

FOREWORD

The Government welcomes debate on the future direction of the juvenile justice system. The Report of the Inquiry into Juvenile Offenders generally endorses the Government's juvenile justice policies, in particular the decision by the Government to place responsibility for NSW's most serious young offenders with the Department of Corrective Services.

This policy has been highly successful, not only has it resolved the problem of detainee misbehaviour at Kariong, it has also ensured that a strong deterrent exists to prevent detainee misbehaviour at other juvenile justice centres.

On 10 December 2004, responsibility for the Kariong Juvenile Justice Centre was transferred to the Department of Corrective Services. The Department of Juvenile Justice had managed the Kariong Juvenile Justice Centre since 16 September 1991.

Subsequently, the *Juvenile Offenders Legislation Amendment Act 2004* became law on 20 December 2004. The Act established the "Kariong Juvenile Correctional Centre" under the jurisdiction of the Department of Corrective Services, as well as classification and transfer arrangements for young offenders.

The facility continues to accommodate young offenders on remand, those serving sentences for very serious offences, or who have exhibited behavioural management issues.

A Memorandum of Understanding between the Department of Juvenile Justice and the Department of Correctives Services has enabled a smooth transfer of young people between the two systems.

Detainees are transferred from DJJ to DCS with the consent of the Commissioner for Corrective Services and pursuant to section 28(1) of the *Children (Detention Centres) Act 1987*.

To be transferred to Kariong Juvenile Correctional Centre, young offenders must be over sixteen years of age and be classified an A1 (b) or (o) classification according to the Department of Juvenile Justice Objective Classification system.

Detainees are transferred from DCS responsibility to the Department of Juvenile Justice with the consent of the Director General and pursuant to section 10 of the *Children (Detention Centres) Act 1987*.

To be eligible for transfer from Kariong JCC, a detainee must be classified A2 according to the department's objective classification system.

These arrangements reflect the NSW Government's commitment to rehabilitating young offenders by ensuring that well-behaved young offenders who have committed less serious offences are not tainted by association with older, more hardened offenders who will be more appropriately housed in the Kariong Juvenile Correctional Centre.

Transfer back to the juvenile justice system from Kariiong is available for those young people whose behaviour warrants return.

The NSW Government's priority is to provide safer communities, which is achieved by:

- Ensuring that young offenders are managed effectively and meet their legal obligations;
- Working to reduce re-offending by young offenders.

The Department of Education and Training and Justice Health also provide a range of services and programs for young people in juvenile justice centres and Kariiong Juvenile Correctional Centre.

Recommendation 1: 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.

The Department of Juvenile Justice (DJJ) has already put in place a number of measures to provide ongoing evaluation of the Detainee Objective Classification System.

A preliminary evaluation of the classification instruments has already been undertaken by external consultants, and data collection processes have been established in anticipation of the first phase of an evaluation to commence in the first half of 2006. Department of Education and Training, Justice Health and Department of Corrective Services (Kariong Juvenile Correctional Centre) will also participate in this evaluation.

Evidence indicates that since the implementation of the objective classification system, incidences of violence and assault in juvenile justice centres, and the number of minor misbehaviours have decreased. As negative behaviour has decreased, there has been a corresponding increase in participation of young offenders in education or vocational programs and counselling to address offending behaviour.

Despite these important expected benefits, research shows that it takes about 12-24 months for the system to work effectively. Consequently, a full evaluation is proposed within the next twelve months.

Recommendation 2: 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.

The Government is committed to providing a safe environment for staff and inmates at Kariong juvenile correctional centre, while providing appropriate educational, recreational and developmental programs for inmates within an effective case management framework.

The Department of Corrective Services (DCS) has successfully piloted a satellite program based on the specialised program for Young Adult Offenders, which has been recognised for its effectiveness in enhancing rehabilitation. A number of Kariong staff are being trained to deliver this program, and once accredited, will conduct these programs on an “as required” basis.

Inmates at Kariong who are eligible to attend the school do so on a part time or full time basis, subject to vacancies. The Department of Education and Training (DET) delivers conventional academic programs, alternative education and TAFE programs in the Centre through the Education and Training Centre (ETU). All inmates attending the ETU have an individual education and training plan that is part of their overall case plan.

Justice Health also delivers health education programs to inmates at Kariong, mostly on an individual basis through the centre clinic.

The government notes, in the "Conclusion" immediately preceding this recommendation¹, the Committee's praise for the current DCS management and staff at Kariong and the improvements in access to education programs.

Recommendation 3: *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 Kariong.*

Significant resources are provided by the NSW Government for the provision of a range of rehabilitative, educational and health programs to young offenders at Kariong Juvenile Correctional Centre.

Recommendation 4: *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.*

Both the Department of Juvenile Justice (DJJ) and the Department of Corrective Services (DCS) have developed strategies to support ongoing research on the effectiveness of the rehabilitation programs they offer.

The examination of re-offending rates is the top research priority for DJJ, and this includes study into the impact of DJJ interventions on the frequency and seriousness of offending. DJJ is also in discussions with the NSW Bureau of Crime Statistics & Research (BOCSAR) to undertake a detailed study on re-offending as a follow up to their recent report *The Transition From Juvenile To Adult Criminal Careers (2005)*. The follow up study will examine risk factors affecting younger age groups and Indigenous youth.

The research function in DCS is conducted by the Corporate Evaluation, Research and Statistics Unit. To augment its existing research into the effectiveness of sexual offender, violent offender and drug offender strategies and drug-focussed programs, the unit has appointed an additional research position to evaluate the impact of the department's programming with regard to cognitive skills and educational and employability strategies. A project to investigate the effectiveness of risk assessment instruments and the way they are integrated with the provision of appropriately targeted programs will commence in the first half of 2006.

¹ Paragraph 6.34, page 68

Recommendation 5: *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.*

The NSW Government's Aboriginal Justice Plan (AJP) recognises the need to gain a better understanding of what works to reduce Aboriginal offending. This includes monitoring and evaluating programs and services provided to Aboriginal people.

Strategic actions for government agencies under the AJP include:

- Incorporate activity and performance measures within corporate and business planning frameworks to meet the needs of Aboriginal clients;
- Establish an ongoing review of service delivery to Aboriginal clients that directly engages external Aboriginal stakeholders.
- Develop standards for evaluating Aboriginal programs, projects and policies;
- Establish best practice standards for developing, implementing and planning Aboriginal programs; and
- Provide for the ongoing review of government service delivery to Aboriginal communities to identify structural or legislative barriers that inhibit full access to services.

The AJP is complemented by the whole of Government strategy, *'Two Ways Together – New Ways of Doing Business'*, which represents a collaborative approach by Government and communities to work together to improve the experiences of Aboriginal people.

The NSW Government has provided \$20 million dollars over four years to support specific justice initiatives contained in the AJP. Some of the key projects being delivered by the NSW Attorney General's Department include Circle Sentencing, Aboriginal Community Justice Groups, Aboriginal Community Patrols, and the Tirkandi Inaburra Cultural and Development Centre. The Department of Juvenile Justice runs a range of rehabilitation programs directed specifically at Indigenous young offenders, specifically "No More" and "Our Journey to Respect."

No More is a group program for adolescent Aboriginal young men who have alcohol related violence issues. Evaluation of this program has found it to be effective in assisting the target group.

Our Journey to Respect is a program run throughout NSW and was developed by the department and the local Sydney West Aboriginal community. The program aims to reduce the incidence and severity of abuse towards Aboriginal elders by Aboriginal young males, especially abuse that occurs in families. A full evaluation is planned for 2006; however, feedback from staff and detainees has been positive feedback, with participants reporting a positive impact on detainees' attitudes.

The Criminal Justice Research Network (CJRN), of which DJJ and DCS are members, in 2005 undertook an audit of member agency key research projects. The NSW Attorney General's Department is undertaking further work auditing key research relevant to the criminal justice system and determining where the gaps in research lie.

The CJRN is also developing a Justice Research Agenda for the sector. This will include establishing research priorities for Aboriginal Justice (which is a Two Ways Together Justice Cluster Action Plan item)

Recommendation 6: *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.*

The NSW Government has undertaken an exhaustive process with respect to the recommendations of the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) in the 14 years since the release of the RCIADIC Final Report. The recommendations provided an important early blueprint for dealing with the problem of Aboriginal over-representation.

The most recent Government commitment to support the Royal Commission's recommendations is the *Aboriginal Affairs Plan: Two Ways Together Initiative* developed by the Department of Aboriginal Affairs, to which both Department of Corrective Services and DJJ have contributed. Additionally, both the Department of Corrective Services (DCS) and the Department of Juvenile Justice (DJJ) have specific plans targeting improved intervention for Aboriginal offenders.

DJJ complies with all recommendations of the RCIADIC relevant to the Department's operations. There have not been any Aboriginal deaths in a Juvenile Justice Centre since the department's inception in 1991. The department monitors aspects of the RCIADIC to continue to ensure the most effective management of Aboriginal young offenders. Justice Health works closely with both departments in the monitoring and maintenance of detainees, including those at risk of self-harm.

Both DJJ and DCS have an Aboriginal Unit that provides advice and strategic direction regarding the appropriate policies and procedures that are required to address the needs of Aboriginal young people in the justice system.

The proportion of Indigenous inmates at Kariiong Juvenile Correctional Centre has been in the range of approximately 40-50% of the centre's population. The Regional Aboriginal Project Officer visits the centre regularly; and an Aboriginal Cultural and Arts Program operates 4 days per week.

DCS is committed to improving recognition of and response to aboriginal deaths in custody. DCS figures show that the rate of indigenous deaths through apparent unnatural causes is low and broadly consistent with the rate

for the non-indigenous population (the rate for Indigenous inmates was, in fact lower than for non-Indigenous inmates for three of the past five years).²

Many of the recommendations of the Royal Commission are also reflected in recent government strategic plans, such as the NSW Aboriginal Justice Plan (AJP). This plan is being implemented through the *Two Ways Together Initiative*.

The AJP is a comprehensive plan that aims to reduce the number of Aboriginal people coming into contact with the criminal justice system. It also seeks ways to improve service quality and develop safer communities.

The AJP recognises that the criminal justice system alone cannot address the unacceptably high rates of Aboriginal over-representation. It seeks to address the underlying causes of Aboriginal offending behaviours, and the specific justice issues facing both offenders and victims.

The NSW Aboriginal Justice Advisory Council (AJAC) coordinated the development of the AJP. It was developed over 18 months after extensive negotiations with Aboriginal communities and widespread consultation with government agencies. Fourteen community meetings and six regional summits were held across NSW to develop the AJP's content and structure. Public submissions were also invited on three occasions during the AJP's development. In all, more than 700 Aboriginal people and all major NSW government agencies have been directly involved in the ongoing development of the AJP.

The AJP provides direction about the needs of Aboriginal communities. Some of the priorities identified in the AJP include:

- Focusing on early intervention and crime prevention strategies for children and young people by using a holistic, cultural and family approach;
- Strengthening community well being, by applying a cultural/spiritual, family and holistic approach to services and interventions that address generations of grief and loss;
- Undertaking reforms to the way government works and creating flexibility in service and program delivery to ensure the needs of Aboriginal communities are met;
- Creating a sustainable economic base for Aboriginal people and their communities so they are less likely to come into contact with the criminal justice system;
- Engaging and negotiating with Aboriginal communities to improve the quality of justice service, programs and outcomes; and
- Improving central responsibility and coordination for Aboriginal justice activity in NSW.

² DCS Annual Report 2004-05, page 16.

Recommendation 7: *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.*

The NSW Government is committed to providing specialist services for young people in custody with a mental illness. The Government has announced the Development of a stand alone forensic hospital, funded by NSW Health and managed by Justice Health. The facility will be built over 2 years, commencing in 2006, on the site of the current Long Bay Hospital. It will be a maximum security facility of 135 beds, of which 15 are planned as adolescent beds.

The Department of Juvenile Justice (DJJ) and Justice Health have agreed to the physical separation of adolescents and adults in this facility.

Dedicated beds for adolescent male offenders will be provided in a separate unit in the new Long Bay Forensic Hospital. Adolescent females under the age of 16 will also be located in a separate unit. It is proposed to co-locate adolescent females over the age of 16 years within the women's unit of the facility.

Justice Health works closely with the Departments of Juvenile Justice and Corrective Services in the management of young people with mental health problems. Justice Health provides psychiatric clinics at all juvenile justice centres and Kariong Juvenile Correctional Centre.

A Memorandum of Understanding between Justice Health and DJJ regarding the clinical and legal management of mentally disordered young offenders is currently being developed. This will provide young people in the juvenile justice system with improved access to mental health services.

Recommendation 8: *That, in recognition that mental health problems frequently occur in teenage years, the NSW Government ensure that young people at Kariong with mental illness, or at risk of mental illness, have access to mental health professionals, and the necessary programs and services.*

The NSW Government's *Interagency Action Plan for Better Mental Health* recognises the need for a whole of Government approach to addressing mental illness.

Inmates at Kariong Juvenile Correctional Centre (JCC) have access to a DCS psychologist, who assists them to deal with situational stress. The management of acutely mentally ill inmates is provided by Justice Health. Justice Health provides daily generalist registered nurse clinics at Kariong Juvenile Correctional Centre and a weekly psychiatric clinic. The psychiatrist is a senior professor.

Justice Health will commence mental health nurse practitioner clinics at Kariong JCC centre in early 2006 and is working with DCS to enable the department to expand psychology services provided to inmates.

Recommendation 9: *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.*

It should be noted that the term "State ward" no longer applies under the Children and Young Persons (Care and Protection) Act 1998. Since 18 December 2000 Parental Responsibility Orders have replaced wardship orders. These orders allow the Court to allocate specific aspects of parental responsibilities to different parties (including the Minister for Community Services) if necessary.

In recognition of the needs of shared clients, the Department of Juvenile Justice (DJJ) and the Department of Community Services (DoCS) signed a Memorandum of Understanding (MOU) in December 2004. The MOU sets out the roles and responsibilities of each agency for those young people who are under the Parental Responsibility of the Minister for Community Services and are also clients of DJJ.

The MOU promotes a collaborative approach to joint case planning and service delivery. Regional cooperation strategies have been developed to implement these arrangements.

To December 2005, there have been three juvenile inmates under Parental Responsibility Orders incarcerated at Kariong Juvenile Correctional Centre. The Department of Corrective Services (DCS) has liaised with DoCS concerning these young people, and the process has worked satisfactorily.

DJJ Community staff and Youth Justice Conferencing staff and Convenors also work closely with DoCS and other community and government agencies, when a child or young person who has contact with DoCS, is placed on a Community Order or referred to a youth justice conference.

Recommendation 10: *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.*

Kariong Juvenile Correctional Centre (JCC) is serviced by the Department of Corrective Services (DCS) Disability Services Unit (DSU), a team of clinical psychologists, special educators and Drug and Alcohol professionals. The DSU regularly visits the centre to identify young people with mental illness and or intellectual disability, and perform assessments as required. The DSU provides recommendations on program requirements for juvenile inmates with an intellectual disability.

The key focus of the Department of Juvenile Justice (DJJ) Disability Action Plan 2004 - 2006 is the case management of young people with a disability, including intellectual disability, in the criminal justice system. The plan sets out a clear framework for improving the identification and assessment process, specialist interventions, behaviour interventions and referrals to other government and non-government organisations.

The DJJ Disability Strategic Group works with other government departments, and community agencies to ensure broad stakeholder consultation in developing best practice policy. Membership includes: the Department of Ageing, Disability and Home Care, Justice Health, NSW Health, Department of Education and Training, the Commonwealth Department of Employment and Workplace Relations and a number of disability advocacy groups such as the Intellectual Disability Rights Service, NSW Council for Intellectual Disability, Disability Council of NSW, Schizophrenia Association, the Deafness Forum and People with Disabilities Inc.

DJJ is also working with the Department of Ageing, Disability and Home Care on a Joint Guarantee of Service to better identify joint clients both in custody and under community supervision, and provide appropriate support.

Department of Education and Training teachers engaged in Juvenile Justice Centres, and Kariong JCC, are required to be special education qualified and or experienced. These teachers and principals are part of each Centre's management team and have particular expertise in working with young people with behaviour difficulties which may include those with an intellectual disability.

Recommendation 11: *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 system.*

The Department of Juvenile Justice (DJJ) is implementing the recommendations of the Newbery Report.

The role and effectiveness of the department's investigation processes were re-assessed by the Internal Audit Bureau (IAB), and found to be satisfactory. The finalised IAB investigation recommended new and revised processes which have all been adopted. The department has also worked closely with the Ombudsman's Office to identify those agencies undertaking best practice investigations and has modelled new guidelines and procedures on these agencies.

Draft guidelines and procedures for both discipline and misconduct were provided to the Public Service Association and the NSW Ombudsman for comment. Recommended changes provided by the Ombudsman's Office have been incorporated into the final set of guidelines and procedures.

The following documents, which are awaiting circulation throughout the department, have been produced:

- *Misconduct & Reportable Conduct – Procedural Guidelines*
- *Managing Unacceptable Conduct – Guidelines for Managers*
- *Remedial Action – a Guide for Managers and Supervisors*
- *Informal Counselling – a Guide for Managers*
- *Improving Performance – a Toolkit for Managers & Supervisors*
- *Casual & Departmental Temporary Staff – Ensuring procedural fairness in managing their conduct and performance*

Recommendations in relation to revision of the department's *Client Protection Policy* are currently being incorporated into that policy and will be completed by the end of February 2006.

In addition, training modules have been produced in the following areas:

- Improving performance
- Managing unacceptable conduct
- Informal counselling – a guide for managers
- Misconduct and reportable conduct

A comprehensive training program for staff with management responsibilities is currently being developed and is expected to be fully implemented during the 2006/07 financial year. A representative from the Ombudsman's Office has offered to assist in the delivery of this training.

Recommendation 12: *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.*

Proposals arising from a review of penalties are currently being considered. Penalties for breaches of centre policies will remain clearly articulated in the *Children (Detention Centres) Act 1997* and Regulation.

All young people entering custody receive a detainee induction that provides detailed information about the disciplinary scheme operating in Department of Juvenile Justice (DJJ) centres. Young people are also provided with a copy of the Detainee Handbook which contains information about rules, routines, and the incentive scheme and disciplinary scheme work.

DJJ staff also have an ongoing role to ensure that detainees are aware of centre policy and to clarify any confusion.

Centre management provides DJJ staff with information about centre policies and the sanctions for breaches of policy via:

- Centre induction
- Staff development days
- Centre/unit routines and management practices

Recommendation 13: *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.*

The Department of Juvenile Justice (DJJ) is undertaking a review of its Incentive Scheme as part of a larger behaviour development project. This review will help ensure consistency in the application of policy as well as acknowledging the interaction between systems of reward and sanction.

Juvenile Justice Centres and the schools located within them currently have linked incentive schemes, and the review will also examine the incentive scheme in each school.

The NSW Ombudsman's recommendations were reported in the 1996 *Inquiry into Juvenile Detention Centres*. The DJJ Incentive Scheme Policy was implemented in 2002, in response to the recommendations.

All staff working with detainees in the department's care must complete the *DJJ Incentive Scheme Self-Paced Learning Kit*.

When staff undertake their initial induction training, they complete training modules in Work Practices I, Work Practices III and Casework. Each of these modules provides coverage of the Incentive Scheme, as an integral component of the behavioral management of detainees. When staff complete a "buddy" shift, as part of induction, they are shown how the scheme works in practice on each unit. Refresher courses are also offered as part of the local training days held at each centre.

Recommendation 14: *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.*

All new Department of Juvenile Justice (DJJ) Youth Officers, casual and permanent, receive the same paid 29-day induction training. The induction program is a combination of face-to-face training, simulations, group work, observation and buddy shifts, work-based assessments and completion of written tasks. The induction program provides the basis for ongoing training and support. Casual staff members receive one day of training in the department's Client Information Management System.

Upon completion of competency-based assessments within the induction, Youth Officers can gain units of competence in the nationally-recognised Certificate IV in Youth Work (Juvenile Justice). The department currently provides training on a regular basis in the Certificate IV qualification for detention centre and community staff. Additionally the department provides ongoing training for all

centre staff (both permanent and casual) in the areas of safety and security, OH&S and casework, through staff development days.

Portfolio workshops have been conducted within juvenile justice centres over the last six months, to formally recognise staff members' current skills and knowledge, and align this with competencies delivered within the qualification delivered by the department. These workshops also provide an opportunity to target knowledge gaps.

An electronic staff supervision tool has been developed to help managers monitor a staff member's workflow. This tool will enhance consistency across DJJ, and can be used to identify problem areas, including any developmental training needs. The program is currently being piloted in the Central Support Office and two centres, and an integral part of its implementation has been follow-up face-to-face supervision sessions to discuss any difficulties the staff member may have. A full roll out is anticipated in early 2006.

Recommendation 15: *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.*

The Department of Juvenile Justice detention centres are staffed predominately by permanent experienced trained staff. The department will always utilise a small number of trained casual staff to cover planned and unplanned absences of staff. To further reduce the use of casual staff the department has introduced a relief pool of permanent youth officers to cover for these absences, this has significantly reduced the number of casual staff used in detention centres.

Recommendation 16: *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.*

The Department of Juvenile Justice (DJJ) is implementing the recommendations of the Newbery Report. In relation to specific recommendations about recruitment and training, these were to:

- undertake a re-assessment of the adequacy of practical components of induction and certificate training;
- provide guidelines to centre managers covering the content and conduct of staff development activities, to develop some consistency;
- determine the practicality of providing additional training through extension of lock down periods; and
- explore opportunities for using other providers for provision of non-core skills training.

Each of these recommendations has been implemented by DJJ.

A project team comprised of experienced centre staff and management reviewed the induction program and developed recommendations to improve its practicality, relevance and overall quality. As a result, the induction program was extended a further two days to 29 days of training. Casual Youth Officers receive the same paid 29-day induction training as permanent Youth Officers.

The induction program is a combination of face-to-face training, simulations, group work, observation and buddy shifts, work-based assessments and completion of written tasks. Upon completion of competency-based assessments within the induction, Youth Officers are able to gain units of competence from the nationally recognised Certificate IV in Juvenile Justice.

DJJ has further implemented skills maintenance sessions for front line staff, which are delivered at a local level by frontline supervisors. The content of this training is standardised into short modules based on specific components of current work practice and other training modules.

DJJ has also collaborated with the Department of Corrective Services to enhance emergency and other relevant training for centre staff. Pilot training in Centre Emergency Procedures and for Centre Emergency Response Teams has been completed, and a full rollout of this training will occur early in 2006.

Recommendation 17: *That the Department of Juvenile Justice provide former Kariong staff who have continued employment with the Department with appropriate training and support.*

The Department of Juvenile Justice provides all staff, including former Kariong Juvenile Justice Centre (JJC) staff who have been redeployed, with appropriate training and support. In addition, former Kariong JJC staff have been offered a range of additional support and options and ongoing employment. All excess youth officers from Kariong JJC who sought redeployment have been redeployed into full time substantive positions of youth officers.

Recommendation 18: *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.*

The first phase of the Department of Juvenile Justice Operational Management Development Program (OMDP) commenced in October 2005. This program targets middle managers, especially Unit Coordinators and Unit Managers, to develop leadership and management skills. It involves training and the use of personal development and management capabilities surveys. Full implementation is planned for March 2006.

As part of the training offered under this program, all Unit Coordinators and Unit Managers will receive training in three units of competency from the Certificate IV in Business (Frontline Management). Staff members will be given the opportunity to complete the full qualification through the recognition process, through an external Registered Training Organisation. Further training will then

be offered to staff within the department or through external providers as appropriate.

The Assistant Manager Coaching program, which targets Assistant Managers, was developed to support the OMDP, and commenced in November 2005.

Recommendation 19: *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.*

The Government recognises that a well trained and resourced workforce is the Department of Juvenile Justice's (DJJ) greatest asset in breaking the juvenile crime cycle. The Government provides significant resources to department to ensure that all staff members are provided with relevant, high-quality training. DJJ is a Registered Training Organisation and as such can provide both nationally accredited and non-accredited training to its staff.

Some of the major training programs available to staff include:

- managing difficult behaviour;
- casework skills;
- electronic case management system;
- drug and alcohol awareness;
- Aboriginal cultural awareness;
- child protection;
- occupational health and safety training;
- evidence-based programs with young offenders; and
- supervision and performance management.

DJJ is committed to securing departmental continuity of leadership, through the Operational Management Development Program which enables staff throughout the organisation to develop skills for leadership and management positions. Training is developed in to be relevant to the challenges of managing services for young offenders and departmental support services.

DJJ provides the nationally-recognised Certificate IV in Juvenile Justice (Youth Work), which includes training in safety and security, casework, working with young people, protective tactics, communications skills, cultural awareness, occupational health and safety, programming and group work, mental health, suicide awareness, legislation and ethics, administration, alcohol and other drugs and child protection.

In conjunction with the NSW Department of Corrective Services, the department

also provides:

- Centre Emergency Procedure training for juvenile justice centre managers and unit managers; and
- Centre Emergency Response Team training for juvenile justice centre unit managers and unit coordinators.

To encourage staff members to enhance their skills, the department also offers scholarships for permanent staff wishing to pursue further accredited education at TAFE, university or another registered training organisation, such as the Centre for Community Welfare Training.

Recommendation 20: *That the Department of Corrective Services ensure that all staff working at Kariong 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.*

The Department of Corrective Services (DCS) provides on-going on-site training to Kariong Juvenile Correctional Centre (JCC) staff in case management, child protection and young offenders programs. The Case Management Support Team have recently delivered training on diverse subjects such as risk intervention training, case management team roles and responsibilities, case notes, interviewing skills, and classification of young offenders.

DCS also provides a regular three-day Young Offender Course at the Brush Farm Academy for Learning and Development (formerly the Corrective Services Academy), for which Kariong JCC staff are given priority of enrolment.

Three Kariong JCC staff are currently being trained to implement a Young Offender Satellite Program at the centre. Part of this training is delivered at Oberon Correctional Centre, a specialised young offenders' correctional centre.

Recommendation 21: *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.*

The Juvenile Justice Advisory Council (JJAC) was established in 1991, to provide advice to the Government on juvenile justice policy & related youth, welfare and legal issues. JJAC also conducts research & promotes public discussion on juvenile justice matters. The council is comprised of a chairperson, a youth representative and nine general members.

The Aboriginal Justice Advisory Council (AJAC) is a council of Aboriginal people established to provide advice to the New South Wales Government on law and justice issues effecting Aboriginal people. The council is made up of a chairperson six community representatives a youth representative and 2 specialist positions.

In 2002, the Attorney General supported the establishment of an Aboriginal Youth Justice Advisory Network (AYJAN). The youth specialist on AJAC is the Chair of AYJAN. This person also sits on JJAC.

AYJAN provides opportunities for AJAC to hear directly from its six regional representatives about the needs of young Aboriginal people in New South Wales and their contact with the criminal justice system.

In considering issues related to juvenile justice the Minister consults with a range of agencies and bodies. The Minister will continue to consult JJAC, AJAC and AYJAN on appropriate matters.

Recommendation 22: *That the NSW Government continue the current management arrangement for Kariong 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 Kariong 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.*

The Government is committed to the current management regime for Kariong Juvenile Correctional Centre (JCC). Kariong JCC will continue to hold young offenders on serious charges and those whose behaviour warrants higher security. The transfer of detainees between Kariong JCC and juvenile justice centres will continue. A Memorandum of Understanding between the Department of Juvenile Justice (DJJ) and the Department of Corrective Services (DCS) has enabled a smooth transfer of responsibility between the two systems.

DCS continually reviews the ongoing operation of Kariong JCC, as does the Ombudsman, who has visited Kariong JCC on four occasions to date. The Ombudsman commented favourably on the current DCS management of Kariong Juvenile Correctional Centre in their 2004-05 Annual Report.

The Official Visitor to Kariong JCC attends the centre at least every fortnight. The Children's Legal Service and Aboriginal Legal Service visit the centre at least weekly.

One of the best measures of the success of DCS' operation of Kariong JCC is the fact that, to date; only one juvenile inmate who returned to Juvenile Justice custody has returned to DCS custody. This young person committed an offence in juvenile custody as an adult and has been sentenced to an adult custodial sentence. In the first year of DCS management of Kariong JCC, 16 juvenile inmates were returned to Juvenile Justice custody after satisfactorily addressing behavioural issues whilst at Kariong JCC.

Since the transfer in management of Kariong JCC to DCS, the Department of Education and Training has maintained the existing school on site. The school continues to provide a broad range of remedial and mainstream education and vocational programs to young men at the centre.

Recommendation 23: *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 Kariong, as per the recommendations in this report. Specifically, that the NSW Government consult upon, and amend, relevant legislation to attend to the following issues:*

(a) *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*

The Department of Corrective Services consults the *Australasian Standards for Juvenile Custodial Facilities* ("the Standards") when preparing policies and operational procedures for juvenile inmates. Further consideration will be given to the inclusion of the Standards in the *Crimes (Administration of Sentences) Act 1999* as part of a broader program of legislative review.

(b) *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.*

(c) *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*

With respect to recommendation 23(b):

Such specification would be inconsistent with the current legislative framework that provides for the proclamation, by the Governor, of Juvenile Justice Centres and Correctional Centres, as well as Juvenile Correctional Centres. It would also hamper the ability to respond to operational needs, and

limit scope for dealing with emergency situations, or the future establishment of a better designed facility.

With respect to recommendation 23(c)

This proposal assumes that female detainees cannot pose behavioural problems or commit serious crimes to the same extent as males. Though it is not currently envisaged, the legislation needs to remain flexible in case at some stage in the future there is a need to provide for female detainees. The Government remains committed to the segregation of male and female offenders (whether adult or juvenile). Appropriate review and appeals mechanisms currently exist to safeguard detainees' rights.

(d) 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.

With respect to recommendation 23(d) (provision of counselling and advice for detainees wishing to be transferred to adult correctional centres) DCS complies with this recommendation. To date one detainee has transferred to a correctional centre under section 41C of the *CAS Act* on the basis he wished to be transferred, and he was provided with counselling and advice, as suggested in the recommendation, by the Manager, Young Offenders and Selected Groups, Classification and Case Management Branch.

The same departmental officer interviews all detainees transferring to Corrective Services under section 19 of the *Children (Criminal Proceedings) Act 1987* prior to their transfer, discusses the detainee's case plan, security classification and placement, answers any questions the detainee may have and briefs the detainee on adult corrections in general and the detainee's projected correctional centre in particular. Family and significant others are invited to participate in these section 19 meetings, along with Juvenile Justice program staff. The section 19 interview process contributes to a successful orderly transfer, and it is anticipated that section 41C transfers will be similarly successful.

Additionally, section 41C (1) of the *CAS Act* allows the Commissioner for Corrective Services to make an order to transfer a juvenile inmate (i.e., an inmate under the age of 21 years) **from** an adult correctional centre **to** Kariong Juvenile Correctional Centre (JCC).

(e) 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.

Under section 41C (2) (a) of the *CAS Act* the Minister for Corrective Services may order a juvenile inmate aged 18 years or above to be transferred from

Kariong JCC to an adult correctional centre, if the Commissioner for Corrective Services recommends such a transfer.

Under section 41C (2) (b) of the CAS Act, the Minister for Corrective Services may order a juvenile inmate aged under 18 years to be transferred from Kariong JCC to an adult correctional centre, if the Serious Offenders Review Council (SORC) recommends such a transfer.

Existing legislation strikes the correct balance in transfer decision-making between juvenile inmates younger than 18, for whom SORC involvement is mandatory, and those over 18.

The ability to transfer appropriate young people quickly is essential to the effective management of both systems. For SYORP to be involved in the transfer of detainees from DJJ to Kariong JCC would be unworkable.

Placement at Kariong JCC is dependent on detainees' classifications under the DJJ Objective Detainee Classification Policy. The fact that a transfer is being requested is based on the detainee being an A1 classification. This means that they have been assessed as being high risk of violence. The proposal in recommendation 23 (e) would inordinately slow the transfer process and may create undue implications for the safety and wellbeing of DJJ staff and other detainees.

- (f) *to constitute the SYORP in legislation, setting out its functions, membership and the way it is to conduct its inquiries*

SYORP is an advisory body constituted to provide expert advice to the Director General. The final decision to act on a recommendation of the Panel remains with the Director General, who must base any decision on the relevant legislation.

The existing administrative arrangements for SYORP are clear and accountable. Information about SYORP and its work are reported in the DJJ Annual Report.

- (g) *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*

The objective classification system ensures that juvenile offenders are classified for transfer according to a set of objective measures, thereby removing subjective "measures" of behaviour.

- (h) *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.*

The existing provisions for SORC consultation allow for a juvenile inmate to be present at a SORC hearing and to be legally represented at a SORC inquiry pertaining to the juvenile inmate's proposed transfer provide sufficient protection of rights and accountability.

- (i) *encourage the access and involvement of external agencies and advocates for young people as per the Australasian Standards for Juvenile Custodial Facilities*

As noted in Recommendation 22, legal services and advocates regularly access young people in Kariong Juvenile Correctional Centre, as well as a range of community supports for casework purposes.

- (j) *set measurable targets for assessment for reintegration of offenders back into the Juvenile Justice system at the earliest possible opportunity*

DCS is assessing the trial of later lock-ins for stage 3 juvenile inmates before deciding whether to reduce lock-in hours. Later lock-ins would increase young people's access to programs and may encourage positive behaviour that can lead to reintegration to juvenile justice custody.

The Department of Corrective Services estimates that 2 years of operation of Kariong Juvenile Correctional Centre will be required before any such assessment can be statistically valid. Nevertheless, the department is cautiously optimistic that reintegration with the Juvenile Justice system is achievable for significant numbers of juveniles. In the first year of DCS management of Kariong JCC, 16 juvenile inmates were returned to DJJ custody after satisfactorily addressing behavioural issues whilst at Kariong JCC.

Recommendation 24: *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.*

The Government needs the capacity to manage the most serious and high risk offenders separately to the rest of the juvenile detainee population. Kariong Juvenile Correctional Centre (JCC) provides this capacity, without introducing juvenile offenders into the mainstream adult Corrective Services system. It should be noted that the Department of Juvenile Justice retains the capacity to manage some young people over the age of 18 in the juvenile justice system.

The Government recognises that young adult offenders are a diverse group. While there is a core group of serious offenders, many young adults in juvenile justice do not pose management problems, but may require different support and interventions to younger offenders. Young adult offenders may also have a range of needs very similar to their juvenile counterparts. The

problems associated with youth offending do not end at convenient age specific points, and may in some cases intensify as eligibility for youth specific services and supports are withdrawn.

The Government continues to investigate a range of options for managing juvenile and young offenders, based on sound research and experience of what provides the best outcomes for these young people. Further research will examine the characteristics and needs of the 18-24 year old age group in custody. It is anticipated that this research will clarify the experience of those with complex needs and diverse cultural backgrounds. Comparative analysis of other States, Territories and other jurisdictions, including the Victorian "Dual Track" system will also be investigated.

All inmates in NSW correctional centres who are under 25 years of age are defined as young adult offenders. Department of Corrective Services (DCS) operates a specialised program for young adult offenders, which forms the basis for the 2005-2007 Young Adult Offenders Action Plan.

Under this program, DCS runs intensive learning sessions for young adult offenders to address their offending behaviour and criminogenic needs. The program promotes literacy and numeracy standards, and provides metal trades traineeships to increase vocational opportunities. The program operates in stages. Eligible inmates start at John Morony I (medium security) Correctional Centre, progress to Oberon Correctional Centre, and then return to John Morony II (minimum security) Correctional Centre where specialised pre-release training is available. The Oberon component includes the Gurnang Life Challenge program, which has received extensive praise.

Recommendation 25: 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.*

The NSW Government is committed to maintaining a separate Department of Juvenile Justice to manage young offenders who commit criminal offences as juveniles.

The NSW Government has an excellent track record in providing enhanced funding to the Department of Juvenile Justice. Budget allocations have risen from \$64.743 million in 1994/1995 to \$135.380 million in 2005/2006.

The Government has also provided over \$100 million in capital funding to replace and rebuild juvenile detention centres in recent years.

Recommendation 26: *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 of 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.*

The Government is committed to developing best practice Juvenile Justice and Corrective Services policies and programs that are grounded in evidence-based research in reducing re-offending behaviour.

The Department of Corrective Services (DCS) maintains a continuous program of research into aspects of criminology, including the effectiveness of rehabilitation programs in New South Wales and other jurisdictions. The Department collaborates with the Bureau of Crime Statistics and Research (BOCSAR), the Department of Juvenile Justice (DJJ) and other criminal justice agencies who together form a Criminal Justice Research Network (CJRN), whose goal is to progress the field of criminal justice research in NSW in order to develop a comprehensive evidence-based body of knowledge regarding criminal justice. The Network aims to identify gaps in evidence-based research, eliminate research duplication and promote collaboration on projects with cross-agency significance.

Recognizing the “what works” body of literature and evidence-based research, DCS has created a framework, based on international research and practice, for the accreditation of correctional programs. Under this framework, all correctional programs are submitted to ensure compliance with published findings. All programs are categorised as High-, Moderate- or Low-Intensity. The literature indicates that most benefit is to be obtained by targeting resources at the moderate- and high-risk offenders.

In recent years the Department of Juvenile Justice developed its range of custodial programs to better address offending behaviour. A number of specialist programs to address sex offenders and violent offenders have been developed and implemented, and will be evaluated over the next two years. These programs are delivered alongside developmental/educational and activity-based programs.

DJJ also identifies emerging evidence-based, ‘best practice’ programs in other jurisdictions and overseas. An example of such is the *Targets for Effective Change program* -a UK Youth Justice Board program purchased by the department in 2003. This program is currently being delivered to community clients; with a view extend this program to custodial clients in the near future.

Research on the effectiveness of current rehabilitation programs is a formal part of the DJJ's research agenda, and the department works cooperatively with other Justice agencies, including DCS, BOCSAR and the Australian Juvenile Justice Administrators (AJJA.)

Current projects include the development of a nationally comparable data set with AJJA to better monitor outcomes, and identify successful strategies in juvenile justice; and research in conjunction with Associate Professor Dianna Kenny (University of Sydney), Dr Don Weatherburn (NSW Bureau of Crime Statistics and Research and Dr Chris Trotter (Monash University) to identify the variables that lead to reoffending and how best address them.

The results of such research projects are important tools used to improve programs and staff training and development. DJJ has also developed an evaluation framework that will ensure consistent, ongoing evaluation becomes part of the process at the point of delivery for each intervention/program.