

Summary of Recommendations

- Recommendation 1** **60**
That, in recognition that the new Objective Classification System has only been in effect for six months, the Department of Juvenile Justice undertake a full evaluation of the effectiveness of the system. This evaluation should include an assessment of outcomes for detainees and whether the delivery of effective programming has been assisted.
- Recommendation 2** **69**
That the Department of Corrective Services, in its management of juvenile correctional centres, continues to ensure that security and control coexist with effective casework and rehabilitation.
- Recommendation 3** **69**
That the NSW Government continues to ensure that the Department of Corrective Services is provided with adequate resources to allow it to provide the necessary rehabilitation programs to young offenders incarcerated at Kariiong.
- Recommendation 4** **72**
That the Departments of Juvenile Justice and Corrective Services ensure further research is conducted on the effectiveness of current rehabilitation programs aimed at reducing recidivism. The research should include a thorough examination of those juveniles most of risk of re-offending.
- Recommendation 5** **102**
That the NSW Government commission an independent, professional audit of rehabilitation programs directed at Indigenous young offenders; evaluate the effectiveness of those programs and develop new policies to more effectively address over-representation of Indigenous people in the juvenile justice system.
- Recommendation 6** **103**
That the NSW Government comply with the recommendations of the Royal Commission into Aboriginal Deaths in Custody in order to ensure that the management of Indigenous offenders is both culturally appropriate and aimed at reducing the known risks associated with the incarceration of Aboriginal people.
- Recommendation 7** **107**
That the NSW Government, in its ongoing examination of appropriate strategies and services for young offenders with mental illness, consider the practicality and appropriateness of establishing specialist mental health units within juvenile justice centres or a purpose-built facility for young people with mental illness. In addition, the Department should seek to ensure that young offenders with mental illness and adults with mental illness are not co-located.
- Recommendation 8** **107**
That, in recognition that mental health problems frequently occur in teenage years, the NSW Government ensure that young people at Kariiong with mental illness, or at risk of mental illness, have access to mental health professionals, and the necessary programs and services.

- Recommendation 9** 108
That the Departments of Juvenile Justice and Corrective Services work together with other government departments, particularly the Department of Community Services, to ensure there is continuity of care and support of former State wards whilst they are in custody.
- Recommendation 10** 110
That the NSW Departments of Juvenile Justice and Corrective Services continue to ensure there is adequate access to professional expertise in intellectual disability so that the disability related support and therapeutic needs of young offenders are addressed.
- Recommendation 11** 116
That the Department of Juvenile Justice implement the recommendations in the *Review of Department of Juvenile Justice Industrial Relations and Human Resources Practices* by John Newbery, which call for a thorough re-assessment of the role and effectiveness of the investigations process. In addition, the Department of Juvenile Justice should work together with the NSW Ombudsman to design a more integrated misconduct process for the juvenile justice.
- Recommendation 12** 118
That the Department of Juvenile Justice revise and formalise clear penalties for detainees who breach centre policies, including assaults on staff, and ensure that all staff and detainees have access to and understand these sanctions.
- Recommendation 13** 118
That following the development of the Department of Juvenile Justice's incentive schemes in response to the NSW Ombudsman reports in July 2002, the Department review the effectiveness of this scheme, including an investigation into whether training for all staff in the application of the scheme is enforced. The review should also assess the suitability of rewards available to detainees to ensure that they are appropriate and meaningful.
- Recommendation 14** 121
That the Department of Juvenile Justice review management practices to ensure that all staff, including casual staff, receive on-going training and support in recognition of their value to achieving successful outcomes for the Department and detainees. This training and support should be linked to regular performance reviews to ensure consistency and establish best practice.
- Recommendation 15** 121
While recognising there may continue to be a need for casual staff on occasion, the Department of Juvenile Justice should strive to establish and retain a committed permanent workforce that minimises the requirement for casual employees.
- Recommendation 16** 124
That the Department of Juvenile Justice considers and implements the recommendations of the *Review of Department of Juvenile Justice Industrial Relations and Human Resources Practices* by John Newbery, in particular in relation to recruitment and training.
- Recommendation 17** 124
That the Department of Juvenile Justice provide former Kariiong staff who have continued employment with the Department with appropriate training and support.

- Recommendation 18** 124
That the Department of Juvenile Justice develop appropriate management training and support for new unit coordinators and all levels of management. This training should be undertaken by all internally promoted staff.
- Recommendation 19** 124
That the NSW Government ensure that an increased programs and training budget is provided for the Department of Juvenile Justice to develop and increase training provisions for all staff.
- Recommendation 20** 125
That the Department of Corrective Services ensure that all staff working at Kariiong receive on-going training and support, particularly in relation to the management of young offenders. This training and support should be linked to regular performance reviews.
- Recommendation 21** 148
That the Department of Juvenile Justice ensures that the Juvenile Justice Advisory Council and the Aboriginal Justice Advisory Council are consulted on all future decisions relating to the future of the juvenile justice system, and in particular the accommodation and treatment of juveniles in detention in NSW.
- Recommendation 22** 151
That the NSW Government continue the current management arrangement for Kariiong while undertaking an evaluation of the operation and management of the Centre to establish the longer term impact of the decision on detainees and the juvenile justice system more broadly. This investigation should include an evaluation of:
- the case management system, including the number of rehabilitation and therapeutic programs being provided for juveniles; attendance figures for those programs and their effectiveness in achieving desirable outcomes
 - transfers of detainees between Kariiong Juvenile Correctional Centre and a) juvenile justice centres and b) adult facilities
 - access arrangements for juveniles, including access to legal services, advocates and family and support networks
 - service reviews and Official Visitor reports
 - all records of incidents at the Centre (including assaults), including an assessment of the investigation and management of those incidents in terms of use of force and use of restraint equipment, and punishments given to detainees.
- Recommendation 23** 152
That the NSW Government consult the Juvenile Justice Advisory Council and Aboriginal Justice Advisory Council with a view to making immediate legislative amendments and changes to Departmental procedures to ensure the appropriate management of juveniles at Kariiong, as per the recommendations in this report.
Specifically, that the NSW Government consult upon, and amend, relevant legislation to attend to the following issues:
- to include provisions in the *Crimes (Administration of Sentences) Act 1999* to reflect Australasian Standards for Juvenile Custodial Facilities relating to the rights of

juveniles in detention, similar to those contained in the *Children (Detention Centres) Act 1987*

- to specify Kariong Juvenile Correctional Centre as the only correctional centre established by the amendments in the *Juvenile Offenders Legislation Amendment Act 2004*. This removes the possibility of additional centres being proclaimed as correctional centres
- to make the legislation gender specific, to remove the possibility of young women being subject to amendments in the *Juvenile Offenders Legislation Amendment Act 2004*
- to ensure that detainees cannot be transferred to an adult correctional centre on the basis that they 'wish to be transferred' unless provided with counselling and advice. Additionally, to provide for those detainees transferred under this provision to be allowed to transfer back should they so wish
- to ensure that the SYORP and/or SORC are involved in all decision-making pertaining to transfers of juvenile offenders between juvenile justice centres and Kariong Juvenile Correctional Centre; and between Kariong Juvenile Correctional Centre and the adult system
- to constitute the SYORP in legislation, setting out its functions, membership and the way it is to conduct its inquiries
- to specify what 'behaviour' in particular would justify the making of a transfer order, under section 28 of the *Children (Detention Centres) Act 1987* and 41C of the *Crimes (Administration of Sentences) Act 1999*
- to allow juvenile offenders a right of appeal to a court against a decision to transfer that detainee from Kariong Juvenile Correctional Centre to an adult correctional centre.

Additionally, that the NSW Government:

- amend Department of Corrective Services departmental goals to include a commitment to rehabilitation for juvenile offenders specifically, as they have been determined to have different requirements to adults
- amend Department of Corrective Services procedures to: extend out-of-cell hours for all detainees to accommodate the provision of more programs; encourage the access and involvement of external agencies and advocates for young people as per the Australasian Standards for Juvenile Custodial Facilities
- set measurable targets for assessment for reintegration of offenders back into the Juvenile Justice system at the earliest possible opportunity.

Recommendation 24

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That the NSW Government continue to develop a long-term strategy for the accommodation of serious young offenders, and in particular:

- to further consider returning the responsibility for management of all juvenile offenders to the Department of Juvenile Justice in the longer term
- to further investigate establishing an alternative facility for 18-24 year olds, including comparative analysis of such approaches in other States, Territories and other jurisdictions, to address concerns relating to adults in the juvenile justice system.

Recommendation 25

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That the NSW Government provides:

- a long-term commitment to maintaining a separate Department of Juvenile Justice to administer the range of non-custodial and custodial services appropriate to the needs of young people in NSW
- an increased allocation of funding for the provision of these services. In particular, priority should be given to provide increased budgets for program development and staff training.

Recommendation 26

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That the NSW Government ensures:

- that the Departments of Juvenile Justice and Corrective Services ensure research is conducted on the effectiveness of current rehabilitation programs aimed at reducing recidivism. The research should include a thorough examination of those juveniles most at risk of re-offending
- that the Departments of Juvenile Justice and Corrective Services invest in effective and appropriate programs targeted at those offenders most at risk of re-offending. The Departments should consider programs from other jurisdictions, including other states and overseas, that have shown to be successful in addressing recidivism rates in young offenders.