INQUIRY INTO JUVENILE OFFENDERS

Organisation:

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Subject:

Summary

Ms Tanya Bosch
The Director
Select Committee on Juvenile Offenders
Parliament House
Macquarie Street
Sydney NSW 2000

1 June 2005

Dear Ms Bosch

Re: Submission to Select Committee on Juvenile Offenders

From: *Carolyn Delaney*
Former Alcohol & Other Drug Counsellor, Kariong JJC

Thank you for providing me the opportunity to give a more detailed outline of the
Kariong Juvenile Justice Centre Program Frameworks. If fully supported by staff and
implemented in a professional manner this program could have been a very effective
intervention, which is considered very much necessary for those young men
detained at Kariong.

Given the backgrounds of these young people and the social problems they have
already experienced, it is imperative that they be given every opportunity for
rehabilitation at this vulnerable stage of their development.

The particular therapeutic approach that we attempted to introduce at Kariong is not
a 'soft option'. In fact, offence-focused interventions involve very confronting and
difficult processes. Yes, it takes more time and effort, but evidence reveals it is far
more effective in reducing offending behaviour and for providing a better opportunity
to prevent a life of habitual crime for these young people. Therefore, it is important
for not only the offender, but also the community as a whole. Consequently, it is in
the community's best interest to maximise a young offender's potential to be a law-
abiding and productive citizen by teaching pro social behaviours while they are in
custody (a captive audience so to speak), which is an opportunity they may not
otherwise get.

It is a great shame that the Unit Programs and the Behaviour Management System
that were developed for Kariong were not given adequate time for implementation to
reveal the positive results they were capable of achieving.

I believe it is a huge step backwards handing over Kariong Juvenile Justice Centre to
the Department of Corrective Services. It is much less likely that the intensive
programmatic approach that is vital to make positive change in young offenders will
occur under Corrective Services management with its predominantly adult focus.

It is unfortunate that popular community opinion appears to consider harsh punitive
regimes as the way of addressing criminal offending. Fortunately there are also
those who want a better future for these young offenders. I believe it is important that
we as a society have a better system that ensures young people come out of

juvenile justice facilities, rather than adult prisons, and that they do so in a better position and more able to live a non-offending lifestyle than when they went in.

Incarceration of a young person can be a window of opportunity to address their crimogenic needs and maximise their potential to become pro-social law abiding adults. Not only will this benefit the young person, but the community as a whole. By not using appropriately targeted interventions to seriously attempt to address criminal behaviour in our troubled youth we fail everyone.

The Department of Juvenile Justice contracted Lou Johnston, a former Centre Manager, to develop an effective intervention program for Kariong. The series of program frameworks and the new behaviour management system that were created were based on experience and research. The following is an overview of the project undertaken by Ms Johnston and what was produced for Kariong and the Department.

The following pages describe some of the key features of the programs that were developed for Kariong Juvenile Justice Centre, with particular emphasis on the residential unit programs and the new behaviour management system. Much of the information refers to or is extracted from the program documents that were developed during the project. Some particularly important issues about these programs include:

- These programs did not require Kariong staff to do anything that was not already a requirement of New South Wales detention centre staff. All components of the Kariong programs are supported by criminal and detention centre legislation, and departmental policy, practice guidelines and procedures. The 'activities' section of the staff manuals reflect this with inclusions such as admission, induction, safety and security, case management, behaviour management, programming, and so on.

- The suitability and effectiveness of these programs can only be assessed through their implementation which is the only process in which the evidence necessary to measure achievement of goals and objectives exists. Staff opinion expressed without implementing these programs, or only implementing them in-part is not satisfactory evaluation. The suggestion is not that staff be excluded from the process of evaluation but rather, a combination of staff reflection on program implementation, other qualitative data, and quantitative data is more reliable.

- The success of these programs relies on a commitment from staff at all levels to evidence-based programming which includes recognition of practices and approaches that have been demonstrated to work with young offenders in custody.

- Any one of the programs that were developed could be easily adapted for use in any other juvenile justice centre.

- All of the program frameworks were developed using a particular 'program logic model' that had been used and reviewed in the United States juvenile justice context. The model promotes evidence-based programming and an in-built evaluative component (Orchowsky et al 2002). The seven steps of the model,

which are reflected in each of the program manuals are: 1. define the problem; 2. implement evidence-based programming; 3. develop program logic; 4. identify measures; 5. collect and analyse data; 6. report findings; 7. reassess program logic. It is important to note that these programs were developed with the intention of ongoing review and that if there was evidence to demonstrate that parts or all of the programs were not achieving results they could be changed.

The stated objective of the project was: 'To create three unit programs within Kariong Juvenile Justice Centre. This includes the development of clearly defined criteria for placement in each unit, a unit program framework and infrastructure that incorporates rules, expectations, behaviour development, and programs and other interventions suited to the client group in each unit. A 'unit program manual' should also be created' (Project Briefing Information, 2003).

The final product was a series of manuals developed for front-line and supervisory staff divided into three parts outlining: the rationale for the program, the activities staff needed to undertake to achieve the intended results, and the data and reporting requirements to measure the success of the programs in terms of their goals and objectives.

Integrating Rehabilitative and Custodial Goals and Plans

The programs are very clear about the necessity to have a balanced focus on rehabilitative and custodial goals. In the definitions of these goals described below it is clear that rehabilitative goals are not about condoning criminal or other problematic behaviour. They are about ensuring the young person is held accountable for such behaviours and more importantly, is assisted on a process of changing that behaviour. Such change in behaviour has advantages not only for the young person but for staff and the community post release.

Rehabilitative goals relate to *change*. The focus is on changing those aspects of the young person's life considered to be contributing factors to their offending, or in the case of Kariong detainees, factors impacting on their capacity to address offending behaviour while in custody. **Custodial goals** relate to *conformity and control*. The focus is on getting the young person to conform to a set of rules and expectations as a means of having control over the young person's behaviour and centre events, to ensure safety and security in the centre environment.

Research indicates that successful detention programs have rehabilitative goals and plans that incorporate custodial goals. Detention centres that integrate rehabilitation goals in their functions are consistently found to have fewer problems with custodial goals (Street, et al, 1966; Morrissey, 1997).

Staff are the primary determinants of the goals that dominate the centre program and the goals of detainees. **If *custodial goals* are promoted by staff**, detainees tend to operate in a hierarchical structure, often as part of a counter-culture, and there is an increase in delinquent behaviour. Such conditions negate treatment and change of the young person's problem behaviours. In an effort to increase their perception of control detainees will often establish groups with leaders who manipulate staff and challenge the rules and guidelines that represent staff efforts to achieve detainee conformity and control. This can also lead to questionable relationships between

staff and young people as 'deals are struck' that lead both parties to think they are in control. These situations have the greatest potential to lead to violence in the centre, perpetrated against staff and detainees. On the other hand, **if *rehabilitative goals* (that incorporate custodial goals) are promoted by staff**, detainees increase their interactions with staff and other detainees and are committed to the change focus of such goals.

Recording behavioural observations

Accurate records are the key to effective behaviour management and assisting detainees to manage and change their behaviour. In a centre that relies on a large number of staff working shift work, documentation is the key to a consistent approach to behaviour management. If staff rely on information that other staff possess that has not been documented and on conversations between staff, valuable information will be lost and not considered when determining the most appropriate action and consequences for detainees. This runs the risk of responding inappropriately, or not responding at all, to both types of behaviour as they occur.

In the Kariong programs there were several purposes for recording behavioural observations. These include:

- To complete admission and behavioural assessments, assisting the identification of patterns in behaviour and strategies that reduce difficult behaviour and increase pro social behaviour.

- To establish the range of behaviours a detainee is capable of demonstrating.

- To complete risk assessments to determine the level of risk a detainee presents, and in turn, the type of programs he may attend.

- To determine the types of case plan goals, strategies, and program requirements that will assist a detainee to, firstly, move through a unit program, and secondly, out of a unit program to another centre.

- To inform discussions and decisions about the detainee's behaviour and possible strategies to better manage difficult behaviour – ie. informal discussions, Client Service Meetings, Detainee Assessment Meetings, Case Conferences.

- To consider the most appropriate response/consequence for difficult behaviour, including acting as a reference point to determine the frequency and nature of other similar behaviour (ie. is it the first occasion, or is it an ongoing problem?).

- To determine whether a detainee should receive incentives or not, and movement between stages in the unit program

- To provide information for recommendations for relocation / reclassification made to SYORP reviews.

THE PROGRAMS

The different programs and the behaviour management system that were developed during the project are outlined below.

Centre Program

This is a description of the broader centre program under which the unit and staff programs operate. Centre-wide goals and objectives were developed first on the basis of the stated purpose of Kariong Juvenile Justice Centre. The purpose and in turn the goals and objectives of each of the unit programs and of the staff program were then created to ensure the units at the centre were directed at achieving the broader goals and objectives of the centre.

Behaviour Management System

This amalgamates the disciplinary and incentive schemes. This system was designed to be implemented across all units in the centre with certain features adapted for the particular client group in any unit and to fit with their respective unit program framework – ie. all units have the same foundation system (this makes operational sense when staff are learning to implement something new).

It is based on evidence that promotion of pro social behaviour is integral to successful behavioural change. As such, it is a comprehensive strategy that focuses on ALL types of behaviour, increasing pro social behaviour and decreasing difficult behaviour. The critical features of this behaviour management system are:

- Primary focus on developing and rewarding positive/pro social behaviour
- Detainee case plans
- Program participation and completion
- Limit setting on difficult / negative behaviour.

There is extensive evidence that demonstrates detention staff and detainees get greater results focusing on pro social behaviour more than difficult and negative behaviour. This is contrary to historical practices where there has been dominant emphasis placed on difficult behaviour and punishments, with little emphasis on pro social behaviour and incentives. The latter is the foundation of a 'positive program philosophy' described by Roush (1993) who notes from the findings of a detention centre study conducted in the USA that,

> ... in the absence of a positive program philosophy, staff members chose to ignore appropriate behaviour and to punish misbehaviour harshly. This produced a highly volatile situation and contributed to the high frequency of behavioural disturbances within the detention facility. In effect, punishment produces changes, but not necessarily positive ones (Carbone & Lynch 1983, cited in Roush 1993, p25)

Access to incentives

The assessment of a detainee to determine access to incentives and movement between stages within the unit programs at Kariong is based on a <u>combination</u> of:

1. Demonstration of expected behaviours.
2. Completion or efforts towards completion of Case Plan strategies.
3. Participation in and completion of programs and activities – unit, groupwork, and individual programs.

It is the combination of these assessment areas that is critical to the success of the system. Success is demonstrated by a detainee's behavioural change and ability to manage his own behaviour. If staff fail to recognise one or more of these assessment areas they will struggle in their management of detainee behaviour.

Unit Programs

Two unit programs were developed – a *Behaviour Management Unit Program* and an *Offence-Related Placements Program*. Some common features of those programs are described below after which some detail about each program is provided.

Three-stage programs

Each of the units has three stages. None of the programs are time-framed (eg. there is no statement such as "this is a 13-week program"). Staging on progress enables each detainee's time in the unit and his personal program to be individualised with use of assessment information.

Movement between the three stages in each unit is determined by detainee performance in a <u>combination of</u> casework; behaviour; and, programs and activities. This focus requires a shift in thinking on the part of staff where the focus is not only on behaviour but on the detainees' efforts and achievements in areas that will assist behavioural change and increase the detainee's likelihood of being relocated to another centre.

Dialogue with detainees and Detainee Assessment Meetings

Dialogue with detainees is critical to the achievement of rehabilitative and custodial goals. In terms of behaviour development and maintenance of security these young people need staff to inform them of what behaviour is acceptable and what is not acceptable, and the reasons why, and this should be done immediately or as close as possible to the event occurring. And, in the case of unacceptable behaviour detainees also need to be told by staff what more acceptable alternative behaviour is and how to demonstrate it. The latter is assisted by staff role modelling those behaviours in their interactions with detainees and in situations where they may be observed by detainees.

The main forum that determines a detainee's suitability for movement between stages in any of the unit programs is the weekly Detainee Assessment Meeting where the detainee's performance week-to-week is discussed and issues and

achievements are recorded. This meeting is attended by the detainee and at least three staff which should be a cross-section of staff and should include the detainee's Key Worker (a Youth Officer in his unit). This provides opportunity for the detainee and staff to have a conversation about his progress and what he needs to do during the coming week. This is very different to past practice where discussions about behaviour generally occurred during and immediately after a critical incident or an event of misbehaviour where the focus tends to be only on the immediate behaviour rather than a combination of events that would enable a much more informed understanding of the detainee's behaviour.

Behaviour Management Unit Program (Carinya Unit)

The rationale behind this unit program is to assess, intervene and case manage detainees in consultation with Internal Review or SYORP to facilitate their successful relocation to another centre, prison or the community.

When another centre could not provide adequate risk controls to ensure a necessary level of security and safety for a detainee, or other detainees and staff in that centre, the detainee could be admitted to this program. This program should provide specialised assessment and intervention to reduce the detainee's safety and security risk, and to increase the detainee's capacity to return to a less secure location.

The primary emphasis of this program is on *in-custody* behaviour. That is, behaviour demonstrated by a detainee in a juvenile justice centre. While it is acknowledged that there may be a relationship between offending and difficult *in-custody* behaviour, it is not the purpose of this program to work specifically on offending behaviour. The intention is to focus on addressing the in-custody behavioural problems of detainees so they can be relocated to a less restrictive setting where offence-focused work is more effective.

Because this unit is a behaviour management program there are additional behaviour management aspects compared to other units at Kariong – eg. a more comprehensive behavioural assessment on which to base behaviour management strategies; and, intensive focus on in-custody behaviour and on particular types of behaviour. A comprehensive behavioural assessment was created for this program based on the 'functional behavioural assessment' used in schools in the USA (McIntyre 2002; Center for Effective Collaboration and Practice 2000) which was designed to: determine the appropriateness of placement and services; identify positive interventions to reduce the undesirable behaviour; and, develop appropriate behaviours to be substituted in replacement of the inappropriate ones. Use of the assessment in the Kariong Behaviour Management Unit was intended to gather more comprehensive and useful information about detainee behaviour to increase the appropriateness and success of responses to both pro social and difficult behaviour.

The behaviour-specific feature of this unit was inclusion of the Aggression Replacement Training (ART) program as a requirement for detainees to complete. It has three components: 1. skillstreaming, 2. moral reasoning, and 3. anger control. ART has been intensively evaluated across a number of contexts, both custodial and community-based. After more than a decade of implementation, formal evaluation

has found it to be "a multimodal, rehabilitative intervention of considerable potency with incarcerated, aggressive, and violent adolescents and young men" (Glick & Goldstein 1999).

For many detainees in this unit there is a direct link between the skills taught in the ART program, the reason they are in the program, and the changes they need to make to move to another location. The program should be applied and taught to detainees in groupwork (eg. facilitated by a Youth Officer and a Counsellor) and day-to-day in the unit in staff-detainee interactions. Application of the program's content in the unit enables staff to assist detainees to develop skills through practising the skills they are taught in group in their interactions with unit staff, other detainees and visitors to the unit and centre. The objective is to teach a detainee a skill in a number of settings (eg. in group and in the unit), with the ultimate goal of them demonstrating this skill without assistance. Staff should role model these skills and they should guide detainees through the same process when they are in a relevant situation.

Offence-Related Unit Program (Wattagan & Lawson Units)

This program is for detainees admitted to Kariong due to their offence (ie. Serious Children's Indictable Offences). The majority of them would be admitted from the community. This program was designed to operate across two units at the centre and was in effect a six-stage program, with three stages in each unit. While both units undertake a set of identical activities each combine that with a set of unique activities on the basis of Wattagan being the 'admission unit' and Lawson being the 'transition unit'.

Links were made between this program and some particular departmental initiatives to ensure consistency in intent and content. They include:

- The Violent Offender Program (VOP)
- The Objective Classification System (which was being developed at the same time as this program)
- Serious Young Offender Review Panel (SYORP) Guidelines

The SYORP process was a major focus of this program. Detainees had to remain at Kariong until SYORP supported their relocation. Therefore, it was important for detainees to be able to demonstrate behaviour suitable for a lower security centre and for staff to present a range of information to SYORP that would assist their decision making.

During the initial stages in this program the focus is on assessment, stabilising the detainee in the detention environment, and preparing him for the SYORP process. In the latter stages of the program the focus is on transitioning the detainee to another location (another centre or prison), ensuring optimum communication and provision of detailed information to the receiving location to increase the likelihood of success for the detainee and staff.

Staff Program

This is really a 'starter pack' for a comprehensive and integrated Staff Program. It has been developed using the same logic model as the other programs. As stated in the introduction of that manual, while most aspects of this program already exist and are requirements (eg. in departmental policies, NSW Personnel Handbook, etc), they have not been amalgamated for a concerted and strategic approach to the management, support and development of employees. Running this program alongside the unit programs is of critical importance to developing staff skills, ensuring accountability, and assisting staff transition as they implement programs that are new to them.

PROGRAM DOCUMENTATION

The different documents produced during the project are described below.

Staff Manuals

All program framework documents are divided into three sections:

1. *Introduction* – provides an overview of relevant literature and evidence-based programming and describes the goals and objectives of the program which are specific to the client group of that unit.
2. *Activities* – this is the section most likely to be used day-to-day by unit staff. It describes the activities of the unit which are designed to achieve the goals and objectives. Many of the activities were already requirements across juvenile justice centres. The success of the program hinges on the <u>integration</u> of these activities and it is problematic if an ad hoc approach to their implementation is taken (eg. implementing only one or two activities).
3. *Data and Reporting* – this is the evaluative component of the program. Data requirements have been structured around the goals and objectives of the program. Forms developed for everyday use have been structured to gather the necessary data. This section of the program is critical for maintaining program integrity.

Staff Information Sheets

A series of Information Sheets was developed during the project using the literature and research on which the programs were based. All staff received a copy of each sheet. Longer term they can be used in one-off situations where staff are seeking easily accessible information to assist their management of young people. It is a series that could easily be built on over time.

Forms

A series of forms were developed to support the programs, for everyday use and for reflective evaluation purposes.

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