develop an open communication system with ethical standards on the correct use of information about detainees.

27.27 When security and casework duties are effectively integrated in the front line work of centres, it minimises the compartmentalisation and specialisation which can lead to poor internal communications, competitiveness and overall poor organisational effectiveness. The assignment of case management responsibilities to youth workers is, therefore, simply an effective means of fostering good youth worker-detainee interaction by expanding the normal youth worker role beyond being a purely custodial one to one of providing a positive role model for young people in custody.

27.28 The Inquiry also found that many of the resources available to detention centres, both internal and external are not being used as effectively as they could be. For example, in many centres teaching staff are not being involved enough in casework management. The expertise of school education staff could be used to a greater capacity in education planning for detainees and through playing a brokerage role in developing responses to detainees' education and training needs.

27.29 Another area where existing resources are poorly used in casework management is in the development of juvenile justice programs within the centres. The issue of what activities are programmed for young people in detention centres appears to the Inquiry to be a neglected area of assistance to young people and not properly amalgamated into casework management. It seemed to the Inquiry that detainees needs are fitted into what the centres happens to be offering in the way of programs, rather than any thoughtful consideration of how a detainee's individual needs might best be met. Developing and running programs has real staffing and financial resource implications for centre management but the Inquiry considers this an area that needs urgent consideration.

27.30 Casework management as a mechanism for ensuring that, as far as possible, the individual needs of young people in detention are met is of vital importance in preparing

young people for their return to the community. Juveniles need to acquire skills to ensure their successful reintegration. The Inquiry notes and supports the new organisational plan for programming recently introduced by the Department of Juvenile Justice for use in both detention centres and in its community based operations.

27.31 This new approach to programming is based on research evidence that any specific service provision focusing on the offending behaviour of young people will have a greater impact on the young offender's lifestyle and criminal behaviour, if his or her underlying problems and needs are addressed. This active interventionist approach accepts that offenders are responsible for their own behaviour and they have the ultimate responsibility for giving up their criminal behaviour. To be effective the Department of Juvenile Justice must intervene actively but must also know what behaviour to target, when interventions may have the greatest impact, and what programs produce the best results. It appears to the Inquiry that this new approach to programming is a positive advance in developing a more focused approach to the needs of young people in detention and in line with international developments in juvenile justice and fulfils the Department's duty to promote the young offenders reintegration into society.

Reintegration Principles in the Operation of Detention Centres

27.32 Reintegration principles in the operations of juvenile justice cover a number of issues:

- The size and location of detention centres;
- The level of family contact enjoyed by detainees and the extent to which the community is involved in the work of juvenile justice;
- The extent to which the broader juvenile justice system complies with international provisions that young people should only be imprisoned "as a last resort"; and
- The amount of time young people spend in detention and the ability of the system to allow outside contact with their family and community through the use of conditional leave.

The Level of Family and Outside Contact Received by Young People in Detention Centres

27.33 International standards require that every means should be provided to ensure that young people in detention centres should have adequate communication with the outside world. Detainees have the right to receive regular and frequent visits in circumstances that respect the need for privacy, contact and unrestricted communication with their families.

27.34 The importance of juveniles retaining or regaining links into the community, either through visits to detention centres by outside organisation or through detainees being granted leave to visit their family or for education and training purposes is clearly stressed in the United Nations Rules. This is because detention of young people can have a very profound effect on young people. There is a need to recognise the fragility of the social and cultural identity of young offenders and to avoid isolating vulnerable young people from their community networks.

27.35 In reviewing the level of telephone contact and visits by families and significant other people enjoyed by young people in detention, the Inquiry found that the Department of Juvenile Justice is seriously falling short of United Nations standards relating to the need to ensure that such contact is adequately maintained for young people in detention. Many detainees were found to have substantially less contact, either by telephone or through personal visits, than even the very low minimum standards set out in the United Nations Rules.

27.36 Of major concern to the Inquiry was its finding that Aboriginal young people from rural areas of New South Wales in detention centres are especially affected by the lack of contact with the outside world, and it appears that, in particular, Aboriginal detainees do not have the level of contact with their families and communities that would be optimum. Some of the particular circumstances affecting Aboriginal detainees family and community contact are the location of juvenile justice detention centres and methods of communication eg the lack of a telephone by some Aboriginal families. The Inquiry found the Department of Juvenile Justice is falling short of the international standards in relation to family and community contact for young Aboriginal children.

27.37 The Inquiry found a similar poor practice when reviewing the level of interaction detention centres have with the community. In order to assist juveniles to reintegrate into the community there needs to be regular contact with the community including visits by community organisations to the centres, as well as far as practicable, leave for young people to participate in activities outside of detention centres. The Inquiry found an extremely low level of visits to detention centres by community organisations. What visits did take place seemed to happen on an ad hoc and opportunistic basis. Opportunistic in the sense that often whether or not organisations visited the centres appeared to have more to do with the persistence and energy of individuals rather than as part of a broader strategy of community interaction with the centres.

27.38 The Inquiry also found that the Departments current leave policy is a very conservative one, based on the offence with which a young person is charged. Detainees on remand are not allowed to leave the centres for any reason, except escorted movements to other centres or for legal or medical reasons. Young people charged with indictable or serious indictable offences are not eligible for supervised community activities until they have served between one quarter or one third of their committal and overnight leave is not allowed until they have served two thirds of their committal. The ability of young people to have leave or go on outings organised by the centres is often dependent on what "level" the detainee may have achieved in the points system operated by the centre at the time. Yet the International Convention on the Rights of the Child, a United Nations convention to which Australia is a party enshrines the principle that *"the arrest, detention or imprisonment of a child shall be used only ... for the shortest appropriate period of time"*. Parties to the Convention are recommended to use conditional release from detention *"to the greatest possible extent"*.

27.39 The Inquiry believes that the managers of detention centres could be undertaking a more proactive role in involving community based organisations in the work of juvenile justice. These organisations have a great deal to offer in the way of support and assistance to young people both while they are in detention and after their release. They can play a crucial role in the reintegration of young people back into the community.

Size and Location of Juvenile Justice Detention Centres

27.40 Contemporary juvenile justice theory and practice stresses the need for small detention centres integrated into the community. The objective of reintegration is regarded as so fundamental to young people deprived of their liberty that the United Nations Rules seek to incorporate this objective into all aspects of the children's lives whilst in detention. For example, the number of juveniles held in detention centres should be sufficiently small to enable individualised treatment, and detention centres should be integrated into the "social, economic and cultural environment of the community". Throughout the Rules there is an emphasis on the child's continuing access to the community and the community's access to the child.

27.41 Juvenile justice detention centres in New South Wales are not all small enough to ensure individualised treatment and their location mostly in proximity to Newcastle, Sydney and Wollongong can create enormous difficulties in ensuring continuing family and community contacts are maintained for young people in detention whose families live outside of the main metropolitan areas.

27.42 The issue of whether or not new juvenile justice detention centres should be built and where they should be located raises difficult issues for the Department of Juvenile Justice. Major concerns were raised with the Inquiry about the possibility of new detention centres being built in areas such as Dubbo or the North Coast area. Many people interviewed by the Inquiry feared that the building of new centres would increase the total juvenile justice detention centres population at a time when New South Wales already has the second highest rate of juvenile incarceration in Australia. Another major issue raised was that because of the proposed location of such new centres in areas with large Aboriginal populations that they would be filled with young Aboriginal detainees.

27.43 This is a very difficult issue as it brings into conflict a number of rights and needs of young people in detention. It is better to have smaller centres built closer to more communities but they are likely to suffer from a loss of quality programming, specialised education and vocational training etc. On balance the Inquiry considers that smaller detention centres in non-metropolitan areas of the state are probably in the best interests of young people in detention as they should be able to ensure better reintegration for young people back into their communities. Reintegration principles are increasingly underpinning international standards for juvenile justice. Research points to the fact that for reintegration to have the best possible chance of success that case managers and services providers who will be working with the young people post release and sources of community support must have a presence at detention centres and be part of a closely knit team. Explicit and formal arrangements need to be made so that people involved post release with detainees maintain ongoing contact that begins early in the confinement period, not just toward the very end, during some pre release period. This is clearly difficult if centres are not closer to communities.

27.44 However, the Inquiry believes that economic realities, as well as the almost impossible task of ensuring that detention centres are in areas close to all detainees' communities mean that devolution of detention centres into rural areas can only proceed so far. The Inquiry supports the view that detainees' chances of successful reintegration on release will be greatly assisted by a program of transitional accommodation and support in facilities close to their community. It further recommends that such accommodation and support services be purchased from existing community based organisations with expertise in working with young people. The purchase of such services should address the difficulty

the Department faces should it attempt to establish its own pre release facilities throughout the State, it is a more cost effective and efficient option than establishing and staffing detention centres or pre-release units which would tie up resources in specific geographic locations and which would be highly unlikely to be able to be established in sufficient numbers to enable all detainees to be close to their families or communities.

Findings

27.45 This Report has detailed numerous instances in which the general care and management of detainees has failed to meet accepted national and international standards. In particular, the Department of Juvenile Justice has failed to:

- take appropriate measures to ensure its staff are suitably trained and resourced to fulfil the obligations of their positions;
- ensure detainees' basic human rights are adequately protected in its policies and procedures, in particular it has failed to acknowledge and facilitate the right of detainees to make complaints about their treatment and be involved in decisions effecting their care;
- provide physical environments and conditions which are safe and supportive of the privacy, dignity and well being of juvenile detainees;
- provide any meaningful and regular monitoring or review of the operation of juvenile detention centres required to ensure detainees are receiving appropriate care and treatment;
- ensure complaints and incidents involving the inappropriate treatment of detainees are fully investigated in a reasonable time period;
- ensure its goals are adequately communicated to staff within detention centres and translated into current policies and procedures;
- provide coordinated and integrated programs and services which meet the educational, vocational, cultural and emotional needs of detainees as stated in its own literature, and as required by current internationally accepted standards for the care of juveniles deprived of their liberty.

27.46 The Ombudsman therefore finds that the conduct of the Department of Juvenile Justice to be unreasonable, oppressive and otherwise wrong within the meaning of section 26(1) of the Ombudsman Act.

27.47 In doing so, the Ombudsman is aware that individuals within the Department have worked and continue to work to improve the quality of services provided to juvenile detainees. These findings are not intended to negate such efforts but instead comment on the overall workings of the juvenile detention system and its impact on the care of juvenile detainees when compared with current national and international standards.

Appendix A

Physical Conditions Assessment Checklists for Minda and Riverina



Minda Juvenile Justice Centre

Physical Conditions Assessment Checklist

Objective	Compliance	Comments
LOCATION OF CENTRE		
Close to courts and legal services	✓	within Metropolitan area
Proximity to family	✓	
Access to transport	✓	
Access to support services (medical, psychiatric, welfare, education, fire services and police)	✓	
Staff	✓	
Not located near known health or other hazards.	✓	
SITE AREA		
Adequate size	✓	
Buffer zone to surrounding properties 30m	✓	except for Southern boundary.
LANDSCAPE AND EXTERNAL PLANNING		
The perimeter to the overall site fenced	✓	fence or buildings
Clear warnings that trespassing is prohibited are provided	✗	
Trees adjacent the site perimeter or any other security barrier do not facilitate escape or entry over the barrier.	✓	
Trees planted within the facility do not impede sight lines.	✓	minimal planting
The grounds of the facility are well landscaped to match local conditions	✗	
Landscape variety used to provide differing atmospheres to different areas of the facility. Garden beds used as 'soft' barriers to demarcate areas.	✗	
Indigenous planting selected with to suit local conditions, and low maintenance and water requirements.	✗	
Trees used as visual and wind breaks.	✗	
Deciduous trees used to provide summer shading whilst allowing winter sun penetration.	✗	
Building elements grouped and townscaped to promote a feeling of community	✗	
Arranged around a 'community green' or central area	✓	Barren space
LAYOUT AND ENVIRONMENT		
At ease with the surrounding indigenous landscape and generally screened from public view	✗	
Domestic scale	✓	Single storey generally.
Singled storied	✓	
Detainee accommodation organised into groups of units with their own external recreation area.	✓	unimaginative use of adequate space
Campus type arrangement	✓	
Grouped and townscaped around a 'community green'	✓	as above

Outward looking aspect	X	as above.
Master plan provides for the future expansion of both program and accommodation services.	X	
Logical and efficient pedestrian and vehicular circulation	✓ vehicular X pedestrian	
Minimise vehicle intrusion into the facility	✓	
Access for disabled detainees or staff	X	
Signage (Clear, accurate)	X	
Detainee 'no go' areas clearly defined and sign posted	✓	
Avoid dead end areas and unit pockets	✓	
Clear sight lines	✓	Within each grouping
Materials, fixtures and furnishings non-institutional in appearance while being vandal-resistant and robust.	X	
Public Address system provided	X	
Acoustics	X	
Colour. The effect of colour on behaviour modification	X	
Sense of normality and youthful optimism.	X	depressing spaces
DETAINEE RECEPTION		
Reception Area	X	Shared with general recepti
Holding Rooms	✓	
Interview/Counselling	✓	
Issues Store	✓	
Toilets	✓	
Detainee Property Store	0.9 x 0.9 x 0.6m per detainee	Storage in property bags seems adequate
Medical Service Rooms	✓	
File Storage	✓	Filing cabinets in reception
Detainee reception and the medical unit may be located within 1 building, to enable rationalisation of services.	✓	
Designed to support the sequential reception process	X	
Personal privacy and dignity of detainees passing through the reception process maintained.	X	
Durable finishes but have a "non-clinical, non-threatening" atmosphere	X	
Appropriate security	X	
ACCOMMODATION UNITS		
Accommodation units separate from program areas.	✓	
Unit size. Up to 35 detainees	N/A	
Group size. 6 to 15	✓	
Various categories of detainees can be housed separately. Eg. male/female; untried/convicted; age; security levels.	✓	
Facilities for female detainees.	N/A	
Facilities for aboriginal detainees	✓	accommodates in double bedroo
Facilities suited to age.	✓	sparse

BEDROOMS - General			
- Single	7.5sqm	✓	
- Double	11sqm (Not including ensuite)	✓	
Shape		✓	
Sightlines		✓	
Appropriate security		✓	
Outward opening doors.		✓	
Observation panel		✓	
Night light, intercom, earth leakage.		✓	
NO bunk beds		✓	
Different colours for different rooms.		X	
Security locks to doors.		✓	timber doors, chubb lock.
Lighting control within room. Staff override outside room.		X	switch to outside only.
Window with a view.		✓	
Window partly openable.		X	openable in "Lawson" only.
Ventilation natural or mechanical.		Nat	Nat/mech in "Lawson"
Heat or smoke detectors.		✓	In corridor
Locate light fitting & detectors for difficulty of access by detainees.		✓	
Floor finish (range of options).			paint generally, carpet in "Lawson"
FF&E selections			
- minimise fire risk		✓	assume fire retardant
- minimise the emission of toxic gases		✓	" " "
- reduce the possibility of detainees barricading their bedrooms		✓	
MEDIUM/SECURE BEDROOMS		Lawson	
Construction detailing and fittings appropriate.		✓	
FF&E			
- bed- fixed- non collapsible- not open under		✓	
- desk - fixed		✓	
- chair - fixed or movable		✓	
- shelving		✓	
- bedside table - fixed		X	
- clothes storage - fixed		✓	
- open robe - fixed		✓	
- secure cupboard - resident holds key		X	
- pinboard/whiteboard		X	
- mirror		✓	
- window coverings		X	
- TV/radio outlet		✓	
- intercom		✓	

MINIMUM SECURITY BEDROOMS		Balance	
Single or double bedrooms		✓	
Separate ablutions area		✓	common ablutions
Natural ventilation		✓	
Windows openable. Maximum 100mm opening		x	fixed ventilation
FF&E - Minimum			
- bed- fixed- non collapsible- not open under		✓	open under
- desk- fixed		✓	
- chair- movable		x	no chair
- bedside table- fixed or movable		✓	fixed
- open robe- fixed		✓	
- shelving		✓	
- pinboard/whiteboard		x	
- mirror		✓	
- clothes storage- fixed		x	
- coat hooks		x	
- secure cupboard- resident holds key		x	
- window coverings		x	
- TV/radio outlet		✓	radio
- intercom		✓	
BATHROOMS/ENSUITES		Lanison	
Ensuite 1.5sqm		✓	
Minimum Security - Central Bathroom			
Medium, Maximum Security - Ensuite			
Screened privacy		✓	
Good ventilation		✓	
Plumbing concealed		✓	
Inspection points		✓	
Bathroom/ensuite Fixtures			
- Pan			
ceramic		✓	
stainless steel		✓	
- Basin			
ceramic		✓	
stainless steel		✓	
- Shower			
Anti-hanging shower rose		✓	
shower screen		✓	
shower curtain		✓	
- Toilet roll			
Toilet roll holder		✓	
Toilet roll alcove		✓	
- Floor waste			
Larger than normal to avoid blockages but with a fine grille to prevent self harm		✓	standard
- Mirror			
stainless steel		✓	
silver backed polycarbonate		✓	
- Shelf		x	
- Towel rail & coat hooks		x	

generally

shower cubicles

standard

✓ ✓ ✓ ✓ ✓ X ✓ X X ✓	- Taps		
	Hot & cold	✓	
	Automatic	✓	
	Infra red taps with automatic timers	✓	
	Thermostatically controlled maximum water temperature	✓	
	External override of water and power easily accessible to staff		
	Wall finish		
	ceramic tiles	✓	
	coated vinyl	✓	
	epoxy	✓	
	Floor finishes		
	ceramic tiles	✓	
	non slip vinyl	✓	
	epoxy	✓	
	pirelli rubber(studded)	✓	
	Fittings bolted up to wall to minimise hiding places/self harm	✓	
	Combined toilet and basin units not generally used.	✓	
A bath located in an accommodation unit or in the medical unit	X		
A separate toilet accessible from the activity spaces for daytime use.	✓		
Do they meet BCA requirements? ie numbers, etc.	✓		
General Condition.		Good in Lawson, poor generally.	
TIME OUT ROOMS			
Used for short periods for detainees whose behaviour represents a risk to others	7.5sqm	✓	
Located near the staff area to allow frequent checking.		X	
A constantly monitored intercom between the time-out room and a staff point		✓	
Electronic surveillance systems		✓	
Observation panel either in the door or wall or a transparent wall conveniently located for staff use.		✓	
Acoustic and visual separation from Activity Space/Dayrooms		✓	
The entry to the Time-out room has sufficient space to allow the manoeuvring/management of difficult detainees		✓	
Doors open outward		✓	
Locks catch immediately the detainee is placed in the room.		X	
Construction and finishes appropriate.		✓	

	Walls, floors and ceilings have flush surfaces	✓	
	Recessed lighting	X	
	External controls to all services		
	Differentiation between walls and floors to avoid disorientation	X	not sufficient differentiation
	Floor waste provided	X	
	Furnishings fixed, very sturdy and designed with high regard for selfharm risks	✓	
	Window with a view to the outside	✓	
	Heating and cooling	X	
generally.	OBSERVATION ROOM	Lawson	
✓	For detainees who are anxious, have a medical problem or demonstrate suicidal tendencies.	7.5sqm	✓
CCTV	Electronic surveillance system	-	
✓	Observation panel to the corridor	✓	
✓	Glazed observation panel into an adjoining office	✓	
✓	Window with a view to the outside	✓	
✓	Floor waste	X	
✓	Toilet and hand basin	✓	
vinyl	Flooring vinyl or carpet	vinyl	
✓	Fit out and furnishings to at least the standard of comfort of a general bedroom	✓	fixed.
generally	ACTIVITY AREA	Lawson	
below 5m ² /detainee	Minimum area does not include 900mm circulation space in front of bedrooms	5sqm/detainee	✓
X	1 large area able to be divided by operable walls	X	
✓	A number of smaller spaces	✓	
✓	Active and passive zones	✓	
✓	Good natural lighting	✓	
✓	Views to outside	✓	
✓	Acoustics	✓	
✓	Staff supervision of activities areas from designated staff points	X	
located only	Open out onto outdoor recreation area	✓	
✓	BBQ area	✓	under construction
staff office	Dining area	✓	
✓	Telephone	✓	in staff office
✓	Kitchenette	✓	
N/A	Laundry		
	Detainees to wash, dry & iron clothing. Heavy duty equipment External drying area	N/A	

✓	Storage	✓	
✓	Cleaner, linen and general store	✓	
	Egress	X	first floor inadequate
	STAFF POINT		
	Open work station	✓	except for "Lawson"
	Secure control desk or office	-	in Lawson
	Staff point located to minimise number of staff required in unit.	✓	poor sightlines
	Clear view of the entire detainee day activity area	X	
	Clear view of all bedroom doors	X	
	Communication links, including emergency alarms, to elsewhere in the facility	✓	
	Provision for computerized record keeping.	X	
	A separate office or offices for staff and supervisors within the accommodation unit.	X	
	Staff tea making.	X	
	Staff toilet facilities.	✓	unisex
	Staff lockers	✓	makeshift facility
	EDUCATION/VOCATIONAL/PROGRAMS		
	Classroom (Multi-purpose)	✓	
	Computer	✓	in classrooms
	Music	✓	
	Domestic Science/Living Skills	✓	in Lawson
	Manual Arts/Industry Workshops	✓	
	Photography	X	
	External Learning Spaces	X	
	Study Areas	X	
	Library	✓	
	Interview/Group Rooms	X	
	Cultural Rooms	X	
	Photography		
	Religious program area	✓	in unit recreation room
	OTEN Access (distance Learning)		
	Telematics/distance learning room - specialist electrical and communications services. Space for computer boards and other communications equipment	X	
	Shop or canteen	X	bug ups only.
	Acoustic separation between program areas	✓	
	Spaces should allow for small groupings of detainees.	X	
	Size of spaces can be easily adapted to changing educational needs and class sizes.	X	
	Flexible large span spaces to permit industry activities.	X	
	Library located for out of classroom hours use.	X	
	Study carrels for private study.	X	

The music room and music practice rooms located together	✓	classroom space
Soundproofing of music rooms	X	
Toilets Located for each program area to minimise movement of detainee and enable close supervision OR A central toilet block servicing the entire education program area	✓	central block
Facilities and equipment able to tolerate harsh treatment or mistreatment.	✓	
Security levels flexible to adapt to different groups of detainees.	✓	lock into individual classroom
Appropriate security for the use of tools and equipment		
Staff Office		
Quiet Room		
Storage, Lockable Cabinets		
Tes Making		
RECREATION & EXERCISE		
Multi-purpose hall	X	
Grassed playing field	✓	
Hardcourt (accommodation unit)	✓	
Exercise Room (accommodation unit)	✓	
Swimming pool (WC & shower facilities)	✓	
HEALTH SERVICES		
Medical examination room	✓	
Welfare Interview Room	✓	
Dispensary	✓	
Dental Clinic (depends on size & location of facility)	X	
VISITS		
Reception Area	X	general reception only
Telephone Area	X	
Locker Area	X	
Toilets	X	
Baby Care Facilities	X	
Professional visits rooms	X	
Group Visiting Areas (large open area)	X	
Confidential Visiting Area (Enclosed interview counselling rooms)	X	
Outdoor landscaped visits area, including childrens play.	✓	only visits area
Detainee holding area metal detection 2 stage holding area	X	
Only a short distance inside the facility's secure perimeter.	✓	outdoor visits only.
Comfortable, welcoming and relaxing.	X	
Staff post with clear sightlines.	✓	outside general reception

KITCHEN		
In accordance with local Health Authority Guidelines		
Appropriateness of design to function.		
Food preparation Contracted out; Prepared in a central kitchen; OR Prepared within accommodation unit kitchens		
If detainees are to use a kitchen, it should be of robust construction and security issues should be addressed with regard to control of utensils.		
Dishwashers have a system of direct detergent supply to avoid detainee access to dangerous chemicals.		
LAUNDRY		
Design based on industry standards	✓	
Size	✓	
Efficient layout	✓	
Equipment commercial/industrial quality	✓	
Sewing/repair area.	X	
High levels of ventilation.	✓	
Services within each Laundry provide for the separate handling and storage of hazardous or infectious waste materials in accordance with regulations.	✓	<i>generally adequate</i>
ADMINISTRATION		
Reception	✓	
Offices	✓	
General Office	✓	
Conference	✓	
Computers	✓	
Reprographics	✓	
Store	✓	
Located either inside the secure perimeter of the facility or straddling the secure perimeter.	✓	
Non secure support role spaces could be located outside the secure perimeter.		<i>maintenance facility only.</i>
Access to staff amenities must be available	X	
Provision for future expansion.	X	
STAFF AMENITIES		
Kitchen	X	
Eating & lounge	X	
Shower & change	✓	<i>Remote location, hardly used</i>
Outdoor space (landscaped)	X	
Rest Area (with bed)	X	
Located either inside or outside the secure perimeter.	✓	<i>inside, but inadequate</i>
Staff amenities area may be part of another building	✓	

MAINTENANCE & STORES			
Bulk Storage for:			
bulk food (dry & cold storage)	✓		
catering items	✓		
laundry	✓		
workshop materials	✓		
spares & fittings	✓		
chemicals & cleaning items	✓		
rubbish	✓		
program material	✓		
stationery	✓		
Maintenance services area	✓		
liquid fuel storage	✓		
Hardstand area for deliveries	✓		
Cleaner's Equipment			
Located to avoid unnecessary ingress of non-juvenile justice facility vehicles into the facility site	✓		
Local Health Authority requirements for the separation of those goods adhered to	✓		<i>appears adequate</i>
Legal requirements for the storage, control, and designation of dangerous chemicals observed	✓		<i>separate compartments</i>
Maintenance services area under staff supervision with restricted detainee access	✓		
WASTE COLLECTION			
Waste storage area	1 week capacity	✓	
Waste collection system does not breach security of facility	✓		<i>empty into outside bins by staff</i>
Waste collection point not near an open fire source is available	✓		
Waste management program is to be secure from fire hazards	x		<i>in carpark</i>
Water source available at all major waste collection points for cleaning			<i>not observed</i>
Waste collection areas located away from sleeping areas and meeting rooms, classrooms etc to avoid disruptive due to noise from early morning collection	✓		
The collection area fenced to avoid stray animals and unsightly appearance	x		<i>in industrial steel bins</i>
EMERGENCY MANAGEMENT			
Operations Room	x		
Fire protection services have emergency water supply	✓		
Fire hydrants and hoses number and location as required by the relevant fire authority. Master control provided at the main gate	✓		
Fire fighting equipment shall be located and fitted in approved housings which should be lockable and tamper proof	x		<i>accessible by detainees</i>
Tamper resistant smoke detectors	✓		

located in all areas of the facility.		
Sprinklers fitted to all spaces other than detainee bedrooms.	X	
Smoke spill systems.	X	
Unimpeded emergency services access into the facility from at least two entrance points and unimpeded access within a facility.	X	
All doors capable of being opened manually.	✓	manual operation only
Automatic fire detection systems	✓	smoke detectors
- available in detainees accommodation and program units	✓	along walkways
- directly linked to the fire services.	X	
Alternative power supply or an uninterruptable power supply.	X	
Enclosed areas have at least two exits to allow staff to exit safely and avoid a disturbance, where appropriate.		
Plan of Management.	✓	fire drills
SECURITY AND MANAGEMENT		
Appropriate security for classification of facility.	✓	High level than required
Security Management Plan		
Perimeter		
Security heightened at perimeter	✓	buildings form perimeter
30m buffer zone from perimeter to community.	✓	except for southern boundary.
For campus style, 10-15m from buildings to perimeter.	N/A	
Physical security	✓	anti-climb devices
Detection system	X	Carpark + Talbot only CCTV
Lighting	✓	
Buildings		
Bedroom envelope appropriate	✓	
Good sightlines, especially in Living unit.	X	
Balanced use of electro-mechanical devices.	X	minimal devices
Visibility of all roof surfaces.	X	
Physical security as unobtrusive as possible.	X	extreme
Balance between egress requirements and security.		staff escort required most of the time
Static systems		
Dynamic systems	✓	labour intensive
ENGINEERING SERVICES		
All service runs and elements concealed	✓	
Inspection points have securely fabricated and lockable access panels or doors	N/A.	
Detailed assessment of Engineering Services not able to be carried out.	✓	
Electrical.		
Emergency Power		
Mechanical		

Hydraulic		
- Stormwater		
- Sewerage		
- Water Supply Distribution		
- Temperature Control		
Communications		
LIGHTING AND VENTILATION		
Adequacy of light and ventilation provided.	✓	
GENERAL CONDITION & MAINTENANCE		
Robustness with domestic character.	X	
Internal and external finishes resilient.	✓	
Low requirement for maintenance, cleaning and repair.	✓	Buildings generally run down
Low life cycle costs and high energy efficiency.	X	
CONSTRUCTION		
Building structure allows for future relocation of internal walls.	X	
Ecologically sustainable design principles employed	N/A	
Insulation of roofs and walls		
Weather stops.	X	
Use of thermal mass in walls and slabs.	X	
Window types and placement.		
Shading devices and shading planting.		
Maximum use of natural daylight in the size and placement of openings and interior reflecting surfaces.	✓	
Orientation of buildings to optimize sun and wind factors.	X	
Energy Management System.	X	
- Temperature and light controls co-ordinated with activity schedules and changing light and temperature conditions.	X	
BUILDING FABRIC		
Designed to deter fabric damage and possible breaks outs through the fabric.	X	
Building elements standardised	✓	
Windows, doors, etc. selected from the essential minimum number of types.	N/A	
Element types retained in stock for replacement as required.	X	
Construction methods not reliant on a few specialist fabricators.	✓	
Roof		
- Roof construction designed to deter breaking through from both the outside and the inside.	X	anti climb device retrofitted.
- Junctions of roof and walls detailed and maintained for security.	X	as above
- Roof penetrations checked for security weak points.	N/A	
Walls		

- Security rating		<i>Cavity wall</i>
- Economy	N/A	
- Environmental requirements.	N/A	
- Fire	✓	
- Smoke	✓	
- Acoustics	✓	
- Safety	✓	
- Operational requirements		
use by disabled persons	X	
damage from food trolleys	X	
vandalism.	X	
Ceilings		
- Sound control	X	
- Able to resist impact and staining from thrown objects	✓	
- Easily replaceable or refinishable.	✓	
- No concealed spaces above the ceiling to which detainees might gain access.	✓	
- Moisture resistance in bathroom, kitchen and pool areas.	✓	
DISABLED		
Facilities for physically disabled detainees.	X	
Access for the disabled	X	
1 bedroom per unit adapted to suit disabled detainees	X	
STAFF		
Design strategies to promote the efficient and economic use of staff.	X	

COMPLIANCE WITH BCA

Classification

Accommodation

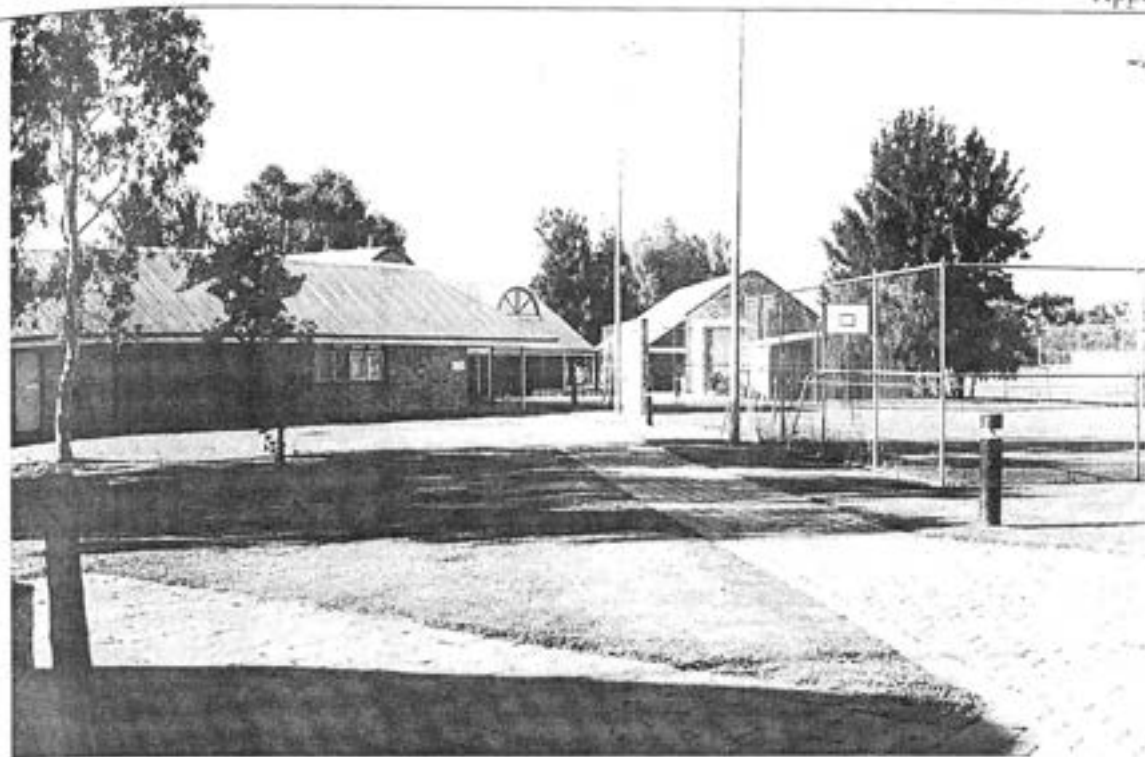
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Education & Vocational Learning

8(b)

Consider:

- the size of support facilities provided in relation to the number of detainees



Riverina Juvenile Justice Centre

Physical Conditions Assessment Checklist

Objective	Compliance	Comments
LOCATION OF CENTRE		
Close to courts and legal services	✓	regional courts
Proximity to family	YES + No	Not limited to regional detainees
Access to transport	X	mainly by cars
Access to support services (medical, psychiatric, welfare, education, fire services and police)	✓	
Staff	✓	
Not located near known health or other hazards	✓	
SITE AREA		
Adequate size	✓	
Buffer zone to surrounding properties 30m	X	to eastern & northern boundaries only.
LANDSCAPE AND EXTERNAL PLANNING		
The perimeter to the overall site fenced		
Clear warnings that trespassing is prohibited are provided		
Trees adjacent the site perimeter or any other security barrier do not facilitate escape or entry over the barrier.	✓	
Trees planted within the facility do not impede sight lines.	✓	
The grounds of the facility are well landscaped to match local conditions	✓	
Landscape variety used to provide differing atmospheres to different areas of the facility. Garden beds used as 'soft' barriers to demarcate areas.		
Indigenous planting selected with to suit local conditions, and low maintenance and water requirements.		
Trees used as visual and wind breaks.		
Deciduous trees used to provide summer shading whilst allowing winter sun penetration.		
Building elements grouped and townscaped to promote a feeling of community	✓	
Arranged around a 'community green' or central area	✓	
LAYOUT AND ENVIRONMENT		
At ease with the surrounding indigenous landscape and generally screened from public view	✓ / X	Screening towards E + N boundaries
Domestic scale	✓	
Singled storied		generally.
Detainee accommodation organised into groups of units with their own external recreation area.	✓	not with their own yard area
Campus type arrangement	✓	
Grouped and townscaped around a 'community green'	✓	

Outward looking aspect	✓	
Master plan provides for the future expansion of both program and accommodation services.	N/A	but future expansion can be achieved
Logical and efficient pedestrian and vehicular circulation	✓	
Minimise vehicle intrusion into the facility	✓	
Access for disabled detainees or staff	X	not specifically, some areas are limited
Signage (Clear, accurate)	✓	fair
Detainee 'no go' areas clearly defined and sign posted		defined by fencing
Avoid dead end areas and unit pockets	✓/X	physical layout makes it difficult in some areas
Clear sight lines	X	due to layout
Materials, fixtures and furnishings non-institutional in appearance while being vandal-resistant and robust.	✓	it was commented that face brickwork lends itself to graffiti
Public Address system provided	N/A	2 way radio generally used
Acoustics	✓	
Colour. The effect of colour on behaviour modification	N/A	
Sense of normality and youthful optimism.	✓	
DETAINEE RECEPTION		
Reception Area	✓	shared reception
Holding Rooms	X	
Interview/Counselling	X	
Issues Store	X	detainees wear own clothes
Toilets	X	shared staff wc.
Detainee Property Store	0.9 x 0.9 x 0.6m per detainee	minimal requirement
Medical Service Rooms	✓	1 off
File Storage	✓	4 drawer filing cabinets
Detainee reception and the medical unit may be located within 1 building, to enable rationalisation of services.	✓	close proximity
Designed to support the sequential reception process	X	interview in courtyard
Personal privacy and dignity of detainees passing through the reception process maintained.	X	shared reception counter makes this difficult
Durable finishes but have a "non-clinical, non-threatening" atmosphere	✓	uncertainty always creates more tension
Appropriate security	N/A	
ACCOMMODATION UNITS		
Accommodation units separate from program areas.	✓	
Unit size. Up to 36 detainees	✓	
Group size. 6 to 15	✓	
Various categories of detainees can be housed separately. Eg. male/female; untried/convicted; age; security levels.	✓	can be accommodated in different 'units'
Facilities for female detainees.	N/A	
Facilities for aboriginal detainees	✓	double bed rooms
Facilities suited to age.	✓	

generally reception process was not carefully considered

Privileged unit

✓

✓

✓

N/A

N/A

✓

✓

Privileged unit

✓
✓
✓
X
✓
✓
X
✓
✓
X
mech
✓
carpet

BEDROOMS - General			
- Single	7.5sqm	✓	
- Double	11sqm (Not including ensuite)	✓	
Shape		✓	
Sightlines		✓	generally OK, double bed
Appropriate security		✓	
Outward opening doors.		X	
Observation panel		✓	
Night light, intercom, earth leakage.		X/✓	no night light
NO bunk beds.		✓	
Different colours for different rooms.		X	
Security locks to doors.		✓	chubb type
Lighting control within room. Staff override outside room.		✓	
Window with a view.		✓	
Window partly openable.		X	permanent ventilation
Ventilation natural or mechanical.		mech	A/C
Heat or smoke detectors.		✓	
Locate light fitting & detectors for difficulty of access by detainees.		✓	
Floor finish (range of options).			generally carpet
FF&E selections			
- minimise fire risk		✓	assume fire retardant
- minimise the emission of toxic gases		✓	
- reduce the possibility of detainees barricading their bedrooms		✓	by virtue of fixed furnishings
MEDIUM/SECURE BEDROOMS (less privileged unit)			
Construction detailing and fittings appropriate.		✓	
FF&E			
- bed- fixed- non collapsible- not open under		✓	
- desk - fixed		✓	
- chair - fixed or movable		✓	fixed
- shelving		✓	
- bedside table - fixed		✓	
- clothes storage - fixed		✓	
- open robe - fixed		✓	
- secure cupboard - resident holds key		X	
- pinboard/whiteboard		X	
- mirror		✓	stainless steel
- window coverings		X	
- TV/radio outlet		✓	radio only
- intercom		✓	

rooms diff

MINIMUM SECURITY BEDROOMS		
Single or double bedrooms	✓	
Separate ablutions area.	N/A	
Natural ventilation.	✓	
Windows openable. Maximum 100mm opening.	X	A/C fixed ventilation
FF&E - Minimum		
- bed- fixed- non collapsible- not open under	✓	
- desk- fixed	✓	
- chair- movable	✓	fixed
- bedside table- fixed or movable	N/A	
- open robe- fixed	✓	
- shelving	✓	
- pinboard/whiteboard	X	
- mirror	✓	stainless steel
- clothes storage- fixed	N/A	
- coat hooks	X	
- secure cupboard- resident holds key	X	
- window coverings	X	
- TV/radio outlet	✓	radio only
- intercom	✓	
BATHROOMS/ENSUITES		
Ensuite 1.5sqm	✓	
Minimum Security - Central Bathroom	N/A	
Medium, Maximum Security - Ensuite.		
Screened privacy	✓	
Good ventilation.	✓	
Plumbing concealed.	✓	
Inspection points.	✓	
Bathroom/ensuite Fixtures		
- Pan		
ceramic	✓	
stainless steel	✓	generally in less privileged unit
- Basin		
ceramic	✓	
stainless steel	✓	generally in less privileged unit
- Shower		
Anti-hanging shower rose	✓	
shower screen	X	
shower curtain	X	
- Toilet roll		
Toilet roll holder	X	
Toilet roll alcove		
- Floor waste		
Larger than normal to avoid blockages but with a fine grille to prevent self harm	X	standard
- Mirror		
stainless steel	✓	
silver backed polycarbonate	-	
- Shelf	✓	not in less privileged unit
- Towel rail & coat hooks	✓	

- Taps			
Hot & cold	✓		
Automixer	✓		
Infra red taps with automatic timers	-		generally in less privileged unit
Thermostatically controlled maximum water temperature	✓		
External override of water and power easily accessible to staff	✓		
Wall finish			
ceramic tiles	✓		generally
coved vinyl	-		
epoxy	✓		in less privileged unit
Floor finishes			
ceramic tiles	✓		generally
non slip vinyl	-		
epoxy	✓		in less privileged unit
pirelli rubber(studded)	-		
Fittings butted up to wall to minimise hiding places/self harm	✓		
Combined toilet and basin units not generally used.	✓		used in less privileged unit only.
A bath located in an accommodation unit or in the medical unit	✓		in some units
A separate toilet accessible from the activity spaces for daytime use.	X		staff WC only, detainees use WC in sink rooms
Do they meet BCA requirements? ie numbers, etc.	✓		
General Condition.	✓		
TIME OUT ROOMS			
Used for short periods for detainees whose behaviour represents a risk to others	7.5sqm	✓	
Located near the staff area to allow frequent checking.		✓	
A constantly monitored intercom between the time-out room and a staff point		✓	
Electronic surveillance systems		✓	CCTV cameras
Observation panel either in the door or wall or a transparent wall conveniently located for staff use.		✓	
Acoustic and visual separation from Activity Space/Dayrooms		✓	
The entry to the Time-out room has sufficient space to allow the manouvering/management of difficult detainees		✓	standard door opening width.
Doors open outward		✓	
Locks catch immediately the detainee is placed in the room.		X	
Construction and finishes appropriate.		✓	

Walls, floors and ceilings have flush surfaces		✓	
Recessed lighting		X	Surface mounted
External controls to all services.		✓	
Differentiation between walls and floors to avoid disorientation.		N/A	
Floor waste provided.		X	
Furnishings fixed, very sturdy and designed with high regard for selfharm risks.		✓	
Window with a view to the outside.		✓	
Heating and cooling.		✓	
OBSERVATION ROOM			
For detainees who are anxious, have a medical problem or demonstrate suicidal tendencies.	7.5sqm	✓	3 rooms altogether with CCTV cameras.
Electronic surveillance system.		✓	CCTV cameras
Observation panel to the corridor		✓	
Glazed observation panel into an adjoining office.		✓	
Window with a view to the outside.		✓	
Floor waste		✓	
Toilet and hand basin.		✓	In ensuite
Flooring vinyl or carpet			stainless steel paint
Fit out and furnishings to at least the standard of comfort of a general bedroom.		✓	
ACTIVITY AREA			
Minimum area does not include 900mm circulation space in front of bedrooms	5sqm/detainee	✓	
1 large area able to be divided by operable walls		X	1 central area with operable screen
A number of smaller spaces.		X	
Active and passive zones.		X	
Good natural lighting		✓	
Views to outside.		✓	
Acoustics.		✓	
Staff supervision of activities areas from designated staff points.			fair staff escort & stay with detainees.
Open out onto outdoor recreation area.			central courtyard only
BBQ area.		X	
Dining area		✓	
Telephone			in units.
Kitchenette.		X	central kitchen
Laundry.			
Detainees to wash, dry & iron clothing. Heavy duty equipment External drying area			central laundry unit.

Storage		generally minimal.
Cleaner, linen and general store		
Egress	✓	
STAFF POINT		
Open work station		in units
Secure control desk or office.	N/A	Central control only.
Staff point located to minimise number of staff required in unit.	X	
Clear view of the entire detainee day activity area	X	
Clear view of all bedroom doors.	X	due to shape of building
Communication links, including emergency alarms, to elsewhere in the facility	✓	
Provision for computerized record keeping.	X	
A separate office or offices for staff and supervisors within the accommodation unit.	X	
Staff tea making.	X	in unit 6 only
Staff toilet facilities.	✓	
Staff lockers	X	minimal storage in staff area
EDUCATION/VOCATIONAL/PROGRAMS		
Classroom (Multi-purpose)	5	
Computer	✓	located throughout classroom
Music	✓	
Domestic Science/Living Skills	✓	
Manual Arts/Industry Workshops	✓	
Photography	✓	
External Learning Spaces	N/A	
Study Areas		in bedrooms if req'd
Library	✓	not dedicated space
Interview/Group Rooms	X	
Cultural Rooms	N/A	
Photography		
Religious program area		once a week
OTEN Access (distance Learning)		
Telematics/distance learning room - specialist electrical and communications services. Space for computer boards and other communications equipment	X	correspondence course only
Shop or canteen	✓	2 per week buy ups
Acoustic separation between program areas	✓	
Spaces should allow for small groupings of detainees.		6-8 per class.
Size of spaces can be easily adapted to changing educational needs and class sizes.	✓	DSE standard classrooms
Flexible large span spaces to permit industry activities.		dedicated woodwork/metalwork spaces.
Library located for out of classroom hours use.	X	
Study carrels for private study.	X	

The music room and music practice rooms located together		in normal classroom
Soundproofing of music rooms	N/A	
Toilets Located for each program area to minimise movement of detainee and enable close supervision OR A central toilet block servicing the entire education program area	✓	
Facilities and equipment able to tolerate harsh treatment or mistreatment.	✓	
Security levels flexible to adapt to different groups of detainees.		
Appropriate security for the use of tools and equipment	✓	
Staff Office	✓	
Quiet Room		in general staff amenities
Storage, Lockable Cabinets		insufficient for staff
Tea Making	✓	
RECREATION & EXERCISE		
Multi-purpose hall	✓	
Grassed playing field	✓	
Hardcourt (accommodation unit)	✓	external
Exercise Room (accommodation unit)	✓	in gymnasium
Swimming pool (WC & shower facilities)	✓	used also by community.
HEALTH SERVICES		
Medical examination room	✓	1 room for Nurses/Doctor/Disp.
Welfare Interview Room	X	
Dispensary	X	
Dental Clinic (depends on size & location of facility)	X	out going
VISITS		
Reception Area		shared reception
Telephone Area	X	
Locker Area	✓	make shift, but sufficient
Toilets	X	share with staff in control room
Baby Care Facilities	X	
Professional visits rooms	X	
Group Visiting Areas (large open area)		in dining room
Confidential Visiting Area (Enclosed interview counselling rooms)	X	
Outdoor landscaped visits area, including childrens play.	✓	
Detainee holding area metal detection 2 stage holding area	X X	
Only a short distance inside the facility's secure perimeter.	✓	Courtyard or dining area
Comfortable, welcoming and relaxing.	✓/X	
Staff post with clear sightlines.	N/A	

KITCHEN		
In accordance with local Health Authority Guidelines	✓	
Appropriateness of design to function.	✓	
Food preparation		
Contracted out;	✓	
Prepared in a central kitchen;		
OR		
Prepared within accommodation unit kitchens	X	in unit G only
If detainees are to use a kitchen, it should be of robust construction and security issues should be addressed with regard to control of utensils.	✓	
Dishwashers have a system of direct detergent supply to avoid detainee access to dangerous chemicals.	✓	
LAUNDRY		
Design based on industry standards	✓	
Size	✓	
Efficient layout	✓	
Equipment commercial/industrial quality	✓	
Sewing/repair area	X	
High levels of ventilation.	✓	
Services within each Laundry provide for the separate handling and storage of hazardous or infectious waste materials in accordance with regulations.	X	
ADMINISTRATION		
Reception	✓	
Offices	✓	
General Office	✓	
Conference	✓	
Computers	✓	
Reprographics	✓	
Store	✓	insufficient
Located either inside the secure perimeter of the facility or straddling the secure perimeter.	✓	
Non secure support role spaces could be located outside the secure perimeter.	✓	
Access to staff amenities must be available	✓	
Provision for future expansion.	✓	but limited
STAFF AMENITIES		
Kitchen	✓	
Eating & lounge	✓	
Shower & change	X	
Outdoor space (landscaped)	X	terrace
Rest Area (with bed)	X	
Located either inside or outside the secure perimeter.	✓	
Staff amenities area may be part of another building		part of Administration 1st floor

MAINTENANCE & STORES			
Bulk Storage for:			
bulk food (dry & cold storage)	} ✓ ✓ ✓ ✓ ✓	insufficient in Ldn in workshop	
catering items			
laundry			
workshop materials			
spares & fittings			
chemicals & cleaning items			
rubbish			
program material			
stationery			
Maintenance services area			
liquid fuel storage			
Hardstand area for deliveries			
Cleaner's Equipment	✓		
Located to avoid unnecessary ingress of non-juvenile justice facility vehicles into the facility site			
Local Health Authority requirements for the separation of those goods adhered to.			
Legal requirements for the storage, control, and designation of dangerous chemicals observed.			
Maintenance services area under staff supervision with restricted detainee access.			
WASTE COLLECTION			
Waste storage area.	1 week capacity		
Waste collection system does not breach security of facility.	✓		
Waste collection point not near an open fire source is available.	✓		
Waste management program is to be secure from fire hazards.	✓		
Water source available at all major waste collection points for cleaning.	✓		
Waste collection areas located away from sleeping areas and meeting rooms, classrooms etc to avoid disruptive due to noise from early morning collection.	✓		
The collection area fenced to avoid stray animals and unsightly appearance.	N/A		
EMERGENCY MANAGEMENT			
Operations Room	✓		
Fire protection services have emergency water supply.			
Fire hydrants and hoses number and location as required by the relevant fire authority. Master control provided at the main gate.			
Fire fighting equipment shall be located and fitted in approved housings which should be lockable and tamper proof.			
Tamper resistant smoke detectors			

located in all areas of the facility.		
Sprinklers fitted to all spaces other than detainee bedrooms.		
Smoke spill systems.		
Unimpeded emergency services access into the facility from at least two entrance points and unimpeded access within a facility.		
All doors capable of being opened manually.		
Automatic fire detection systems		
- available in detainees accommodation and program units		
- directly linked to the fire services.		
Alternative power supply or an uninterruptable power supply.		
Enclosed areas have at least two exits to allow staff to exit safely and avoid a disturbance, where appropriate.		
Plan of Management.		
SECURITY AND MANAGEMENT		
Appropriate security for classification of facility.	✓	
Security Management Plan		
Perimeter		
Security heightened at perimeter	✓	fencing around perimeter
30m buffer zone from perimeter to community.		@ entrance
For campus style, 10-15m from buildings to perimeter.		
Physical security		
Detection system		minimal
Lighting	✓	
Buildings		
Bedroom envelope appropriate	✓	
Good sightlines, especially in Living unit.	X	
Balanced use of electro-mechanical devices.		
Visibility of all roof surfaces.	✓	
Physical security as unobtrusive as possible.		Fencing
Balance between egress requirements and security.	✓	
Static systems		
Dynamic systems	✓	
ENGINEERING SERVICES		
All service runs and elements concealed	✓	
Inspection points have securely fabricated and lockable access panels or doors	✓	
Detailed assessment of Engineering Services not able to be carried out.	✓	
Electrical.		
Emergency Power	X	
Mechanical		

Hydraulic		
- Stormwater		
- Sewerage		
- Water Supply Distribution		
- Temperature Control		
Communications		
LIGHTING AND VENTILATION		
Adequacy of light and ventilation provided.	✓	
GENERAL CONDITION & MAINTENANCE		
Robustness with domestic character.	✓	
Internal and external finishes resilient.	✓	
Low requirement for maintenance, cleaning and repair.		face brickwork is said to be problem for graffiti, use of glass block also problem
Low life cycle costs and high energy efficiency.		
CONSTRUCTION		
Building structure allows for future relocation of internal walls.	N/A	
Ecologically sustainable design principles employed	N/A	
Insulation of roofs and walls		
Weather stops.		
Use of thermal mass in walls and slabs.	✓	
Window types and placement.	✓	
Shading devices and shading planting.	✓	
Maximum use of natural daylight in the size and placement of openings and interior reflecting surfaces.	✓	
Orientation of buildings to optimize sun and wind factors.	✓	
Energy Management System.	N/A	
- Temperature and light controls co-ordinated with activity schedules and changing light and temperature conditions.	X	
BUILDING FABRIC		
Designed to deter fabric damage and possible breaks outs through the fabric.	✓	
Building elements standardised	✓	
Windows, doors, etc. selected from the essential minimum number of types.	✓	repetition used.
Element types retained in stock for replacement as required.	.	
Construction methods not reliant on a few specialist fabricators.	✓	
Roof		
- Roof construction designed to deter breaking through from both the outside and the inside.		
- Junctions of roof and walls detailed and maintained for security.		
- Roof penetrations checked for security weak points.		
Walls		

- Security rating		
- Economy		
- Environmental requirements.		
- Fire		
- Smoke		
- Acoustics		
- Safety		
- Operational requirements		
use by disabled persons		
damage from food trolleys		
vandalism.		
Ceilings		
- Sound control		
- Able to resist impact and staining from thrown objects		
- Easily replaceable or refinishable.		
- No concealed spaces above the ceiling to which detainees might gain access.		
- Moisture resistance in bathroom, kitchen and pool areas.		
DISABLED		
Facilities for physically disabled detainees.	X	
Access for the disabled	X	
1 bedroom per unit adapted to suit disabled detainees	X	
STAFF		
Design strategies to promote the efficient and economic use of staff.	X	however, the layout is better than most.

COMPLIANCE WITH BCA

Classification

Accommodation

3

Education & Vocational Learning

9(b)

Consider:

- the size of support facilities provided in relation to the number of detainees

Appendix B

Examples of Case Management Plans
developed within centres,
showing variety in quality

IAP

INITIAL ACTION PLAN

JJ-CM001

Custodial Assessment Plan / Short Term Remand Caseplan

NAME : A.

D.O.B. : -77

CENTRE : Minda J.J.C

M.D.T. MEETING DATE : 23-11-94

AREA	ISSUE	ACTION
CASE MANAGER		
NURSE		
PSYCHOLOGIST		
A.O.D. COUNSELLOR		
SCHOOL / VOCATIONAL		
OTHER : J.J. C'm-77	Finding accomedation	will continue to live with Mada.
OTHER :		
COMMENTS :		
CASE CONFERENCE DATE :		
REVIEW COMMENTS : RECOMMENDATION FROM AT THE REVIEW & DISCHARGE.		DATE : 30.11.94
REVIEW COMMENTS :		DATE :
REVIEW COMMENTS :		DATE :

IAP 1

INITIAL ACTION PLAN		
Custodial Assessment Plan / Short Term Remand Caseplan		
NAME : <i>A</i>	D.O.B. : <i>77</i>	
CENTRE : <i>MINPA</i>	M.D.T. MEETING DATE : <i>1.3.95</i>	
AREA	ISSUE	ACTION
CASE MANAGER	REMANDED 27/1/95 NOW 11/4/95	REFER - JTO
NURSE	INITIAL HEALTH	TO ASSESS
PSYCHOLOGIST	DEGREE OF VIOLENCE FOR CHARGE	TO ASSESS
A.O.D. COUNSELLOR		
SCHOOL : VOCATIONAL		
OTHER :	PARENTS RE-PO	LIVES WITH GRANDFATHER AT G
OTHER :		
COMMENTS :		
CASE CONFERENCE DATE :		
REVIEW COMMENTS	DATE	
REVIEW COMMENTS :	DATE :	
REVIEW COMMENTS .	DATE	

JJ - CM008

**DEPARTMENT OF JUVENILE JUSTICE
CASE PLAN / CASE CONFERENCE SUMMARY**

NAME : T (DETAINED)	D.O.B.: 79	CIS No:
Initial Case Plan Date : 7/9/95	Prepared by :	Position / Location : RIVERINA
Most Recent Update : 19/2/96	Provided by :	Position / Location :
Reason for Update : Case Conference		Next Review Date : 19/3/96

CLIENT INFORMATION

Current Status: CONTROL	Further Court:	Details:
Sentence: 8 MONTHS	Earliest Release Date: 19/6/96	Additional Term: 3 Months
24 (1) (c) Recommendation: NO		Primary Worker:
JJ Officer / JJ Counsellor:	Location:	Key Worker:
Earliest Date for Outings: 17/11/95	Day Leave: 20/12/95	Overnight Leave: 19/2/96
Offences: BREAK, ENTER, ROBB (AGGRAVATED)		
Other Information (eg. Ward / Disability / Ethnicity etc.): ABORIGINAL		

CASE CONFERENCE / DISCUSSION DETAILS

DATE: 19/2/96

PARTICIPANTS: T (DETAINED) N (KEY WORKER), L (NURSE), C (AOD), A (24 (1) (C))
 COUNSELLOR, R (PSYCHOLOGIST), V (CASE MANAGER) AND R (JJO).

INFORMATION PROVIDED BY: SCHOOL

PRIORITY AREAS IDENTIFIED: ACCOMMODATION, FAMILY CONTACT, DEPRESSION

NAME: T

AREA : CURRENT SITUATION	GOALS	STRATEGIES : PERSON(S) RESPONSIBLE TIME FRAME
PERSONAL GOAL(S) <ul style="list-style-type: none"> * I would like to live with my father. * I would like to have my family visit me. * 2 attempts for T to visit his have father failed. * T is on Level 5 in Unit 6 and staff are very impressed with his mature attitude and behaviour. He has a broken hand and is limited with program involvement at the moment. 	<ul style="list-style-type: none"> * To get Mum or Dad to visit. * To live with Dad. * To say out of trouble. 	<ul style="list-style-type: none"> * I will try and be patient while R (JJO) contacts my parents to encourage them to visit. She will phone me by the 1.3.96. * I will make other plans with A in case I cannot live with Dad. * I will discuss plans with my family, JJO and Key Worker. * JJO will contact Mum and Dad to encourage a visit and offer financial assistance. R will also talk to Dad about me living with him and tell me what happened by 1.3.96.
FAMILY / SUPPORTS / ACCOMMODATION <ul style="list-style-type: none"> * T has not heard from his Mum since Christmas and has not seen his Dad for several years. * He wants to live with his father at C * JJO R has visited Dad and he seems very supportive. * A (24 (1) (c)) is looking at the W program as an alternative placement. 	<ul style="list-style-type: none"> * To live with father. * To maintain contact with his family. * To have a visit from Mum or Dad. * To enter a program if he can't live with Dad. 	<ul style="list-style-type: none"> * R (JJO) will try to arrange family contact/visit ASAP. * T is to ensure his Level entitles him to Leave. * Staff are to assist with family contact as required. * A will continue to explore W as an option for T and report progress by 15.3.96 to T and RJJC.

AREA : CURRENT SITUATION	GOALS	STRATEGIES : PERSON(S) RESPONSIBLE TIME FRAME
<p>COMMUNITY INTEGRATION</p> <ul style="list-style-type: none"> * T wants to live with his father at C but in the last few years has moved around from place to place. * He will need the support of JJCS to help him settle into a new community. 	<ul style="list-style-type: none"> * To feel like part of the community. * To stay out of trouble. 	<ul style="list-style-type: none"> * (JJO) will contact Mother and Father re: contact, visits and placement. * (24 (1) (c)) will talk to about W This is a farm program on the border of Vic, NSW and SA.
<p>OFFENDING BEHAVIOUR</p> <ul style="list-style-type: none"> * T offending is directly linked to his family and accommodation problems. 	<ul style="list-style-type: none"> * To see his family. * To find somewhere good to live. 	<ul style="list-style-type: none"> * JJCS will attempt to arrange family contact and appropriate placement.
<p>EDUCATIONAL / VOCATIONAL</p> <ul style="list-style-type: none"> * T will continue his education at RJJC school and will concentrate on improving his reading. He enjoys wood work and is proud of the furniture he has made. * T works well around the Unit and volunteers for extra duties. He would like a Work Contract and Work Experience. 	<ul style="list-style-type: none"> * To improve his reading. * To get ready for work through Work Experience and Work Contract. 	<ul style="list-style-type: none"> * T is to discuss a Work Contract with staff when his hand heals. * T is to ensure that his behaviour and attitude are positive. * N (key Worker) will advocate for Work Contract and Work Experience as indicated by T behaviour.
<p>HEALTH (Nurse)</p> <ul style="list-style-type: none"> * He is fit and well. Has completed Hep B shots and routine medical assessments. His broken hand is healing well. He has a ruptured ear drum that will need surgical repair. 	<ul style="list-style-type: none"> * To ensure his hand is treated properly. * To arrange post release ear treatment. * To be responsible for own health. 	<ul style="list-style-type: none"> * T has an appointment at the specialist 21/2 for review of his hand. * R (JJO) will contact local services to ensure T ear is checked after his release. She will report progress by 15.3.96. * T is to attend general health ed classes with staff.

AREA : CURRENT SITUATION	GOALS	STRATEGIES : PERSON(S) RESPONSIBLE TIME FRAME
<p>PSYCHOLOGICAL (Psychologist)</p> <p>* T has a history of depression and has been reviewed twice by staff from Redbank. They have prescribed anti-depressant medication and R will monitor any side effects.</p>	<p>* To feel better about himself.</p> <p>* To monitor medication.</p>	<p>* T is to take his medication as prescribed and talk honestly to R about how he feels.</p> <p>* R is to monitor progress and liaise with community staff to ensure after discharge support.</p> <p>* R (JJO) is to arrange community support, maybe through Community Health at C.</p>
<p>ALCOHOL AND OTHER DRUG Carla Johnson (AOD)</p> <p>* T uses AOD to harmful levels and he acknowledges the link to his offending.</p> <p>* He has been included in group AOD counselling and is responding well. C will provide individual counselling at T's request.</p>	<p>* To stop abusing AOD and have control over his life.</p>	<p>* To continue group AOD.</p> <p>* To consider personal counselling and accept responsibility for own behaviour.</p>
<p>SOCIAL / RECREATIONAL</p> <p>* T participates in all activities and sports. He has a positive attitude to becoming involved but is limited by his hand injury.</p>	<p>* To spend time constructively and learn new skills.</p> <p>* To think of ways to use these skills in the community.</p>	<p>* T should think about ways to use sports and crafts to help him settle back into his community.</p> <p>* Depending on his Level T is to participate in all chosen activities, including camps.</p> <p>* Key Worker will advocate on T's behalf when his Level is appropriate.</p>
<p>OTHER</p> <p>* 24(1)(c) Release. T would like to be considered and (Wagga JJCS) has been asked to complete a pre-screening.</p>	<p>* To be considered for early release.</p>	<p>* A (24 (1) (c)) and R (JJO) will discuss 24(1)(c) release with (Orange) and report the outcome to T and Case Manager by 15.4.96.</p>

ENDORSEMENTS :

Prepared by :

For :

Approved by :

Position : Case Manager

Position : A/Executive Manager

Signature : T (DETAINEE)

Signature : N (KEY WORKER)

Signature : V (CASE MANAGER)

CONDITIONAL DISCHARGE / DISCHARGE SUMMARY : (The following information is provided in addition to that outlined above).

CASE MANAGEMENT : CUSTODIAL CA PLAN

JJ-CM002

NAME: D

D.O.B:

1978

CENTRE : KARIJONG

DATE: 20.2.96

GOAL	RESOURCES	ACTION PLAN	RESTRAINTS
1. To continue with school and make a firm commitment to attend for a specified time. (till the end of March)	<p>a/ Client Resources</p> <p>1. I can stop mucking up when I want to.</p> <p>b/ Case Manager's Assessment</p> <p>D. ... has the ability to do the right thing when it suits him.</p>	<p>a/ Client Actions</p> <p>1. I will stay in school until next school break.</p> <p>2. I will not join in when others muck around</p> <p>3. If I have trouble I will ask for help.</p> <p>b/ Case Manager's Comment</p>	<p>a/ Goal Restraints</p> <p>1. I could muck around when I get bored.</p> <p>b/ Case Manager's Comment</p>
2. To work on offending behaviour	<p>a/ Client Resources</p> <p>1. The only things I think about are the effects it has on my family</p> <p>2. I know my mum wants me to be secure and wants to be proud of me.</p> <p>b/ Case Manager's Assessment</p> <p>I feel ... has a real problem with how he feels about other people, particularly those he feels have done something wrong to him. He states he would like to kill them to see how it feels.</p>	<p>a/ Client Actions</p> <p>b/ Case Manager's Comment</p>	<p>a/ Goal Restraints</p> <p>1. I don't want to give up my criminal activities</p> <p>2. I want to live my own life</p> <p>b/ Case Manager's Comment</p> <p>D. ... is adamant he will not give up his criminal activities as he likes the rewards he gets from it.</p>

3. To work on absconding behaviour	<p>a/ Client Resources</p> <p>1. I will not escape now I am committed as it would get me sent to goal.</p> <p>2. I will escape from Mount Penang as I don't like sharing a dorm with a lot of people.</p> <p>3. I will not take off unless I am stressed</p> <p>4. I will talk to a friend if I feel stressed</p> <p>b/ Case Manager's Assessment</p> <p>D seems to be a little unrealistic and unsure about how he will cope if sent to Mount Penang. D is very up front about how he feels in regards to a dorm situation.</p>	<p>a/ Client Actions</p> <p>b/ Case Manager's Comment</p>	<p>a/ Goal Restraints</p> <p>b/ Case Manager's Comment</p>
4. To work with the AOD counsellor	<p>a/ Client Resources</p> <p>1. I will not use heavy drugs, only marijuana</p> <p>b/ Case Manager's Assessment</p> <p>D appears to have very little comprehension of what things will be like once he gets out of detention. He is under the impression that he will be able to sell hard drugs and not use them. His past history does not support this. He does not feel he needs to see the AOD counsellor again.</p>	<p>a/ Client Actions</p> <p>1. I will only sell hard drugs not use them.</p> <p>b/ Case Manager's Comment</p> <p>1. D sees selling hard drugs as a way to make big money fast He feels he will not have to do any work to attain this. D admits he may be dreaming or watching too much television.</p>	<p>a/ Goal Restraints</p> <p>b/ Case Manager's Comment</p>

CASEWORK ISSUES :

PRIMARY WORKER:

EDUCATIONAL:

FAMILY:

- D Psychologist
is attending school full time and does remedial work with P-
D has close contact with his mother who visits regularly.

RECOMMENDED INTERVENTION :

D ... appears to be mixed up about what he wants out of life. He needs to take a good hard look at the realities of what he can achieve once discharged.
Needs to continue to work closely with the psychologist

REVIEW SCHEDULE: Monthly

FIRST REVIEW : 20.3.96

SIGNATURES :

Appendix C

Outline of school curricula and other
programs offered in each centre -
including significant achievements

KEELONG PROGRAMME - 1995

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
7-8	YV WAKE RESIDENTS COMPLETE ROOM CLEAN UP INCLUDING BEDROOM, BATHROOM ETC.	YV WAKE RESIDENTS COMPLETE ROOM CLEAN UP INCLUDING BEDROOM, BATHROOM ETC.	YV WAKE RESIDENTS COMPLETE ROOM CLEAN UP INCLUDING BEDROOM, BATHROOM ETC.	YV WAKE RESIDENTS COMPLETE ROOM CLEAN UP INCLUDING BEDROOM, BATHROOM ETC.	YV WAKE RESIDENTS COMPLETE ROOM CLEAN UP INCLUDING BEDROOM, BATHROOM ETC.	YV WAKE RESIDENTS	YV WAKE RESIDENTS LATE RISE
7-45	BREAKFAST GENERAL WASH-UP CLEANING OF KITCHEN, DINING AND RECREATION ROOM.	BREAKFAST GENERAL WASH-UP CLEANING OF KITCHEN, DINING AND RECREATION ROOM.	BREAKFAST GENERAL WASH-UP CLEANING OF KITCHEN, DINING AND RECREATION ROOM.	BREAKFAST GENERAL WASH-UP CLEANING OF KITCHEN, DINING AND RECREATION ROOM.	BREAKFAST GENERAL WASH-UP CLEANING OF KITCHEN, DINING AND RECREATION ROOM.	BREAKFAST GENERAL WASH-UP CLEANING OF KITCHEN, DINING AND RECREATION ROOM.	RESIDENTS TO COOK BREAKFAST IN LINE WITH MENU. GENERAL WASH-UP CLEANING OF KITCHEN, DINING AND RECREATION ROOM.
8-45	V.I. PROGRAMME - METAL/WOODWORK SCHOOL PROGRAMME WORK PROGRAMME, SKILLS TRAINING, SPECIAL PROJECTS I.E. COMPLETE RECREATION ROOM & KITCHEN CLEAN	V.I. PROGRAMME - METAL/WOODWORK SCHOOL PROGRAMME WORK PROGRAMME SPECIAL PROJECTS	V.I. PROGRAMME - METAL/WOODWORK SCHOOL PROGRAMME WORK PROGRAMME PRE-EMP SPECIAL PROJECTS: VACUUM ROOMS AND VENTS ON LEVELS. ROOM MAINT MINOR PAINTING ETC. SKILLS TRAINING	V.I. PROGRAMME - METAL/WOODWORK SCHOOL PROGRAMME WORK PROGRAMME SPECIAL PROJECTS: LAWN MOWING - GENERAL MAINTENANCE OF GROUNDS AND GARDENS SKILLS TRAINING	V.I. PROGRAMME - METAL/WOODWORK SCHOOL PROGRAMME WORK PROGRAMME SPECIAL PROJECTS: LAWN MOWING - GENERAL MAINTENANCE OF GROUNDS AND GARDENS SKILLS TRAINING	V.I. PROGRAMME - METAL/WOODWORK SCHOOL PROGRAMME WORK PROGRAMME SPECIAL PROJECTS: LAWN MOWING - GENERAL MAINTENANCE OF GROUNDS AND GARDENS SKILLS TRAINING	BREAKFAST DETAILED ROOM CLEAN UP CRITICAL CLEAN UP OF LEVELS AND SURROUNDING AREAS
10-30	MORNING TEA	MORNING TEA	MORNING TEA	MORNING TEA	MORNING TEA	MORNING TEA	MORNING TEA
10-45	V.I. PROGRAMME METAL/WOODWORK SCHOOL PROGRAMME CONTINUE SCHOOL PROGRAMME, CONTINUE WORK PROGRAMME MAINT. OF GROUNDS, GARDENS ETC.	V.I. PROGRAMME - METAL/WOODWORK SCHOOL PROGRAMME WORK PROGRAMME MAINT. OF GROUNDS, GARDENS ETC.	V.I. PROGRAMME METAL/WOODWORK SCHOOL PROGRAMME WORK PROGRAMME MAINT. OF GROUNDS, GARDENS ETC.	V.I. PROGRAMME METAL/WOODWORK SCHOOL PROGRAMME WORK PROGRAMME MAINT. OF GROUNDS, GARDENS ETC.	V.I. PROGRAMME METAL/WOODWORK SCHOOL PROGRAMME WORK PROGRAMME MAINT. OF GROUNDS, GARDENS ETC.	V.I. PROGRAMME METAL/WOODWORK SCHOOL PROGRAMME WORK PROGRAMME MAINT. OF GROUNDS, GARDENS ETC.	RECREATIONAL ACTIVITIES
12-30	LUNCH	LUNCH	LUNCH	LUNCH	LUNCH	LUNCH	LUNCH
1-30 2-30	V.I. PROGRAMME - METAL/WOODWORK SCHOOL PROGRAMME CONT. WORK PROGRAMME LIVING SKILLS WITH YOUTHWORKERS OR SOCIAL SKILLS WITH GEOFF HEALTH PROGRAMME WITH MARM - FOR WORK PARTY AM YVWORKERS TO GET RESIDENTS CHANGED OUT OF WORK CLOTHES	V.I. PROGRAMME - METAL/WOODWORK SCHOOL PROGRAMME WORK PROGRAMME MANAGEMENT MEETING TWO RESIDENTS TO ATTEND. RECREATION AND LIVING SKILLS AM YVWORKERS TO GET RESIDENTS CHANGED OUT OF WORK CLOTHES	V.I. PROGRAMME - METAL/WOODWORK SCHOOL PROGRAMME WORK PROGRAMME TRAINING GENERAL MEETING 3.00PM HOMET A MONTH HEALTH PROGRAMME WITH MARM FOR SCHOOL GROUP AS PER DATES LIVING SKILLS - TONY IN & OUT 1.30PM WORKPARTY GROUP AM YVWORKERS TO GET RESIDENTS CHANGED OUT OF WORK CLOTHES	V.I. PROGRAMME - METAL/WOODWORK SCHOOL PROGRAMME WORK PROGRAMME 1.00 - 4.00PM INDIVIDUAL MODULE SKILLS TRAINING WITH GEOFF 1.30PM A D & D ISSUES SCHOOL PROGRAMME AM YVWORKERS TO GET RESIDENTS CHANGED OUT OF WORK CLOTHES	V.I. PROGRAMME - METAL/WOODWORK SCHOOL PROGRAMME WORK PROGRAMME SKILLS TRAINING CONT. 2.5.00PM SPORTS AFTERNOON LEARNING THE RULES AM YVWORKERS TO GET RESIDENTS CHANGED OUT OF WORK CLOTHES	V.I. PROGRAMME - METAL/WOODWORK RECREATIONAL SKILLS WITH YOUTHWORKERS ORIENTEERING RECREATIONAL SKILLS CONTINUED AM YVWORKERS TO GET RESIDENTS CHANGED OUT OF WORK CLOTHES	LEISURE SKILLS RECREATION SKILLS WITH YOUTHWORKERS 12.00PM SECTION 1 & 2 VISITING 3-4.00PM VISITING RECREATIONAL ACTIVITIES
3-00	AFTERNOON TEA	AFTERNOON TEA	AFTERNOON TEA	AFTERNOON TEA	AFTERNOON TEA	AFTERNOON TEA	AFTERNOON TEA

C-34	<p>YOUTH PROGRAMME CONT. WORK PROGRAMME LIVING SKILLS WITH YOUTHWORKERS ON SOCIAL SKILLS WITH CEDF</p> <p>HEALTH PROGRAMME WITH MARIA - FOR WORK PARTY</p> <p>AM YWORKERS TO GET RESIDENTS CHANGED OUT OF WORK CLOTHES</p>	<p>YOUTH PROGRAMME WORK PROGRAMME</p> <p>MANAGEMENT MEETING TWO RESIDENTS TO ATTEND. RE/SOCIAL AND LIVING SKILLS</p> <p>AM YWORKERS TO GET RESIDENTS CHANGED OUT OF WORK CLOTHES</p>	<p>YOUTH PROGRAMME WORK PROJECTS SKILLS TRAINING GENERAL MEETING 5:00PM TONY A MONTH</p> <p>HEALTH PROGRAMME WITH MARIA FOR SCHOOL GROUP AS PER DATES LIVING SKILLS - TONY SA & ODI 1:30PM WORKPARTY GROUP AM YWORKERS TO GET RESIDENTS CHANGED OUT OF WORK CLOTHES</p>	<p>YOUTH PROGRAMME WORK PROJECTS</p> <p>1:00 - 4:00PM INDIVIDUAL NICHOLE SKILLS TRAINING WITH CEDF</p> <p>1:30PM A O & O ISSUES SCHOOL PROGRAMME</p> <p>AM YWORKERS TO GET RESIDENTS CHANGED OUT OF WORK CLOTHES</p>	<p>YOUTH PROGRAMME WORK PROJECTS SKILLS TRAINING CONT.</p> <p>2:5:00PM SPORTS AFTERNOON LEARNING THE RULES</p> <p>AM YWORKERS TO GET RESIDENTS CHANGED OUT OF WORK CLOTHES</p>	<p>WITH YOUTHWORKERS</p> <p>12:00PM SECTION 1 & 2 VISITING.</p> <p>2-4:00PM VISITING RECREATIONAL ACTIVITIES.</p> <p>RECREATIONAL SKILLS CONTINUED</p>	<p>WITH YOUTHWORKERS</p> <p>12:00PM SECTION 1 & 2 VISITING.</p> <p>2-4:00PM VISITING RECREATIONAL ACTIVITIES.</p> <p>RECREATIONAL SKILLS CONTINUED</p>
	AFTERNOON TEA	AFTERNOON TEA	AFTERNOON TEA	AFTERNOON TEA	AFTERNOON TEA	AFTERNOON TEA	AFTERNOON TEA
3pm	RECREATIONAL ACTIVITIES PHYSICAL ACTIVITIES + 4 SWIMMING, FOOTBALL ETC	MEETING. CONTINUED RECREATIONAL & PHYSICAL ACTIVITIES	RECREATIONAL & PHYSICAL ACTIVITIES CONTINUED	4:00 - 7:00 WOLLONGONG YOUTH CENTRE ALCOHOL & OTHER DRUG GROUP SOCIAL SKILLS TRAINING	RECREATIONAL SKILLS TRAINING. PHYSICAL ACTIVITIES.	RECREATIONAL ACTIVITIES PHYSICAL ACTIVITIES FOOTBALL, VOLLEY BALL, TRAMPOLINE	2-4:00PM VISITING CONTINUED RECREATIONAL ACTIVITIES. PHYSICAL FITNESS TRAINING
5:00	SHOWERS/PERSONAL HYGIENE	V.I. PROGRAMME METAL/WOODWORK	V.I. PROGRAMME METAL/WOODWORK	V.I. PROGRAMME METAL/WOODWORK	V.I. PROGRAMME METAL/WOODWORK	V.I. PROGRAMME METAL/WOODWORK	SHOWERS/PERSONAL HYGIENE
6:00	DINNER	DINNER	DINNER	DINNER	DINNER	DINNER	DINNER
6:30	GENERAL CLEAN-UP DINING ROOM, KITCHEN, REC ROOM ETC	GENERAL CLEAN-UP DINING ROOM, KITCHEN, REC ROOM ETC	GENERAL CLEAN-UP DINING ROOM, KITCHEN, REC ROOM ETC	GENERAL CLEAN-UP DINING ROOM, KITCHEN, REC ROOM ETC	GENERAL CLEAN-UP DINING ROOM, KITCHEN, REC ROOM ETC	GENERAL CLEAN-UP DINING ROOM, KITCHEN, REC ROOM ETC	GENERAL CLEAN-UP DINING ROOM, KITCHEN, REC ROOM ETC
7:00	CERAMICS WITH ROBYN	V.I. PROGRAMME METAL/WOODWORK	7-9:00PM VISITORS	V.I. PROGRAMME METAL/WOODWORK	V.I. PROGRAMME METAL/WOODWORK	LATE NIGHT MOVIE	FREE TIME RECREATIONAL ACTIVITIES - BMCO
7:30	POOL, TABLE TENNIS, VIBALL, TRAMPOLINE	7:00PM MUSIC WITH JONATHAN	7:00 LEATHERWORK WITH RON	ROCKE PROGRAMME 7:00PM-9:00PM DENISE	INDOOR SOCCER AT NORTH WOLLONGONG		
7:30-9:30	COMMUNITY SELF HELP GROUP MEETING	7:30-9:30PM COMMUNITY SELF HELP GROUP MEETING	V.I. PROGRAMME METAL/WOODWORK	COMMUNITAL UNIT RECREATIONAL ACTIVITIES	RECREATIONAL SKILLS TRAINING		
7:30-9:30	INDOOR RECREATIONAL ACTIVITIES - POOL, TABLE TENNIS, VIBALL, TRAMPOLINE	INDOOR RECREATIONAL ACTIVITIES - POOL, TABLE TENNIS, VIBALL, TRAMPOLINE	RECREATIONAL ACTIVITIES - POOL, TABLE TENNIS, VIBALL, TRAMPOLINE		SPECIAL ACTIVITIES LATE NIGHT REWARD		
7:00 to 9:00	SUPPER	SUPPER	SUPPER	SUPPER	SUPPER	SUPPER	SUPPER
7:00 to 9:00	BEDTIME BEDTIME OPTIONAL AND SUBJECT TO SECTIONS	BEDTIME BEDTIME OPTIONAL AND SUBJECT TO SECTIONS	BEDTIME BEDTIME OPTIONAL AND SUBJECT TO SECTIONS	BEDTIME BEDTIME OPTIONAL AND SUBJECT TO SECTIONS	BEDTIME SUBJECT TO SECTIONS REWARD LATE NIGHT MOVIE CONTINUED	BEDTIME SUBJECT TO SECTIONS UNLESS WATCHING MOVIE	BEDTIME BEDTIME OPTIONAL AND SUBJECT TO SECTIONS

Riverina

Department of School Education

School is compulsory for all detainees unless they have a "job contract". Class sizes are normally 1-6. Job contracts are normally work in and around the centre such as mowing, clearing paths etc. Detainees have to be on a high level before they can do job contracts. Job contracts commence after 12 noon each day.

All detainees are involved in what the centre calls an integration program. The education staff oversee the academic components and the youth workers the non-academic ie job contracts and centre maintenance.

Classes include: Maths, Design and Technology, PE and Health, English, Agriculture, Music, Leatherwork, Sewing, Photography, Sport CHS competitions, Aboriginal Art. Vocational courses: Rural Studies, Nursery and Horticulture, Journalism, Computer Studies, Building Construction. Both rural studies and building construction courses have work placement components. Living and Social Skills, Aboriginal Studies and Aboriginal Language. The school also provides Distance Education, Trial Internet school.

Juvenile Justice Programs

- Recreational - guitar, drums
- Vocational -metal trades
- Sport - basketball, fitness training, tennis
- Other - living skills, cooking.
- Programs for special needs groups - Aboriginal art

Achievements

- Two students completed their School Certificates in 1995, one placed equal first in General level Mathematics at the Sydney Distance Education Centre.
- 28 students elected to continue with formal secondary education in 1995.

Minda

The centre can take up to 65 detainees, the school currently can only accommodate 36 detainees. The school at Minda has doubled the number of classes in the last 6 years and it now has double the number of teachers.

It established the first Aboriginal Homework Centre in a juvenile justice facility.

Department of School Education

School courses run: Higher School Certificate and School Certificate. Basic Skills, Pre-Vocational skills course, Correspondence courses, Cooking, Living Skills, Computer, Technics, English, Maths, Basic Literacy, Legal Studies, Personal Development.

Will run basic skills course even if only one detainee needs it. The school runs 6 classes, 1 for short term for remand and short order committed detainees.

Vocational courses include: Breakaway Program (pre vocational). TAFE will run 4 courses in 1996. Horticulture, Office Studies, Welding, Tools and Fabrication - accredited courses. Music Basic Industry Modules

Juvenile Justice Programs

- Recreational - board games, art
- Vocational - none
- Sport - tennis, touch football, cricket, swimming, table tennis, pool
- Programs for Detainees with Special Needs - Department of School Education Phase 1 ESL, Beginners English, General ESL support 1 day a week for all students. Multicultural week. Access to Life Skills SC and HSC for students with intellectual disabilities. Aboriginal Homework Centre

Achievements

- First Life Skills School Certificates awarded to 2 students in November 1995.
- First HSC student finished in 1996
- Students completed JSST course with accreditation in June 1996.
- Student from Minda School wrote and performed 2 songs that have been recorded and are on the Soundtrack for Death Defying Theatre Schools production. This performance will tour schools in the 2nd Semester 1996.

Mount Penang and Kariong

Department of School Education

Girraokool School covers both Mt Penang and Kariong Juvenile Justice centres.

Approximately 54 detainees attend Mt Penang school site and 18 attend the Kariong site. All students enrolling at Girrookool School work towards a recognised credential. Through Distance Education students can complete courses from Years 7-12. Students are also enrolled in TAFE OTEN courses and external university. Students not selecting these pathways can complete the following school designed courses which can result in the Award of the Year 10 Statement of Attainment.

The school is unable to meet the demand for the number of detainees seeking entry to the school.

Courses run: English Communication, Maths, Introductory Computing, Physical Education/Health/PD, Technics, Creative Arts, Recreation Studies, Multicultural Language/ESL, Living Skills, Aboriginal Studies, Intensive Reading Scheme and Electives.

- Other
 - Assistance to physically handicapped children in swimming, detainees working with local Life Saving Surf Club
 - Part of the Combined High Schools knockout competition. Teams fielded in Rugby Union, Rugby League, Basketball, Volleyball and Touch Football.
 - Athletics and Swimming Carnival.
 - Work Readiness program and Pre Discharge Program
 - Rumbalara Field Study Centre visits
 - Wilderness Education
- Programs for Special Needs Groups - Department of School Education - Aboriginal Studies Program. ESL program

Juvenile Justice Programs

(Mt Penang)

- Recreational - art, craft, leatherwork, pool, table tennis, bingo, swimming.
- Vocational - In the Vocational Training Unit courses are run on printing, mechanics, gardening, metalwork, printing, painting, fibreglass, upholstery, bricklaying, carpentry, small motors.
- Sport - soccer, rugby union, rugby league, touch football, volleyball, basketball, indoor cricket and soccer, tennis, water polo, cricket.
- Other - 17 Detainees have recently obtained their forklift licence through a program offered by the Small Motors Vocational Instructor

- Programs for Special Needs Groups - TAFE courses in painting and decorating, carpentry; and sports medicine awareness were conducted for Aboriginal students. Literacy and Numeracy Program for detainees not attending school.

(Kariong)

- Recreational - guitar tuition, general arts and craft, book borrowing program.
- Vocational - carpentry and Joinery, fitting and machining, painting and decorating, Sport, rugby league, rugby union, indoor and outdoor soccer, indoor and outdoor baseball, volleyball, tennis, weights, gymnastics, water polo and swimming
- Other - anger management workshops, stress management workshops, communications and relationships, legal issues (conducted by Legal Aid Solicitor), remedial numeracy and literacy evening program, alcohol and other drug program.
- Programs for Special Needs Groups - Aboriginal cultural days, Aboriginal week activities; Aboriginal chaplaincy services. Multicultural Program - needs based program designed to cater for the specific needs of NESB groups eg cultural foods, religious observances, interpreter services, family support activities. Aboriginal and Asian arts and craft.

Achievements

- One detainee completed a Journalism Degree and is now on work experience in a Government Department;
- 17 students completed years 9 and 10, 35 students got a Record of Achievement for completing Year 10, 8 students completed Year 11 and 4 Year 12. 1 student completed a University course, 7 completed TAFE course and 1 student is in continuing enrolment.
- 12 students enrolled in Commercial Cleaning and Fast Food Management at Gosford and Wyong TAFE

Keelong

Department of School Education

Detainees on warrant committals and fine defaulters not admitted to school. All other detainees able to attend school. The school has three distinct classes: Senior and Intermediate class - these two class can take up to 16 students; Remand/short term class - up to 16 students, although numbers are usually kept below that due to the volatile nature of this group. Keelong has 2 permanent teachers aides, also 1 casual position for the duration of the trial of educational services currently in progress. Teachers qualifications - one Master (Special Education), three Graduate Diploma (Special Education).

The School Certificate and Higher School Certificate enrolments fluctuate through the year.

School based courses - School and Higher School Certificate, General Education curriculum.

NSW TAFE/OTEN courses offered through the school - Conservation Practices, Small Motor Repairs, Engine Maintenance, Computers - a first course, Office Procedures and Keyboarding, Land Revegetation, Building Construction, Certificate of General Education, Hospitality and Tourism Essentials, Showcard and Ticketwriting, Food and Nutrition, Mechanical Appreciation, Boat Knowledge.

WA TAFE External Studies - Nutrition Principals, Coastal Navigation; Ecology.

- Other Courses
 - Wollongong City Mission course on job skills
 - Duke of Edinburgh Scheme
 - LEAP
 - Start to Life, First Aid/Emergency Care
- Meeting the Needs of Aboriginal and NESB Detainees
 - Department of School Education -Cultural education is integrated into individual case plans for detainees.
 - Keelong has no Aboriginal teaching assistance, although the principal now pays for someone to come into the school for 3 hours a week.
 - NESB students are catered for through Individual Education and Training Programs. Each NESB student is provided with the opportunity to explore their cultural background through research activities, cooking, music and the opportunity to participate in special programs.

Juvenile Justice Programs

Programs run under two funding areas. Commonwealth funding through the Children in Institutions program and CIRIC.

- Recreational - living books, ceramics, art, toy making, cooking classes, Koori Culture & Art

- Vocational - electronics, leather work, music, lawn mower maintenance.
- Sport -indoor soccer, basketball.
- Other - Toastmasters, Health Program

Yasmar

Department of School Education

Yasmar School operates two distinct educational programs - one for up to 12 students who have been committed and who are accommodated in the Dobroyde unit; and another for up to 18 students who are on remand and are accommodated in the Ramsay unit.

Courses offered by the schools are: English, Mathematics, Science, Technology, Career Education, Aboriginal Education, Current Affairs, Legal Studies, Personal Development, Living Skills, Pre-vocational Skills Training, Parenting Program, Visual Arts, Photography, Vocational Education, Society and Culture, Performance Studies, Video Production, Environmental Science, Health, Physical Education, Electives.

- Vocational - In 1994 Yasmar was involved in a pilot program with Petersham TAFE co-ordinated by the Outreach Team. Students attended school hours for ten weeks. Topics included: Women at Work; Keyboarding; Introduction to Computers; Aboriginal Art. The course was accredited. In addition, particular students in Yasmar School are enrolled in OTEN to pursue accredited courses in Computer Skills and the Hospitality Industry.
- Other - Police Program; Legal Issues; Stress Management; How to Interact with People.

Juvenile Justice Programs

- Recreational - Art and Craft making; Jewellery Making; Folk Art
- Vocational - Computers; Horticulture; Woodwork; Sewing; Clothes making
- Sport - tennis, fitness assessment, Friday fitness sessions, surf lifesaving program, circuit classes, pool, table tennis, bingo, water polo, aerobics, volleyball, cricket, basketball, touch football, swimming, aquatic activities.
- Other - Young Women's Group program which incorporates workshops on protective behaviour, family planning, anti-racism and parenting.
- Living Skills, Pre-release program, Women at Work, Young women's Space, Law awareness and Young Lawyers program, Chandos Nursing Home Program, Summer Dance, Careers, Drama, Disk Jockey program, Major Art and Art Therapy Program. Protective Behaviours Workshop
- Programs for Special Needs Groups - Aboriginal Program incorporating Aboriginal support and Aboriginal cultural awareness. Multicultural Program

Achievements

- 5 detainees were awarded School Certificates at the end of 1995
- The school exhibited students' works of art in the "Women Behind Bars" competition and in the National Aborigines and Torres Strait Islander Week in 1995

- In 1996 students were recognised for the exceptionally high standard of poetry they had submitted for entry in an Open Competition organised by Concord Hospital, winning several prizes and many certificates of commendation.

*Reiby***Department of School Education - Dorchester School**

Insufficient teaching space to allow all detainees in the Centre to attend school. 10 classes operate in 7 rooms and a hall. School needs more classrooms in the main school. It also operated 2 additional classes in the maximum security area of the centre. Does not accept detainees for only one day.

- **School Curriculum**
 - Every detainee has an individually designed programs in Literacy, PD and Numeracy each day. Other subjects include Physical Education, Art, Food Technology, Computers, Technics, Library, History, Music, Legal Studies, Geography, Health, History, General Studies, Woodwork, TAS and electives, sport.
 - Higher School Certificate and School Certificate courses are offered to eligible students.
 - There are also programs to assist illiterate, NESB and detainees with learning difficulties. Most of the teachers are primary trained and have special education training and/or experience.
- **Other**
 - Winter Outdoor Education Program
 - Open Days for students and their parents
 - School Placement Programs (re-integration)

Juvenile Justice Programs

Centre is in the process of changing its programs, in future, detainees who complete a program will get a certificate. This is a move away from ad hoc programs into integrating centre programs with case planning.

- **Recreational**
 - Internal: board games, computer games, table tennis, jewellery making, trampoline, soccer, swimming, basketball, touch football, weight training, pool, volleyball, cooking, TV, videos.
 - Community based: basketball, volleyball, indoor soccer, touch football, Duke of Edinburgh Awards Scheme, Police Citizen Youth Challenge for Reiby detainees only (this youth challenge program incorporates Abseiling, Caving, Mountain Climbing and a Wilderness Program; Fishing and Canoeing).
- **Vocational - Aboriginal Arts and Crafts, Textiles, Spraypainting, Metal Work, Drawing (a staff rehabilitation program long term), Motor Mechanics (night classes CIG funded).**

- Other - Community Service - Riding for the Disabled, Lawn Mowing, Newnes Insearch Program (maintenance of camp sites); Clean Up Australia Day, 40 Hour Famine.
- Programs to Assist Special Needs Groups - Juvenile Justice: Aboriginal Homework Centre. Therapy Group (Robinson Program), Sex Offender Program, Peer Support Program (trains detainees to present issues on racism with other detainees); Aboriginal Cultural Camps (four a year); Remedial Reading; Aboriginal Arts/Start Program; Aboriginal Legal Service; Aboriginal Children's Support; Tharawal (provides support/functions for Koori detainees); Campbelltown Aboriginal Community Associations; Family Support Program; Religious Groups.

Achievements

- Department of School Education Dorchester School - 3 students awarded School Certificate for 1995.
- Successful re-integration program of 50% of all student detainees re-enrolled in mainstream schools.
- Participate in NSW Combined High School's Knock-outs in Touch Football, Basketball and Boys Netball

Worimi

School expanding woodwork room to be changed to general activities room. School is extending into old "pool" room, will allow for another classroom and a Library.

Does not take all detainees.

Department of School Education

Number of detainees attending school varies between 15 to 24. Orion pre-release program will cater for another 6-8 students. All students under 15 years must attend school. Most students are on remand, approximately 10 percent are committed detainees. Ages range from 10 to 20 years, with most between 14 and 16 years of age.

- School Curriculum - Literacy and Numeracy; Science; Personal Development; Living Skills; Communication Skills; Technology and Design (Woodwork and Metalwork); Music; Art; Multicultural/Historical Studies; General Knowledge; Geography; History; Computers; Cooking; Hygiene; Social Skills; Sport. School provides Distance Education.
- Other - Worimi Framing Service, The Annexe Program, Pre-release Program, Crime Prevention Workshop, Positive Parenting, Conflict Resolution, Sexually Transmitted Diseases, School Band

Juvenile Justice Programs

- Recreational - Ceramics, Aboriginal Art and Culture, Screen Printing, Music, Art and Crafts, Bush Craft, Lapidary.
- Vocational - Woodwork, Metalwork, Guitar Construction.
- Sport - Internal - Cricket, Tennis, Table Tennis, Carpet Bowls, Swimming, Aerobics, Volleyball, Fitness, Weight Training, Basketball, Pentathlon, Billiards
- External - Basketball, Indoor Cricket, Fishing
- Other - Detainees teach physically and intellectually disabled people to swim. First Aid, Personal Development, Social Skills, Community Arts Program, Duke of Edinburgh Program, Offending Behaviour Program, Alcohol and Other Drugs Workshops.
- Programs for Special Needs Groups - Department of School Education - Aboriginal Study Group, Aboriginal Studies, 1:1 support. Four Aboriginal staff in designated positions in the centre and one designated Aboriginal position at the centre school.

Achievements

Four detainees attended TAFE courses for 18 weeks and three completed the courses in early 1996.

Cobham

Cobham faces special difficulties in the provision of education and vocational training as it is one of the main entry points for detainees within the system and is meant to operate as a remand centre. This means that detainees may only be there for very short periods. There is an integrated program at the centre involving school education and juvenile justice. All detainees under 15 yrs have to attend school.

Department of School Education - Putland School

All students except those serving warrants are encouraged to attend school. Diverse student needs are addressed through programs focussing on basic skill remediation, regular school education, vocational education, life skills and formal educational attainment. Elective courses are also offered including a range of positive leisure activities.

- Recreational - Art, Jewellery Making, Leatherwork, Model Making, Pyrography, Reading and Quiet Games, Sewing and Fabric Craft, Woodcraft.
- Vocational - Construction, Grounds Improvement, Resume Writing.
- Sport - Badminton, Basketball, Human Body & Fitness, Volleyball.
- Other - Cooking, Developmental Group Work, Health, Personal Development, Youth Access.
- Special Events - Sporting events, visits and carnivals, Cultural events eg Aboriginal, multicultural, musical; Open days; Skills workshops eg candle making, mural painting, juggling and acrobatics; Trivia and Quiz events.

Juvenile Justice Programs

- Recreational - Clothes making, Pottery, Basket weaving, Art, Guitar, Leatherwork
- Vocational - Computers, Woodwork.
- Sport - Touch football, Heath and Fitness, Cricket, Basketball, Volleyball, Badminton.
- Other - Resuscitation, Social Security Information discussions, First Aid, Legal Studies.
- Programs for Special Needs Groups - Juvenile Justice - Aboriginal Art; Aggression Replacement Training; Life Skills Discussion Groups; Vietnamese Culture Groups.

Achievements

One detainee on a cooking apprenticeship. Attends a local TAFE college and does work experience at a local restaurant and should receive his trade certificate at the end of the year.

Appendix D

Initial Risk Assessment Form used at
Minda

Minda Juvenile Justice Centre

INITIAL RISK ASSESSMENT SHEET

To be completed by the admitting officer. A 'Yes' answer to any of these questions must be brought to the attention of the relevant professional officer as soon as possible. If the relevant officer is not available eg. out of hours, the Team Leader / Duty Admin. officer must be alerted.

REFERRAL TO:

Please sign appropriate service/s when a copy of this sheet has been forwarded to that service:

Registered Nurse	Psychologist	AOD Counsellor

Detainee's Name: _____

Unit: M P K T L

ADMITTING OFFICER'S QUESTIONNAIRE:	Circle Response		Notify
Does the juvenile appear to be in a highly agitated or aggressive state? If so, please describe...	yes	no	Psych
Does the juvenile show any obvious signs of pain / injury / illness? If so, please describe...	yes	no	R.N.
Does the juvenile appear to be drug or alcohol affected? If so, please describe...	yes	no	AOD
Does the juvenile have any scarring which may indicate previous attempts at self harm or has he made any threats of self harm? If so, please describe...	yes	no	Psych
Did the juvenile have any drugs or medication in his possession on being charged or admitted? If so, please describe...	yes	no	R.N.
JUVENILE'S QUESTIONNAIRE:	Circle Response		Notify
Do you have any injuries or illnesses? If so, please describe...	yes	no	R.N.
Is a doctor treating you for anything or are you on any medication?	yes	no	R.N.
Have you ever been treated for asthma / diabetes / epilepsy?	yes	no	R.N.
Have you ever tried to hurt yourself (or kill yourself)? If so, how?	yes	no	Psych

ANY ADDITIONAL INFORMATION OR CONCERNS AT ADMISSION:

Questionnaire completed by admissions officer _____

Appendix E

Report of Juvenile Justice Detention Centre Inspection

Department of Juvenile Justice

Report of Juvenile Justice Centre Inspection

(Section 7(3) Children (Detention Centres) Act, 1987 – Regulation 50)

Juvenile Justice Centre Visited:	Date of Visit:
----------------------------------	----------------

Report:

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Areas for Attention / or Comment:

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SPECIFIC AREAS REVIEWED DURING VISIT

Notice for Ombudsman/ Complaints Procedures/ Routines/Timetables Displayed in appropriate areas.		Punishment/Segregation Records	
		Leave Records (Detainees)	
		"D" File Spot Check – Files Seen	
Admission/Discharge Areas		Cases 17A	
Staff Instructions System		Food Services	
Budget Areas Discussed		Accommodation Areas	
Staffing Issues		Detainees's Clothing	
Building/Property Issues		Medical Services	

Signed

.....
Delegated Officer/
Director (Centres)

Seen: Deputy Director-General	Date:
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- 1 Green Copy Original – Remains in Book
2 Pink Copy to Centre

Appendix F

Policy Statement:
Complaints by Detainees in a
Detention Centre
22 August 1991

JUVENILE JUSTICE BRANCHPOLICY STATEMENT: Complaints by Detainees in
a Detention Centre-

The following Policy Statement has been developed to ensure consistency in procedures to be followed when a detainee:

- 1) Requests to speak with the Superintendent of a Detention Centre or
- 2) Makes a specific complaint.

Legislative Base

Various legislative measures are provided to allow a detainee to lodge a complaint and have such complaint effectively dealt with.

Hereunder, is a brief outline of the various relevant legislation influencing complaints by a detainee.

Superintendent:Regulation 29 - Children (Detention Centres) Act, 1987

Provides a process for a detainee to request to speak with the Superintendent of a detention centre.

Regulation 30 - Children (Detention Centres) Act, 1987

This Regulation provides a process whereby a detainee can make a written complaint to the Director-General regarding his/her treatment in a detention centre or the administration or management of a centre.

Official Visitors:

The Community Welfare Act provides for the appointment of "Official Visitors" for each detention centre.

Ombudsman's Act:

The Ombudsman's Act provides for the Office of the Ombudsman to provide investigatory action on complaints regarding Government Departments and Statutory Authorities.

POLICY STATEMENT:

Current legislation provides a variety of avenues for a detainee to have a complaint investigated and resolved.

Superintendents of detention centres are advocates for the care and welfare of detainees and should ensure that all available resources are utilised to effectively deal with the majority of complaints at a local unit level. Those complaints not able to be locally resolved are to be forwarded to the Assistant Director, Juvenile Justice for urgent attention.

1. Requests from a Detainee to speak to Superintendent:

The Children (Detention Centres) Act, 1987 - Regulation 29
(1) provides:

Requests to speak to the Superintendent.

29. (1) If a detainee requests an officer (whether orally or in writing) for permission to speak to the Superintendent, the officer shall, as soon as practicable, convey the request to the Superintendent.

(2) If -

(a) an officer conveys such a request to the Superintendent; or

(b) a detainee requests the Superintendent (whether orally or in writing) for permission to speak to him or her, the Superintendent shall give the detainee an opportunity to speak to him or her on the day on which the request is conveyed or made to him or her or as soon as practicable after that day.

(3) If the Superintendent gives a detainee an opportunity to speak to him or her, the Superintendent shall consider what the person has to say and if, as a consequence of having considered what the person has had to say, the Superintendent -

(a) takes or proposes to take any action, he or she shall inform the person of the action that he or she takes or proposed to take; or

(b) does not propose to take any action, he or she shall inform the person of that fact.

It is a requirement under the Detention Centres Act and associated Regulations that incidents of complaints and/or requests by detainees be reported to the Superintendent as soon as possible after they are received. It is therefore essential that complaints and/or requests by detainees to see the Superintendent are reported in detail prior to the end of each shift.

-3-

Record of Interviews:

The Superintendent is to maintain a written record of all requests of a formal or serious nature. The outcome of such an interview must also be recorded.

Each Member of the Administrative team should carry a note book which contains information of any requests from detainees, including the outcome. This will provide a record of action taken on requests as well as ensuring other appropriate complaint/request procedures are in place.

2. Complaints

Written complaints to the Director-General.

Regulation 30: Provides that:-

- (1) A detainee may make a written complaint to the Director-General with respect to any specific matter concerning -
 - (a) his or her treatment in the detention centre; or
 - (b) the administration or management of the centre.
- (2) A detainee may not make such a complaint in relation to a matter the Superintendent may dispose of unless he or she has previously made request under clause 29 for permission to speak to the Superintendent regarding the matter.
- (3) A complaint shall be placed in an envelope (which may be sealed), addressed to the Director-General and delivered to an officer.
- (4) If a detainee delivers to an officer an envelope addressed to the Director-General -
 - (a) the officer shall send the envelope immediately to the Director-General; and
 - (b) the envelope shall not be opened, nor shall its contents be inspected or read, otherwise than by the Director-General or some other person authorised by the Director-General.

Whenever a detainee wishes to complain about his/her treatment by Juvenile Justice staff, police or another government Department, the Superintendent, in the first instance should enquire into the complaint to ascertain if resolution of the situation is possible at the local unit level.

-4-

If the complaint is such, that it cannot (or should not) be resolved at the detention centre level, the complaint should immediately be forwarded in writing, to the Director, Juvenile Justice, who will investigate the matter.

The Director shall advise the detainee in writing of his findings in relation to the complaint.

3. Other Avenues For Lodging Complaints

Official Visitors:

The Official Visitor appointed to each detention centre has the responsibility for listening to the complaints/concerns of both detainees and staff.

In conjunction with the Superintendent, every attempt should be made to informally resolve all issues at the local unit level.

4. Ombudsman:

Every detainee must be clearly advised on his/her admission to a detention centre of his/her rights to write to the Ombudsman regarding any complaint of their treatment. Ombudsman pamphlets should be readily on display and available to all detainees.

While every detainee should be aware of his/her rights to complain to the Ombudsman, the delay in resolution, particularly of minor matters, should be pointed out. Action through the Superintendent, Director or Official Visitor should be speedier.

5. Chaplains:

Chaplains are also appointed to each detention centre and are accessible by detainees in seeking assistance in resolving problems.

6. Procedure:

Once a complaint has been received by the Superintendent, it must be ascertained if the matter can be resolved at the local Unit level.

If the issue is unable to be locally resolved, the written complaint by the detainee accompanied by the Superintendent's report (Appendix A) is to be forwarded immediately to the Director (Juvenile Justice) by facsimile.

The Director will endeavour to find an acceptable way of resolving the complaint.

The Superintendent's complaint report is to be placed on a "Complaints" file at the detention centre.

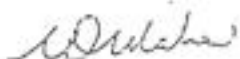
-3-

ADVICE TO DETAINEES:

Superintendents are to ensure that each detainee on admission are fully informed of the method for dealing with all complaints.

Superintendents are to ensure that all staff are thoroughly conversant with this procedure.

A detainee MUST be fully informed of any decision regarding his/her complaint.



L.J. Maher
Assistant Director
JUVENILE JUSTICE BRANCH

22 AUG 1991

Appendix G

Standard letter sent by Riverina Juvenile
Justice Centre to parents on admission of
detainee



DEPARTMENT OF Juvenile Justice

Cnr. Fernleigh and Glenfield Roads, Wagga Wagga NSW 2650 (PO Box 870 Wagga Wagga NSW 2650)
Telephone: (069) 31 9811 Facsimile: (069) 31 3903

RIVERINA JUVENILE JUSTICE CENTRE

Mr & Mrs

Dear,

As you may already know X was admitted to this Centre on X. We want X's time here to be a positive experience and to make it as easy as possible for you to keep contact with him. The following information should answer most of your questions.

1. **Visiting:** We believe it is important for Residents to have plenty of contact with their families and supportive friends, and so we encourage you to visit regularly. Residents are allowed to have at least two visits each week. Visitors other than parents or guardians should seek approval prior to visiting.

The times for visits are flexible, to help fit in with the needs of your family, as well as the Centre. Sunday is a set visiting day, between the hours of 10am -12 midday and 2pm - 4pm. You can visit on any other day, simply by ringing beforehand to make arrangements. It is important that you ring, to ensure that X will be in the Centre. It would be appreciated, that when possible, you avoid visiting between 9.15am and 3.30pm during the week, as X will be in school.

If you have any difficulty visiting X, because of problems with travel or accommodation, please let us know. Because we feel your contact with X is important in X's programme here, we are able to provide some assistance to help you get here, and with accommodation. Please feel free to contact the Case Manager to discuss any help you may need.

2. **Phone Calls:** X will be allowed at least two phone calls to you each week with a third call if he maintains a positive attitude to the programmes in the Centre. If X has to make any special calls for particular personal or family issues, these will in addition to his normal calls.

As a rule, incoming calls are not allowed. Special arrangements will be made however, if you do not have a phone where X can call you, so that he can talk to you regularly. X's Juvenile Justice Officer may be able to assist with these arrangements.

If there is any emergency, or special need for you to speak to X please contact the Duty Administration Officer, and it will be arranged for you. If you will be passing on any information which may cause X some concern, it would be appreciated if you could inform the staff member you speak to, so that we can offer support to X after you call.

3. **Letters and parcels:** You are more than welcome to write to X at any time. We will be encouraging X to write home regularly. It would be appreciated, that if you need to pass on information in the letter, which may cause X some concern, that you ensure that a staff member at the Centre is aware, so that support can be offered.

X is allowed to receive parcels, which contain clothing and reading material, however, we would appreciate it if you did not include any pressure pack cans, bottles, cigarette's, lighters, matches etc. It would also be appreciated if you did not send sweets, or drinks as he can purchase these items through the Centre's internal "buy up" system.

Second Chance For Kids

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Your attention is also drawn to the fact that all Juvenile Justice Centre's are now "Smoke Free". Cigarette's and Tobacco are viewed as contraband and should not be brought into the Centre.

4. **Money:** X will have a need to have some money whilst here. We look after Residents money in our internal banking system, and give it out when it is needed, such as for "buy up", etc. We don't allow Residents to hold their own money, simply for reasons of security. If you wish to send any money send it care of the Executive Manager at the above address and it will be credited to his local account.
5. **Medical Care:** X will receive all medical and dental treatment whilst in the Centre. We have an on-site nurse, and a good local doctor, as well as close access to the hospital and other medical services. If X has any serious illness or injury whilst here, we will notify you immediately. If X has any history of illness or allergies, could you please contact the Centre's nurse to discuss this with her, to assist her in the care she will provide for X.
6. **Leave:** Residents of the Centre are eligible to apply for two different types of leave. Their entitlement to leave depends on what Level they have achieved in the Centre's Level System, and the criteria of the Children (Detention Centre's) Act, which sets the times which must be served before Leave can be considered.

The two different types of leave are Day Leave, which is the first type of leave they can apply for. Day Leave goes from 9am to 5pm. The second type of Leave is Overnight Leave, which is usually of two night's duration. Leave will normally take place during the week, to enable job interviews etc. to be organised for X.

When X becomes eligible for any of these Leaves, and applies for Leave, you will be contacted by a staff member to make the arrangements. These are mainly to obtain contact phone numbers, to ensure that adequate supervision is available for X and to arrange transport. When X is going on leave, you will need to collect him from the Centre, and return him at the end of the Leave. This is to enable you to sign a Leave Undertaking, which explains the conditions of Leave for sponsors, and also to complete a Leave Evaluation on return which we will use as part of our monitoring process of response to the Centre's programmes.

7. **Escapes:** If X should run away during his committal, he will be charged with escaping. We will notify you if this happens. If X then returns home, or you become aware of his whereabouts, please let us know, so we can arrange to bring him back to the Centre. Any days that X is absent from the Centre without approval, will be added onto his committal.

It is important that you notify the Centre of any changes of address, or any other matter which has an important bearing on X's progress. We are anxious to provide whatever assistance we can for X, and any information you can provide, will greatly assist us.

If there is any other matter that is of concern, please feel free to contact this Centre at any time. Our aim is to make this unsettled time in X's life, and yours, as positive as possible, to help make the changes which are necessary, to help him establish a positive future for himself. If the Centre and your family can work together, we believe the chances of doing this will be greatly increased.

Yours sincerely,

Laurie Myers
Executive Manager
14 th September 1995

Appendix H

Standard letter sent by Minda Juvenile
Justice Centre to parents on admission of
detainee

MINDA JUVENILE JUSTICE CENTRE

1 Joseph St Lidcombe N.S.W 2141

Telephone (02) 646-0777

Mailing Address

P.O. Box 43

Regents Park 2143

Dear

Your son, _____ was admitted to this centre on _____. We want your son's time here to be a positive experience and to make it as easy as possible for you to keep contact with each other during that time. The following information should answer most of your questions, but please contact us on (02) 646 0777 if you require more information.

VISITING: We believe that it is important for residents to have plenty of contact with their families so we encourage you to visit regularly. Residents are allowed to have at least two visits each week. Visitors other than parents or guardians must seek prior approval to visit by writing to the superintendent.

VISITING TIMES FOR PARENTS, GUARDIANS AND OTHER APPROVED VISITORS ARE AS FOLLOWS :

SATURDAY	2-30 PM - 4-30 PM
SUNDAY	2-30 PM - 4-30 PM

If for some reason, you are unable to visit during these times, or are travelling considerable distances, please phone the centre to make suitable arrangements.

It would be appreciated if visitors to the centre could leave all handbags, valuables, cigarettes and other items locked in their motor vehicles. No munchies or drinks will be allowed to be bought into the centre by any visitor. The centre will provide these items to the residents when appropriate. Residents are allowed to have a small number of non-offensive books and magazines and a few personal photographs. If you bring any of these items you will be required to leave them at the admissions office prior to the visit, and your son will receive them after visiting hours.

All visitors to the centre will be asked to provide proof of identity before visit is approved. Each resident is allowed a maximum of four visitors at any one time during visiting sessions.

PHONE CALLS: Your son will be allowed to make ~~one~~^{Two} phone call each week, with an additional call earned for maintaining a positive attitude within the centre.

As a rule, incoming calls are not permitted, however, if you do not have a phone where your son can call you, special arrangements can be made so that he can talk to you regularly.

If there is an emergency, or special need for you to speak to your son please contact the Duty Administration Officer and it will be arranged for you. If you will be passing on information which may cause your son concern, it would be appreciated if you could inform the staff member you speak to, so that we can offer your son support.

LETTERS: *You are more than welcome to write at any time. We will be encouraging your son to write home regularly. If you need to pass on information in the letter which may cause him concern, it would be appreciated if you could ensure that a staff member at the centre is aware so that your son can be offered support. To ensure that any incoming mail arrives at the centre in the shortest possible time, we recommend that you address your mail to the post office box shown at the top of the letter.*

MEDICAL CARE: *Your son will receive all medical and dental treatment while at the centre. We have an on-site nurse and close access to the hospital and other medical services. If your son has any serious illness or injury, we will notify you immediately. If he has a history of illness or allergies, could you please contact the centre's nurse to discuss this with her, and to assist her in the health care of your son.*

CLOTHING AND TOILETRIES: *All residents in our care are provided with uniforms, socks and underwear and all toiletry requirements. Personal underwear and socks are permitted but your son will be required to be responsible these items if he chooses to take them into the unit.*

One set of personal clothing will be retained at the centre. All excess property will be sent home.

SMOKING: *Smoking is not permitted by any visitor or resident in any building or within the grounds of the centre. As a result of this policy, visitors will no longer be able to bring cigarettes for the residents into the centre. Visitors will be asked to leave all handbags, valuables, cigarettes/tobacco in their motor vehicles. If this is not possible, secure lockers will be made available by the admissions staff. Breaches of this policy may result in the withdrawal of visitation rights, or other action under the Children's (Detention Centre) Act and Regulations.*

Yours faithfully,

/ /
for MR. P. REBERGER
SUPERINTENDENT

Appendix I

Advice Notice for Visitors to Keilong Juvenile Justice Centre

ADVICE FOR VISITORS TO KEELONG JUVENILE JUSTICE CENTRE

1. RESIDENTS ARE PERMITTED TO HAVE A TOTAL OF TWO VISITS PER WEEK EACH FROM PARENTS, FAMILY AND/OR SIGNIFICANT PERSONS.
2. UNDER THE 1987 DETENTION CENTRE'S ACT, REGULATION SECTION 22. (2), NO PERSON MAY VISIT A DETAINEE WITHOUT PERMISSION OF THE SUPERINTENDENT.
3. DETAINEES OF/OR ABOVE THE AGE OF 16 YEARS MAY REFUSE TO RECEIVE A VISITOR. SECTION 24. (1).
4. SECTION 23. (1) MAKES CLEAR THAT VISITORS ARE NOT ALLOWED TO GIVE TO, OR RECEIVE FROM, ANY DETAINEE (WHETHER ON HIS OWN BEHALF OF ANY PERSON) ANY ARTICLE OF ANY KIND WHATEVER. THE PENALTY FOR SUCH AN ACTION IS \$500.00.
5. ALL ARTICLES ARE TO BE GIVEN TO THE OFFICER ON DUTY. THIS OFFICER WILL ENSURE THAT THEY ARE PROCESSED AND DELIVERED TO THE DETAINEE ACCORDING TO THE SUPERINTENDENT'S INSTRUCTIONS.
6. SECTION 37B OF THE DETENTION CENTRE'S ACT STATES THAT A PERSON WITHOUT LAWFUL AUTHORITY BRINGS INTO A DETENTION CENTRE OR GIVES TO A DETAINEE ANY DRUGS, ALCOHOL, CIGARETTES, OR ANY OTHER THING OF ANY KIND, IS GUILTY OF AN OFFENCE AND IS LIABLE TO A PENALTY OF \$1,000.00 OR 12 MONTHS IMPRISONMENT, OR BOTH.
7. A PERSON, VISITOR OR OTHERWISE, WHO ATTEMPTS TO HELP A DETAINEE ESCAPE FROM LAWFUL CUSTODY IS GUILTY OF AN OFFENCE AND LIABLE TO A PENALTY OF \$1,000.00 OR 12 MONTHS IMPRISONMENT, OR BOTH.

SECTION 37 STATES THAT A PERSON WHO HARBOURS A DETAINEE WHO HAS ESCAPED FROM LAWFUL CUSTODY IS GUILTY OF AN OFFENCE AND LIABLE TO A PENALTY NOT EXCEEDING \$1,000.00 OR 3 YEARS IMPRISONMENT.
8. VISITING TIMES ETC.

KEELONG ADOPTS A LIBERAL VISITING POLICY, WE TAKE THE VIEW THAT FAMILIES ARE WELCOME, PROVIDED THEY HAVE THE BEST INTEREST OF THE BOY OR GIRL IN DETENTION AS THEIR REASON FOR VISITING. VISITING IS ALLOWED SUNDAYS BETWEEN 2:00PM - 4:00PM,

8. VISITING TIMES ETC.

KEELONG ADOPTS A LIBERAL VISITING POLICY, WE TAKE THE VIEW THAT FAMILIES ARE WELCOME, PROVIDED THEY HAVE THE BEST INTEREST OF THE BOY OR GIRL IN DETENTION AS THEIR REASON FOR VISITING. VISITING IS ALLOWED SUNDAYS BETWEEN 2:00PM - 4:00PM, SECTIONS 1 AND 2 BETWEEN 12:00PM - 4:00PM AND BETWEEN 7:00PM - 8:30PM WEDNESDAYS.

VISITING OUTSIDE OF THESE TIMES MAY BE ARRANGED FOR FAMILIES WHO ARE REQUIRED TO TRAVEL LONG DISTANCES, WITH THE SUPERINTENDENT.

ADVICE FOR VISITORS

VISITING OUTSIDE OF THESE TIMES CAN BE VERY DISRUPTIVE, PARTICULARLY DURING PRODUCTIVE WORK OR SCHOOL TRAINING SESSIONS. IT IF IS KNOWN THAT FAMILY MEMBERS ARE CALLING/OR VISITING AT DELIBERATELY INCONVENIENT TIMES, THEY WILL NOT BE ADMITTED BUT MAY SEEK TO HAVE AN INTERVIEW WITH THE DUTY ADMINISTRATIVE OFFICER FOR ADVICE.

IT IS WISE, ESPECIALLY IF YOU TRAVEL SOME DISTANCE, TO CONTACT THE UNIT BEFORE YOU LEAVE HOME AND INFORM STAFF OF YOUR INTENTION TO VISIT. IN THIS WAY YOUR VISIT CAN BE PLANNED FOR AND THE DETAINEE CONCERNED CAN BE RETAINED CLOSE BY UNTIL AFTER THE VISIT. THIS ALSO HELPS TO MINIMISE THE INCONVENIENCE OF ARRIVING FOR A VISIT, ONLY TO FIND THE DETAINEE IS NOT AVAILABLE.

PERSONS WHO ARE INTOXICATED OR WHO SMELL STRONGLY OF ALCOHOL WILL NOT BE ALLOWED TO VISIT AT ANY TIME, PERSONS WHO HAVE BEEN ALLOWED TO VISIT BUT SHOW LITTLE REGARD FOR RULES, OR WHOSE VISIT IS HAVING A NEGATIVE EFFECT ON A DETAINEE, WILL BE ASKED TO LEAVE. SHOULD A VISITOR WHO HAS BEEN ASKED TO LEAVE BECOMES ABUSIVE, THE YOUTH WORKER WILL REFER THE MATTER TO THE ADMINISTRATIVE DUTY OFFICER, WHO MAY CHOOSE TO CALL THE POLICE.

VISITORS FAILING TO COMPLY WITH A REQUEST TO LEAVE THE CENTRE, MAY BE LIABLE TO A PENALTY \$500.00.

VISITORS WHO WISH TO DISCUSS ANY MATTER WITH THE DUTY ADMINISTRATIVE OFFICER OR THE SUPERINTENDENT, SHOULD CONTACT THE UNIT AND THOSE ARRANGEMENTS PRIOR TO THE VISIT.

THE STAFF AT KEELONG WILL MAKE EVERY EFFORT TO ENSURE THAT YOUR VISIT GOES WELL AND WILL BE AVAILABLE TO ASSIST YOU IN ANY WAY POSSIBLE.

Appendix J

Detention Centres in other Australian States

The 1990s has seen the belief that there is a juvenile crime wave sweeping the country taking a firm hold on public perception, despite hard evidence to the contrary.¹ The belief has been influential at the political and policy development levels of government and has resulted in some draconian legislation aimed at young people in many States. For example in 1992 the Western Australian Government passed the *Crime (Serious and Repeat Offenders) Sentencing Act 1992* which targeted juvenile "serious repeat offenders" and resulted in prolonged periods of detention for young people in that State as well as capturing more Aboriginal young people in the juvenile justice system. New South Wales with its "truth in sentencing" legislation (*NSW Sentencing Act 1989*) has had a similar effect, in reducing the gap between the length of sentence and the actual time served it has resulted in a substantial increase in the amount of time service by young people in custody.² In Victoria, sentencing legislation places increased emphasis on the adult corrections to contain people deemed problematic and possibly dangerous to society. Young people over sixteen years of age usually appear in the adult jurisdiction and hence can come under its provisions.

On the other hand, whilst States are increasingly targeting recidivist young offenders, many States are also increasing the number of diversionary programs in an attempt to divert young people away from the juvenile justice system if at all possible. Atkinson suggests that "philosophical and legislative changes have meant that young people on non-offence orders are seldom placed in detention in most jurisdictions. There is a growing use of community based orders for young people not considered to be at the extreme range of the offending spectrum. Those young people distilled into detention centres are becoming increasingly marginalised as less recalcitrant youth are dealt with in the community and attitudes harden towards the group defined as intractable and not amenable to non-custodial interventions."³

It appears that some States incarcerate their young people far more readily than others. Table J.1 shows that the rate at which young people are detained varies greatly between different States. NSW had by far the largest number of young people in juvenile justice detention centres at 30 June 1996 with 340 young people detained, however, in terms of the rate of young people detained per 100,000 young people aged 10 to 17 years of State population it runs forth behind the Northern Territory, Western Australia and South Australia. A young person aged between the ages of 10 to 17 years is approximately sixty times more likely to be in detention in the Northern Territory, whilst in New South Wales fifty-one young people per 100,000 of young people the relevant age are likely to be detained. Victoria appears to be having outstanding success in diverting young people away from juvenile detention with a rate of only approximately fourteen young people per 100,000 in detention in June, 1996.

¹ Lynn Atkinson, An Overview of Juvenile Detention in Australia, *Proceedings of National Conference on Juvenile Detention*, 10-13 August, 1993, Australian Institute of Criminology, Canberra, ACT, 1994, p1.

² Michael Cain and Garth Luke, *Sentencing Juvenile Offenders and the Sentencing Act 1989* (NSW), Judicial Commission of New South Wales, Sydney, 1991.

³ Lynn Atkinson op cit p.5

TABLE J.1 PERSONS AGED 10-17 YEARS IN JUVENILE CORRECTIVE INSTITUTIONS
BY DETENTION STATUS AND SEX, 30 JUNE, 1996

Detention Status	Sex	NSW	VIC	QLD	WA	SA	TAS	NT	ACT	AUST
Sentenced	Male	212	50	80	51	57	7	8	2	467
	Female	10	1	4	5	5	2	0	1	28
Remanded	Male	107	18	49	43	14	16	5	4	256
	Female	11	1	4	7	7	1	0	0	31
TOTAL	MALE	319	68	129	94	71	23	13	6	723
	FEMALE	21	2	8	12	12	3	0	1	59
All Juveniles		340	70	137	106	83	26	13	7	782
Rate *	Male	93.1	26.9	65.6	90.2	87.2	79.1	114.9	32.9	69.8
	Female	6.4	0.8	4.3	12.3	15.6	10.9	0	5.8	6
TOTAL RATE		50.9	14.3	36	52.5	52.3	45.9	59.6	19.7	38.8

* Per 100,000 of relevant population

Source: Australian Institute of Criminology, Persons in Juvenile Corrective Institutions, Amended Series 64 to 67,
New Series 6 to 75, September 1993 to June 1996, Canberra, ACT, September, 1996.

TABLE J.2 LEVEL OF OVER-REPRESENTATION OF ABORIGINAL AND TORRES STRAIT ISLANDER YOUNG PEOPLE TO NON-INDIGENOUS YOUNG PEOPLE AGED 10-17 YEARS IN JUVENILE CORRECTIVE INSTITUTIONS 1993 AND 1996.

Age in Years	NSW		Victoria		Q'ld		WA		SA		Tas		NT		ACT		Aust	
	1996	1993	1996	1993	1996	1993	1996	1993	1996	1993	1996	1993	1996	1993	1996	1993	1996	1993
*10-14	37	19.7	0	0	32.9	0	78.8	99	66.5	49.6	13.7	0	1.7	0	0	0	32.7	23.4
*15-16	20.2	19.8	19.8	25.7	49.6	32.2	45.1	26.5	13.6	29.8	7.1	0	3.7	2	0	0	26.7	19.1
*17	19	14.4	5.2	11.6	31.3	18	16.6	22.3	6.3	20.7	0	0	0	1.9	34.1	0	13.9	15.2
*10-17	20.5	16.6	9.8	18.1	41.1	20.1	31.6	29.2	13.7	27.9	8.2	0	3.8	2	19	0	21.3	17

Note: This data shows the extent of over-representation of Aboriginal & Torres Strait Islander Juveniles in Juvenile detention insitutions by comparing the rate of detention of Aboriginal juveniles with that of non-Aboriginal juveniles. For example in New South Wales Aboriginal juveniles in 1996 were 20.5 times more likely to be in juvenile justice detention centres than other juveniles

Source: Australian Institute of Criminology, Persons in Juvenile Corrective Institutions, Amended Series 64 to 67, New Series 68 to 75, September 1993 to June 1996, Canberra, ACT, September, 1996.

Also of grave concern is the continuing over-representation of Aboriginal young people in many State jurisdictions. Table J.2 shows the rate of over-representation of Aboriginal and Torres Strait Islander young people in juvenile justice detention centres when compared to non Aboriginal young people. Nationally Aboriginal young people are 21 times more likely to be in detention than other young people and this is a 20 percent increase over the rate in 1993. The Table shows that in the period between 1993 and 1996 that the rate of over representation has increased in every State except for Victoria and South Australia. The issue that should be of major concern to all involved in juvenile justice is the large increase in many States of the number of younger Aboriginal and Torres Strait Islander coming into juvenile justice detention centres, for example, a young Aboriginal person aged between 10 and 14 years in Western Australia is 79 times more likely to be in detention than other non indigenous young people of that age. The reasons for the continuing and increasing over-representation of Aboriginal young people are many and varied eg inequitable police practices including overpolicing and underlying structural factors, racist and otherwise inequitable systems which contribute to the selection of groups of young people for entry into the juvenile justice system in the first place.

Victoria

Victoria in the late 1980s undertook a Statewide Services Redevelopment Strategy Plan following the report of the Child Welfare Practice and Legislation Review Committee (the Carney Report). This Plan allowed for major development in the provision of alternatives for young children in institutions and assisted Victoria in developing a range of both pre court and post court services to divert young people from detention centres except as a last resort.

Victoria has managed to achieve a steady reduction in the numbers of young people detained in juvenile justice detention centres and currently has the lowest juvenile detention rate of all the States and Territories. Victorian detention centres normally only accommodate young people between the ages of 10 years to 16 years. Young people between the ages of seventeen and twenty-one are mostly dealt with by adult courts, but they can be sentenced by the adult courts to an adult youth training centre, rather than prison. Some 17 year olds who committed their offences prior to turning seventeen might still appear in the juvenile jurisdiction and be sentenced to a junior youth training centre.

Victoria has two juvenile justice detention centres

Parkville has 15 beds for two groups: 10 to 14 yr old boys and girls; and 15 and 16 yr old girls who are detained or on remand.

Turana Youth Training Centre has 60 beds for 15 or 16 yr old boys on remand.

Young people between 17 and under 21 years can be placed in adult youth training centres rather than the adult system. A total of 85 beds are provided at three centres, Turana and Malmsbury for young men in this age group and Parkville for women.

⁴ Ibid p. 15

Queensland

Queensland has four juvenile detention centres: John Oxley Youth Centre houses up to 26 young people: sentenced and remanded young women aged ten to seventeen, and sentenced boys aged ten to fourteen years.

Wilson Remand Centre Brisbane houses up to twenty remanded boys aged ten to fourteen. It also takes any overflow from Westbrook Youth Centre, which caters for seventy-two sentenced and remanded boys aged fifteen to seventeen and is at Wesbrook, 150 k from Brisbane.

Cleveland Youth Centre is at Townsville and accommodates up to sixteen remanded or sentence males and females aged between ten and seventeen.
Westbrook Youth Centre near Toowoomba.

Aboriginal and Torres Strait Islander young people continue to be grossly over-represented in juvenile institutions in Queensland.⁵ Queensland has little in the way of diversionary mechanisms which provide alternatives to detention.⁶

Western Australia

Western Australia operates four secure juvenile detention centres, including a work camp. Rangeview Remand Centre - for those on arrest remanded in custody or unable to meet bail requirements. Bed capacity of 48 and caters for male and female detainees aged from 10-17 years.

Longmore Detention Centre - accommodates boys aged 10-15 years and girls aged 10-17 years who have been sentenced by the courts. The centre has a bed capacity of 73 and is the only detention facility in the state for sentenced females.

Riverbank Detention Centre - accommodates male offenders 16-17 years who have been sentenced, it has a bed capacity of 34.

Camp Kurli Murri is a pilot work camp project established to provide an alternative sentencing option for the courts in dealing with young offenders. It is located 36m from Laverton and can accommodate 30 detainees between age of 16 to 21 years of age who otherwise may be sentence to their first term of imprisonment or detention.

The Detention Centres are old in design and due for replacement in the next two years. Rangeview Remand Centre is new and allows for the management of detainees in self contained units. The perimeter security allows more freedom and flexibility of movement than is possible in the other centres.

Western Australia's Young Offenders Act (1994) provides for the notification and active role of parents/responsible adults in the involvement of their children in juvenile justice system. Act also provides for mandatory recording of convictions for serious offences. This Act replaces the Crime (Serious and Repeat Offenders) Sentencing Act 1992 which was shown to be ineffective. The (Serious and Repeat Offenders) Sentencing Act was described by the Chief Justice of the Children's Court of Western Australia "as probably

⁵ *Rights Now*, National Children's and Youth Law Centre Newsletter, Vol. 3, No.2. May, 1995. p.4.

⁶ *Juvenile Justice Rhetoric or Reality?* Youth Advocacy Centre, Inc, June 1993.

the worst thought out legislation in the criminal justice area in my lifetime", it has retrospective effect and flagrantly breaches the UN Covenant on Civil and Political Rights.⁷

The most worrying aspect of the Young Offenders Act is the provision dealing with a young person who commits a third serious offence. Under S.128 there is an 18 month term of imprisonment or detention, 12 months of which must be served. This perpetuates the problem of the Serious and Repeat Offenders Act, which did not take into account the particular circumstances of the offence and which breached internationally agreed principles on the administration of juvenile justice. S.199 allows for "boot camps", first camp outside Laverton, a remote mining town 800m northeast of Perth. Young people must be 16 years or over to go to boot camp, sentenced for a nonviolent crime for longer than nine months and consent to the order. The incentive for the young person will be a shorter sentence (four months instead of nine months).

Western Australia's new bail laws have resulted in some children spending more time in custody pending hearing of their case. Changes to the Bail Act (WA) which came into effect in 1994 have made it more difficult for children to get bail. Children under 17 must have their bail co-signed by a responsible adult who is willing to undertake to supervise them while they are on bail.⁸

Australian Capital Territory

The ACT has one detention centre (Quamby) in Canberra with twenty one beds for male and female detained juveniles and those on remand. It is a low to medium security facility, based on a campus style model with three separate areas for remand, committal and security sections. Children as young as eight can be detained at Quamby, although the average age in 1994-95 was 16 years for young people on committal orders and 15.5 years for young people on remand. At eighteen a juvenile would usually not be eligible for a juvenile hearing and detention at Quamby, except if the offence were committed before his or her eighteenth birthday.

Quamby allows for the separation of remandees from sentenced young people but does not have separate sections for males and females. The centre operates on a case management model. The Director of Juvenile Justice Services notes that there had been increasing numbers of young people given lengthy court orders and hence an increase in the numbers of young people detained.⁹ Of greater concern is the renewed calls for detention to be utilised for "at risk" children in need of care eg placing "uncontrollable" children into custody.

The ACT has been trialling a Diversionary Conferencing Experiment and is examining a range of alternatives to improve the quality of service to young people in custody. One proposal involves the introduction of a Transitional Release Program, designed to help young people on custodial orders better integrate back into the community.

⁷ *Rights Now*, National Children's and Youth Law Centre Newsletter, Vol 2, No.1 February 1994

⁸ Legal Aid Commission of Western Australia Annual Report 1994.

⁹ Juvenile Justice Services Annual Report 1994/95, ACT Government, p.3.

Tasmania

Tasmania has one secure detention centre, Ashley Home at Deloraine, about 250k from Hobart. Ashley Home has twenty beds and accommodates young people aged between seven and seventeen on control orders and remandees both male and female. It is possible for non-offenders to be detained at Ashley Home under Tasmania's welfare based juvenile justice legislation.

Tasmania is currently in the process of splitting its child welfare and juvenile justice legislation. Preparation of a Youth Justice Bill is underway and the introducing of this Bill as well as a Child Care and Protection Bill is expected in the next twelve months.

South Australia

South Australia has two secure detention centres. Magill caters for younger detainees, usually between the ages of 10 to 15 years and young women in custody and functions as a detention, remand and, occasionally, as a safekeeping centre. Magill is an old centre, which the Senate Select Committee recommended be closed and redeveloped because of its age and condition.

Cavan holds young men up to 18 years of age.

South Australia's new legislation has a stronger "law and order" focus, although it is also more flexible with a hierarchical sentencing structure although these stages can be ignored depending on the seriousness of the offence.

Northern Territory

Two juvenile justice detention centres operate in the Northern Territory, the Don Dale Centre in Darwin and the Wildman River Wilderness Work Camp 160k outside Darwin. The detention centre in Alice Springs was closed in 1991 and children from the southern parts of the Territory remanded or sentenced to detention are now sent to Darwin.

Young men detained for long periods can be sent to the Wilderness Work Camp.

Policies within juvenile justice institutions

In 1994 the National Children's and Youth Law Centre undertook comparative research into standards within youth detention centres throughout Australia.¹⁰ The research based its standards on the provisions of the United Nations Convention on the Rights of the Child, the International Covenant on Civil and Political Rights as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the "Beijing Rules").

The research highlighted the disparity between States and Territories in terms of standards in detention centres. It appears that a young person's treatment is largely determined by where the person lives. Some States and Territories did not have current policy and procedure manuals for operations within detention centres, and in some instances it was

¹⁰ National Children's and Youth Law Centre, *Youth Detention Centres: Policy and Legislation*, August, 1994.

unknown when these would be available. The report noted its concern about what standards and procedures were being applied in this interim, and sometimes quite lengthy, period.

There appears to be little uniformity between States and Territories. An example was the differences between grievance mechanisms in Victoria and South Australia. Victoria appears to have a reasonably well developed grievance mechanism eg regular section meetings between staff and residents and regular grievance hearings. In contrast, South Australia did not have any formal mechanism for dealing with young people's grievances.

Glossary

GLOSSARY

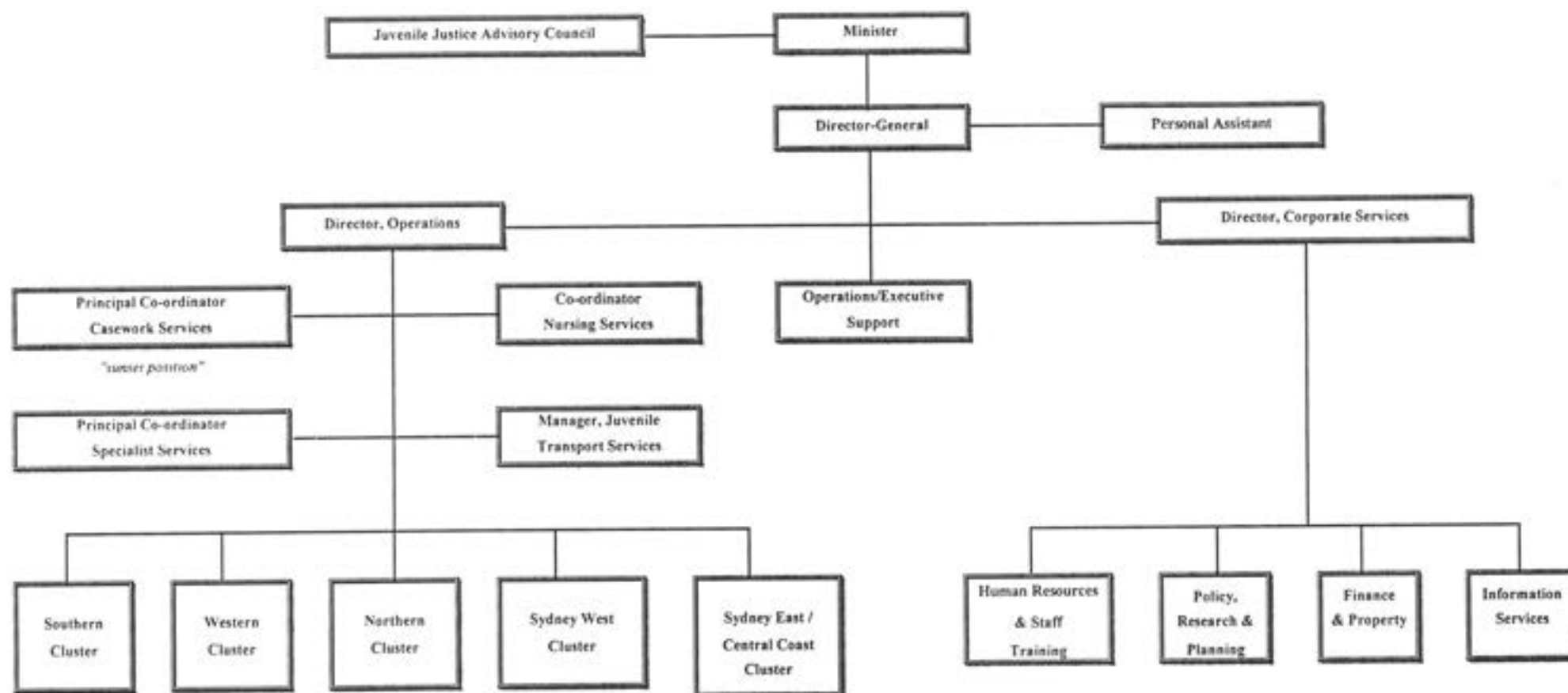
ACWA	Association of Children's Welfare Agencies
AOD counsellor	Alcohol and Other Drug Counsellor
AHS	Area Health Services
AMS	Aboriginal Medical Service
Case management	The coordinated provision of educational, and specialist services in response to the identified needs and interests of the individual.
CIS	Client Information System, (computerised system).
Classification A	<i>'Those detainees who, in the opinion of the Director-General, are potentially dangerous [to be] detained within a secure physical barrier at all times.'</i> Children (Detention Centres) Regulation 1995. Clause 6
Classification B	All other detainees.
CST	Centre Support Team (ex. MDT)
CYC	Community Youth Centre (now IPU)
CYW	Chief Youth Worker (position abolished in recent restructure)
D file	Detainee File, (paper based)-contains details and documentation regarding detainees relevant to detention.
DTN	Departmental Transfer Notice
FP	Forensic Program-focusing on psychological assessment.
HREOC	Human Rights and Equal Opportunity Commission
IPU	Intensive Program Unit (ex. CYC)
JAC	Joint Advisory Committee (transfers between Corrective Services and Juvenile Justice)
JJAC	Juvenile Justice Advisory Council
JJC	Juvenile Justice Centre
JJCS	Juvenile Justice Community Services
JJO	Juvenile Justice Officer
MDT	Multi-Disciplinary Team (now CST)
PMS	Prison Medical Services
RN	Registered Nurse
SOP	Sex Offender Program
SYW	Senior Youth Worker
VOP	Violent Offender Program

Departmental Structure
as proposed November
1995
(excerpts)

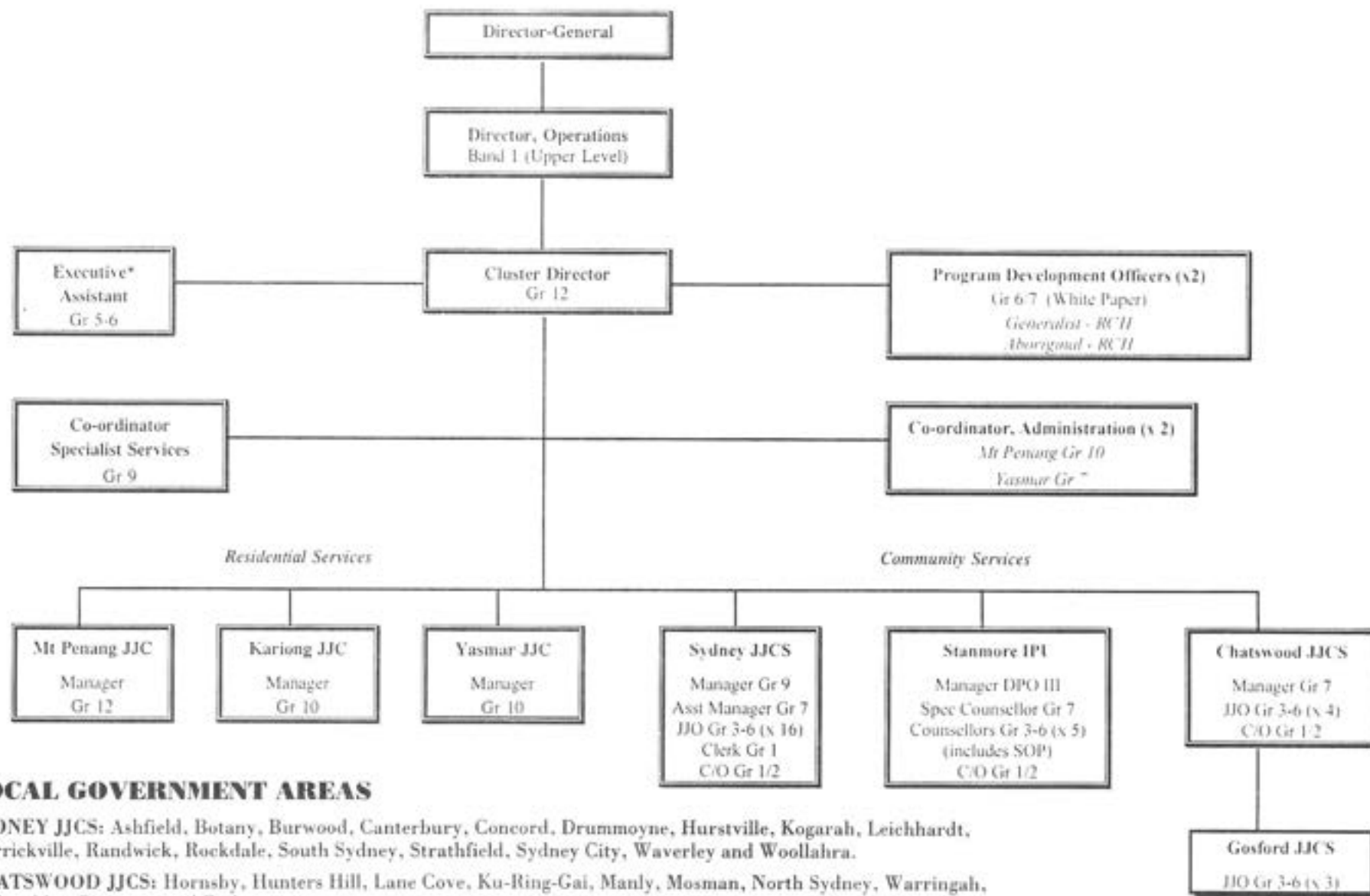
RATIONALE

- * The preferred model re-inforces the primary role of the Department of Juvenile Justice as a direct service delivery organisation.
- * It is based on the assumption that the structure should support and enhance the department's capacity to respond to client needs. Therefore, all possible resources are to be made available to areas of the department providing direct care and supervision to clients.
- * The proposed structure encourages a closer working relationship between the two operational arms of the department and emphasises the notion that decision making should occur close to service delivery.
- * A regional management structure is proposed to integrate operational services at the local level and to improve casework co-ordination and continuity of service delivery.
- * Five service clusters will replace the current seven administrative areas.
- * The proposed structure for juvenile justice centres is similar to that already introduced at Yasmar Juvenile Justice Centre.
- * The proposed centre structure clarifies responsibilities and accountability and will improve service quality to detainees, especially in relation to program development and case planning.
- * Increased costs associated with implementing the proposals in centres and community based services will be met from savings in Central Support Office.
- * Under the restructure, Central Support Office will support direct service delivery staff in the provision of quality services to clients.
- * Devolution of functions and responsibilities to local managers, with the department's senior executives being reduced from four to two (not including the Director-General's position), will result in a leaner Central Support Office structure.

PROPOSED ORGANISATIONAL STRUCTURE



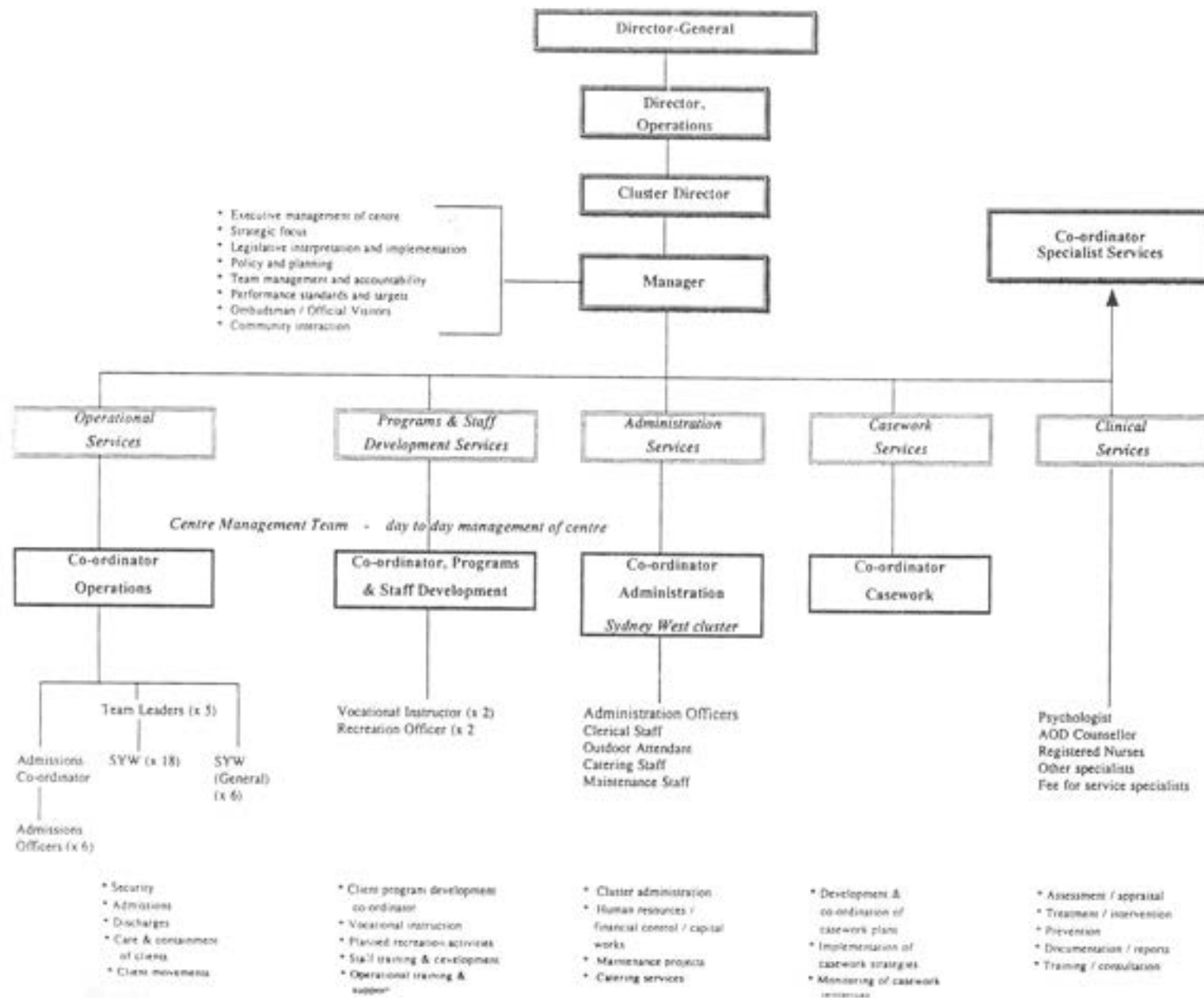
PROPOSED SYDNEY EAST/CENTRAL COAST CLUSTER



* Position not recommended by the Premier's Department, but requested by the Department of Juvenile Justice.
This position is subject to further negotiation.

CENTRE STRUCTURE

COBHAM JUVENILE JUSTICE CENTRE



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