

INQUIRY INTO JUVENILE OFFENDERS

Organisation: Department of Corrective Services

Name: Mr Rod Woodham

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Date Received: 01/03/2005

Subject:

Summary



Department of Corrective Services



Rev the Hon Dr Gordon Moyes MLC
Committee Chair
Legislative Council Select Committee
On Juvenile Offenders
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Our Reference:

Your Reference:

Dear Rev Dr Moyes

Re: Inquiry into Juvenile Offenders

I refer to your invitation to me to lodge a submission to the inquiry on the issues raised by the inquiry's terms of reference.

Please find attached a submission paper prepared by the Department of Corrective Services. This submission covers only those matters within the Inquiry's terms of reference that relate to the Department.

Acting Senior Assistant Commissioner Don Rodgers will be available, on behalf of the Department, to answer any questions the Committee may have which relate to implementation of the *Juvenile Offenders Legislation Amendment Act 2004* and juvenile offenders within the correctional system. Mr Rodgers' substantive position is Commander, North West (which includes Kariiong Juvenile Correctional Centre).

Yours faithfully


RON WOODHAM
Commissioner

24/February 2005

Department of Corrective Services – Submission – Legislative Council Select Committee on Juvenile Offenders

The Commissioner and staff of the Department of Corrective Services managed Kariong as a juvenile detention centre, by delegation from the Director General of Juvenile Justice, from 10 November 2004 to 19 December 2004. From 20 December 2004, Kariong Juvenile Correctional Centre has been proclaimed and operated as a juvenile correctional centre by the Department of Corrective Services.

Comments on the Committee's terms of reference (T.O.R.s)

T.O.R 2(a) the reasons for, and the consequences of, the transfer of management responsibility for the Kariong Juvenile Justice Centre from the Department of Juvenile Justice to the Department of Corrective Services, including the impact on staff at Kariong and Baxter detention centres

The Department has no comment on the reasons for the transfer of management. The Department notes that reasons were set out in the Dalton Report, which was tabled in the Legislative Council on 9 November 2004. The Department likewise has no comment on the impact on Juvenile Justice staff at Kariong and Baxter detention centres.

The Department makes the following comments with respect to the consequences of the transfer of management responsibility.

Preamble

Since the formal handover of Kariong to Corrective Services, changes have been implemented to ensure the effective management of inmates and the correctional centre routine. These changes include:

- controlled inmate musters (morning, midday and evening)
- daily cell inspections and checks
- structured daily routine and activities (education, employment, programs activities)
- escorted movements of inmates within the centre
- continuation of full time education within the school
- provision of inmate employment opportunities (ground maintenance, health and hygiene workers, laundry, kitchen hand)
- unemployment benefits (in the form of a canteen buy-up issued weekly)
- weekend visiting routine (booked visits)
- maintenance of professional and legal visits during normal operating hours
- implementation of inmate management program (privileges and sanctions)
- effective co-ordination of offender services and programs delivery (efficiency, security and safety)
- evening muster and lock-in of inmates at 16.00 hours.

A number of projects have been completed to enhance the security of the centre and to further address the needs of inmates and services within the centre. These projects include:

- decommissioning of the swimming pool
- servicing of all locks within the centre
- security review of the centre
- development of contingency plans and procedures
- installation of 240 volt power into all cells

- purchase and issue of fans to ensure adequate air circulation within cells
- purchase and issue of televisions, jugs and sandwich makers in all cells (as part of privileges and sanctions)
- installation of safe bench tops in all cells
- purchase and issue of inmate clothing (greens)
- refurbishment and air-conditioning of existing offices to provide secure and appropriate interview rooms
- installation of adequate fencing around the tennis court
- construction of a shaded area within oval
- purchase of "Otto" rubbish bins, and revised procedure for rubbish collection negating the need for a garbage truck to enter the centre.

(i) Incidents occurring within the centre

The Dalton Report noted that "Kariong has a long history of disturbances..." Under the Department of Corrective Services, there have been no "disturbances" and other incidents have been minimal.

The Governor of Kariong Juvenile Correctional Centre advises that there has been no incidents of staff assault or threat towards staff by inmates at any time since the handover of management responsibility to Corrective Services.

An Official Visitor is in the process of being appointed to Kariong Juvenile Correctional Centre.

It is also planned to extend the operation of the Corrective Services Support Line (CSSL) to Kariong Juvenile Correctional Centre in the near future.

(ii) Placement in education and employment

Inmates have continued to actively attend and participate in the educational programs being provided and delivered by the Department of Education & Training. All 18 school placements are filled and additional placements have been requested.

Employment opportunities have been made available for inmates within the centre in accordance with the Corrective Services Industry Employment Policy. The employment positions currently offered to inmates include ground maintenance workers, laundry worker, kitchen hand, painters, health & hygiene workers, and general cleaning.

(iii) Introduction of a hierarchy of privileges

An incentive management program has been introduced, providing the opportunity and encouragement for inmates to modify their behaviour to comply with centre routine and management requirements.

The behaviour and motivation displayed by the inmates in accordance with the management protocols within the centre has resulted in the following:-

- Inmates are more courteous and respectful towards all staff
- Inmates maintain a high level of hygiene and cleanliness of their cells and common areas.
- Inmates are willing to participate in education, employment, programs and activities.
- More effective management of association issues between inmates.
- Inmates readily comply with instructions, directives and routine.

(iv) Management of inmates at risk

A special management area has been allocated to manage inmates with association problems and issues with other inmates. The Department found that a small number of inmates clearly had association issues and had been subject to previous assaults, threats and standover tactics due to these issues.

The Special Management Area allows for this small number of inmates to be managed more effectively with the emphasis on addressing their issues and their eventual reintegration back to the normal management areas wherever possible.

(v) Case Management

A Case Management Team (CMT) has been established and meets on a weekly basis to review inmates' case plans and status within the management stages. The CMT will also be responsible for the review and recommendations of inmate classifications in accordance with Corrective Services policy and procedures.

The CMT consists of the Case Management co-ordinator, an Offender Services and Programs member and a Department of Juvenile Justice Classification Officer.

(vi) Inmate cell provisions

Inmate cells have been upgraded by the installation of 240 volt power in all cells. This allows all inmates access to a television, electric fan, hot water jug and sandwich maker within their cells (subject to the hierarchy of privileges rewards and sanctions).

(vii) Delivery of programs and services

Delivery of essential services to inmates has been confined to the main compound. Offices within the compound have been converted to interview rooms to ensure that services are delivered in an area easily accessed by inmates and supervised by staff at all times.

Programs, including education, are conducted within designated areas with adequate security.

(viii) Security

Procedures for entry to and exit from Kariong Juvenile Correctional Centre have been introduced in accordance with Corrective Services policies and procedures. All staff and visitors entering the centre are screened and searched. An entry barrier is controlled from within the correctional centre once the driver of a vehicle makes contact by intercom.

Testing of all security systems, alarms and cameras is conducted on a daily basis. Inmate access to all external areas is escorted and supervised at all times. All security locks within the centre have been serviced and upgraded to meet security needs.

(ix) Staffing

The following daily staffing arrangements apply to Kariong Juvenile Correctional Centre¹:

- 20 x custodial posts (including 'C' & "B" shifts and Management positions),
- 3 x Offender Services and Programs positions,
- 3 x Administration positions
- 3 x Overseer positions (catering and maintenance).

¹ Note – these figures do not refer to the total E.F.T. staffing structure of Kariong, rather they refer only to the number of staff needed to manage Kariong for three shifts per day. There are 32 E.F.T. custodial staff attached to Kariong. Note also that educational staff are provided by the Department of Education and Training, and are additional to the quoted staffing numbers.

From 10 November 2004 to 16 February 2005, there was one instance of sick leave, no instances of matters involving workers compensation, and very minimal overtime.

The Department of Corrective Services has delivered training in child protection responsibilities to some custodial and non-custodial staff, and will extend this training for all Kariong staff. The regular Corrective Services training program is being altered to ensure the special needs of Kariong staff are met, particularly the need for training in dealing with young offenders who tend to be more impulsive than adult offenders.

(x) Profile of current Kariong inmates

On 18 February 2005, Kariong Juvenile Correctional Centre housed 31 inmates, with the following offender profiles:

Ages: 16yrs = 4
17yrs = 13
18yrs = 6
19yrs = 7
20yrs = 1

Charges/Offences²:

Murder:	7 inmates
Manslaughter:	1 inmate
Sexual Assault:	6 inmates
Break & Enter:	3 inmates
G.B.H :	1 inmate
Robbery:	10 inmates
AOABH:	3 inmates

T.O.R 2(b) whether the transition of Kariong Juvenile Justice Centre into a juvenile correctional centre operated by the Department of Corrective Services is the most effective method of addressing management problems at the centre

Corrective Services makes no comment on previous management issues. It notes, however, that transforming Kariong from a detention centre to a juvenile correctional centre has proved extremely effective and cost-efficient. All the indications listed in discussion on T.O.R. 2(a) can only be described in these terms, with the operation of Kariong by Corrective Services as both a juvenile detention centre and a juvenile correctional centre being extremely successful.

T.O.R 2(d) the classification system and appropriateness of placements for detainees

Following the initial handover of management responsibility, all Kariong detainees were classified under the two Juvenile Justice classifications, namely:

- A1(o) :- Detainees classified to Kariong due to nature of offence and charges which deemed them to be Serious Young Offenders.
A1(b):- Detainees classified to Kariong from other detention centres due to behavioural issues requiring transfer to a more secure location.

The current classification process for all inmates received at Kariong Juvenile Correctional Centre is in accordance with the Department of Corrective Services Classification policy and

² = most serious charge/offence. Some inmates have more than one charge/offence

procedures. All inmates received have been reviewed and assessed by the Case Management Team who have subsequently made recommendations for their classification and placement.

The Case Management Committee was convened on Friday 18th February 2005 to review and ratify the classifications for all 31 juvenile inmates at Kariong Juvenile Correctional Centre. The following classifications resulted:

- A2 – 5 inmates³ (3 x Serious Offenders Review Council⁴ inmates, 1 x public interest inmate⁵)
- E2 – 4 inmates (1 x public interest inmate)
- B – 3 inmates
- C1 – 8 inmates (1 x public interest inmate)
- A2U (unsentenced) – 9 inmates
- BU (unsentenced) – 2 inmates

From 10 November 2004 to 3 February 2005, the following transfers into and out of Kariong occurred:

- 18 inmates transferred in to Kariong from Juvenile Justice Centre(s)
- 4 inmates transferred out from Kariong to Juvenile Justice Centre(s)
- 3 inmates transferred out from Kariong to (adult) correctional centre(s)
- 14 inmates were discharged from Kariong.

T.O.R. 2(h) Whether incarcerating juveniles in juvenile correctional centres achieves reduced recidivism, rehabilitation and compliance with human rights obligations.

The Department of Corrective Services has run programs for young offenders for some time which have shown reduced recidivism rates for program graduates. The Minister for Justice informed the Legislative Council on 23 June 2004, of a study in relation to graduates of the Gurnang Life Challenge Program at Oberon Correctional Centre aged between 18 and 25. This study showed a recidivism rate of ten percent for graduates with no prior incarceration (when the New South Wales average was around thirty percent), and a recidivism rate of thirty percent for graduates with prior incarceration (when the New South Wales average was forty-six percent).

Age is not necessarily the most reliable determinant of best placement in a correctional centre – emotional maturity, offender profile and criminal history are arguably more reliable in many instances. In terms of recidivism and rehabilitation, the availability of appropriate programs is often more important than inmate placement.

The meaning of “juvenile” in this T.O.R. (and in some other T.O.R.s) is somewhat fluid. A juvenile is generally understood in criminal law to be a person under the age of 18 years – such a person is referred to in the *Children (Sentencing Procedure) Act 1987* as a “child.” Under the new legislation, a *juvenile inmate* is defined as an inmate under the age of 21 years. A juvenile inmate may also be a child under the *Children (Sentencing Procedure) Act 1987*, but the vast majority are not. Most juvenile inmates in the adult correctional system were in fact convicted as adults.

Human rights obligations with regard to juvenile inmates are mostly concerned with keeping young inmates separately placed from older inmates. A juvenile correctional centre, being confined to inmates under 21 years of age, achieves this obligation not only with respect to

³ See clauses 22 and 24 *Crimes (Administration of Sentences) Regulation 2001* for classification categories.

⁴ Serious offenders whose classification is subject to recommendation by the Serious Offenders Review Council

⁵ Public interest offenders whose classification is subject to recommendation by the Serious Offenders Review Council

section 28 juvenile inmates (ie, those who have been transferred from the Juvenile Justice system), but also with respect to other juvenile inmates who may be at risk in the adult correctional system. There is no requirement that a juvenile correctional centre may only hold section 28 juvenile inmates: section 28 juvenile inmates must be held in a juvenile correctional centre, other juvenile inmates may be held in a juvenile correctional centre.

The Department's other programs for young offenders are also based on the premise of keeping young offenders separate from older offenders to the greatest extent possible.

Other terms of reference

The Department has no comment on any of the other terms of reference.